

110th Congress }  
2nd Session }

JOINT COMMITTEE PRINT {

# COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 2007

VOLUME I

R E P O R T

SUBMITTED TO THE

COMMITTEE ON FOREIGN AFFAIRS  
U.S. HOUSE OF REPRESENTATIVES

AND THE

COMMITTEE ON FOREIGN RELATIONS  
U.S. SENATE

BY THE

DEPARTMENT OF STATE

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

Available via the World Wide Web:  
<http://www.foreignaffairs.house.gov/>



AUGUST 2008

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

**COUNTRY REPORTS ON HUMAN RIGHTS  
PRACTICES FOR 2007—VOLUME I**

110th Congress }  
2nd Session }

JOINT COMMITTEE PRINT {

# COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 2007

VOLUME I

---

R E P O R T

SUBMITTED TO THE

COMMITTEE ON FOREIGN AFFAIRS  
U.S. HOUSE OF REPRESENTATIVES

AND THE

COMMITTEE ON FOREIGN RELATIONS  
U.S. SENATE

BY THE

DEPARTMENT OF STATE

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

Available via the World Wide Web:  
<http://www.foreignaffairs.house.gov/>



AUGUST 2008

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

---

U.S. GOVERNMENT PRINTING OFFICE

41-228PDF

WASHINGTON : 2008

## COMMITTEE ON FOREIGN AFFAIRS

HOWARD L. BERMAN, California, *Chairman*

GARY L. ACKERMAN, New York	ILEANA ROS-LEHTINEN, Florida
ENI F.H. FALEOMAVAEGA, American Samoa	CHRISTOPHER H. SMITH, New Jersey
DONALD M. PAYNE, New Jersey	DAN BURTON, Indiana
BRAD SHERMAN, California	ELTON GALLEGLY, California
ROBERT WEXLER, Florida	DANA ROHRBACHER, California
ELIOT L. ENGEL, New York	DONALD A. MANZULLO, Illinois
BILL DELAHUNT, Massachusetts	EDWARD R. ROYCE, California
GREGORY W. MEEKS, New York	STEVE CHABOT, Ohio
DIANE E. WATSON, California	THOMAS G. TANCREDO, Colorado
ADAM SMITH, Washington	RON PAUL, Texas
RUSS CARNAHAN, Missouri	JEFF FLAKE, Arizona
JOHN S. TANNER, Tennessee	MIKE PENCE, Indiana
GENE GREEN, Texas	JOE WILSON, South Carolina
LYNN C. WOOLSEY, California	JOHN BOOZMAN, Arkansas
SHEILA JACKSON LEE, Texas	J. GRESHAM BARRETT, South Carolina
RUBÉN HINOJOSA, Texas	CONNIE MACK, Florida
JOSEPH CROWLEY, New York	JEFF FORTENBERRY, Nebraska
DAVID WU, Oregon	MICHAEL T. McCAUL, Texas
BRAD MILLER, North Carolina	TED POE, Texas
LINDA T. SÁNCHEZ, California	BOB INGLIS, South Carolina
DAVID SCOTT, Georgia	LUIS G. FORTUÑO, Puerto Rico
JIM COSTA, California	GUS BILIRAKIS, Florida
ALBIO SIRES, New Jersey	VACANT
GABRIELLE GIFFORDS, Arizona	
RON KLEIN, Florida	
BARBARA LEE, California	

ROBERT R. KING, *Staff Director*

YLEEM POBLETE, *Republican Staff Director*

---

## COMMITTEE ON FOREIGN RELATIONS

JOSEPH R. BIDEN, JR., DELAWARE, *Chairman*

CHRISTOPHER J. DODD, Connecticut	RICHARD G. LUGAR, Indiana
JOHN F. KERRY, Massachusetts	CHUCK HAGEL, Nebraska
RUSSELL D. FEINGOLD, Wisconsin	NORM COLEMAN, Minnesota
BARBARA BOXER, California	BOB CORKER, Tennessee
BILL NELSON, Florida	GEORGE V. VOINOVICH, Ohio
BARACK OBAMA, Illinois	LISA MURKOWSKI, Alaska
ROBERT MENENDEZ, New Jersey	JIM DEMINT, South Carolina
BENJAMIN L. CARDIN, Maryland	JOHNNY ISAKSON, Georgia
ROBERT P. CASEY, JR., Pennsylvania	DAVID VITTER, Louisiana
JIM WEBB, Virginia	JOHN BARRASSO, Wyoming

ANTONY J. BLINKEN, *Staff Director*

KENNETH A. MYERS, JR., *Republican Staff Director*

# CONTENTS

---

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

## VOLUME I

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

	Page
AFRICA—CONTINUED	
Tanzania .....	560
Togo .....	582
Uganda .....	593
Zambia .....	612
Zimbabwe .....	625
EAST ASIA AND THE PACIFIC:	
Australia .....	653
Brunei .....	665
Burma .....	673
Cambodia .....	699
China (includes Tibet, Hong Kong and Macau) .....	720
Tibet .....	759
Hong Kong .....	768
Macau .....	778
China (Taiwan) .....	785
Fiji .....	797
Indonesia .....	807
Japan .....	830
Kiribati .....	838
Korea, Democratic People's Republic of .....	842
Korea, Republic of .....	853
Laos .....	863
Malaysia .....	877
Marshall Islands .....	899
Micronesia, Federated States of .....	904
Mongolia .....	909
Nauru .....	920
New Zealand .....	924
Palau .....	932
Papua New Guinea .....	937
Philippines .....	944
Samoa .....	962
Singapore .....	968
Solomon Islands .....	982
Thailand .....	988
Timor-Leste .....	1018
Tonga .....	1029
Tuvalu .....	1035
Vanuatu .....	1040
Vietnam .....	1045
EUROPE AND EURASIA:	
Albania .....	1071
Andorra .....	1084
Armenia .....	1087
Austria .....	1106
Azerbaijan .....	1114
Belarus .....	1138
Belgium .....	1167
Bosnia and Herzegovina .....	1174
Bulgaria .....	1191
Croatia .....	1208
Cyprus .....	1229
Czech Republic .....	1250
Denmark .....	1265
Estonia .....	1271
Finland .....	1278
France .....	1285
Georgia .....	1300
Germany .....	1329
Greece .....	1340
Hungary .....	1359
Iceland .....	1372
Ireland .....	1380
Italy .....	1388
Latvia .....	1401

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

## VOLUME II

NEAR EAST AND NORTH AFRICA:	
Algeria .....	1773
Bahrain .....	1789
Egypt .....	1805
Iran .....	1834
Iraq .....	1859
Israel and the occupied territories .....	1884
The occupied territories .....	1900
Jordan .....	1920
Kuwait .....	1937
Lebanon .....	1955
Libya .....	1972
Morocco .....	1983
Western Sahara .....	2000
Oman .....	2006
Qatar .....	2016
Saudi Arabia .....	2030
Syria .....	2052
Tunisia .....	2074
United Arab Emirates .....	2092
Yemen .....	2107
SOUTH CENTRAL ASIA:	
Afghanistan .....	2129
Bangladesh .....	2156
Bhutan .....	2176
India .....	2183
Kazakhstan .....	2217
Kyrgyz Republic .....	2235
Maldives .....	2256
Nepal .....	2266
Pakistan .....	2283
Sri Lanka .....	2313
Tajikistan .....	2334
Turkmenistan .....	2349
Uzbekistan .....	2363
WESTERN HEMISPHERE:	
Antigua and Barbuda .....	2389

	Page
WESTERN HEMISPHERE—CONTINUED	
Argentina .....	2394
Bahamas .....	2407
Barbados .....	2416
Belize .....	2422
Bolivia .....	2431
Brazil .....	2445
Canada .....	2465
Chile .....	2474
Colombia .....	2484
Costa Rica .....	2507
Cuba .....	2518
Dominica .....	2533
Dominican Republic .....	2538
Ecuador .....	2554
El Salvador .....	2567
Grenada .....	2580
Guatemala .....	2585
Guyana .....	2602
Haiti .....	2610
Honduras .....	2621
Jamaica .....	2638
Mexico .....	2647
Nicaragua .....	2660
Panama .....	2674
Paraguay .....	2688
Peru .....	2701
Saint Kitts and Nevis .....	2714
Saint Lucia .....	2719
Saint Vincent and the Grenadines .....	2725
Suriname .....	2730
Trinidad and Tobago .....	2740
Uruguay .....	2748
Venezuela .....	2754
APPENDIXES:	
A. Notes on Preparation of the Country Reports and Explanatory Notes ..	2769
B. Reporting on Worker Rights .....	2772
C. Selected International Human Rights Conventions .....	2774
D. Description of International Human Rights Conventions .....	2781
E. Part I: FY 2007 Actual Allspigots for 09 CBJ .....	2782
E. Part II: Definition of CBJ Account Names for FY 2007 Actual All- spigots for 09 .....	2792
F. U.N. General Assembly's Third Committee Country Resolution Votes 2007 .....	2793
G. Universal Declaration of Human Rights .....	2799



## FOREWORD

---

The Country Reports on Human Rights Practices contained herein were prepared by the Department of State in accordance with sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961, as amended. They also fulfill the legislative requirements of section 504 of the Trade Act of 1974, as amended.

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

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

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



## LETTER OF TRANSMITTAL

---

U.S. DEPARTMENT OF STATE,  
*Washington, DC, March 11, 2008.*

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

DEAR MR. CHAIRMAN: On behalf of the Secretary of State, we are pleased to transmit to you the Country Reports on Human Rights Practices for 2007, prepared pursuant to sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961, as amended, and Section 504 of the Trade Act of 1974, as amended.

We hope this information is helpful. Please let us know if we can be of further assistance.

Sincerely,

JEFFREY T. BERGNER,  
*Assistant Secretary, Legislative Affairs.*

Enclosure:  
As stated.



## PREFACE

---

As President Bush has said, “Freedom can be resisted, and freedom can be delayed, but freedom cannot be denied.” In the long run, citizens who sacrifice for their dignity and their rights will prevail, just as the Havels and the Mandelas did before them. Like those towering figures, many of today’s defenders of human rights are denounced and persecuted, vilified as traitors, and targeted for repression by their own governments—just for insisting upon the freedoms enshrined in the United Nations Universal Declaration of Human Rights. These impatient patriots are an inspiration to their fellow citizens, and the high standard they set continues to give hope to people everywhere who work peacefully for their liberty, their dignity, and their rights.

These values are the basic endowments of all human beings, and the surest way to protect and preserve them is through effective, lawful, democratic governance. To be sure, no nation’s path to democracy is smooth or straight. Along the way, there are bound to be stumbles and setbacks. Even under the best of circumstances, it is not easy to transform democratic ideals into effective democratic institutions. Transitions to democracy can be unsettling, and progress may falter because of instability and insecurity, crushing poverty and disease. Governments rife with corruption or without adequate resources can fall short of their meeting the high hopes of their people, causing them to lose faith in the promise of a better life. Leaders who are insufficiently committed to reform may revert to authoritarian habits or take disastrous detours from the rule of law. Other governments have not even taken the first step toward guaranteeing the rights of their citizens.

These challenges to human rights, and many others, are fully recorded in the country reports that follow. Still, this document is collected and written with the confidence that no corner of the Earth is permanently condemned to tyranny. Change may take time, but change will come. As long as citizens around the world champion the universal values of human rights, there is hope, and we continue to believe that it is the duty of responsible governments everywhere to support these courageous men and women.

In that spirit, I hereby transmit the Department of State’s Country Reports on Human Rights Practices for 2007 to the United States Congress.

CONDOLEEZZA RICE,  
*Secretary of State.*



## **OVERVIEW AND ACKNOWLEDGEMENTS**

---

### **HUMAN RIGHTS REPORTS**

#### **WHY THE REPORTS ARE PREPARED**

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

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

#### **HOW THE REPORTS ARE PREPARED**

In 1993 the Secretary of State strengthened the human rights efforts of our Embassies by asking all sections to contribute information and corroborate reports of human rights violations, and there was a renewed effort to link mission programming to the advancement of human rights and democracy. In 1994 the Department of State reorganized the Bureau of Human Rights and Humanitarian Affairs, renaming it the Bureau of Democracy, Human Rights and Labor. This move reflected both a broader sweep and a more focused approach to the interlocking issues of human rights, worker rights and democracy. As part of that effort, the annual Country Reports on Human Rights Practices represent the bureau’s continuing effort to report human rights violations. The reports reflect

the work by hundreds of State Department, Foreign Service, and other U.S. Government employees.

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

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

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

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

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

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



toria Middleton, and Francisco Palmieri; Senior Editors—Jonathan Bemis, Frank B. Crump, Daniel Dolan, Stephen Eisenbraun, Cheryl Harris, Jerome L. Hoganson, Sandra Murphy, and Julie Turner; Editors—Naim Ahmed, Joseph S. Barghout, Kate Berglund, Lisa Bonifer, Serban Brebenel, Sarah M. Buckley, Laura Carey, Elise Carlson-Rainer, Ryan J. Casteel, Sharon C. Cooke, Susan Corke, Stuart Crampton, Tamara L. Crouse, Mollie Davis, Douglas B. Dearborn, Cortney Dell, Joanne Faulkner, Joan Garner, Saba Ghorl, Karen Gilbride, Michelle Greco, Matthew Hickey, Patrick Harvey, Lisa Heller, Victor Huser, Stan Ifshin, Simone Joseph, Moizza Khan, Jane S. Kim, Kim Klarman, Anne Knight, Lawrence Lesser, Jessica Lieberman, Kathryn Lurie, John McKane, Gregory Maggio, Gaither Martin, Mari Masuko, Stacy May, David Mikosz, Jennie Munoz, Daniel L. Nadel, Catherine Newling, Eugene Oleynikov, Karen Paikin, Peter Sawchyn, Amy Schmisser, Patricia Meeks Schnell, Wendy Silverman, Rachel Spring, James Todd, Rachel Waldstein, Emily Weaver, and Nicole Wilett; Contributing Editors—Lynne Davidson, Alfred Anzaldúa, Tu Dang, Caitlin Helfrich, Mancharee Junk, Mark Mittelhauser, Richard Patard, Gregg Rickman, Gabriella Rigg; Editorial Assistants—Adrienne Bory, Karen Chen, Carol Finerty, Donna G. Ifill, Jamie Petersen, Lynda Walker-Johnson; Technical editor—Kimberley Jorgensen.



## **INTRODUCTION TO THE COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 2007**

---

Respect for the human rights and fundamental freedoms reflected in the Universal Declaration of Human Rights, is, as President Bush has said, “the foundation of freedom, justice and peace in the world.” Today, on every continent, men and women are working, often against great odds and at great risk, to secure the basic rights to live in dignity, to follow their conscience and speak their minds without fear, to choose those who would govern them and hold their leaders accountable, and to obtain equal justice under the law.

Increasingly, democracy is seen as the form of government capable of securing those rights and fundamental freedoms. No form of government is without flaws. Democracy is a system of government of, by, and for the people, based on the principle that human beings have the inherent right to shape their own future, but that they are flawed creatures and that therefore there must be built-in correctives. Our citizens claim a proud history of striving in every generation since our nation’s founding to bring our democratic practices closer to our cherished principles, even as we are seeking to confront the injustices and challenges of each new age.

As we publish these reports, the Department of State remains mindful of both international and domestic criticism of the United States’ human rights record. The U.S. Government will continue to hear and reply forthrightly to concerns about our own practices, including the actions we have taken to defend our nation from the global threat of terrorism. Our laws, policies, and practices have evolved considerably in recent years, and we continue to strive to protect innocent civilians from attack while honoring our long-standing commitment to respect human rights and fundamental freedoms. As part of this effort, the United States submits reports to international bodies in accordance with its obligations under various human rights treaties to which it is a party.

We take all of our human rights commitments seriously and, in our good faith efforts to meet those commitments, we value the vital role played by civil society and independent media. We do not consider views about our performance voiced by others in the international community to be interference in our internal affairs, nor should other governments regard expressions about their performance as such. Indeed, under the Universal Declaration of Human Rights, it is the right and the responsibility of “every individual and every organ of society to promote respect for these rights and

freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance.”

These congressionally mandated reports describe the performance in 2007 of other governments across the globe in putting into practice their international commitments on human rights. The reports will inform U.S. Government policymaking and also may serve as a reference for other governments, intergovernmental institutions, non-governmental organizations, individuals, and the media. Each country report speaks for itself. Some cross-cutting observations can, however, be drawn from the reports regarding the advancement of human rights and democratic principles worldwide. The country-specific examples we provide below are meant to be illustrative, not exhaustive.

In 2007, the countries that experienced serious regressions in human rights and democracy captured the headlines. Some countries scored significant advances despite formidable remaining challenges, but the vast majority struggled somewhere between making incremental progress and suffering setbacks. We cite the following in illustration:

The April inauguration in Mauritania of a president elected in polls deemed by the international community to be largely free and fair marked the country’s first successful transition to democracy in its 50 years of independence. These polls, coupled with the parliamentary elections in November 2006, created a tolerant environment in which participation in the political sphere was broad and increasingly inclusive. The new government led to improved focus on addressing human rights problems, particularly the vestiges of slavery, the unequal political and social status of Black Moors and Afro-Mauritanians, and the repatriation of Mauritanian refugees living in Senegal.

Ghana celebrated its 50th anniversary as an independent state in March 2007. The past 15 years have seen successive free and fair democratic elections, the emergence of a vibrant civil society, and a commitment to seek sustainable reforms through the responsible administration of its branches of government. Under the leadership of President Kufuor, who is constitutionally prohibited from running for a third term and who served until recently as African Union (AU) Chairman, Ghana also has taken an active role in promoting democracy and stability in other African countries.

As part of a broader reform process in Morocco, September parliamentary elections were transparent and accompanied by the increased influence of the Consultative Council on Human Rights. While observers noted problems in the campaign period and there were reports of vote-buying and other manipulation, the Government published participation statistics and popular vote results by district within 48 hours, and all political parties accepted the final results as accurate. Some prison reforms, including access by NGOs, accompanied an overall public commitment to develop a culture of human rights. Human rights problems continued, however, such as restrictions on freedom of the press and reported abuses in the Moroccan-administered Western Sahara.

Haiti held three rounds of democratic elections in 2006, including electing a new president and Parliament. In 2007, however, Haiti failed to hold the required Senate elections.

The interim government in Nepal twice postponed elections for a Constituent Assembly after the November 2006 peace agreement ended the decade-long insurgency. While abuses by security forces did decrease significantly, members of the Maoists and the Maoist-affiliated Young Communist League, as well as other small, often ethnically-based armed groups, committed numerous grave human rights abuses and engaged in attacks against civilians, government officials, members of particular ethnic groups, each other, or the Maoists. Lacking political backing, police were often reluctant to intervene, particularly against the Maoists. The Government took a positive step by appointing commissioners to the National Human Rights Commission (NHRC) in September, but it did not release the whereabouts of approximately 700 disappeared persons identified in 2006 by the NHRC and the U.N. Impunity for human rights violators, threats against the media, arbitrary arrest, and lengthy pretrial detention were serious problems.

In Georgia, the advance of human rights and democracy was uneven. The government's human rights record improved in some areas during the year. The Government opened the High School of Justice to train judges, and Parliament adopted legislation that prohibited communication between judges and parties about cases outside the courtroom and a Code of Ethics for Judges. Respect for freedoms of expression, press, and assembly, however, suffered during the fall political crisis, when police and protestors clashed and the Government used excessive force to break up demonstrations, temporarily suspended operations at the most watched television station, as well as two others, and declared a temporary state of emergency. In the wake of the crisis, President Saakashvili resigned and called for early presidential elections.

Although Kyrgyzstan's democracy and human rights record improved considerably in the immediate aftermath of the 2005 presidential elections, 2007 saw a continuation of conditions in 2006 characterized by government efforts to place restrictions on peaceful assembly, detention of organizers, and hurried changes to the Constitution, electoral code, and government. While the Government generally respected freedom of expression, pressure on independent media increased. The Organization for Security and Cooperation in Europe (OSCE) and other Western election observers and independent local monitors reported serious, widespread violations in the October constitutional referendum, while nationwide parliamentary elections in December failed to meet international standards.

In Russia, centralization of power in the executive branch, a compliant State Duma, corruption and selectivity in enforcement of the law, onerous NGO registration requirements, harassment of some NGOs, and media restrictions continued to erode the government's accountability to its citizens. By directly owning media outlets, influencing the owners of major outlets, and harassing and intimidating journalists into practicing self-censorship, the Government continued to weaken press freedom in Russia. Killings of journalists remained unresolved. The law on extremism was used to limit freedom of expression and association. The Government severely restricted the ability of opposition political parties and individual candidates to participate in the political process. The December

elections to the State Duma were marked by problems during the campaign period and on Election Day, which included abuse of administrative resources, media bias in favor of the United Russia party backed by President Putin, harassment of opposition parties, lack of equal opportunity for opposition in registering and conducting campaigns, and ballot fraud. International observers concluded that the elections were not fair and failed to meet standards for democratic elections. The human rights record remained poor in and around the Chechen Republic and worsened considerably in the Republic of Ingushetiya, where there was an increase in violence and abuses committed by security forces.

Despite President Musharraf's stated commitment to democratic transition, Pakistan's human rights situation deteriorated during much of 2007. After President Musharraf suspended the Chief Justice in March, lawyers and civil society responded with widespread protests in support of an independent judiciary, resulting in mass detentions. This prompted a protracted lawyers' strike. In November, President Musharraf declared a state of emergency prior to the Supreme Court's expected decision on whether or not he was eligible for re-election as President. During the state of emergency, President Musharraf suspended the Constitution and dismissed and arrested eight members of the Supreme Court, including the chief justice, and 40 provincial High Court judges. Under emergency provisions, Pakistani authorities also arrested approximately 6,000 opposition political party workers, human rights advocates, lawyers, and judges. At the end of the year, there still were 11 suspended judges and three lawyers under house arrest, and media outlets were required to sign a code of conduct that prohibited criticism of the Government in order to operate. On the positive side, President Musharraf resigned as Chief of Army Staff at the end of November, re-took the presidential oath of office as a civilian, and lifted the state of emergency in December. The leaders of the two major opposition political parties returned from abroad and parliamentary elections were scheduled. The elections later were postponed in the aftermath of the assassination of Benazir Bhutto.

The Government of Bangladesh's human rights record worsened, in part due to the state of emergency and postponement of elections. The Emergency Powers Rules of 2007, imposed by the Government in January and effective throughout the year, suspended many rights and fundamental freedoms, including freedom of press, freedom of association, and the right to bail. The anti-corruption drive initiated by the government, while greeted with popular support, gave rise to concerns about due process. For most of the year the Government banned political activities, although this policy was enforced unevenly. While there was a significant drop in the number of extrajudicial killings by security forces, these forces were accused of serious abuses, including custodial deaths, arbitrary arrest and detention, and harassment of journalists.

In Sri Lanka, the government's respect for human rights continued to decline, as armed conflict created an increasing cycle of violence to which both sides of the conflict contributed. Credible reports cited unlawful killings by government agents, assassinations by unknown perpetrators, politically motivated killings and child soldier recruitment by paramilitary forces associated with the gov-

ernment, disappearances, arbitrary arrests and detention, and numerous other serious abuses. Extrajudicial killings in the government-controlled Jaffna Peninsula sharply increased. There were numerous reports that the army, police, and pro-government paramilitary groups participated in armed attacks against civilians and practiced torture, kidnapping, hostage-taking, and extortion with impunity. The Liberation Tigers of Tamil Eelam, a recognized terrorist organization which maintained control of large sections of the north, continued to engage in attacks on civilians and in torture, arbitrary arrest and detention, and other abuses.

In 2007, insecurity due to internal and/or cross-border conflict continued to threaten or thwart gains in human rights and democracy. By the same token, improvements in the security situation created conditions more conducive to progress in these areas.

The Colombian Government's steps to improve the human rights and security situation showed demonstrable results. The Justice and Peace Law process helped clarify more than 3,000 crimes and led to the exhumation of mass graves, facilitating the identification of more than a thousand remains. The Supreme Court and Prosecutor General's investigations of links between politicians and paramilitary groups implicated a number of elected leaders, several of whom were in jail at year's end. A Ministry of Defense directive resulted in the transfer of approximately 600 human rights cases from the military justice system to the civilian courts.

In Iraq, the Constitution and law provide a framework for the free exercise of human rights, and many citizens contributed to efforts to help build institutions, both civil and security, to protect those rights. Nonetheless, sectarian, ethnic, and extremist violence, coupled with weak government performance in its ability to uphold the rule of law, resulted in widespread, severe human rights abuses and the creation of large numbers of refugees and internally displaced persons (IDPs). The year began with the war's most deadly 6-month period, followed by a steep reduction in civilian deaths in the second half of the year as a new strategy gained ground. Aided by new military efforts, violence declined as a ceasefire by some Shi'a militias took hold and local citizen watch groups countered extremists. During the year, government institutions were greatly stressed and faced difficulty in successfully responding to the challenges presented by widespread human rights abuses and attacks by Al Qaida in Iraq terrorists and extremist groups. Terrorist groups continued to attack civilians and security forces.

Despite important progress since the fall of the Taliban in 2001, Afghanistan's human rights record remained poor due to a deadly insurgency, weak governmental and traditional institutions, corruption and drug trafficking, and the country's two-and-a-half decades of conflict. While the Government deepened its authority in provincial centers, the Taliban or factions operating outside government authority controlled some areas. During the year over 6,500 persons died as a result of the insurgency, including by suicide attacks, roadside bombs, and combat-related violence, a dramatic increase from last year. Abuses by national security forces continued, including extrajudicial killings, arbitrary arrest and detention, official impunity, and torture. However, the Government worked to

professionalize its army and police force. Increased oversight of police by internal and external monitors helped to prevent abuses, and human rights training became a regular element for police and army personnel.

Democracy and human rights progress in Lebanon continued to face opposition in the form of a campaign of violence and assassination and foreign-backed efforts to prevent the functioning of the government. Militant groups continued efforts to terrorize public and political figures, including through a series of car bombings and assassinations during the year. The May to September Nahr al-Barid conflict between the Lebanese Armed Forces (LAF) and the terrorist group Fatah al-Islam resulted in a death toll of 168 LAF soldiers and an estimated 42 civilians and the internal displacement of some 30,000 Palestinian refugees. The Lebanese opposition, backed by outside forces, continued to block the election of a president by refusing to allow Parliament to convene. Nonetheless, the Lebanese Cabinet, led by Prime Minister Fouad Siniora, continued to work intensively to ensure the functioning of the government.

In Democratic Republic of the Congo, historic democratic presidential and legislative elections took place in 2006, concluding the transitional process launched in 2002, which ended the destructive civil war and regional conflict. Despite this landmark event, significant human rights problems remain. The government's human rights record remained poor in 2007, press freedom declined, and official corruption remained endemic. Internal armed conflict continued in certain mineral-rich regions of the east, where security forces and armed groups acted with impunity throughout the year, committing numerous serious abuses, including unlawful killings of civilians, extreme sexual violence, recruitment and use of child soldiers, and harassment of U.N. human rights monitors. In November, however, the Congolese Government reached agreement with the Rwandan Government on an approach for dealing with remaining armed groups in eastern Congo, including the Forces for the Democratic Liberation of Rwanda.

With the assistance of the U.N. and the international community, order was restored in Timor-Leste following the violence of 2006, and the country successfully conducted two rounds of democratic elections: Presidential voting in April and May and parliamentary elections in June. The Government launched reforms, including a restructuring of the national police, but continued to rely heavily on external security forces not under its direct control. Although the judiciary made some progress toward reform, it remained heavily dependent on international personnel and assistance. Despite efforts to address the regional, personal, and political rivalries at the root of the country's disorder, the ongoing presence at year's end of armed renegades continued to pose a significant threat to Timor-Leste's democratic development.

Great hope met the March signing of the Ouagadougou Political Agreement for Côte d'Ivoire brokered by Burkina Faso President Compaore. Ivoirian President Gbagbo and former rebel New Forces leader Guillaume Soro moved quickly to form a transitional government, but key aspects of the peace process—including disarming armed factions, reunifying the country, determining citizenship of



persons lacking documentation, and preparing for elections to identify a new president—have proceeded slowly and sporadically in an atmosphere of weak political will.

In Uganda, security and human rights conditions have improved significantly since the military pushed the rebel Lord's Resistance Army (LRA) out of the northern part of the country in 2005 and began peace talks, brokered by the Government of Southern Sudan, in 2006. There were no reports of LRA attacks during 2007. Approximately 400,000 displaced Ugandans returned to or near their homes in 2006 and 2007, with more poised to do so if the ceasefire holds. Improved security in the north has virtually eliminated the practice known as "night commuting," where children traveled from conflict areas or IDP camps each night to urban centers to avoid abduction by the LRA.

Countries in which power was concentrated in the hands of unaccountable rulers remained the world's most systematic human rights violators.

The repressive North Korean regime continued to control almost all aspects of citizens' lives, denying freedom of speech, press, assembly, and association, and restricting freedom of movement and workers' rights. Reports of extrajudicial killings, disappearances, and arbitrary detention, including of political prisoners, continued to emerge from the insular country. Some forcibly repatriated refugees were said to have undergone severe punishment and possibly torture. Reports of public executions also continued to emerge.

Burma's abysmal human rights record continued to worsen. Throughout the year, the regime continued to commit extrajudicial killings and was responsible for disappearances, arbitrary and indefinite detentions, rape, and torture. In September, security forces killed at least 30 demonstrators and detained over 3,000 others during a brutal crackdown on peaceful demonstrators, including monks and pro-democracy protesters. Despite promises of dialogue, the regime did not honor its commitment to begin a genuine discussion with the democratic opposition and ethnic minority groups. Defying calls from the U.N. Security Council and the Association of Southeast Asian Nations for the early release of all political prisoners, the regime continued to hold opposition leaders under incarceration, including Nobel Peace Prize Laureate Aung San Suu Kyi, who remained under house arrest.

The Iranian regime violated freedom of speech and assembly, intensifying its crackdown against dissidents, journalists, women's rights activists, labor activists, and those who disagreed with it through arbitrary arrests and detentions, torture, abductions, the use of excessive force, and the widespread denial of fair public trials. The regime continued to detain and abuse religious and ethnic minorities. Authorities used stoning as a method of execution and as a sentence for alleged adultery cases despite a government moratorium in 2002 banning the practice. The regime continued to support terrorist movements and violent extremists in Syria, Iraq, and Lebanon and called for the destruction of a U.N. member state.

Syria's human rights record worsened this year, and the regime continued to commit serious abuses such as detaining an increasing number of activists, civil society organizers, and other regime critics. The regime sentenced to prison several high-profile members of

the human rights community, including a number of leaders of the National Council for the Damascus Declaration in December. The regime continued to try some political prisoners in criminal courts. For example, in April and May, respectively, authorities convicted human rights activists Anwar al-Bunni and Michel Kilo in criminal courts on charges of “weakening the national sentiment during the time of war.” The Syrian regime continues to support international terrorist groups and violent extremists, enabling their destabilizing activities and human rights abuses in Lebanon, the Palestinian territories, and elsewhere.

The year 2007 was the worst year yet for human rights defenders in Zimbabwe. Despite recent efforts by regional leaders to resolve the ongoing crisis, the assault against human rights and democracy by the Government significantly increased. The Mugabe regime accelerated its campaign to limit political opposition. Official corruption and impunity remained widespread. Security forces harassed, beat, and arbitrarily arrested opposition supporters and critics within human rights NGOs, the media, and organized labor, as well as ordinary citizens. Recent reporting from independent organizations operating in Zimbabwe cite over 8,000 instances of human rights abuse in 2007, including some 1,400 attacks against students alone and at least 1,600 cases of unlawful arrest and detention. Human rights groups reported that physical and psychological torture perpetrated by security agents and government supporters increased during the year. Victims reported beatings with whips and cables, suspension, and electric shock.

Cuba remained under totalitarian control under Acting President Raul Castro and Communist Party First Secretary Fidel Castro. The regime continued to deny citizens basic rights and democratic freedoms, including the right to change their government, the right to a fair trial, freedom of speech, freedom of the press, freedom of assembly, freedom of movement, and the right of association. Although the estimated number of political prisoners decreased to 240 from the 283 reported the previous year, prison conditions remained harsh and life-threatening, and authorities beat, harassed, and made death threats against dissidents both inside and outside prison. Of the 75 peaceful activists, journalists, union organizers, and opposition figures arrested and convicted in 2003, 59 remained in prison. Government-directed mob attacks against high-profile dissidents decreased in number and intensity compared to previous years, but the rate of short-term arrests and detentions of ordinary citizens expressing dissent from the regime appeared to rise.

In Belarus, the authoritarian Lukashenko government restricted freedom of press, speech, assembly, association, and religion. Scores of activists and pro-democracy supporters were arrested and convicted on politically motivated charges. One of Lukashenko’s opponents in the 2006 presidential election, Alexander Kozulin, remained a political prisoner. In January, Lukashenko further consolidated his rule through local elections that failed to meet international standards. The United Nations General Assembly for the second year adopted a resolution condemning the human rights situation in Belarus and calling for the immediate and unconditional release of all political prisoners and other individuals detained for exercising or promoting human rights.

Authoritarian President Karimov and the executive branch of government dominated Uzbekistan's political life and exercised nearly complete control over the other branches. Security forces routinely tortured, beat, and otherwise mistreated detainees under interrogation to obtain confessions or incriminating information, and there were several deaths in custody of prisoners who were allegedly members of organizations viewed by the regime as threatening. In November, the U.N. Committee Against Torture concluded that torture and abuse were systemic throughout the investigative process. The Government sought to control completely all NGO and religious activity.

The Eritrean Government's human rights record remained poor. There were severe restrictions of the freedoms of speech, press, assembly, association, and religion, particularly for religious groups not approved by the government. Authorities continued to commit numerous serious abuses, including the abridgement of citizens' rights to change their government through a democratic process; unlawful killing by security forces; torture and beating of prisoners, some resulting in death; arrest and torture of national service evaders, some of whom reportedly died of unknown causes while in detention; harsh and life threatening prison conditions; arbitrary arrest and detention; arrests of family members of national service evaders; executive interference in the judiciary; and the use of a special court system to limit due process.

Sudan's human rights record remained horrific, with continued reports of extrajudicial killings, torture, beatings, and rape by government security forces and their proxy militia in Darfur. Despite the signing of the Darfur Peace Agreement in 2006, violence increased in 2007, and the region sank further into chaos as the Government continued aerial bombardment of villages, rebel groups splintered and stepped up attacks, and intertribal warfare intensified. Since 2003, at least 200,000 people are believed to have died from violence, hunger, and disease. The U.S. Government called the conflict genocide and innocent civilians continued to suffer from its effects during the year. By year's end, the protracted conflict had left more than 2 million people internally displaced and another 231,000 across the border in Chad, where they sought refuge. The Government obstructed international efforts to deploy an AU-U.N. hybrid peacekeeping force there, and government security forces obstructed lifesaving humanitarian assistance. Humanitarian workers increasingly found themselves to be among the targets of the violence. According to the U.N., 13 human rights workers were killed, 59 were assaulted, 61 were arrested and detained, and 147 were kidnapped during the year.

Some authoritarian countries that are undergoing economic reform have experienced rapid social change but have not undertaken democratic political reform and continue to deny their citizens basic human rights and fundamental freedoms.

For example, China's overall human rights record remained poor in 2007. Controls were tightened on religious freedom in Tibetan areas and in the Xinjiang Uighur Autonomous Region and the treatment of petitioners in Beijing worsened. The Government also continued to monitor, harass, detain, arrest, and imprison activists, writers, journalists, and defense lawyers and their families, many

of whom were seeking to exercise their rights under the law. Although the Government pursued some important reforms, such as the Supreme People's Court's resumption of death penalty review power in cases handed down for immediate execution, efforts to reform or abolish the reeducation-through-labor system remained stalled. New temporary regulations improved overall reporting conditions for foreign journalists, but enforcement of these regulations was not consistent, hindering the work of some foreign journalists. The year 2007 saw increased efforts to control and censor the Internet, and the Government tightened restrictions on freedom of speech and the domestic press. The Government continued to monitor, harass, detain, arrest, and imprison journalists, Internet writers, and bloggers. NGOs reported 29 journalists and 51 cyber-dissidents and Internet users remained in jail at year's end. There was a 20 percent increase over 2006 in convictions of citizens under China's overly broad state security law that is often used to silence government critics. In December, well-known human rights activist Hu Jia was arrested at his home and detained for suspicion of "inciting subversion of state power." His wife and infant daughter were reportedly put under house arrest at the same time. NGOs, both local and international, faced intense scrutiny and restrictions.

Three essential and mutually reinforcing elements must be present for progress to be made and sustained in any democracy:

One: Free and fair electoral processes. Democratic elections are milestones on a journey of democratization. They can help put a country on the path to reform, lay the groundwork for institutionalizing human rights protections and good governance, and open political space for civil society. But free and fair elections involve more than a clean casting and honest counting of ballots on Election Day. The run-up to the voting must allow for real competition by peaceful forces opposed to the Government in power, and full respect for the basic rights of expression, peaceful assembly, and association. This means that political parties must be allowed to organize and put forth the vision they offer through a free press, rallies, and speeches.

Two: Accountable, representative institutions of government under the rule of law. Beyond a free and fair elections process, democracies must have representative, accountable, transparent institutions of government, including political parties based on ideas, not just personalities or tribal or ethnic identification, and independent legislatures and judiciaries that can act to ensure that leaders who win elections democratically govern democratically once they are in office. The rule of law made by democratically elected representatives must replace cultures of corruption. Democracy can prove fragile in countries where institutions of government are weak or unchecked, corruption is rife, and reconciliation has not occurred among ethnic or tribal elements or between the long-disenfranchised and entrenched elites. Poor countries which adopt growth-promoting good governance policies and invest in their people are the most likely to use their development assistance wisely and reach their development goals, thus earning the trust and support of their citizens. A country with accountable, rep-

representative government that affords equal protection under the law is one in which violent extremists are less likely to thrive.

And three: Vibrant, independent civil societies, including unfettered political parties, NGOs, and free media. An open, resilient civil society helps keep elections and those elected honest, democracy-building on track, and citizens contributing to the success of their countries.

In Venezuela, a democratically elected leader's efforts to undermine democratic institutions and intimidate civil society met with vigorous resistance. President Chavez pursued efforts in 2007 designed to consolidate power in the executive branch and weaken democratic institutions, independent media, and civil society. He invoked the law permitting the suspension of telecommunication broadcasts, and in May the Government refused to renew the broadcast license of Radio Caracas Television, effectively forcing one of the few remaining independent networks with a national audience off the air. President Chavez also proposed changes to the Constitution that would have extended the length of and eliminated limits on the number of presidential terms, sidelined other elected officials, given the president greater control over the economy, and limited foreign funding for domestic NGOs. Tens of thousands of citizens rallied in sometimes-violent public demonstrations both for and against the proposed revisions. Government supporters harassed and attempted to intimidate the opposition, especially students, firing into groups at rallies and injuring an unknown number of persons. Ultimately, in a December referendum, the proposed changes were rejected by a narrow margin, an outcome accepted by President Chavez.

In the aftermath of severely flawed elections in April, there were positive signs that Nigeria's fragile democracy was not defeated by the widespread fraud and incidents of violence that marked the April polls for presidential, legislative, and state-level positions. In tribunals established to hear over 1,200 petitions contesting election results at all levels, the judiciary asserted its independence, leading to the nullification of a number of senatorial and gubernatorial election results. In response to strong pressure, the Government created a committee to recommend reforms of the Independent National Electoral Commission, whose sluggish preparations significantly undermined the credibility of the polls. The Economic and Financial Crimes Commission continued its work to investigate allegations of corruption at all levels of government, but the year-end reassignment of its chairman was widely perceived as a blow to the anticorruption effort.

In August, the interim government in Thailand held a referendum on a new constitution—an important benchmark in Thailand's return to democracy following the 2006 coup. Parliamentary elections were held in December and were generally considered free and fair, despite allegations of vote buying, intimidation, and minor irregularities. Unofficial election results showed that the People's Power Party (PPP) won a plurality of seats. The PPP's leadership was closely affiliated with former Prime Minister Thaksin Shinawatra. At year's end, the country's biggest challenge remained consolidating its return to elected government and addressing the underlying causes of the coup by strengthening civilian con-

trol of the military; bolstering democratic institutions; demonstrating respect for freedom of speech and the press; making progress in investigations into human rights abuses, including extrajudicial killings and disappearances during counterinsurgency and counter narcotics campaigns; and combating official corruption.

The violent aftermath of Kenya's tightly contested presidential, parliamentary, and local government elections in December revealed fundamental weaknesses in Kenya's democratic institutions, such as the concentration of power in the presidency and the recognized need for constitutional reform. Observers of the elections concluded that, while the voting and counting process generally met democratic standards, there were serious irregularities in the tallying of results. Mobs and police killed an unknown number of persons from various ethnic backgrounds, and tens of thousands were displaced in December in violence following the elections.

For civil society and the independent media, the freedoms of expression, association, and peaceful assembly are oxygen. Without these fundamental freedoms, democracy is deprived of its life's breath. Regrettably in 2007, governments in every region abused their power and misused the law against NGOs, journalists, and other civil society activists. In addition to the restrictions on and/or repression of civil society and independent media mentioned previously in this introduction, we also cite in illustration the following:

In Egypt, opposition political activists, journalists, and NGOs continued to advocate for reform and criticize the government, despite the government's attempts to thwart them. The Government continued to hold former presidential candidate Ayman Nour as a political prisoner, charge journalists with libel, detain Internet bloggers, and significantly restrict freedom of association. In September, seven independent newspaper editors were convicted on charges ranging from misquoting the justice minister to defaming the president and senior officials of the ruling National Democratic Party. During the year, police detained some active Internet bloggers for periods of several days. In September, the Government ordered the closure of the Association for Human Rights Legal Aid, an NGO, for accepting funds from foreign donors without government approval; the organization had played a role in exposing several cases of torture by security personnel.

During the year, the scope for media freedom in Azerbaijan significantly deteriorated. Observers considered the conviction and imprisonment of eight journalists during the year, and that of one journalist remaining in prison from 2006, to be politically motivated. (Seven of these journalists were subsequently released in 2007. The other two remained in prison.) Another journalist whose arrest was considered politically motivated remained in pre-trial detention. Two newspapers that the Government suspended in May remained closed at year's end. The number of defamation suits threatening the financial viability of the print media increased. Journalists remained subject to harassment, threats, and acts of physical violence that appeared to be connected to their criticism of the Government or specific public officials.

In Rwanda, press freedom declined as the Government enforced overly broad and vaguely defined laws. There were increased in-

stances in which the Government harassed, convicted, fined, and intimidated independent journalists who expressed views that were deemed critical of the Government on sensitive topics, or who were believed to have violated the law or journalistic standards monitored by a semi-independent media regulatory council. Numerous journalists practiced self-censorship.

In Vietnam, NGO activity remained limited because the Government closely monitors organizations. Civil society was constrained by the government's continued crackdown on dissent, which resulted in the arrest of a number of human rights and democracy activists and the disruption of nascent opposition organizations, causing several dissidents to flee the country. The Government and Communist party-controlled mass organizations monopolized all print, broadcast, and electronic media and blocked a range of websites on international news and human rights. Some media organizations, however, increasingly pushed the limits of censorship.

In Tunisia, throughout the year the Government continued to intimidate, harass, arrest, jail, and physically assault journalists, labor union leaders, and those working with NGOs. The Government also continued to place restrictions on foreign funding to organizations not approved by the government. Writer and lawyer Mohammed Abbou, imprisoned in 2005 for posting articles on the Internet critical of President Ben Ali, was released, but he is not allowed to travel outside the country.

Opposition-oriented media outlets in Kazakhstan continued to face government harassment, including targeted tax and regulatory investigations, undue pressure on newspaper printing companies, and alleged blockage of web sites. In November, the Government publicly committed to reform its election law with the assistance of the OSCE, liberalize political party registration requirements, and amend the media law, taking into account OSCE recommendations to reduce criminal liability for defamation in the media, and liberalize registration procedures for media outlets.

While the challenges remained formidable, 2007 saw concerted international efforts at the global and regional levels in support of human rights and democracy:

Country-specific resolutions passed by the United Nations General Assembly condemned the human rights situations in North Korea, Belarus, Iran, and Burma, and the obligation of governments to protect and nurture human rights and democratic freedoms remains one of the central issues within the Assembly's Third Committee.

The Burmese regime's brutal crackdown on peaceful demonstrations by monks and democracy supporters spurred a special session of the U.N. Human Rights Council, which otherwise was seriously flawed and counterproductive, and the adoption in October by the U.N. Security Council of a Presidential Statement calling for the early release of all political prisoners, the "creation of the necessary conditions for a genuine dialogue with Daw Aung San Suu Kyi and all concerned parties and ethnic groups," and "all necessary measures to address the political, economic, humanitarian, and human rights issues that are the concern of its people."

The challenge of protecting and advancing human rights and democratic principles worldwide requires innovative approaches.

The U.N. Democracy Fund, proposed by President Bush in his speech to the General Assembly in 2004, continued to grow by leaps and bounds. By the end of 2007, the Fund totaled \$36 million and projects were being identified for a second round of grant-making. The number of proposals submitted increased from 1,300 in 2006 to 1,800 in 2007. A priority was funding projects to support the efforts of NGOs in emerging democracies, such as that of Hungary's International Center for Democratic Transition, and to support for civilian participation in the Broader Middle East and North Africa Initiative.

The fourth ministerial meeting of the worldwide Community of Democracies met in Bamako, Mali, in November and explored the interrelationship between democracy and development. Ministers decided to create a Permanent Secretariat and issued a Bamako Declaration, which highlighted the essential role of civil society in promoting democracy.

Organizations at the regional level also made strides in promoting human rights and strengthening their institutional capacities to implement human rights commitments more effectively.

The Organization of American States (OAS) launched a network of 100 democracy practitioners with expertise in the areas of legal, judicial, electoral, and citizen participation reform. This network will help the region's elected governments respond to the challenges of democratic governance.

The AU continued to develop bodies and mechanisms to move forward its human rights and democracy agenda, including the adoption in January of the African Charter on Democracy, Elections, and Governance. The Charter enshrines African governments' commitments to political pluralism, free and fair elections, and the rule of law and good governance.

Inspired by the Community of Democracies, the OAS and the AU came together in July in Washington to create the OAS-AU Democracy Bridge. Via the Bridge, they will share best practices and lessons learned with a view to better implementing their respective democracy charters and strengthening democratic institutions in both regions.

At their November meeting in Singapore, Association of Southeast Asian Nations (ASEAN) leaders approved a new charter that calls for creation of a human rights body and authorizes the ASEAN Foreign Ministers to determine the terms of reference for the body.

In the Broader Middle East and North Africa, non-governmental groups continued their activities related to the Forum for the Future, culminating in the Parallel Civil Society Forum in Sanaa, Yemen, in December. The gathering brought together more than 300 civil society leaders from across the region. The participants issued a report identifying benchmarks for reform and setting forth action plans for 2008 to address critical issues of freedom of expression and women's political empowerment.

The OSCE, a regional pioneer in standard-setting and institution-building in the field of human rights and democracy, withstood unrelenting efforts by some participating states to diminish the integrity of election observation as carried out by its Office of Democratic Institutions and Human Rights. By deciding not to accept



the Russian Government's heavily conditioned invitation to observe parliamentary elections in December, the OSCE defended the principle of unfettered, credible election observation by independent bodies.

The United States' efforts to promote human rights and democratic freedoms around the world reflect the core values of the American people. They also advance our core interests. As President Bush has said: "Freedom is the non-negotiable right of every man, woman, and child, and the path to lasting peace in our world is liberty."

We unite our values and our interests when we work in partnership with fellow democracies and human rights defenders to build democratic systems and expose abuses, to foster tolerance and protect the rights of ethnic and religious minorities and workers' rights, to promote equal rights for women, and to stop the trafficking in human beings. Our values and our interests are never more in synchrony than when we support the development of vibrant, independent civil societies, work to ensure free and fair elections, and strengthen law-based democracies. Whenever human rights defenders are the targets of repression, our longstanding values and our long-term interests are best served when we show by word and deed our abiding solidarity with them.



# AFRICA

---

## ANGOLA

Angola is a constitutional republic in transition since its 27-year civil war ended in 2002. Legislation provides for decentralization; however, the Government remained highly centralized and dominated by the presidency and ruling Popular Movement for the Liberation of Angola (MPLA) party. U.N. observers considered the 1992 presidential and legislative elections to have been generally free and fair. Civilian authorities generally maintained effective control of the security forces.

The Government's human rights record remained poor, and there were numerous, serious problems. Human rights abuses included: The abridgement of citizens' right to elect officials at all levels; unlawful killings by police, military, and private security forces; security force torture, beatings, and rape; harsh prison conditions; official corruption and impunity; arbitrary arrest and detention; judicial inefficiency and lack of independence; lengthy pretrial detention; lack of due process; restrictions on freedom of speech, press, and assembly; forced evictions without compensation; and discrimination, violence, and abuse against women and children.

### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—The Government or its agents did not commit politically motivated killings; however, human rights activists and domestic media sources reported that security forces arbitrarily killed numerous persons during the year. Impunity remained a problem, although the Government prosecuted some human rights violators. Results of investigations into security force abuses were seldom released. Police reportedly viewed extrajudicial killings as an alternative to relying on the country's ineffective judicial system.

Domestic media and local human rights activists reported that police use of excessive force resulted in killings.

On December 17, police shot and killed two actors as they filmed a movie in a high-crime area of Luanda. Police reportedly mistook the actors for armed robbers, fired without warning until stopped by the frantic movie director, then left the scene without rendering medical aid. An investigation was pending at year's end.

On December 18, police shot and killed two vendors in an open-air market during a raid of pirated DVD vendors. The minister of interior and national police commander immediately suspended the officers in question and promised a swift investigation. The Government was still considering civil criminal charges against the accused police officers at year's end.

In February local human rights nongovernmental organization (NGO) Maos Livres reported that a man arrested in Luanda for stealing three cases of cod died in police custody. Maos Livres claimed the man was severely beaten and denied medical care; police said the officers were acting in self defense. During the year there were media reports in Luanda that police deliberately targeted and killed persons suspected of gang and other criminal activity; the national police neither confirmed nor denied the reports.

There were no further developments into the following 2006 incidents of alleged unlawful killings by security forces: The February killing of a youth in Luanda suspected of gang activity and May death of a pregnant woman after her arrest by police in Luanda Norte.

The Memorandum of Understanding for Peace and Reconciliation for Cabinda Province, signed in August 2006, largely brought an end to the insurgency in the province, though international and domestic media sources reported sporadic attacks by dissident factions of the Front for the Liberation of the Enclave of Cabinda (FLEC), and counter-insurgency operations by the Armed Forces of Angola (FAA) continued during the year. There was one report of an unlawful killing in Cabinda

that could be linked to FAA soldiers. The incident remained under investigation. There were no updates during the year on the 2006 unlawful killing in Cabinda linked to FAA soldiers.

Reports of killings by private security companies in diamond concession areas continued, but declined significantly during the year, according to Partnership Canada Africa's Diamond Industry Annual Review. While local or Luanda-based authorities investigated some of the cases, no arrests were reported.

There were no further developments in the numerous alleged 2006 or 2005 unlawful killings by police.

There were reports of vigilante violence during the year. In November violent riots broke out in Huambo after a policeman shot and killed a taxi driver, reportedly for his refusing to pay a bribe. Angry witnesses attacked and severely beat the police officer. Later a group of taxi drivers and other citizens fired shots at a local police station. No charges were filed, although local residents reported that police arrested several taxi drivers in the weeks following the incident.

Landmines placed during the long civil war were a continuing threat. According to the May national Landmine Impact Survey, landmine and other explosive remnants of war (ERW) accidents increased during the year; 31 accidents killed 64 persons and injured 48 persons during the year, compared to 15 accidents which killed 11 and injured 22 persons in 2006. This increase was largely due to increased movement of persons around the country, especially returnees who were not familiar with existing mine risks in resettlement areas. The Government continued to strengthen and expand national demining capacity during the year, and partnered extensively with international NGOs on demining operations and mine risk education.

*b. Disappearance.*—There were no reports of politically motivated disappearances. However, there were media reports that persons taken into police or military custody disappeared, as some prisoners could not be located or accounted for following the September prison riots in Luanda's Central Prison.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution and law prohibit such practices; however, government security forces tortured, beat, and otherwise abused persons. Reports of beatings and other abuses in police stations during interrogations were common. The U.N. Working Group on Arbitrary Detentions (UNWGAD) reported a number of detainees with visible signs of torture. Police and other security forces were rarely held accountable. Although the Government punished some violators administratively, no prosecutions occurred during the year.

Abuses by the army continued. There were NGO and media reports of violence by FAA troops in Cabinda and Lunda Norte. In Cabinda FAA troops illegally detained, beat, or threatened citizens suspected of FLEC collaboration during anti-insurgency operations, according to human rights NGOs. The International Committee of the Red Cross (ICRC) noted in 2006 that the attention paid by senior FAA officials to human rights issues had substantially improved since 2004; however, the FAA did not take action against officials who committed abuses during the year.

The Government conducted multiple operations throughout the country to identify, detain, and expel illegal immigrants, particularly in the diamond-rich provinces of Lunda Norte and Lunda Sul. The Office of the U.N. High Commissioner for Refugees (UNHCR) estimates that over 50,000 illegal immigrants were expelled during the year. There were reports of violence and degrading treatment associated with some of these operations.

The NGO Doctors Without Borders (MSF) reported that illegal Congolese immigrants detained in Lunda Norte were subjected to the systematic rape of women, beatings, forced labor, withholding of food and water, and repeated cavity searches without the use of gloves as they were moved to the Democratic Republic of Congo (DRC) border for expulsion. Several children reportedly died from malnourishment and dehydration. Although the women stated they were abused by "soldiers," it is unclear if the abusers were FAA, national or border police, or other armed and uniformed private security forces. The U.N. Children's Fund (UNICEF) also reported allegations of excessive use of force by government security forces during expulsions, including the burning of houses, arbitrary arrests, sexual violence, extortion, and forced labor. Three Congolese workers reportedly died while in custody. The FAA pledged to investigate these allegations; the investigation was pending at year's end.

Reports of abuses by private security companies continued, especially in Lunda Norte and Lunda Sul. According to reports from human rights activists, private security contractors hired by diamond companies to protect their concessions from illegal exploitation were reportedly responsible for most of the violence. For example, private security forces allegedly allowed a security dog to attack a man, who suf-

ferred severe stomach and pelvic injuries as a result. The Government provided financial assistance for the victim's medical treatment, but no charges were filed.

Police and immigration officials at border checkpoints and provincial airports reportedly extorted money from travelers and harassed returnees and refugees.

There were no developments in 2006 and 2005 cases of police torture and other cruel, inhuman, or degrading treatment by security forces.

Landmine and ERW-related deaths increased during the year as returnees and infrastructure improvements served to increase the movement of persons and goods in rural, war-affected areas.

*Prison and Detention Center Conditions.*—Prison conditions were harsh and life threatening. Human rights activists reported that prison officials routinely beat and tortured detainees. In a September visit, UNWGAD interviewed prisoners who showed visible signs of torture, starvation, and abuse. The national prison system continued to hold more than five times the number of prisoners for which it was designed. The Central Prison, located on the outskirts of Luanda, was built to house 600 prisoners, but before violent riots in October the prison population held 3,300 prisoners. At year's end the prison still held more than 1,000 prisoners. In some provinces warehouses and other industrial buildings were used as prison facilities.

Many prisons did not supply prisoners with basic sanitary facilities, adequate food, or health care. Prisoners depended on families or other outside assistance for basic support. Chronically underpaid prison officials reportedly supported themselves by stealing from prisoners and extorting money from family members. Prison guards reportedly continued to demand that prisoners pay for weekend passes to which they were entitled. There were reports of prison officials operating an informal bail system, releasing prisoners until their trial dates for a fee.

Female inmates informed the UNWGAD that they were regularly raped by prison guards.

Violent prison riots in October occurred in two of the prisons visited by the UNWGAD and resulted in prisoner deaths. The 3-day riot in Luanda's overcrowded Central Prison was reportedly sparked by an argument between a guard and an inmate, although human rights activists blamed the riots on prison conditions. Government spokesmen stated that two persons were killed during the rioting, but non-government media sources reported a higher number of deaths. Some families of inmates stated that their family members were detained in the prison, but not listed on inmate lists released after the riots. The Government asserted that lists were complete and offered no assistance in locating missing persons. The Government also transferred some detainees to the Viana Prison or to prisons in other provinces after the riots to ease overcrowding.

There were reports that prisoners died of disease, especially in provincial prisons. Many serious illnesses were improperly diagnosed, delaying proper treatment. Prison conditions varied widely between provinces and municipalities.

Juveniles, often incarcerated for petty theft, were regularly housed with adults and subject to abuse by guards and inmates in provincial prisons, but were increasingly separated from the main population in larger urban prisons. Juvenile detention centers were present in Luanda but were severely overcrowded.

Pretrial detainees were frequently housed with sentenced inmates, and short-term detainees were often held with those serving long-term sentences for violent crimes, especially in provincial prisons.

The Government permitted foreign diplomatic personnel and local and international human rights observers to visit prisons during the year. The UNWGAD noted the Government's support of and cooperation with its visit, but stated they were denied access to two of the prisons they asked to visit, including a military prison in Cabinda. The ICRC was also denied access to some prisons during the year. The human rights ombudsman and Parliamentary Human Rights Commission made several independent prison visits during the year. The Association for Justice, Peace and Democracy (AJPD), a local human rights NGO, was allowed to visit prisons during the year, but was denied access immediately following October's prison riots.

*d. Arbitrary Arrest or Detention.*—The law prohibits arbitrary arrest and detention; however, security forces—particularly the national police—often did not respect these prohibitions in practice. There were unconfirmed, anecdotal reports that national police held family members of wanted individuals.

*Role of the Police and Security Apparatus.*—The national police, under the Interior Ministry, are responsible for internal security and law enforcement. The Internal Intelligence Service reports to the office of the presidency and investigates sensitive state security matters. The FAA is responsible for external security but also has domestic responsibilities, including border security, expulsion of illegal immigrants,

presidential security, and small-scale actions against the dissident FLEC faction in Cabinda.

Other than personnel assigned to elite units, police were poorly paid, and the practice of supplementing income through extortion of civilians was widespread. Corruption and impunity remained serious problems. Most complaints were handled within the national police by internal disciplinary procedures, which sometimes led to formal punishment, including dismissal. However, the Government did not have a mechanism to investigate transparently and punish alleged offenders, and in most cases failed to provide any additional information on investigations or legal proceedings.

There were no updates on the 2006 reports that a government investigation had targeted senior national police officials for racketeering.

During the year various government ministries, AJPD, the U.N. Human Rights Office (UNHRO), and other local and international NGOs expanded programs to provide human rights and professional training to the police and the military. The Joint Training Team, made up of the Central Police Command, NGO representatives, and the UNHRO, also worked to expand police training on human rights from provincial capitals to municipalities. The Prosecutor's Office expanded collaboration with the UNHRO to train human rights monitors at the provincial and municipal level. Police participated in professional training with foreign law enforcement officials from several countries in the region.

*Arrest and Detention.*—The law requires a judge or magistrate to issue a warrant prior to an arrest, although a person caught committing a crime may be immediately arrested without a warrant, but security forces did not always procure arrest warrants before detaining persons. Arrest warrants may be signed by the judicial police and confirmed within 5 days by a magistrate. The Constitution provides for the right to prompt judicial determination of the detention's legality, but authorities did not always respect this right in practice. In many cases detainees were never brought before a judge or prosecutor. A person generally may not be held for more than 135 days without trial; however, he may be detained for up to 180 days if caught committing a crime punishable by a prison sentence. In practice these limits were regularly exceeded. There was a functioning but ineffective bail system that was widely used for minor crimes. The law permits detainees access to legal counsel and states that indigent detainees should be provided a lawyer by the state; however, these rights often were not respected. The law also allows family members prompt access to detainees; however, this was also sometimes ignored or made conditional upon payment of a bribe.

Security officials arbitrarily arrested NGO employees and members of the opposition (see Section 4).

For example, on August 9, security forces arrested three members of the Front for Democracy Party in Cabinda on charges of enticing public disobedience for distributing party literature a day prior to a presidential visit to the province. Two of the members were released for lack of evidence, and the third was sentenced to 6 months' imprisonment, which was later reduced to 2 years' probation.

On February 19, security forces arrested members of the Angolan Party for Democratic Support and Progress on charges of enticing public disobedience while distributing pamphlets critical of the Government's delivery of social services. On March 2, courts dismissed the case because the prosecutor did not find the distribution of pamphlets to be criminal.

Unlawful arrest and detention continued to be a serious problem. Police did not obtain warrants before conducting searches for illegal vendors and making sweeps of public markets. Human rights organizations, such as AJPD, continued efforts to secure the release of illegally detained persons. During the year citizens reported to AJPD more than 700 cases of illegal detention. In mining regions, such as Lunda North and South, MSF, UNICEF, and the International Organization for Migration (IOM) reported that expelled illegal immigrants and their families were unlawfully detained by government security forces in transit centers, where they were subjected to systematic rape, body cavity searches, and deprived of food and water.

Local residents reported that security forces detained persons in Cabinda suspected of FLEC activity or collaboration. Civilians reportedly were held incommunicado in a military prison in Cabinda, where UNWGAD and ICRC were denied permission to visit.

Excessively long pretrial detention also continued to be a serious problem. An inadequate number of judges and poor communication among authorities led to prolonged pretrial detention. In November 2006 the Justice Ministry estimated that approximately 60 percent of Luanda's prison population consisted of pretrial detainees, the number of which increased during the year due to police-run crime and delinquency reductions campaigns. Police often beat and then released detainees rather

than prepare a formal court case. In some cases, inmates were held in the prison system for up to 2 years before their trials began. Unlike in the previous year, the Government did not release detainees who had been held beyond the legal time limit, claiming the 2006 release of approximately 2,000 pretrial detainees resulted in an increase in crime.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary; however, the judiciary was inefficient, corrupt, and subject to executive influence. Judicial corruption and inefficiency, especially at the administrative level, remained a problem; the Justice Ministry worked to counter this through the continued implementation of a court case filing system and random assignment of judges. During the year the Government continued to rebuild courts and train new magistrates and prosecutors, but the judiciary was still short approximately 350 judges, according to the Supreme Court president. The Justice Ministry also continued efforts to update case management systems, train law clerks, increase the number of municipal courts, and develop a mediation system for civil complaints.

The court system consists of the Supreme Court as well as municipal and provincial courts of first instance under the authority of the Supreme Court. Trials for political and security crimes are handled exclusively by the Supreme Court, which serves as the appellate court for questions of law and fact. The Supreme Court also provides judicial review of constitutional issues. The president has the power to appoint Supreme Court justices without confirmation by the Parliament.

There were long trial delays at the Supreme Court level. Criminal courts also had a large backlog of cases that resulted in major delays in hearings.

Due to the lack of judicial infrastructure and the continuing authority of traditional leaders, informal or traditional courts remained the principal institutions through which citizens resolved conflicts in many rural areas. As most municipalities did not have prosecutors or judges, local police often served as investigator, prosecutor, and judge. Traditional leaders (sobas) also heard and decided local cases. These informal systems did not provide citizens with the same rights to a fair trial as the formal legal system; instead, each community in which they were located established local rules.

Both the national police and the FAA have internal court systems that generally remained closed to outside scrutiny. While members of these organizations can be tried under their internal regulations, cases that include violations of criminal or civil laws can also fall under the jurisdiction of provincial courts.

*Trial Procedures.*—By law trials are usually public, but each court has the right to close proceedings. Juries are not used. Defendants have the right to be present and to consult with an attorney in a timely manner; the Government did not always respect these rights in practice. The law requires that an attorney be provided at public expense if an indigent defendant faces serious criminal charges, but outside of Luanda the public defender was generally not a trained attorney due to shortages in qualified personnel. Defendants do not have the right to confront their accusers; however, they may question witnesses against them and present witnesses and evidence on their own behalf. This right was not always respected in practice. Defendants and their attorneys have the right to access to government-held evidence relevant to their cases; however, the Government did not always respect these rights in practice. Defendants are presumed innocent and have the right to appeal; this right was not always respected in practice.

A court for children's affairs is under the Justice Ministry and functions as part of Luanda's provincial court system. Minors are considered adults at 18 but leave the juvenile court system at 16; between 16 and 18 they are tried and imprisoned with adults but subject to lighter sentencing. Minors bear the responsibility of proving their age; in many rural provinces minors without identification papers were tried as adults.

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

*Civil Judicial Procedures and Remedies.*—A relatively independent and impartial judiciary existed for civil matters in some areas. Civil courts functioned in some provinces, but faced severe backlogs. In 2006 Luanda's civil courts had 4,400 pending civil suits; only 830 were tried. The Justice Ministry worked with national and international partners to improve court clerk training and technical capacity in provincial and municipal civil courts. Damages for human rights violations could be sought in court, but no cases were tried during the year.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution and law prohibit such actions, but the Government did not always respect these prohibitions in practice.

Citizens widely believed that the Government maintained surveillance of certain groups, including government critics, opposition parties, and journalists.

In early July incidents of unlawful search and seizure in Cabinda were reported by local residents and media, as well as a search for illegal immigrants and FLEC collaborators later that month in connection with a presidential visit.

The Government continued to demolish informal squatter housing in Luanda and forcibly relocate residents in large provincial cities such as Lobito. On June 19, a private security company evicted 70 families from the Gika neighborhood of Luanda. Human rights groups Maos Livres and SOS Habitat protested the excessive use of force by the private security company conducting the evictions and demolitions, and the presence of FAA soldiers during the evictions. The Government stated that soldiers were present because the evictions took place on military-owned land that had been leased to a private development company.

In June 71 homeless persons were forcibly relocated from Lobito to Kulango, a rural village 34 kilometers from Lobito. Residents informed the NGO OMUNGA that they were detained and relocated without warning and had not been given an opportunity to collect their belongings in Lobito or given resettlement assistance in Kulango. Some reported beatings and other forms of intimidation by police officers as they were rounded up. Police denied accusations of unlawful force.

There were no developments in numerous allegations of improper use of force, improper notification, or lack of restitution during forced evictions in 2006 and 2005. In 2006 government and private security personnel forcibly removed an estimated 600 families—mainly women, children, and the elderly—from Luanda neighborhoods and destroyed their homes. During the expulsions security forces beat and kicked residents and discharged firearms into the air and ground to force the retreat of families and allow bulldozers to advance.

The Government claimed that legitimate residents of the neighborhoods had been compensated and relocated long before. Authorities claimed they had repeatedly warned of impending evictions and that the final eviction notice was issued 2 days before residents were evicted. However, Amnesty International claimed the evictions were carried out without procedural protection, due process, or prior consultation, and evictees were given only 1 day's notice.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution and law provide for freedom of speech and of the press; however, government regulations and the lack of independent media outside of Luanda limited this right in practice. Human rights activists and journalists practiced self-censorship.

Opposition parties and civil society groups that criticized the Government were accused of being “unpatriotic enemies of peace,” or “friends of war and chaos.” Individual citizens also reported practicing self-censorship but were generally able to criticize the Government without fear of direct reprisals. The Government reportedly engaged in subtle repression and economic coercion, often in the form of lost business or job opportunities, to discourage and reduce criticism.

There were six privately-owned weekly newspapers and four Luanda-based commercial radio stations. The Government permits the National Radio station to broadcast nationally, but all other radio stations can only broadcast within the province where they are located. Independent stations were not allowed to use repeaters to expand their signal reach; they were required by law to open radio stations in every province they wished to reach.

Independent radio and print media criticized the Government openly and at times harshly; however, local journalists were reluctant to criticize government officials, particularly the president, for fear of arrest or harassment.

The Government continued to give preferential treatment and access to state media organizations, including Angola Public Television, government owned and operated National Radio, and the only national daily newspaper, the *Jornal de Angola* (JA). Government-owned press often criticized independent journalists, opposition leaders, and civil society organizations without seeking their comments or allowing space for a response. The UNWGD reported that it tried to buy space in JA for a press release criticizing prison conditions and arbitrary detention; the request was approved but then revoked without explanation.

The May 2006 press law ended the state monopoly on television, partially opened the FM bandwidth to independent broadcasters, and rescinded travel restrictions on journalists; however, implementing legislation had not been passed by year's end. During the year Human Rights Watch and the Media Institute of Southern Africa publicly called for further amendments to the press law to remove statutes that expose journalists to criminal liability and prevent independent radio from broadcasting nationwide.



During the year journalists were arrested, harassed, and intimidated.

For example, on October 3, security forces imprisoned Graca Campos, director of a private weekly newspaper that frequently criticized the Government. Campos, who was charged with defamation, was sentenced to 8 months in prison—2 months more than the maximum legal sentence—and fined an unprecedented \$250,000 (18,750,000 kwanzas). Campos was tried in absentia, after repeated unheeded summons to court, which he stated were never received, and convicted on a case dating back to 2001. Media and civil society groups strongly criticized the Government's legal irregularities in the case; the case was declared a mistrial in November. Campos was freed on bail and was awaiting a new trial at year's end.

On December 28, the provincial court of Namibe found Radio Ecclesia reporter Armando Chikoca guilty of "inciting violence and disobedience" and sentenced him to 1 month in prison. During a December 26 interview on state-run radio, Namibe Governor Boavida Neto denied accusations he had ordered Chikoca's arrest, stating the detention was a result of police action to restore order during a marketplace inauguration. Human rights activists condemned the arrest and his lawyer stated that the prosecutor refused to allow into evidence a police video of the incident that would have exonerated the journalist.

There were multiple reports that security forces interfered with journalists' attempts to take pictures or video during the year.

Defamation is a crime punishable by imprisonment or fine. Factuality is not an acceptable defense against defamation charges; the accused must provide evidence proving the validity of the allegedly damaging material.

Depending on the issue, the minister of social communication, the spokesman of the presidency, the national director of information, and the directors of state-run media organizations had policy and censorship authority.

*Internet Freedom.*—Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail; however, there were reports that the Government monitored Internet chat rooms and Web sites and at times pressed for the removal of defamatory material from Web sites. Availability of Internet service and Internet cafes increased during the year, but the high cost of Internet service put it beyond the reach of most citizens.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The Constitution and law provide for the right of assembly; however, the Government at times restricted this right.

The law requires written notification to the local administrator 3 days before public or private assemblies are held; however, the Government at times prohibited events based on perceived security considerations. Participants were potentially liable for "offenses against the honor and consideration due to persons and to organs of sovereignty." Applications for progovernment gatherings routinely were granted without delay; however, applications for demonstrations, protests, or opposition party assemblies were sometimes denied, usually based on government claims that the timing or venue requested was problematic. Other times the Government did not respond to the applicants, which then allowed local authorities to threaten demonstrators with arrest for holding an event without authorization.

In March the municipal administrator denied the Forum of Political Women, a nonpartisan group with membership from 13 political parties, permission to distribute literature on women's political rights in a Luanda market. Following media pressure, the local government granted permission at another market and the group rescheduled the event. However, on the day of the scheduled event, the market administrator denied permission, stating municipal authorities had not notified him.

There were no developments in 2006 or 2005 cases in which government authorities used excessive force to disperse demonstrations in Luanda.

*Freedom of Association.*—The Constitution and law provide for the right of association; and the Government generally respected this right in practice. The Government may legally deny registration to private associations on security grounds. Extensive and unexplained delays in the NGO registration process continued to be a problem.

The Government sometimes arbitrarily restricted associations that it considered subversive by refusing to grant permits for organized activities, or through unofficial harassment. During the year opposition parties were permitted to organize and hold meetings; however, they reported occasional event-specific harassment by local officials.

*c. Freedom of Religion.*—The Constitution and law provide for freedom of religion, and the Government generally respected this right in practice.

Religious groups must register with the Justice Ministry and the Ministry of Culture and have at least 100,000 adherents (who must be legal residents) to qualify for registration. During a November visit, the U.N. Special Rapporteur on Freedom of Religion and Belief noted that this provision discriminates against religious minorities. The Muslim community and many Christian groups were not recognized due to this provision, and were therefore limited in their rights and activities. The Government legally recognized 85 denominations; 800 other religious denominations had pending registration applications.

Colonial-era statutes ban non-Christian religious groups; however, during the year they were not enforced. Islam was freely practiced, although public attitudes toward Islam were generally negative. Government officials echoed such sentiments with statements opposing Muslim proselytizing and linking Muslims to sensitive national issues of illegal immigration, rising crime and international terrorism.

A total of 17 religious groups remained banned in Cabinda on charges of practicing harmful exorcism rituals on adults and children accused of witchcraft, illegally holding religious services in residences, and not being registered.

*Societal Abuses and Discrimination.*—The Jewish community was estimated at 350 persons, primarily Israelis. There were no reports of anti-Semitic acts.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation; however, the Government at times restricted them in practice. The Government cooperated with UNHCR, IOM, and other humanitarian organizations in providing protection and assistance to IDPs, returning refugees, asylum seekers, and other persons of concern.

Extortion and harassment at government checkpoints in rural areas and at provincial and foreign border checkpoints interfered with the right to travel. Extortion by police was routine in Luanda and other urban areas, and pervasive on major commercial routes. The Government and private security companies restricted access to areas designated as diamond concessions. Citizens living near concession areas were regularly denied access for any purpose, including obtaining water.

NGOs reported that security forces harassed and expelled miners and their families as they crossed the border into the DRC. Landmines remaining from the civil war continued to be an impediment to freedom of movement, especially in rural areas.

The Constitution prohibits forced exile, and the Government did not employ it.

*Internally Displaced Persons (IDPs).*—A 2006 joint assessment by the Government, U.N., and foreign governments estimated that 100,000 IDPs remained unsettled. The majority did not intend to return to their area or province of origin, as many considered their new location home. Some of those yet to return to their homes stated that a lack of physical infrastructure, the presence of landmines, and the absence of government services such as medical care were major deterrents to their return.

The Ministry of Assistance and Social Reinsertion (MINARS) has primary responsibility for returnees and remaining IDPs, as well as housing and resettlement programs; however, its efforts remained inadequate. Provincial governments have primary responsibility for ensuring safe, voluntary resettlement in areas cleared of mines and with access to water, arable land, markets, and adequate state administration. The Government did not restrict aid efforts by international humanitarian groups.

*Protection of Refugees.*—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. convention relating to the Status of Refugees and its 1967 protocol, but the Government did not effectively implement or fund a system for refugee protection.

The Government provided some protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution; it also granted refugee status or asylum.

In March the Government and UNHCR closed the official repatriation program for refugees from the civil war, but the Government continued to recognize the right of return for more than 200,000 refugees remaining outside the country.

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

The law provides citizens with the right to change their government peacefully; however, in practice citizens could not elect officials at any level of government.

*Elections and Political Participation.*—In 1992 the first multiparty presidential and legislative elections were held. MPLA President Jose Eduardo dos Santos won a plurality of votes cast, and the MPLA also won a majority of seats in the Parliament. Local and international observers declared the election to be generally free and fair, but civil war resumed after opposition party the National Union for the Total Independence of Angola (UNITA) leader Jonas Savimbi rejected the results. The first post-civil war elections were expected in 2006, but the Government postponed them, noting complications in the registration process and a lack of infrastructure development. On December 26, President dos Santos announced that elections will be held on September 5 and 6, 2008; however, he must still formally call elections before they can take place. On September 15, the voter registration campaign begun in November 2006 concluded with more than 8 million persons registered; although largely successful, some opposition parties and NGOs noted that voter registration was still incomplete in some areas.

The ruling MPLA dominated all political institutions. Political power is concentrated in the president and the Council of Ministers, through which the president exercises executive power. The council can enact laws, decrees, and resolutions, assuming most functions normally associated with the legislative branch. The National Assembly comprises 220 deputies elected by proportional vote in the 1992 elections. This body has the authority to draft, debate, and pass legislation, but in practice laws were generally drafted and proposed by the executive branch for the assembly's approval. While opposition deputies held 43 percent of parliamentary seats and substantive debates sometimes took place, few mechanisms existed to check the power of the MPLA majority or defeat MPLA-supported legislation.

There were 109 registered opposition parties, 11 of which received government subsidies based on their representation in Parliament. All registered parties received subsidies during the year to support their supervision of the voter registration process. During the year the Supreme Court banned 19 political parties, ruling that they were not lawfully registered.

Opposition parties stated that their members were subject to harassment, intimidation, and assault by supporters of the ruling party. On March 1, unknown persons fired shots into UNITA headquarters in Camabatela, Kwanza Norte Province, during a visit by UNITA President Isaias Samakuva. In July a member of the Social Renovation Party was distributing party literature when he was kidnapped and held overnight by unknown assailants; he was assaulted and injected with an unknown substance during his detention. Opposition party members and civil society leaders cited examples of growing political intolerance during the year.

There were 30 women in the 220-seat Parliament, and 13 women in the 41-member cabinet, including two ministers and eight vice-ministers.

The country has three dominant ethno-linguistic groups: The Ovimbundu, the Mbundu, and the Bakongo, who together comprised approximately 77 percent of the population. However, other groups were also represented in government. There were six members of smaller ethnic groups in the Parliament and one minority member in the cabinet, representing the Chokwe people. The majority of political parties had limited national constituencies but all parties were prohibited by law from limiting party membership based on ethnicity, race, or gender.

*Government Corruption and Transparency.*—The law provides criminal penalties for corruption; however, the Government did not implement these laws effectively and local and international NGOs and media sources reported that officials engaged in corrupt practices with impunity. The World Bank's Worldwide Governance Indicators reflected that corruption was a severe problem.

Government corruption was widespread and accountability was limited, although the Government continued its efforts to reduce discrepancies between reported and actually received oil revenues. To better monitor and control expenditures, the finance ministry continued implementation of the Integrated Financial System, a monitoring system that was designed to record all central government expenditures. State-owned companies were required to conduct internal audits and submit the results to the Government for review.

Parastatals, most notably the state oil parastatal SONANGOL, were required to report revenues to the central bank and the finance ministry, but did not consistently do so; inconsistent accounting practices also remained problematic. SONANGOL's dual role as governmental regulator and national oil company hindered transparency in the petroleum sector. Audits of ENDIAMA, the state diamond

parastatal, were likewise not made public. Serious transparency problems remained in the diamond industry, particularly regarding allocation of exploration, production, and purchasing rights.

The business climate favored those connected to the Government; government ministers and other high-level officials commonly and openly owned interests in companies regulated by their respective ministries. There were no laws or regulations regarding conflict of interest. Petty corruption among police, teachers, and other government employees was widespread. There were credible reports of high-level officials demanding substantial kickbacks from private companies awarded government contracts.

For example, in February the Government charged the former director general of immigration with extortion; the charges stemmed from a 2006 investigation that resulted in the conviction of other immigration officials. The cases were pending trial at year's end.

The law provides for public access to government information; however, the Government was selective in providing it. Access to these resources improved during the year. The Government opened ministry Web sites, but the information posted on these sites remained limited. The Government's limited technical capabilities also restricted its ability to provide information. The finance ministry published the national budget online as well as a summary in the state newspaper.

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

Several domestic and international human rights groups operated throughout the country, but some, especially those investigating government corruption and human rights abuses, alleged increased government interference in their activities throughout the year.

There were more than 100 international and 350 domestic NGOs operating in the country. An estimated 100 NGOs worked on human rights issues, although only a few were considered effective. Local NGOs actively promoted and defended human rights during the year by documenting prison conditions, protesting forced evictions, providing free legal counsel, lobbying government officials, and publishing investigative reports.

The Law of Association requires NGOs to specify their mandate and areas of activity. During the year the Government increasingly used this provision to prevent or discourage established NGOs from engaging in certain activities, especially those that were politically sensitive or related to election issues. Government officials threatened to ban those NGOs that the Government determined to be operating outside their mandate or not effectively working with the specific issues they were created to address; no NGOs were banned during the year.

The Government arrested and harassed NGO workers during the year.

For example, on February 18, security forces arrested Sarah Wykes, a well-known anticorruption researcher and specialist on extractive industry transparency. Wykes was charged with unspecified crimes against state security during her visit to Cabinda to research transparency in the oil sector for Global Witness, an international NGO. Wykes was released on bail 3 days later and allowed to return to her native Britain while the investigation progressed. The case remained pending at year's end.

In October David Mendes, a human rights lawyer and the founder of local human rights NGO Maos Livres, complained of targeted political persecution after he was charged by the Government with possession of illegal documents. The documents were evidence in his legal appeal to the Supreme Court's proscription of political parties. The charges against Mendes were pending at year's end.

The Government also criticized domestic and international NGOs during the year. On July 11, the director of the Humanitarian Assistance Technical Coordination Unit, the Government agency that oversees NGOs, alleged that local NGOs AJPD, Maos Livres, and SOS Habitat, as well as international NGOs Search for Common Ground, the National Democratic Institute, and the International Republican Institute, had instigated public discontent and disobedience, operated outside of legal parameters, and illegally involved themselves in political activities. The director also accused the organizations of not being legally registered. There were unconfirmed reports that criminal investigations were pending against some NGOs at year's end.

There were reports of police or military presence at community meetings with international NGOs, especially in Cabinda.

Problems with governmental delays in processing registration applications for NGOs continued during the year. AJPD, which continues to operate under a clause in the registration law that automatically grants legal operating status if authorities do not reject a group's application within 80 days, remained without registration

status, and its request to obtain an official registration certificate remained with the Supreme Court at year's end. Despite the lack of certification, AJPD continued to work closely with some government ministries, including the expansion of its human rights training program with the national police.

Mpalabanda, a civil society organization formerly based in Cabinda, remained banned; it was rescinded in July 2006 after joining the Cabindan Forum for Dialogue, the NGO that negotiated peace with the Government. The Government determined that Mpalabanda was acting as a political entity outside of its legal mandate as a civil society organization. Mpalabanda supporters continued to distribute statements through the Internet and to attend public forums during the year. Former leaders reported low-level harassment and intimidation throughout the reporting period.

Several international human rights organizations maintained a permanent presence in the country, including the ICRC and UNHRO. The UNHRO continued joint efforts with the Justice Ministry to strengthen provincial human rights offices and to train monitors; it also partnered with the Angolan Bar Association to recruit and place trained lawyers in remote provinces. The UNHRO conducted programs with the ombudsman and worked with the Ministry of External Relations to collect information to fulfill the Government's international treaty obligations.

The Government cooperated with international governmental organizations and permitted visits by U.N. representatives. On May 17, the country was elected to a 3-year term on the U.N. Human Rights Council, cooperated with the UNHRO in visits from UNWGAD, and extended an invitation to the Special Rapporteur on Freedom of Expression.

The ombudsman's office conducted prison visits during the year but issued no reports. In May the ombudsman discounted reports of human rights abuses from organizations such as SOS Habitat, Amnesty International, and Human Rights Watch, stating they contained generic and unwarranted criticisms. He admitted the reports had "indicative value," but said his office did not have the staff necessary to follow up or issue reports.

The Parliament's committee on human rights visited prisons and held hearings on human rights issues during the year, but did not issue any reports.

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

The Constitution and law prohibit discrimination based on race, gender, religion, disability, language, or social status; however, the Government did not effectively enforce these prohibitions. Violence and discrimination against women, child abuse, child prostitution, trafficking in persons, and discrimination against persons with disabilities and indigenous people were problems.

*Women.*—Rape, including spousal rape, is illegal and punishable by up to 8 years' imprisonment; however, limited investigative resources, poor forensic capabilities, and an ineffective judicial system prevented prosecution of most cases. The Organization of Angolan Women operated a shelter that offered special services for rape victims. The Justice Ministry worked with the Interior Ministry to increase the number of female police officers and to improve police response to rape allegations.

Violence against women was common and pervasive, particularly in urban areas. Domestic violence is not specifically illegal; however, the Government occasionally prosecuted it under rape, assault, and battery laws. A preliminary study on domestic violence in Luanda indicated that 78 percent of women had experienced some form of violence since the age of 15. While 27 percent of the total reported abuse in the 12 months preceding the study, 62 percent of women living in the improvised outskirts of Luanda reported abuse. The majority of violence was perpetrated by common-law husbands or boyfriends. The Ministry of Family and the Promotion of Women (MINFAMU) operated a program with the Angolan Bar Association to give free legal assistance to abused women; the ministry also opened counseling centers to help families cope with domestic abuse. Statistics on prosecutions for violence against women under these laws during the year were not publicly available.

Religious leaders in Lunda Norte reported that elderly people, particularly rural and impoverished women, were sometimes vulnerable to accusations of witchcraft and subsequent abuse. Women were sometimes killed, beaten, expelled from their families, or died from mistreatment and malnourishment. The religious leaders, who offered church-run shelter to the victims, reported that police did not take action due to fears that the women may practice witchcraft on them.

Prostitution is illegal, but the prohibition was not consistently enforced. Many women engaged in prostitution due to poverty, but there were no public estimates on its prevalence. The MINFAMU maintained a women's shelter that was open to former prostitutes.

Sexual harassment was common. Sexual harassment is not specifically illegal; however, such cases may be prosecuted under assault and battery and defamation statutes.

Under the Constitution and law women enjoy the same rights as men; however, societal discrimination against women remained a serious problem, particularly in rural areas. There were no effective mechanisms to enforce child support laws, and women generally bore the major responsibility for raising children.

The law provides for equal pay for equal work; however, women generally held low-level positions in state-run industries and in the private sector, or worked in the informal sector. However, a few ministries, political parties, and businesses were led by women. The Government, in an interministerial effort spearheaded by MINFAMU, undertook multiple information campaigns on women's rights and domestic abuse and hosted national, provincial, and municipal workshops and trainings during the year.

*Children.*—The Government was committed to the protection of children's rights and welfare, but lacked the human and logistical resources required to provide necessary programs. The National Institute for Children (INAC) had primary responsibility for coordinating government action concerning children's affairs.

Activists reported that many urban and rural children remain undocumented. Undocumented children were not permitted access to the educational system, and fees for birth certificates and identification cards remained prohibitive for impoverished families. Although the official registration drive ended in 2004, the Government continued to partner with UNICEF to identify and assist undocumented children, and provided limited subsidies to cover fees for families with proven financial need. During the year the Government also announced a plan to provide birth certificates in health clinics and maternity wards, but the program was not implemented nationwide by year's end.

Education is free and compulsory until the sixth grade, but students often had significant additional expenses, including books and supplies. The Ministry of Education had insufficient resources and during the war most of the educational infrastructure was damaged. There were not enough schools to provide universal primary education. The Ministry of Education estimated approximately 85–90 percent primary enrollment rate during the year. An estimated 30 percent of all eligible children were enrolled at the secondary level; rural areas generally lacked access to secondary education, and seats were often limited even in provincial capitals. There were also reports of families paying bribes to education officials to ensure their child had a seat. According to the U.N. Educational, Social, and Cultural Organization, there was a gender gap in enrollment rates favoring boys over girls, especially at the secondary level.

The Government provided free medical care for children with identity documents at pediatric hospitals and health posts throughout the country; however, in many areas, health care was limited or nonexistent. Where medical care was available, boys and girls were provided equal access.

Child abuse was widespread. Reports of physical abuse within the family were commonplace and largely tolerated by local officials. In July the Government created the National Children's Council, an interministerial commission designed to define priorities and coordinate the Government's policies to combat all forms of violence against children, including unlawful child labor, trafficking, and sexual exploitation. On August 8, INAC inaugurated a Child Protection Network for Luanda Province.

The legal age for marriage, with parental consent, is 15. This law was not effectively enforced, and the traditional age of marriage in lower income groups coincided with the onset of puberty. Common-law marriage was widespread.

During the year abuse of children accused of witchcraft continued to be a problem. Children accused of witchcraft were subject to abuses such as isolation from their families, denial food and water, or ritualistic cuttings and the placing of various caustic oils or peppers on their eyes or ears. Children sometimes were killed during "exorcism" rituals.

On December 12, a teacher in Uige province kidnapped and beat two children he suspected of witchcraft; one died from his injuries and one remained hospitalized in critical condition at year's end. The teacher was imprisoned and awaiting trial on manslaughter charges at year's end.

In 2006 INAC, MINARS, and UNICEF held a workshop and released a report that noted that most cases occurred in Luanda, Uige, and Zaire provinces. Vulnerable children, such as orphans or those without access to health care or education, were more likely to be victims of practices involving witchcraft. Government and religious leaders called for an end to these practices, but the influence of these traditional beliefs remained strong.

Child prostitution is illegal; however, there were unconfirmed cases of child prostitution in Luanda and in Santa Clara, in Cunene province on the border with Namibia. Children reportedly were crossing into Namibia to engage in prostitution for survival with local truck drivers, without third party involvement.

Sexual relations with a child under 12 are considered rape. Sexual relations with a child between the ages of 12 and 15 may be considered sexual abuse, with convicted offenders liable for sentences of up to 8 years in prison; however, limited investigative resources and an inadequate judicial system prevented prosecution of most cases. There were no known prosecutions during the year.

Approximately 10,000 children worked in the streets of Luanda but returned to some form of dwelling during the evening; 1,500 were registered as homeless. Most of these children shined shoes, washed cars, carried water, or engaged in other informal labor, but some resorted to petty crime, begging, and prostitution.

*Trafficking in Persons.*—The Constitution and law prohibit slavery; however, there are no specific laws against trafficking in persons. There were unconfirmed reports that persons were trafficked from and within the country.

The country is a place of origin for trafficking in women and children. The number of women and children trafficked outside the country's borders was unknown, but believed to be small. Anecdotal reports list South Africa, the DRC, and parts of western Europe as destination points for most individuals trafficked from the country. Economically vulnerable children and adults were most vulnerable to trafficking.

Methods used by traffickers to obtain and transport victims were unknown. The small number of traffickers working in the country was not thought to be organized.

Laws criminalizing forced or bonded labor, prostitution, pornography, rape, kidnapping, and illegal entry were used to prosecute trafficking cases. The minimum sentence for rape is 8 years' imprisonment, and sentences for related offenses carry a maximum of life imprisonment. There were no known trafficking-related prosecutions during the year.

Immigration services and INAC played significant roles in antitrafficking efforts, including training to strengthen provincial and municipal child protection networks. Immigration officials operated border control checkpoints that verified travel documents for children, but lacked the resources to effectively control all border areas. No single ministry has direct responsibility for combating trafficking. Police and border control officers received antitrafficking training during the year, and representatives of several ministries participated in quarterly antitrafficking roundtables run by IOM.

The Government operated facilities throughout the country for abandoned and abducted children; however, in many cases the facilities were underfunded, understaffed, and overcrowded. A Catholic-affiliated center in Namacumbe, near the Namibian border, assisted victims of trafficking to find and reintegrate with their families.

The Government provided basic assistance to trafficking victims on an ad hoc basis. Local social welfare agencies provided basic necessities. This type of program did not exist outside of Luanda, nor did the Government operate shelters specifically for trafficking victims.

The Government attempted to monitor its borders but lacked resources to do so effectively. Efforts by UNICEF, supported by the Government, strengthened immigration controls at airports and border checkpoints. Border control posts have a computerized tracking system to monitor the movement of children in and out of the country, which allows the Immigration Services to monitor immigration trends and scan for irregularities. Immigration services at the international airport in Luanda and at provincial border posts require proof of proper documentation and parental permission to travel for children seeking to travel internationally.

*Persons with Disabilities.*—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or other state services, but the Government did not effectively enforce these prohibitions. The number of persons with disabilities included more than 80,000 landmine victims. Albinos were commonly discriminated against, although church groups worked to eliminate the abuse. The NGO Handicap International estimated that persons with disabilities constituted 10 percent of the population. There is no legislation mandating accessibility for persons with disabilities to public or private facilities, and it was difficult for such persons to find employment or participate in the education system. The MINARS had an office to address problems facing persons, including veterans with disabilities, and several government entities supported programs to assist individuals disabled by mine accidents.

*Indigenous People.*—An estimated 3,500 San people lived in small, dispersed communities in Huila, Cunene, and Kuando Kubango provinces. The San are traditional hunter-gatherers who are linguistically and ethnically distinct from their Bantu fellow citizens. Their very limited participation in political life has increased, and Ocadec, a local NGO advocate for the San people, has worked with provincial governments to increase services to San communities and to improve communication between these communities and the Government. In April the Government supported the first San conference, which Ocadec and international NGOs organized to bring San communities together to discuss their needs. During the conference, a group of San, near Quipungo, Huila Province, received a provisional land title from the Government.

*Other Societal Abuses and Discrimination.*—Reports of discrimination against homosexuals and those with HIV/AIDS occurred. The law criminalizes sodomy. Discrimination against those with HIV/AIDS is illegal, but lack of enforcement allowed employers to discriminate against persons with the disease. There were no reports of violence against persons with HIV/AIDS. The Government's National Institute for HIV/AIDS conducted HIV/AIDS awareness and prevention campaigns. Local NGOs worked to combat stigmatization and discrimination against people living with HIV/AIDS. The FAA conducted educational programs to discourage discrimination against HIV-positive military personnel and prevent the spread of the disease.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution and law provide for the right of workers to form and join unions and workers exercised this right in practice; however, government approval is required. Domestic workers and casual laborers are excluded from the labor act. Labor unions independent of the government-run unions worked to increase their influence, but the ruling MPLA still dominated the labor movement due to historical connections between the party and labor.

The law prohibits antiunion discrimination and stipulates that worker complaints be adjudicated in regular civil courts. Under the law, employers are required to reinstate workers who have been dismissed for union activities; however, the judicial system did not enforce these provisions.

*b. The Right to Organize and Bargain Collectively.*—The Constitution and law provide for the right of unions to conduct their activities without interference, but the Government did not always protect this right. The law provides for collective bargaining and the right to strike, but strict bureaucratic procedures must be followed for the strike to be considered legal and the Government can deny the right to strike or obligate workers to return to work under a variety of circumstances. Some unions exercised the right to strike during the year, but the Government declared some strikes, including teachers in Luanda and nurses in Benguela, illegal because the unions did not notify the Government of their intent 30 days in advance. Teachers in Luanda were ordered back to work and threatened with termination if they did not comply.

There are no legal restrictions on collective bargaining, but bargaining is restricted in practice. The Government is the country's largest employer, and wages are centrally mandated by the Ministry of Public Administration, Employment, and Social Security (MAPESS).

The Constitution grants the right to engage in union activities, but the Government may intervene in labor disputes that affect national security, particularly strikes in the oil sector. The law prohibits lockouts and worker occupation of places of employment and provides protection for nonstriking workers. It prohibits strikes by armed forces personnel, police, prison workers, and fire fighters. The Ministry of Labor has a hot line for workers who feel their rights are being violated. The law does not effectively prohibit employer retribution against strikers, and it also permits the Government to force workers back to work for "breaches of worker discipline" and participation in unauthorized strikes.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children, but there were unconfirmed reports by international NGOs that such practices occurred. The Justice Ministry has effective enforcement mechanisms for the formal economic sector; however, most labor law violations occurred outside the official labor market and were not subject to legal enforcement.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—Child labor in the formal sector was restricted under the law; however, child labor, especially in the informal sector, remained a problem. The legal minimum age for apprenticeship is 14 years, and 18 for full employment. Children between the ages of 14 and 18



may not work at night, in dangerous conditions, or in occupations requiring great physical effort, and children younger than 16 are prohibited from doing factory work; however, these provisions were rarely enforced. In Kwanza Sul Province, independent newspaper journalists found children as young as 10 years old working full-time on a large plantation; they did not attend school and stated they were often paid with food. When the nonresident plantation owner, a FAA general, was confronted, he blamed the plantation's local manager and local traditional leaders (sobas), who should have reported the violation to government authorities. The local manager was fired, and no charges were filed against the general or local manager.

Most work done by children was in the informal sector. UNICEF estimated that at least 10,000 children work in the streets of Luanda, but most return to some form of dwelling during the evening. Street children were also common in the provinces of Benguela, Huambo, and Kwanza Sul. Children engage in wage-earning activities such as agricultural labor on family farms and commercial plantations, charcoal production, domestic labor and street vending. Exploitive labor practices include forced prostitution, involvement in the sale or transport of illegal drugs, and the offloading and transport of goods in ports and across border posts. Children were also reportedly used as couriers in the cross-border trade between Namibia and the country.

The MAPESS Inspector General is ultimately responsible for enforcing all labor laws; however, the Ministry of Family and Women's Affairs (MFWA) also plays a significant role in investigating complaints of child labor.

The Children's Affairs Court under the Justice Ministry has jurisdiction over general child protection in Luanda and was expected to assume jurisdiction in the other provinces once provincial courts became operational. In the meantime child labor cases continued to be adjudicated by the provincial criminal courts for minors aged 16 to 18 or the MFWA's Family Courts for children under age 16. Child labor violations are punishable by fines.

In practice neither the Labor Code nor the judicial system was capable of ensuring labor rights. Mechanisms were in place to investigate and prosecute, but the court system was overextended and resources for family or children affairs courts were limited. The Government lacked the capacity to oversee the much larger informal sector. There was no formal procedure for inspections and investigations of child labor abuses outside of the family law system, although private persons can file accusations of violations of child labor laws.

The Government, through the National Children's Assistance Institute, worked to create, train, and strengthen child protection networks at the provincial and municipal level in all 18 provinces. The network reported cases in which they have successfully identified and removed children from exploitative work situations, but no mechanism existed to track cases or provide statistics. The Government also dedicated resources to the expansion of educational opportunities for children.

*e. Acceptable Conditions of Work.*—During the year MAPESS raised the minimum wage in the formal sector to approximately \$87 (6,500 kwanza) per month, which did not provide a decent standard of living for a worker and family. As a result, most wage earners held second jobs or depended on the informal sector, including subsistence agriculture, or support from abroad to augment their incomes. The majority of citizens derived their income from the informal sector or subsistence agriculture, and therefore fell outside of government protection of working conditions.

The standard workweek is 40 hours with at least one unbroken period of 26 hours of rest per week. There is a limit on work of 80 hours per week. Required premium pay for overtime is time-and-a-half for up to 30 hours of overtime, and time and three quarters from 30 to 40 hours. In the formal sector there is a prohibition on excessive compulsory overtime, defined as more than 2 hours a day, 40 hours a month, or 200 hours a year. These standards were not effectively enforced, unless employees requested it.

The Government has set occupational health and safety standards; however, the Ministry of Labor's Office of the Inspector General did not enforce these standards effectively. Nonetheless, the inspector general greatly increased the number of workplace inspections; 2,038 employers were inspected in the first half of 2006, compared with 2,776 inspections in all of 2005. Workers have the right to remove themselves from situations that endangered health or safety without jeopardy to their employment, but it was not exercised in practice.

## BENIN

The Republic of Benin is a constitutional democracy with a population of 7.9 million. In March 2006 President Boni Yayi was elected to a 5-year term in multiparty elections. In March 2007 legislative elections, President Yayi's Cowry Force for an Emerging Benin (FCBE) won 35 of 83 seats in the National Assembly. Other parties joined the FCBE to form a majority of 46 seats in the National Assembly. International observers viewed both the presidential and legislative elections as generally free and fair. The civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens. However, there were problems in several areas. Presidential guards repeatedly shot at persons, injuring or killing them for failure to obey instructions when the president's convoy passed. Anecdotal evidence suggested police occasionally used excessive force. Vigilante violence resulted in deaths and injuries. Impunity and corruption were problems. Harsh prison conditions and arbitrary arrest and detention with prolonged pretrial detention continued. Women were victims of violence and societal discrimination, and female genital mutilation (FGM) was common. Trafficking and abuse of children, including infanticide and child labor, occurred.

### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—The Government or its agents did not commit any politically motivated killings; however, other killings occurred.

On January 14, a guard shot and killed an inmate attempting a prison escape after the inmate refused to heed a warning shot. No sanction was taken against the guard.

On May 13, presidential guards shot and killed two persons and injured at least five during an altercation with local residents over the blockage of a road after the president's car had passed. A taxi driver had parked his car in a secure zone and the presidential guards ordered him to move it. The taxi driver disregarded the order and began arguing with the guards. One of the driver's friends came to the scene and joined the argument. A presidential guard opened fire and killed both men. Local residents then rioted in response. The military authorities arrested and sanctioned the presidential guards involved in the shooting.

There were no developments in the May 2006 police killing of one person when an operation to prevent a group of illegal butchers from selling meat from uninspected animals turned into a violent confrontation.

During the year incidents of mob violence continued to occur, in part due to the perceived failure of local courts to adequately punish criminals. Such cases generally involved mobs killing or severely injuring suspected criminals, particularly thieves caught in the act. On August 12, a mob intercepted two persons who had attacked two men and attempted to steal their motorcycle. The mob beat and set on fire the two attackers, who died in a hospital the following day from their injuries. The Government made no concerted attempt to investigate or prosecute those involved, and police generally ignored vigilante attacks.

*b. Disappearance.*—There were no reports of politically motivated disappearances; however, some trafficked children were kidnapped during the year.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution and law prohibit such practices; however, the Government did not always respect these prohibitions. Anecdotal evidence indicated beatings in custody were commonplace, but no statistics were available.

Presidential guards shot and injured persons for failing to obey instructions when President Yayi's motorcade passed. For example, on February 22, presidential guards shot at two employees of a local bank, severely injuring them. The guards, who charged that the employees had disregarded an order not to drive along the route of the presidential motorcade, were reportedly arrested. There was no further information available on their cases at year's end.

Unlike in previous years, there were no reports during the year that security forces entered private homes and beat the occupants.

The Government continued to make payments to victims of torture under the former military regime.

Mob violence resulted in deaths and injuries.

*Prison and Detention Center Conditions.*—Prison conditions continued to be extremely harsh. Overcrowding and lack of proper sanitation and medical facilities posed risks to prisoners' health. According to a 2006 survey, the country's eight civil

prisons were filled far beyond their capacity. Abomey Prison, built for 200, held more than 1,190 inmates—nearly six times capacity. The prison in Cotonou, built to house 500 prisoners, held 2,107; Porto-Novo, built for 250 prisoners, housed 416; Parakou, built for 150 prisoners, held 392; Ouidah, built for 125 prisoners, contained 300; and Kandji, built for 150 prisoners, held 278.

Prison diet was inadequate, and malnutrition and disease were common. Family members were expected to provide food for inmates to supplement prison rations. There were deaths in prison due to malnutrition, disease, and neglect, although statistics were not available.

Juveniles at times were housed with adults. Pretrial detainees were held with convicted prisoners; however, they were not held with the most violent convicts or those subject to the death penalty.

The Government permitted prison visits by human rights monitors. Nongovernmental organizations (NGOs) and religious groups continued to visit prisons.

*d. Arbitrary Arrest or Detention.*—The Constitution and law prohibit arbitrary arrest and detention; however, at times the authorities did not respect these prohibitions.

*Role of the Police and Security Apparatus.*—The police, under the Ministry of Interior, have primary responsibility for enforcing law and maintaining order in urban areas; the gendarmerie, under the Ministry of Defense, performs the same function in rural areas. The police were inadequately equipped, poorly trained, and ineffective, particularly in their failure to prevent or respond to mob violence. The Government continued to address these problems by recruiting more officers, building more stations, and modernizing equipment; however, serious problems remained, including widespread corruption and impunity. Police continued to extort money from travelers at roadblocks. Unlike in the previous year, no police were arrested for corruption.

In February 2006 four high-ranking police officials were arrested for embezzlement of public funds, mismanagement of public property, and illegal awarding of contracts. In June 2006 another high-ranking police official was arrested and detained on the same charges. At year's end three of the officials remained free on bail, and the other two were still in detention.

*Arrest and Detention.*—The Constitution requires arrest warrants and prohibits detention for more than 48 hours without a hearing by a magistrate, who must authorize continued detention. Detainees must be brought before a judge within 48 hours of arrest. Detainees have the right to prompt judicial determination and access to a lawyer after they have been brought before a judge; they are also allowed to receive family visits. After examining a detainee, the judge has 24 hours to decide whether to continue to detain or release the individual. Defendants awaiting a verdict may request release on bail; however, the attorney general must agree to the request. Warrants authorizing pretrial detention were effective for 6 months and could be renewed every 6 months until the suspect was brought to trial. The Government provided counsel to indigents in criminal cases only.

No action was taken against the 12 police officers from a specialized unit who in February 2006 broke into a couple's home and took the couple to the Cotonou central police station for allegedly failing to repay a personal debt to their landlord. In August 2006 the Constitutional Court ruled that the arrest and detention of the two individuals at the police station was arbitrary and violated the Constitution, since failure to repay a personal debt is not an offense punishable by incarceration.

Unlike in the previous year, there were no reports that police arrested union leaders or union members.

There were credible reports that authorities exceeded the legal limit of 48 hours of detention in many cases, sometimes by as much as a week. Authorities often used the practice of holding a person indefinitely "at the disposition of" the Public Prosecutor's Office before presenting the case to a magistrate. Approximately 75 percent of persons in prison were pretrial detainees. Inadequate facilities, poorly trained staff, and overcrowded dockets delayed the administration of justice.

*e. Denial of Fair Public Trial.*—The Constitution and law provide for an independent judiciary, but the Government did not always respect this provision. The judiciary remained inefficient in some respects and susceptible to corruption at all levels. There were no reports that judicial employees were sanctioned or arrested on corruption charges during the reporting period.

The president appoints career magistrates as judges in civil courts, and the Constitution gives the Ministry of Justice administrative authority over judges, including the power to transfer them.

Civilian courts operate on national and provincial levels, and there are two courts of appeal. The Supreme Court is the court of last resort in all administrative and

judicial matters. The Constitutional Court determines the constitutionality of laws, adjudicates disputes between the president and the National Assembly, and rules on disputes regarding presidential and legislative elections. It also has jurisdiction in human rights cases. There is also a High Court of Justice to try the president and ministers for crimes related to their professional responsibilities.

Military disciplinary councils deal with minor offenses by members of the military services but have no jurisdiction over civilians.

*Trial Procedures.*—The Constitution provides for the right to a fair trial; however, judicial inefficiency and corruption impeded exercise of this right.

The legal system is based on French civil law and local customary law. A defendant is presumed innocent. Jury trials are used in criminal cases. A defendant has the right to be present at trial and to representation by an attorney, at public expense if necessary; the court provides indigent defendants with counsel upon request. A defendant has the right to confront witnesses and to have access to government-held evidence. Defendants are allowed to present witnesses and evidence on their own behalf. Defendants can appeal criminal convictions to the court of appeals and the Supreme Court, after which they may appeal to the president for a pardon. Trials were open to the public, but in exceptional circumstances the president of the court may decide to restrict access to preserve public order or to protect the parties. The Government extends the above rights to all citizens without discrimination.

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

*Civil Judicial Procedures and Remedies.*—There is an independent and impartial judiciary in civil matters. Any citizen may file a complaint concerning an alleged human rights violation with the Constitutional Court.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution and law prohibit such actions, and the Government generally respected these prohibitions. The law requires police to obtain a judicial warrant before entering a private home, and they generally observed this requirement.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution and law provide for freedom of speech and of the press; however, the Government did not always respect these rights. Unlike in the previous year, there were no reports that security forces arrested or detained journalists; however, the law criminalizes libel, and numerous journalists faced pending libel charges. The law prevents private citizens and the press from declaring or predicting election results. Journalists practiced self-censorship.

Individuals criticized the Government without reprisal, and the Government did not attempt to impede private criticism.

The Constitution provides for prison sentences involving compulsory labor for certain actions related to the right of free expression; penalties are for threats to public order or calls to violence, but the law is vaguely worded and susceptible to abuse. There were no reported instances of its abuse during the year.

The independent media were active and expressed a wide variety of views without restriction. Publications criticized the Government freely and frequently, but their effect on public opinion was limited due to limited circulation and widespread illiteracy. A nongovernmental media ethics commission (ODEM) continued to censure some journalists during the year for unethical conduct, such as reporting falsehoods or inaccuracies or releasing information that was still under embargo. ODEM criticized 22 newspapers and television and radio stations for violating professional and ethical standards during the February-April electoral period.

The Government continued to own and operate the most influential media by controlling broadcast range and infrastructure. The majority of citizens were illiterate, lived in rural areas, and generally received their news via radio. The Governmental Office of Radio and Television (ORTB) broadcast in French and local languages. Fifteen rural radio stations, which were governed by local committees and received support from the ORTB, broadcast several hours a day exclusively in local languages. Radio France International and the BBC broadcast in Cotonou. Two national and several private television stations also broadcast.

The Government continued to prosecute journalists for libel. For example, on February 16, the Cotonou Court of First Instance sentenced three journalists and an executive of a private media group to 6-month prison sentences without parole and heavy damages and fines, for publishing a story alleging that the dismissal of a former minister was linked to his mismanagement of a public housing project. The journalists filed an appeal, which was pending at year's end. They were not jailed while their appeal was pending.

On February 9, the court released the editor and a reporter from the newspaper l'Informateur who had been imprisoned since December 2006 on libel charges.

The Government penalized journalists who published items counter to government guidelines; however, unlike in the previous year, no journalists were fired for "insubordination to a superior authority."

The High Authority for Audio-Visual Media and Communications oversaw media operations and required broadcasters to submit weekly lists of planned programs and publishers to submit copies of all publications; however, the media did not comply with these requirements in practice. The information was used for administrative purposes; however, journalists often complained that it was an attempt at censorship.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

Internet access was widely available in cities, primarily in Internet cafes, but for many the cost of using the Internet was prohibitive. Due to a lack of infrastructure, Internet access was not available in most rural areas.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The Constitution and law provide for freedom of assembly, and the Government generally respected these rights. The Government requires permits for use of public places for demonstrations and generally granted such permits; however, the Government sometimes cited "public order" to deny legitimate requests for permits from opposition groups, civil society organizations, and labor unions.

Unlike in the previous year, there were no reports that police prevented journalists from entering the residence of a political leader to attend a press conference to which they were invited.

*Freedom of Association.*—The Constitution and law provide for freedom of association, and the Government generally respected this right. The Government requires associations to register and routinely granted registration.

*c. Freedom of Religion.*—The Constitution and law provide for freedom of religion, and the Government generally respected this right.

Persons who wish to form a religious group must register with the Ministry of the Interior. There were no reports that any group was refused permission to register or was subjected to unusual delays or obstacles in the registration process.

*Societal Abuses and Discrimination.*—There were no reports of societal abuses or discrimination against members of religious groups. There was no known Jewish community in the country, and there were no reports of anti-Semitic acts.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution and law provide for freedom of movement, and the Government generally respected this right; however, the presence of police, gendarmes, and illegal roadblocks impeded domestic movement. Although ostensibly meant to enforce vehicle safety and customs regulations, many of these checkpoints served as a means for officials to exact bribes from travelers. The Government maintained previously implemented measures to combat such corruption at roadblocks, but they were not always effective, and extortion occurred.

The Government maintained documentary requirements for minors traveling abroad as part of its continuing campaign against trafficking in persons.

The Government's policy toward the seasonal movement of livestock allowed migratory Fulani (Peul) herdsmen from other countries to enter freely; the Government did not enforce designated entry points. Disputes arose between herdsmen and local landowners over grazing rights.

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

*Protection of Refugees.*—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. The Government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers. The Government did not provide temporary protection during the year. If individuals do not qualify as refugees under

the 1951 convention and its 1967 protocol, authorities direct them to the Immigration Office to apply for a residence permit.

The Government did not always provide adequate security at refugee camps; however, unlike in the previous year, there were no reports that clashes between refugees and villagers resulted in injuries or property damage.

The Government continued to permit Togolese refugees residing in local communities and in refugee camps to participate in most economic activities and to enroll their children in local schools. On April 3, UNHCR and the Governments of Benin and Togo signed a tripartite agreement to organize the voluntary repatriation of Togolese refugees. As a result, from June to August, 774 Togolese refugees received a cash payment and 1 month of food rations to return on a voluntary basis to Togo, where a committee composed of international relief organizations assisted them.

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

The Constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right through periodic, free, and generally fair elections held on the basis of universal suffrage.

*Elections and Political Participation.*—In March 2006 President Boni Yayi was elected to a 5-year term in multiparty elections. In March 2007 legislative elections, President Yayi's FCBE won 35 of 83 seats in the National Assembly. Other parties joined the FCBE to form a majority of 46 seats in the National Assembly. International observers viewed both the presidential and legislative elections as generally free and fair. The law prevented private citizens and the press from declaring or predicting election results.

There were eight women in the National Assembly and six female ministers in the 26-member cabinet. Two of seven justices on the Constitutional Court were women, including the president. The president of the High Court of Justice also was a woman. Two of six appointed departmental prefects were women, as well as three of 77 indirectly elected mayors.

Minority ethnic groups were well represented in government agencies, civil service, and the armed forces. In the National Assembly, 11 members were from the Goun-Nago-Yoruba ethnic group, 24 from the Bariba, Somba, and Dendi ethnic groups, and 34 from the Fon-Goun-Adja and other smaller groups. Nine cabinet ministers were from the Bariba, Somba, and Dendi ethnic groups, 14 were from the Fon-Goun-Aja ethnic group, and three were from the Yoruba-Nago ethnic group.

*Government Corruption and Transparency.*—President Yayi continued his 2006 anticorruption initiative; however, official corruption was widespread.

During the year the minister of finance released an overview of the results of audits and announced that approximately 300 individuals were responsible for embezzling \$46 million (23 billion CFA francs). By year's end the names of the individuals had not been released.

On June 20, the Front of National Anti-Corruption Organizations accused two deputies of the National Assembly, who formerly had been executive directors of the Benin Electric Energy Corporation, of mismanagement and embezzlement of public funds. President Yayi asked the National Assembly to lift the immunity of the two deputies so that they could be questioned by the State Audit Office (IGE); however, their immunity was not lifted by year's end.

On July 6, the president appointed nine state auditors to the IGE to strengthen the fight against corruption.

On August 13, the president discharged four senior customs officials from their duties, including one of his strong political supporters, after an investigation conducted by the IGE revealed their involvement in customs fraud.

Thomas Guedegbe, former director of administration at the Foreign Ministry, who was charged in the 2005 unauthorized sale of land adjacent to the U.N. permanent representative's residence in New York in 2005, remained in prison awaiting trial at year's end.

Of the three former government ministers—Alain Adihou, Cosme Sehlin, and Valentin Houde—accused in 2006 of embezzling \$2 million (1 billion CFA francs), Adihou was still in detention, Sehlin was released on bail in October 2006, and Houde was exonerated.

Sefou Fagbohoun, a businessman and political leader arrested for alleged mismanagement and embezzlement from the parastatal SONACOP, remained in prison at year's end.

The Watchdog to Combat Corruption, a governmental anticorruption agency, launched a nationwide effort to publicize the National Strategic Plan to Combat Corruption and conducted a survey to gauge the magnitude of petty corruption and bribery in the public administration.

There were no laws that provided for public access to government information, and it was unclear whether requests for such access were granted.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive to their views.

Local human rights NGOs include the League for the Protection of Human Rights in Benin, the National Christian Youth Association for Awareness and Development, Association for the Support of Development and Peace, Solidarity for Behavioral Change, Benin Prison Fellowship, Children's Rights Social Organizations' Network, and others. Local NGOs are independent. Some local NGOs have formed networks for more efficient implementation of their programs and to pool resources.

The Government cooperated with international governmental organizations. In November the Government presented its work report to the Committee Against Torture in Geneva. During the year representatives of the U.N. Committee Against Torture and the U.N. Committee on the Elimination of Discrimination Against Women visited the country.

Following the Committee Against Torture's visit and its consideration of the country's work report, it made wide-ranging recommendations. These included the inclusion of the definition of torture, as cited in Article 1 of the Convention Against Torture, in the country's draft penal code and the inclusion of an absolute prohibition of torture in the new code. The committee recommended that the Government fulfill its obligations to systematically investigate torture-related cases and take legal action against perpetrators; put in place a system of systematic surveillance of detention centers and detention conditions; provide training to law enforcement agents on the prohibition against torture; make the National Commission for Human Rights operational; and combat violence inflicted by law enforcement agents, torture and cruel treatment of children, gender-based violence, and mob justice.

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

The Constitution prohibits discrimination based on race and gender; however, societal discrimination against women continued. Persons with disabilities were disadvantaged.

*Women.*—The law prohibits rape, but enforcement was weak due to police ineffectiveness and corruption. Sentences for rape ranged from 1- to 5-years' imprisonment.

Domestic violence against women was common. The penal code prohibits domestic violence, and penalties ranged from 6 to 36 months' imprisonment. However, NGO observers believed that women remained reluctant to report cases. Judges and police also were reluctant to intervene in domestic disputes; society and law enforcement considered such cases to be internal family matters. The local chapter of a regional NGO, Women in Law and Development-Benin, offered social, legal, medical, and psychological assistance to victims of domestic violence.

FGM was practiced on girls and women ranging from infancy through 30 years of age and generally took the form of excision. Approximately 17 percent of women have undergone FGM, although the figure was higher in some regions, including Atacora (45 percent) and Borgou (57 percent), and among certain ethnic groups. For example, more than 70 percent of Bariba, Yoa-Lokpa, and Peul (Fulani) women have undergone FGM. Younger women were less likely to be excised than their older counterparts. The law prohibits FGM and provides for penalties for performing the procedure, including jail sentences of up to 10 years and fines of up to \$12,000 (6 million CFA francs); however, the Government generally was unsuccessful in preventing the practice. Individuals who were aware of an incident of FGM but did not report it faced fines ranging from \$100 to \$200 (50,000 to 100,000 CFA francs). Those who performed the procedure, usually older women, profited from it.

NGOs continued to educate rural communities about the dangers of FGM and to retrain FGM practitioners in other activities. A prominent NGO, the local chapter of the Inter-African Committee, made progress in raising public awareness of the dangers of the practice, and the Government cooperated with these efforts. The Ministry of Family continued an education campaign that included conferences in schools and villages, discussions with religious and traditional authorities, and displaying banners. NGOs also addressed this issue in local languages on local radio stations.

Prostitution, especially child prostitution, was a problem. Reports indicated that sexual tourism was developing, mostly in the northern region. Under the penal code

there are no penalties imposed on prostitutes; however, those who facilitate prostitution and individuals who profit financially from prostitution, including traffickers and brothel owners, face penalties including imprisonment of 6 months to 2 years and fines of \$800 to \$8,000 (400,000 to 4 million CFA francs) depending on the severity of the offense. Individuals involved in child prostitution, including those who facilitate or solicit it, face imprisonment of 2 to 5 years and fines of \$2,000 to \$20,000 (1 million to 10 million CFA francs). Although there are no penalties in the penal code for prostitutes, the belief that prostitution was illegal was widespread, and police often raided brothels to arrest prostitutes to deter the practice.

Sexual harassment was very common. In July 2006 the National Assembly passed a law prohibiting sexual harassment and offering protection for victims of sexual harassment. Under the law persons convicted of sexual harassment faced sentences of 1 to 2 years in prison and fines ranging from \$200 to \$2,000 (100,000 to 1 million CFA francs). The law also provides for penalties for persons who are aware of sexual harassment and do not report it. Enforcement of these laws was lax due to law enforcement agents' and prosecutors' lack of legal knowledge and necessary skills to pursue such cases, and victims' fear of social stigma.

Although the Constitution provides for equality for women in the political, economic, and social spheres, women experienced extensive societal discrimination, especially in rural areas where they occupied a subordinate role and were responsible for much of the hard labor on subsistence farms. In urban areas women dominated the trading sector in the open-air markets. During the year the Government and NGOs continued to educate the public on the 2004 family code, which provides women with inheritance and property rights and significantly increases their rights in marriage, including prohibitions on forced marriage, child marriage, and polygyny. In practice women experienced discrimination in accessing employment, credit, and equal pay.

*Children.*—Particularly in rural areas, parents often failed to declare the birth of their children because they could not afford the fees for birth certificates, or out of ignorance. A 2001 survey indicated that one-fourth of children under 18 were not registered at birth. This resulted in denial of public services such as education and health care. Several donors have taken action to increase the number of registered children. Over the last 2 years, the NGO PLAN International supported the free registration of children who had not taken the primary school leaving exam. Without a birth certificate children cannot take the exam. The U.N. Children's Fund (UNICEF) and the NGO CRS/World Education have supported the Government's campaign to register every birth.

The Government has stated publicly its commitment to children's rights and welfare, but it lacked the resources to demonstrate that commitment. The Ministry of Family is responsible for the protection of children's rights, primarily in the areas of education and health. The National Commission for Children's Rights and the Ministry of Family have oversight roles in the promotion of human rights issues with regard to child welfare.

Primary education was compulsory for all children between 4½ years and 9 years of age. It became tuition-free for all children starting with the 2007–08 school year; however, in some parts of the country, girls received no formal education. Parents often paid tuition for children because many schools had insufficient funds. The Government offered books at reduced prices to enhance the quality and relevance of schooling received. According to UNICEF, primary school enrollment was approximately 90 percent of boys and 60 percent of girls; only 26 percent of boys and 12 percent of girls were enrolled in secondary school.

FGM was commonly performed on girls (see Section 5, Women).

The family code prohibits marriage under 14 years of age; however, the practice continued in rural areas. Underage (14 to 17 years of age) marriage was permitted with parental consent. There also was a tradition in which a groom abducts and rapes his prospective child bride. The practice was widespread in rural areas, despite government and NGO efforts to end it through information sessions on the rights of women and children.

Despite widespread NGO campaigns, the traditional practice of killing deformed babies, breech babies, babies whose mothers died in childbirth, and one of two newborn twins (all of whom were considered sorcerers) continued in some rural areas, and perpetrators acted with impunity.

Criminal courts meted out stiff sentences to criminals convicted of crimes against children, but many such crimes never reached the courts due to lack of education and access to the courts or fear of police involvement.

Some street children became prostitutes to support themselves.



Trafficking in children remained a problem. Some trafficking occurred in connection with the forced servitude practice called “vidomegon,” in which children worked under an arrangement between two families.

Child labor, although illegal, remained a problem.

There were many street children, most of whom did not attend school and lacked access to basic education and health services.

*Trafficking in Persons.*—The law prohibits trafficking in children. There are also laws that prohibit human smuggling that the Government has used to prosecute traffickers. However, there is no law prohibiting trafficking in adults. Persons were trafficked to, from, and within the country.

The country was a source, transit point, and destination for trafficked persons, primarily children trafficked for forced labor and sexual exploitation. The majority of trafficking occurred internally within the extended family or community; however, organized criminal networks were also active. According to a 2000 UNICEF study, four distinct forms of child trafficking occurred in the country: “*Trafic-don*,” the transfer of a child to a migrant family member or stranger, who turned the child over to another stranger for vocational training or education; “*trafic-gage*,” indentured servitude in which a child was forced to work off an adult’s debt; “*trafic-ouvrier*,” child labor, the most common form of trafficking, involving children working as artisans, construction laborers, or agricultural or domestic workers; and “*trafic-vente*,” the outright sale of children.

Through the traditional practice of vidomegon, poor—often rural—families placed a child in the home of a more wealthy family. The child received living accommodations, while the child’s parents and the urban family that raised the child split the income generated from the child’s activities; however, the child often faced forced labor, long hours, inadequate food, and sexual exploitation. Vidomegon was traditionally intended to enable children of poor families to receive educational opportunities and a higher standard of living; however, this practice has become corrupted to facilitate the trafficking of children for forced labor. Approximately 90 to 95 percent of the children in vidomegon were young girls.

Children were trafficked to Ghana, Nigeria, Gabon, Cote d’Ivoire, Republic of Congo, Guinea Bissau, and the Central African Republic for indentured or domestic servitude, farm labor, labor in stone quarries, and prostitution. In addition children were taken across the border to Togo and Cote d’Ivoire to work on plantations. Children from Niger, Togo, and Burkina Faso were trafficked to the country for indentured or domestic servitude. Trafficked children generally came from poor rural areas and were deceitfully promised educational opportunities or other incentives.

The penal code prohibits child prostitution; however, enforcement was frequently lax, and the commercial sexual exploitation of children was a problem.

Child prostitution often involved girls whose poor families urged them to become prostitutes to provide income. Other children were lured to exchange sex for money by older men, often traffickers, who acted as their “protectors.” Some children were abused sexually by teachers who sought sex in exchange for better grades. NGOs and international organizations organized assistance to child prostitution victims and worked on prevention programs.

The penal code also prohibits kidnapping. Penalties for traffickers involved in “labor exploitation” ranged from fines to prison terms, forced labor, or the death penalty, depending on the severity of the crime and the length of time over which the exploitation occurred; however, enforcement was lax.

The 2006 law against child trafficking provides for increased penalties for the trafficking of minors, including imprisonment from 6 months to life, depending on the severity of the crime, and fines from \$100 to \$10,000 (50,000 to 5 million CFA francs). The law states that individuals who are aware of child trafficking offenses and do not report them shall face fines of \$20 to \$100 (10,000 to 50,000 CFA francs).

During the year the Government augmented its efforts to arrest and to prosecute traffickers. From October 2005 to August 2006, the Government investigated and prosecuted 35 child trafficking cases. In 2006 the Minors Protection Brigade, under the jurisdiction of the Ministry of Interior, intercepted and rescued 88 trafficked children. In 2007 the brigade arrested 24 traffickers and intercepted and rescued 179 children. These statistics do not include arrests or interceptions by local police.

In July 2006, along with 23 other West and Central African countries, the Government signed an agreement to adopt an action plan to combat trafficking. Regional efforts also continued between heads of state of concerned countries to identify, investigate, and prosecute agents and traffickers, and to protect and repatriate trafficking victims.

The Ministry of Family, in conjunction with its Togolese and Nigerian counterparts, initiated synchronized public child trafficking awareness campaigns along the Benin-Togo and the Benin-Nigeria borders.

In February security forces arrested two police officers for human smuggling and another police officer for exploiting a trafficking victim.

Since 1999 UNICEF and other donors have supported the Ministry of Family to establish, equip, and train more than 1,300 local committees to combat child trafficking through community surveillance and monitoring. The Brigade for the Protection of Minors sought to prevent crimes against children. The brigade investigated cases of child trafficking and other crimes committed against children. It arrested traffickers, rescued victims, and worked towards their social reinsertion. The Government worked with NGOs to combat child trafficking, using media campaigns and greater border surveillance; however, police complained that they lacked equipment to adequately monitor trafficking. Due to resource constraints, prevailing cultural attitudes, and a lack of interagency coordination, the Government failed to meet minimum standards for the elimination of trafficking, although they made significant efforts to do so.

During the year the Ministry of Family, international NGOs, and the donor community assisted numerous children who had been trafficked to other countries to work in mines, quarries, and on farms. Efforts included the provision of food, shelter, and medical treatment. The Ministry of Family also cooperated with partners to operate centers in urban areas to provide education and vocational training to victims of child trafficking. During the year government efforts to reunite trafficked children with their families continued; however, no statistics were available.

*Persons with Disabilities.*—There is no law that prohibits discrimination against persons with physical and mental disabilities; however, the law provides that the Government should care for persons with disabilities. There were no legal requirements for the construction or alteration of buildings to permit access for persons with disabilities. The Government operated few institutions to assist persons with disabilities, and many such individuals were forced to beg to support themselves.

The labor code includes provisions to protect the rights of workers with disabilities, which were enforced with modest effectiveness during the year.

*Other Societal Abuses and Discrimination.*—There were no reports of overt discrimination or violence based on a person's sexual orientation or HIV/AIDS status. In April 2006 the Government enacted a law making it illegal to discriminate against a person, at any stage of hiring or employment, based on his or her HIV status.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law allows workers to form and join unions of their choice without previous authorization or excessive requirements, and the Government generally respected these rights. However, unions must register with the Ministry of Interior, a 3-month process, or risk a fine. The labor force of approximately 3.2 million was engaged primarily in subsistence agriculture, with only a small percentage working in the formal wage sector. Although an estimated 75 percent of government workers belonged to labor unions, a much smaller percentage of workers in the private sector were union members.

Unlike in the previous year, no union leaders or members were arrested.

The labor code prohibits antiunion discrimination. Employers may not take union membership or activity into account in hiring, work distribution, professional or vocational training, or dismissal; however, the Government did not always enforce these provisions, and there were reports that employers threatened individuals with dismissal for union activity.

*b. The Right to Organize and Bargain Collectively.*—The labor code generally allows unions to conduct their activities without interference, and the Government generally protected this right. The labor code provides for collective bargaining, and workers freely exercised this right. The Government sets wages in the public sector by law and regulation.

Workers must provide 3 days notice before striking; however, authorities can declare strikes illegal for reasons such as threatening social peace and order, and can requisition striking workers to maintain minimum services. During the year workers exercised their right to strike. The Government may not prohibit any strike on the grounds that it threatens the economy or the national interest. Laws prohibit employer retaliation against strikers, except that a company may withhold part of a worker's pay following a strike. The Government enforced these laws effectively.

The law does not grant seafarers the right to organize or to strike; however, under the Merchant Marine Code, they have the right to organize.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The labor code prohibits forced or compulsory labor, including by children; however, such practices occurred, and traf-

ficking in persons was a problem. The law provides for imprisonment with compulsory labor, and during the year judges sentenced convicts to compulsory labor for various crimes.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The labor code prohibits the employment or apprenticeship of children under 14 years of age in any enterprise; however, child labor remained a problem due in part to limited government enforcement of the law. To help support their families, children of both sexes—including those as young as 7—continued to work on family farms, in small businesses, on construction sites in urban areas, in public markets as street vendors, and as domestic servants under the practice of *vidomegon*. A majority of children working as apprentices were under the legal age for apprenticeship of 14.

Some parents indentured their children to agents recruiting farm hands or domestic workers, often on the understanding that the children's wages would be sent to the parents. In some cases these agents took the children to neighboring countries for labor. Many rural parents sent their children to cities to live with relatives or family friends to perform domestic chores in return for receiving an education. Host families did not always honor their part of the bargain, and abuse of child domestic servants was a problem.

The Ministry of Labor enforced the labor code in a limited manner and only in the formal sector due to the lack of inspectors. The Government took steps to educate parents on the labor code and to prevent compulsory labor by children, including through media campaigns, regional workshops, and public pronouncements on child labor problems. The Government also worked with a network of NGOs and journalists to educate the population about child labor and child trafficking.

*e. Acceptable Conditions of Work.*—The Government set minimum wage scales for a number of occupations. The minimum wage was approximately \$60 (30,000 CFA francs) per month; however, the minimum wage did not provide a decent standard of living for a worker and family. Many workers had to supplement their wages by subsistence farming or informal sector trade. Most workers in the wage sector earned more than the minimum wage; many domestics and other laborers in the informal sector earned less. The Office of Labor under the Ministry of Civil Service and Administrative Reforms enforced the minimum wage; however, its efforts were impeded by the small number of labor inspectors.

The labor code establishes a workweek of between 40 and 46 hours, depending on the type of work, and provides for at least one 24-hour rest period per week. Domestic and agricultural workers frequently worked 70 hours or more per week, above the maximum provided for under the labor code of 12 hours per day or 60 hours per week. The labor code also mandates premium pay for overtime. The authorities generally enforced legal limits on workweeks in the formal sector.

The code establishes health and safety standards, but the Ministry of Labor and Public Service did not enforce them effectively. The law does not provide workers with the right to remove themselves from dangerous work situations without jeopardy to continued employment. The ministry has the authority to require employers to remedy dangerous work conditions but did not effectively do so.

---

## BOTSWANA

Botswana, with a population of 1.82 million, has been a multiparty democracy since its independence in 1966. Its Constitution provides for indirect election of a president and popular election of a national assembly. In 2004 the Botswana Democratic Party (BDP), led by President Festus G. Mogae, returned to power in elections generally deemed free and fair. The BDP has held a majority of national assembly seats since independence. The civilian authorities generally maintained effective control of the security forces.

The following human rights problems were reported during the year: Abuse of detainees by security forces, poor prison conditions, lengthy delays in the judicial process, restrictions on press freedom, violence against women, and child abuse. There was societal discrimination against homosexuals, persons with HIV/AIDS, and members of the San ethnic group. Government restrictions on the right to strike and child labor were problems. The Government's continued narrow interpretation of a December 2006 High Court ruling resulted in the majority of San originally relocated from the Central Kalahari Game Reserve (CKGR) being prohibited from returning to or hunting in the CKGR.

## RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—The Government or its agents did not commit any politically motivated killings; however, police shot and killed two individuals in separate incidents. On April 14, police shot and killed an illegal immigrant from Zimbabwe during a fight while attempting to arrest the individual. A police investigation concluded that the officer had not acted improperly. On June 24 police killed one man during an attempted robbery in Ramotswa. Police investigated the incident and provided the findings to the Director of Public Prosecutions (DPP).

The DPP determined that police were not at fault in regards to the July 2006 killings of four men in an exchange of gunfire with police during an attempted robbery in Gaborone. At year's end the DPP had not yet determined whether the case should be referred to the courts. During the year authorities charged the police officer responsible for the August 2006 killing of a man fleeing the scene of a crime in Gaborone with manslaughter. Also during the year, the magistrate found that the police acted correctly in the December 2006 killing of a fugitive wanted on multiple counts of attempted robbery and rape.

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution and law prohibit such practices; however, there were reports that security forces occasionally beat and abused suspects to obtain evidence or elicit confessions. Through June the Botswana Police Service (BPS) investigated five abuse complaints; four police officers were subsequently reprimanded or disciplined.

In February there was an unconfirmed report that security forces arrested, denied food to, and detained six San men for 6 days for illegally hunting in the CKGR (see Section 5). According to the unconfirmed report, one of the men and his wife were beaten after refusing to let wildlife agents and police search their home without a warrant. The Government confirmed that it arrested two of the men for illegal hunting but denied the mistreatment allegations.

In March two men facing robbery and murder charges stated that threats and beatings were used to obtain their confessions.

In February a family member stated that prison wardens beat a prisoner in December 2006; however, prison officials determined that this accusation was false.

On December 14, the magistrate postponed the trial of five soldiers and two police special constables accused of forcing several Zimbabwean detainees to perform sex acts in 2005.

There were no further developments in the 2005 case of five Kaudwane residents who claimed that officers of the Department of Wildlife and National Parks beat them during questioning about poaching, and none were expected. A government investigation committee concluded that the reports were false.

*Prison and Detention Center Conditions.*—Prison conditions remained poor due to overcrowding. In August the prison system held 6,074 prisoners, but had an authorized capacity of 3,994. Overcrowding was worst in men's prisons and constituted a serious health threat because of the country's high incidence of HIV/AIDS and tuberculosis. Rape between inmates occurred. Infrastructure improvements were made at several prisons during the year.

Voluntary and free HIV testing, peer counseling, and antiretroviral (ARV) drug treatment were available to prisoners. As of September, 314 prisoners were receiving ARV treatment, and two HIV-positive pregnant prisoners were participating in a "prevention of mother-to-child transmission" program. The Government did not provide ARV treatment to noncitizens in detention, but those in long-term detention could receive such treatment for free from a local nongovernmental organization (NGO). The prison commissioner had the authority to release terminally ill prisoners in the last 12 months of their sentences and to allow citizen prisoners with sentences of 12 months or less to perform "extramural" labor. As of September, the Government had released 447 prisoners under the extramural labor program during the year.

Mistreatment of prisoners is illegal. As of August the Department of Prisons received no complaints that guards mistreated inmates. Thirty-nine prisoners had died in custody, primarily from HIV/AIDS-related illnesses. Although the Department of Prisons routinely investigated deaths in custody, the results of those inquests were not made public.

Juveniles occasionally were held with adults. Some parents requested that their incarcerated children be transferred to facilities nearer to their homes, which also

resulted in the detention of juveniles with adults. Pretrial detainees and convicts were held together.

Committees appointed by the minister of labor and home affairs had visited each prison facility twice by the end of August. Committee reports were not made public. The Government permitted the International Committee of the Red Cross and the U.N. High Commissioner for Refugees (UNHCR) to visit facilities and prisoners during the year and to conduct those visits according to those organizations' standard modalities.

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

*Role of the Police and Security Apparatus.*—The BPS, under the Ministry for Presidential Affairs and Public Administration, has primary responsibility for internal security. As members of the BPS, special constables conducted patrols and made arrests but only the BPS carried out investigations. Customary or local police, under the Ministry of Local Government, have law enforcement responsibility in specified tribal areas. The special constables and local police were not adequately trained. The army is responsible for external security and has some domestic security responsibilities.

There were some developments in regards to police officers who were accused in 2006 of committing abuses. A police officer who was the subject of a July 2006 investigation by the Directorate on Corruption and Economic Crime (DCEC) was acquitted of bribery charges. The trial of two special constables arrested in August 2006 for collaborating with civilian burglars was still ongoing at year's end; both constables were dismissed from the BPS.

Police officials acknowledged that corruption was a problem at the lower ranks; some officers took advantage of illegal immigrants and traffic violators. Through June there were six cases of corruption against police officers; three cases were pending investigations, two cases were before the court, and one case resulted in a conviction and dismissal of a police officer.

During the year 12 Botswana police officers received human rights training at the International Law Enforcement Academy located in the country.

*Arrest and Detention.*—Police officers must produce an arrest warrant except in certain cases, such as when an officer witnesses a crime being committed or discovers that a suspect is in possession of a controlled substance. A December 2007 law establishes a new intelligence agency with the power to enter premises and make arrests without warrants if the agency suspects a person has committed or is about to commit a crime. Civil society criticized the law, claiming that it lacked provisions for independent oversight and posed a potential threat to civil liberties. Suspects must be informed of their rights upon arrest, including the right to remain silent, and must be charged before a magistrate within 48 hours; authorities respected these rights in practice. A magistrate may order a suspect held for 14 days through a writ of detention, which may be renewed every 14 days. There is a functioning bail system, and detention without bail is unusual except in murder cases, where it is mandatory. Detainees have the right to contact a family member and to hire attorneys of their choice; however, in practice most could not afford legal counsel. The Government provides counsel for the indigent only in capital cases, although attorneys are required to accept pro bono clients.

During the year police arrested numerous San for illegally hunting in the CKGR (see Section 5).

Pretrial detainees waited from several weeks to several months between the filing of charges and their trials. Pretrial detention in murder cases sometimes lasted beyond 1 year. Such delays were largely due to judicial staffing shortages.

*e. Denial of Fair Public Trial.*—The Constitution and law provide for an independent judiciary, and the Government generally respected judicial independence in practice. The civil courts remained unable to provide timely trials due to severe staffing shortages and a backlog of pending cases. A 2005 report by the Office of the Ombudsman characterized the "delays in the finalization of criminal matters in all courts" as a "serious concern," particularly the delays in processing appeals.

The judiciary consists of both a civil court system that includes magistrates' courts; an industrial court; a court of appeal; and the High Court. A customary or traditional court system also exists.

*Trial Procedures.*—Trials in the regular courts are public, although trials under the National Security Act could be held in secret. There is no jury system. Defendants have the right to be present and consult with an attorney in a timely manner, but the state provides an attorney only in capital cases. Those charged with noncapital crimes are tried without legal representation if they could not afford an attorney. As a result, many defendants were not informed of their rights in pretrial or

trial proceedings. Defendants can question witnesses against them and have access to government-held evidence relevant to their cases. There is a presumption of innocence, and defendants have the right to appeal. Several organizations such as The Botswana Center for Human Rights (DITSHWANELO); Botswana Law Society; and The Botswana Network on Ethics, Law, and HIV/AIDS provided free legal services but had limited capacity. The University of Botswana Legal Assistance Center provided free legal services for some civil, but not criminal, matters.

Customary courts often do not afford due process. Defendants do not have legal counsel, and there are no standardized rules of evidence. Defendants can confront, question, and present witnesses in customary court proceedings. Tribal judges, appointed by the tribal leader or elected by the community, determine sentences, which may be appealed through the civil court system. Many judges are poorly trained and ill-equipped to make legal decisions. The quality of decisions reached in the customary courts varied considerably and often lacked a presumption of innocence. In some cases tribal judges may issue sentences that include corporal punishment such as lashings on the buttocks.

There is a separate military court system; civilians are not tried in military courts.

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

*Civil Judicial Procedures and Remedies.*—There is an independent and impartial judiciary in civil matters, which includes a separate industrial court for most labor-related cases. Administrative remedies were not widely available.

Most civil cases were tried in customary courts. These courts handled land, marital, and property disputes.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution and law prohibit such actions, and the Government generally respected these prohibitions in practice. However, the Government's continued narrow interpretation of a December 2006 High Court ruling resulted in the majority of San being prohibited from living or hunting in the CKGR. In 2002 the Government forcibly resettled the remaining indigenous San and other minority members living in the CKGR who had not voluntarily left to resettlement sites outside the perimeter of the reserve. Government officials maintained that the resettlement program was voluntary and necessary to facilitate the delivery of public services, to provide socio-economic development opportunities to the San, and to minimize human impact on wildlife (see Section 5).

## *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution and law provide for freedom of speech and of the press, and the Government generally respected freedom of speech in practice; however, the Government at times attempted to limit freedom of the press and continued to dominate domestic broadcasting. The Government occasionally censored stories or news sources that it deemed undesirable, and government journalists often practiced self-censorship.

The government-owned and -operated Botswana Press Agency dominated the media through its free, nationally distributed Daily News newspaper and through two FM radio stations. State-owned media generally featured uncritical reporting on the Government and were susceptible to political interference. Opposition political parties claimed that the state media coverage heavily favored the ruling party.

Individuals could generally criticize the Government publicly or privately without reprisal or government interference.

The independent media were active and generally expressed a wide variety of views; however, they were subject to government pressure, and the Government placed strict controls on their access to government-held information. In July the minister of communications, science, and technology stated that the licenses of journalists who did not report correctly would be withdrawn. Reporters claimed that this statement was meant as a threat. According to media companies, government-owned enterprises reduced their advertising in reaction to reporting critical of those enterprises.

Radio continued to be the most broadly accessible medium. Government-owned Radio Botswana and Radio Botswana 2 covered most of the country. Privately owned Yarona FM and Gabz FM broadcast in five of the country's 10 largest towns. They produced news and current affairs programs without government interference. In May the National Broadcasting Board issued nationwide broadcasting licenses to Yarona FM and Gabz FM and to a new broadcaster, Duma FM.

Unlike in previous years, the NGO First People of the Kalahari (FPK) reported that the Government would allow the FPK to have two-way radios in the CKGR

provided licensing requirements were followed; however, the FPK did not complete the licensing requirements during the year. In 2005 the Government stopped renewing radio licenses held by the FPK, charging that the radios were being used by poachers to help avoid wildlife patrols. The FPK said that the radios were vital for the safety of widely scattered families living in the reserve.

State-owned Botswana Television was the primary source of televised news and current affairs programs. The privately owned Gaborone Broadcasting Corporation broadcast mostly foreign programs. International television channels were available by satellite.

On March 23, the Government required 17 foreigners, including seven journalists that had written articles critical of the Government, to apply for visas prior to entry even though they are from countries generally exempt from this requirement.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Internet access was typically limited to urban areas.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution and law provide for freedom of assembly and association, and the Government generally respected these rights in practice.

During the year the Government dropped its case against San leaders Roy Sesana, Jumanda Gakelebone, and 21 other demonstrators who were arrested and released in 2005 for attempting to force their way into the CKGR. Police had forcibly dispersed and shot rubber bullets at the demonstrators during the attempt.

*c. Freedom of Religion.*—The Constitution and law provide for freedom of religion, and the Government generally respected this right in practice.

*Societal Abuses and Discrimination.*—Government policy and practice contributed to the generally free practice of religion. There was no known Jewish community in the country and no reports of anti-Semitic acts.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected them in practice.

The Government restricted the ability of indigenous San who had been relocated from the CKGR to designated settlement camps in 2002 to return to the reserve. Only the 189 San named in a 2006 High Court case, their spouses, and their minor children were permitted to live in the CKGR. A few San had never left the reserve, and some San moved back to the CKGR since the High Court's decision. Many of the 189 did not return to live in the CKGR as lack of water made the CKGR an extremely inhospitable living environment; the Government was not required to provide water in CKGR per the 2006 ruling (see Section 5). Visitors to the reserve, including relocated former residents not named in the 2006 case, must obtain a permit to enter the CKGR.

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

*Protection of Refugees.*—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 Protocol, and the Government has established a system for providing protection to refugees. The Government granted refugee status or asylum. The Government's system for granting refugee status was accessible but slow. In practice the Government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol and provided it to approximately 400 persons during the year. The Government cooperated with the Office of the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers.

The Government held newly arrived refugees and asylum seekers, primarily from Zimbabwe, in the Center for Illegal Immigrants in Francistown until the Refugee Advisory Committee (RAC), a governmental body whose chairperson is the district commissioner of Francistown, made a status recommendation; the UNHCR was present at RAC meetings in the status of observer and technical advisor. Once persons were granted refugee status, the Government transferred them to the Dukwe Refugee Camp, until their resettlement or voluntary repatriation. Refugee appli-

cants who were unsuccessful in obtaining asylum were nonetheless allowed to remain at Dukwe if they wished, while the Government referred their cases to the UNHCR for possible resettlement. Refugees in Dukwe were provided access to education and health care. They were also permitted to leave Dukwe to work outside the camp. The UNHCR criticized the detention of asylum seekers at the Center for Illegal Immigrants on the grounds that asylum seekers should not be held in detention facilities. Conditions at the center were generally adequate, but refugee children in the center did not have adequate access to education or recreation for the duration of their detention, which in some cases lasted for many months.

According to UNHCR 53 refugees from Namibia voluntarily returned to Namibia under a tripartite arrangement involving Botswana, Namibia, and UNHCR.

In December the Government transferred 16 Namibian nationals who were alleged Caprivi secession leaders from a detention center to the Dukwe Refugee Camp. These individuals face criminal charges in Namibia and thus did not wish to be repatriated. In 2002 the High Court ruled out extradition for these 16 Namibians as it deemed an extradition request for the individuals from the Government of Namibia to be of a political nature. The RAC had not made a determination regarding the 16 individuals' refugee status by year's end.

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

The Constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right through periodic, free, and fair elections based on universal suffrage.

*Elections and Political Participation.*—The country held National Assembly elections in October 2004. The BDP, led by President Mogae, won 44 of 57 competitive seats; the Botswana National Front won 12; and the Botswana Congress Party won one. The BDP has won a majority of seats in the National Assembly in every election since independence. Domestic and international observers characterized the elections as generally free and fair; however, BDP candidates had preferential access to state-owned television during much of the campaign.

The House of Chiefs acts as an advisory upper chamber to the National Assembly on any legislation affecting tribal organization and property, customary law, and the administration of customary courts. It consists of eight paramount chiefs, five chiefs chosen by the president, and 22 elected chiefs from designated regions. The paramount chiefs are members of the House of Chiefs for life, while the chosen and elected chiefs serve 5-year terms. The first election based on amendments made to the Constitution in 2006 to expand the House of Chiefs was held in December 2006.

There were seven women in the 61-seat National Assembly, five women in the 24-seat cabinet, three female justices on the 13-seat High Court, and four women in the expanded 35-seat House of Chiefs.

The law recognizes only the eight principal ethnic groups of the Tswana nation; however, amendments to the Constitution now allow minority tribes to be represented in the expanded House of Chiefs. There were 23 members of minority tribes in the assembly, 10 in the cabinet, and five on the High Court.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption and the Government generally implemented these laws effectively.

During the year the DCEC initiated investigations into several corruption and fraud cases and filed one corruption case with the courts against an immigration officer for allegedly selling passports illegally.

During the year a government official who was the subject of a July 2006 DCEC investigation was convicted of bribery. On December 12, an immigration officer was convicted in regards to 2006 corruption case.

There are no financial disclosure laws for public officials.

The law does not provide public access to government information, and the Government generally restricted such access.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases; however, unlike the previous year, the Government placed visa requirements on certain NGO workers and denied a registration request from one NGO. Government officials were generally cooperative and responsive to NGO views on most subjects, but were far less open to the involvement of some international NGOs on the issue of the CKGR relocations.



On March 23, the Government required seven journalists; six persons associated with NGOs that worked on issues related to the San, including four from the NGO Survival International; one academic; and three additional individuals to apply for visas prior to entering the country, even though they are from countries generally exempt from this requirement.

On September 10, the Registrar of Societies rejected a registration application from the NGO Lesbians, Gays, and Bisexuals of Botswana Organization (LEGABIBO). Officials stated that the application was not approved as it was believed that LEGABIBO would be used for unlawful purposes since homosexual acts are criminal offenses in the country.

Unlike previous years, the FPK reported that the Government would allow it to have two-way radios in the CKGR provided licensing requirements were followed; however, the FPK did not complete the licensing requirements during the year.

Independent local human rights groups included DITSHWANELO; Childline, a child welfare NGO; Emang Basadi, a women's rights group; and the Botswana Network on Ethics, Law, and HIV/AIDS. The Government interacted with and provided financial support to some of these organizations.

An independent, autonomous ombudsman handled complaints of maladministration in the public sector, and the Government generally cooperated with the ombudsman. The office suffered from a shortage of staff, and public awareness of the office and its services was low.

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

The Constitution and law prohibit governmental discrimination on the basis of ethnicity, race, nationality, creed, sex, or social status, and the Government generally respected these provisions in practice. However, the law does not prohibit discrimination by private persons or entities, and there was societal discrimination against women; persons with disabilities; minority ethnic groups, particularly the San; persons with HIV/AIDS; and homosexuals.

*Women.*—The law prohibits rape but does not recognize the concept of spousal rape. Through September 1,537 incidents of rape were reported to the police. By law the minimum sentence for rape is 10 years in prison, increasing to 15 years with corporal punishment if the offender is HIV-positive, and 20 years with corporal punishment if the offender was aware of having an HIV-positive status. A person convicted of rape is required to undergo an HIV test before being sentenced. Police lacked basic investigative techniques in rape cases.

The law does not specifically prohibit domestic violence against women, and it remained a serious problem. Through June the BPS had received 266 complaints of domestic violence. Customary law allows for husbands to treat their wives in the same manner as minor children. Under customary law husbands may use corporal punishment to discipline their wives, which was common in rural areas. Greater public awareness and improved legal protection resulted in increased reporting of domestic violence and sexual assault.

Prostitution is illegal but was widespread. Enforcement was sporadic and complicated by vague laws that made it easier to charge violators with offenses such as unruly conduct or loitering than for prostitution. Most police enforcement took the form of periodic sweeps to clean out areas used for solicitation.

The law does not prohibit sexual harassment in the private sector, although sexual harassment committed by a public officer is considered misconduct and punishable by termination with or without forfeiture of all retirement benefits, suspension with loss of pay and benefits for up to 3 months, reduction in rank or pay, deferment or stoppage of a pay raise, or a reprimand. Sexual harassment continued to be a problem, particularly with men in positions of authority, including teachers, supervisors, and older male relatives.

Women legally have the same civil rights as men, but in practice societal discrimination persisted. A number of traditional laws enforced by tribal structures and customary courts restricted women's property rights and economic opportunities, particularly in rural areas. Marriages can occur under one of three systems, each with its own implications for women's property rights. A woman married under traditional law or in "common property" is held to be a legal minor and required to have her husband's consent to buy or sell property, apply for credit, and enter into legally binding contracts. Under an intermediate system referred to as "in community of property," married women are permitted to own immovable property in their own names, and the law stipulates that neither spouse can dispose of joint property without the written consent of the other. Women increasingly exercised the right to marriage "out of common property," in which case they retain their full legal rights as adults. Polygyny is legal under traditional law with the consent of the first wife, but it was not common.

Highly skilled urban women had growing access to entry- and mid-level white collar jobs. According to a 2007 Grant Thornton International Business Report, 74 percent of businesses employed women in senior management positions, and women occupied 31 percent of senior management positions. Women occupied many senior level positions in government agencies, such as governor of the Bank of Botswana, attorney general, minister of communication, minister of health, and director of public prosecution; however a 2007 U.N. report found that women's political participation was not equal to that of men. In March the Botswana Defense Force began to allow women to serve in the military.

The Women's Affairs Department in the Ministry of Labor and Home Affairs had responsibility for promoting and protecting women's rights and welfare. As of September it provided approximately \$112,000 (670,000 pula) to NGOs working on such issues.

*Children.*—The law provides for the rights and welfare of children, and the Government continued to allocate the largest portion of its budget to the Ministry of Education. The Ministry of Local Government distributed books, food, and materials for primary education. The country also has a court system and social service apparatus designed solely for juveniles.

Education was not compulsory. The Government reintroduced school fees in 2006. The fees could be waived for children whose family income fell below a certain amount. The Government also provided uniforms, books, and other fees for students whose parents were destitute. Students in remote areas received two free meals a day at school. According to 2004 government statistics, approximately 88 percent of children attended school, and approximately 30 percent of children completed secondary school. Girls and boys attended school at similar rates. School attendance and completion rates were highest in urban areas, where transportation was readily available, and lowest in rural areas, where children lived far from schools and often assisted their families as cattle tenders, domestic laborers, and child care providers.

As of September boys and girls under 15 received free access to government healthcare centers.

In 2005 the U.N. Children's Fund estimated that there were 150,000 orphans in the country, of whom approximately 120,000 had lost their parents due to HIV/AIDS. As of September the Government had registered approximately 50,900 children as orphans. Once registered, these children received clothes, shelter, a monthly food basket worth between \$50 (300 pula) and \$92 (550 pula) depending upon location, and counseling as needed. Some relatives continued to deny inheritance rights to orphans.

No law specifically prohibits child abuse. Sex with a child below the age of 16 is known as defilement, and is prohibited and punishable by a minimum of 10 years of incarceration. Through September 284 defilement cases were reported. Sexual abuse of students by teachers was a problem, and there were frequent media reports of rape, sexual assault, incest, and defilement. Deaths from HIV/AIDS caused an increasing number of orphans. These children were sometimes sexually abused by the extended family members with whom they lived. The law considers incest a punishable act only if it occurs between blood relatives, leaving children legally unprotected from incestuous acts performed by step parents, caregivers, and the extended family.

Child marriage occurred infrequently and was largely limited to certain ethnic groups.

Child prostitution and pornography were criminal offenses. Media and NGO reports indicated that child prostitution catering to truck drivers existed along the main road linking the country with South Africa, and that many of the girls were thought to be orphans.

There were reports of child labor.

*Trafficking in Persons.*—The law does not prohibit trafficking in persons, although penal code provisions cover related offenses such as abduction and kidnapping, slave trafficking, and procuring women and girls for the purpose of prostitution. There were unconfirmed reports that women and children from eastern Africa were trafficked through the country to South Africa. Traffickers charged with kidnapping or abduction could be sentenced to 7 years' imprisonment. The BPS and the local police shared responsibility for combating trafficking-related crimes.

The Government worked with NGOs to assist potential trafficking victims by hosting workshops on trafficking issues and by making grants to shelters that provided short- and long-term care for children that lived on the streets.

*Persons with Disabilities.*—The law does not prohibit discrimination against persons with disabilities in education, employment, access to health care, or the provision of other state services. The Government has a national policy that provides for

integrating the needs of persons with disabilities into all aspects of government policymaking; however, the Government did not mandate access to public buildings or transportation for persons with disabilities. There was some discrimination against persons with disabilities, and employment opportunities remained limited. The Government funded NGOs that provided rehabilitation services and supported small-scale work projects for workers with disabilities.

*Indigenous People.*—The estimated 50–60,000 San in the country represented approximately 3 percent of the country's population. The San are culturally, linguistically, and by physical appearance distinct from most of the population. They remained economically and politically marginalized, and generally did not have access to their traditional land in fertile regions of the country. The San continued to be isolated; had limited access to education; lacked adequate political representation; and were not fully aware of their civil rights. In 2002 the Government forcibly resettled San who were living in the CKGR from the reserve to the settlement areas of Kaudwane, New Xade, and Xere.

While the Government respected the December 2006 High Court ruling on a suit filed by 189 San regarding their forced relocation, it continued to interpret the ruling to allow only the 189 actual applicants and their spouses and minor children, rather than to all San affected by the relocations to return to the CKGR (see Section 2.d.). The court ruled that the applicants were entitled to return to the CKGR without entry permits and to be issued permits to hunt in designated wildlife management areas, which are not located in the CKGR. The court also ruled that the Government was not obligated to resume providing services within the CKGR, and the Government did not reopen water wells in the CKGR during the year. Many of the San and their supporters continued to object to the Government's narrow interpretation of this ruling.

In July and September the Government made multiple arrests of San for illegally hunting in the CKGR. The Government denied an unconfirmed report that security forces mistreated six San men and one San woman in connection with February arrests made for illegal hunting (see Section 1.c.).

A number of NGOs made efforts to promote the rights of the San or to help provide economic opportunities. However, the programs have had limited impact. In April the FPK chose to no longer be part of an NGO coalition that worked to support San rights. This decreased the effectiveness of the coalition.

*Other Societal Abuses and Discrimination.*—Discrimination against persons with HIV/AIDS continued to be a problem, including in the workplace. The Government funded community organizations that ran programs to reduce the stigma of HIV/AIDS.

The law prohibits homosexuality, but there were no reports of enforcement action by the authorities. There were, however, reports of societal discrimination and harassment of homosexuals. On September 10, the Government rejected an application to register an NGO that supports homosexuals and bisexuals.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law allows workers, except for police officers, the Botswana Defense Force and the prison service, to form and join unions of their choice without excessive requirements, and workers exercised this right in practice. Most public sector associations have converted to unions. The industrial or wage economy was small, and unions were concentrated largely in the public sector, mineral extraction, and to a lesser extent in the railway and banking sectors. The law requires more than 30 employees in order to form a trade union.

Workers may not be fired for legal union-related activities; however, unregistered trade unions are not protected against antiunion discrimination. Dismissals on other grounds may be appealed to civil courts or labor officers, which rarely ordered more than 2 months' severance pay.

*b. The Right to Organize and Bargain Collectively.*—The law allows unions to conduct their activities without interference, and the Government protected this right in practice. The law provides for collective bargaining for unions that have enrolled 25 percent of a labor force.

The law severely restricts the right to strike, and virtually all strikes are ruled illegal, leaving striking workers at risk of dismissal. Legal strikes theoretically are possible only after an exhaustive arbitration process. Sympathy strikes are prohibited.

The 2006 case regarding the BCL copper mine's dismissal of 178 workers for striking had not yet been heard by the Industrial Court at year's end.

The Industrial Court case filed in 2005 regarding the dismissal of 461 workers in 2004 after a strike against Debswana, the government-DeBeers joint diamond

mine venture, continued at year's end. The court had previously ruled the strike illegal.

The country's export processing zone (EPZ) exists on paper only. There are no special laws or exemptions from regular labor laws in EPZs.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution and law prohibit forced and compulsory labor, including by children, and there were no reports that such practices occurred.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The law sets the minimum age for basic employment at 14 years. Only an immediate family member may employ a child age 13 or younger, and no juvenile under age 14 may be employed in any industry without permission from the commissioner of labor. Children 14 years old who are not attending school may be employed by family members in light work that is not considered hazardous or as approved by the Labor Commissioner, but for no more than 6 hours per day or 30 hours per week. In industrial settings those under age 15 may only work up to 3 consecutive hours without the Labor Commissioner's approval, and those between ages 15 and 18 may work only up to 4 consecutive hours without such approval. Those under 18 may not be employed in work underground; at night; or work that is harmful to health and development, or is dangerous or immoral. The law provides that adopted children may not be exploited for labor and protects orphans from exploitation or coercion into prostitution.

According to the 2005–06 Labor Survey, slightly fewer than 38,000 children between the ages of 7 and 17 were employed in 2006. Approximately half of those employed were below the age of 14. Over 60 percent of employed children worked in agriculture; 20 percent in retail trade; and 4 percent in private homes. Children also worked as domestic laborers, prostitutes, and in informal bars. Outside of supermarkets they sometimes assisted truck drivers with unloading goods and carried bags for customers. Many orphans also left school to work as caregivers for sick relatives. Most employed children worked up to 28 hours per week.

The Ministry of Labor and Home Affairs was responsible for enforcing child labor laws and policies, and it was generally effective, despite limited resources for oversight of remote areas of the country. District and municipal councils have child welfare divisions, which are also responsible for enforcing child labor laws. Other involved government entities included offices with the Ministry of Education and the Ministry of Local Government. Oversight of child labor issues was facilitated through the Advisory Committee on Child Labor, which included representatives of various NGOs, government agencies, workers' federations, and employers' organizations. There were no prosecutions, convictions, or fines for illegal child labor during the year.

The Government supported and worked with partners to conduct workshops to raise awareness on child labor. In July the Government hosted a child labor conference to advocate against exploitative child labor.

*e. Acceptable Conditions of Work.*—The minimum hourly wage for most full-time labor in the private sector was \$0.58 (3.55 pula), which did not provide a decent standard of living for a worker and family. The cabinet determined wage policy based on recommendations from the National Economic, Manpower, and Incomes Committee, which consists of representatives of the Government, private sector, and the Botswana Federation of Trade Unions. The Ministry of Labor and Home Affairs was responsible for enforcing the minimum wage, and each of the country's districts had at least one labor inspector.

Civil service disputes were referred to an ombudsman for resolution. Private labor disputes were mediated by labor commissioners; however, an insufficient number of commissioners resulted in 1- to 2-year backlogs in resolving such disputes.

Formal sector jobs generally paid well above minimum wage levels. Informal sector employment, particularly in the agricultural and domestic service sectors, where housing and food were included, frequently paid below the minimum wage. There was no mandatory minimum wage for domestic workers, and the Ministry of Labor and Home Affairs did not recommend a minimum wage for them.

The law permits a maximum 48-hour workweek, exclusive of overtime, which is payable at time-and-a-half. Most modern private sector jobs had a 40-hour workweek; the public sector, however, had a 48-hour workweek.

The law provides that workers who complain about hazardous conditions may not be fired, and authorities in the Ministry of Labor and Home Affairs effectively enforced this right. The Government's ability to enforce its workplace safety legislation remained limited by inadequate staffing and unclear jurisdictions among different

ministries. Nevertheless, employers in the formal sector generally provided for worker safety.

## BURKINA FASO

Burkina Faso is a parliamentary republic with a population of 14.25 million. In 2005 President Blaise Compaore was reelected to a third term with 80 percent of the vote. Observers considered the election to have been generally free, despite minor irregularities, but not entirely fair due to the ruling party's control of official resources. The president, assisted by members of his party, the Congress for Democracy and Progress (CDP), continued to dominate the Government. The CDP won a majority in the May 6 legislative elections, which election observers declared to be free and orderly except in four cities where irregularities and fraud involving voters' identification cards were noted. While civilian authorities generally maintained effective control of the security forces, there were instances in which elements of the security forces acted independently.

The Government's human rights record remained mixed. The following human rights problems were reported: Security force use of excessive force against civilians, criminal suspects, and detainees, resulting in injuries; arbitrary arrest and detention; abuse of prisoners and harsh prison conditions; official impunity; occasional restrictions on freedom of the press and freedom of assembly; corruption; violence and discrimination against women and children, including female genital mutilation (FGM); trafficking in persons, including children; discrimination against persons with disabilities; and child labor.

### RESPECT FOR HUMAN RIGHTS

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

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

There were no new developments in 2007 in the following 2006 cases: Soldier Fousseni Traore's February killing of his girlfriend Alima Sakande in Tampouy, Ouagadougou City; the death from suspected torture of Salam Sawadogo in Meguet police station in Ganzourgou; the May gendarme killing of Michel Bakouan in Didyr, Sanguie; the October summary police executions of Djolgou Yarga, Dayamba Hamsaguini, and Bandambe Lankouande from Piela, Gnagna Province; and the December killings of four soldiers, two police officers, and an unknown number of civilians as a result of fighting between the military and police.

Vigilante killings occurred during the year. For example, on June 12, residents of Raftamane village in Oudalan Province shot and killed three unidentified armed highwaymen in a gun battle. The three men reportedly had raided the village and killed a resident. No investigation had been conducted by year's end.

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—Although the Constitution and law prohibit such practices, members of the security forces continued to abuse persons with impunity, and suspects were frequently subjected to beatings, threats, and occasionally torture, to extract confessions.

On June 25, a group of approximately 15 servicemen in Dedougou, Mouhoun Province, raided the city to avenge one of their colleagues, whom local youths had beaten following a fight over a girl. The servicemen, who were armed with military belts, beat town residents and injured an estimated 10 persons. The population retaliated by looting two houses that belonged to soldiers. Local military authorities gave instructions to treat the injured in the city's garrison. Following an apology by the military, senior military officers of the city and Dedougou residents held a meeting of reconciliation. No action was taken against the responsible military personnel.

On June 27, a group of soldiers armed with military belts raided the bar and dance club "L'Amitie" in Ouahigouya, Yatenga Province, and beat civilians who were dancing there; numerous injuries resulted. The soldiers accused one of the civilians of disrespecting a colleague by stepping on his foot while he was dancing. Military officers in Ouahigouya promised an investigation into the incident and possible sanctions against the responsible soldiers; however, no known action was taken against the perpetrators by year's end.

On December 8, security forces used tear gas, military belts, and batons to disperse a university student demonstration in Koudougou, Boukiemde Province. Several students and one gendarme were wounded. Students were protesting the scheduling of an exam which they were not prepared to take.

In contrast with previous years, there were no reports that abuse by security forces resulted in deaths during the year.

*Prison and Detention Center Conditions.*—Prison conditions were harsh and could be life threatening. Prisons were overcrowded, and medical care and sanitation were poor. Prison diet was inadequate, and inmates often relied on supplemental food from relatives. Pretrial detainees usually were held with convicted prisoners.

There were no confirmed reports of deaths from prison conditions or neglect during the year; however, human rights associations argued that such occurrences were not uncommon.

Prison authorities granted prison visits at their discretion. Permission generally was granted, and advance permission was not required. There were no reports during the year of prison visits by international organizations; however, during the year local nongovernmental organizations (NGOs) visited prisons.

*d. Arbitrary Arrest or Detention.*—The Constitution and law prohibit arbitrary arrest and detention; however, the Government did not consistently observe these prohibitions.

*Role of the Police and Security Apparatus.*—The national police, under the Ministry of Security, and the municipal police, under the Ministry of Territorial Administration, are responsible for public security. Gendarmes report to the Ministry of Defense and are responsible for some aspects of public security. Human rights associations believed that security forces were less effective in combating insecurity, continuing a negative trend noted the previous year.

Corruption was widespread, particularly among lower levels of the police and gendarmerie. The 2006 report by the NGO National Network to Fight Against Corruption (RENLAC) stated that the police and gendarmerie were among the most corrupt institutions in the country. Corruption was also a major problem in the military. Impunity was a serious problem. The gendarmerie is responsible for investigating police and gendarme abuse; however, the Government took no known disciplinary action against those responsible for abuses, and the climate of impunity created by the Government's failure to do so remained the largest obstacle to reducing abuses.

*Arrest and Detention.*—The law provides for the right to expeditious arraignment, bail, access to legal counsel after a detainee has been charged before a judge, and, if indigent, access to a lawyer provided by the state. Prison authorities granted prison visits at their discretion. Permission generally was granted, and advance permission was not required; however, there were reports that during the year visitors at times bribed prison guards to gain prompt access to their jailed kinsmen. By law, police have to possess a warrant to search or arrest, arrests must be made openly, and warrants must be based on sufficient evidence and signed by a duly authorized official. However, authorities did not always respect this process.

Unlike in the previous year, there were no reports that police arbitrarily arrested demonstrators or journalists.

The law limits detention without charge for investigative purposes to a maximum of 72 hours, renewable for a single 48-hour period, although police rarely observed these restrictions. Detainees were promptly informed of charges against them. The average time of detention without charge (preventive detention) was 1 week; however, the law permits judges to impose an unlimited number of 6-month preventive detention periods, and defendants without access to legal counsel were often detained for weeks or months before appearing before a magistrate. An estimated 45 percent of detainees nationwide were in pretrial status. In some cases detainees were held without charge or trial for longer periods than the maximum sentence they would have received if convicted of the alleged offense. There was a pretrial release (release on bail) system; however, the extent of its use was unknown.

*e. Denial of Fair Public Trial.*—The Constitution and law provide for an independent judiciary; however, the judiciary was subject to executive influence and was corrupt and inefficient. The president has extensive appointment and other judicial powers. Constitutionally, the head of state also serves as president of the Superior Council of the Magistrature, which nominates and removes senior magistrates and examines the performance of individual magistrates. Other systemic weaknesses in the justice system included the removability of judges, corruption of magistrates, outdated legal codes, an insufficient number of courts, a lack of financial and human resources, and excessive legal costs.

There are four operational higher courts: The Supreme Court of Appeal; the Council of State; the Audit Court and Office; and the Constitutional Council. Beneath these higher courts are two courts of appeal and 25 provincial courts. There is also a High Court of Justice with jurisdiction over the president and other senior government officials. In addition two tribunals, in Ouagadougou and Bobo-Dioulasso, try

juveniles under 18. There is a military court that only tries military cases, and that provides rights equivalent to those in civil criminal courts.

Traditional courts in rural areas were abolished in 1984 and no longer have any legal standing. However, many traditional chiefs were still highly influential in rural areas and, de facto, can, for example, illegally keep women from exercising their rights.

*Trial Procedures.*—Trials are public but do not use juries. Defendants are presumed innocent and have the right to consult with and be represented by an attorney. Defendants have the right to be present at their trials, to be informed promptly of charges against them, to provide their own evidence, and to access government-held evidence. Defendants can challenge and present witnesses and have the right of appeal. If indigent, they have the right to a lawyer provided by the state. While these rights were generally respected and extended to all, citizens' ignorance of the law and a continuing shortage of magistrates limited the right to a fair trial.

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

*Civil Judicial Procedures and Remedies.*—The Constitution and law provide for an independent judiciary; however, the judiciary was subject to executive influence. Citizens criticized the judiciary for being corrupt and inefficient. At times individuals preferred to rely on the ombudsman to settle disputes with the Government. The law provides for access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation. Both administrative and judicial remedies were available for alleged wrongs; however, there were problems enforcing court orders when they concerned sensitive cases.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution and law prohibit such actions, and the Government generally respected these prohibitions. In national security cases, the law permits surveillance, searches, and monitoring of telephones and private correspondence without a warrant. By law and under normal circumstances, homes may be searched only if the justice minister issues a warrant.

Unlike in the previous year, there were no reports that customs officers searched the private mail of author Vincent Ouattara, who had written a book that criticized President Compaore's regime.

## *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution and law provide for freedom of speech and of the press; however, the Government at times restricted these rights and intimidated journalists into practicing self-censorship. The president and his government remained sensitive to criticism.

In general citizens and the press could criticize the Government without reprisal. However, journalists were occasionally sued by the Government or a progovernment political figure under a law that defines libel in excessively broad terms.

The Constitution and law provide for freedom of assembly and speech; however, government agents sometimes infiltrated political meetings and rallies.

During the year singer and free speech activist Karim Sama, aka Sams'K le Jah, received death threats from unknown individuals. Sama asserted that he had received the threats because he criticized the Compaore government and called for justice in the 1998 killing of journalist Norbert Zongo. On September 28, unidentified individuals burned Sama's car at radio station Ouaga FM while he was on the air. Local journalist and human rights associations and opposition parties denounced the threats against Sama and called on the Government to investigate and prosecute the perpetrators; however, no action had been taken by year's end.

The official media, including the daily newspaper Sidwaya and the government-controlled radio and television stations, displayed a progovernment bias but allowed significant participation in their programming by those representing opposition views. There were numerous independent newspapers and radio and television stations, some of which were highly critical of the Government. Foreign radio stations broadcast without government interference.

All media were under the administrative and technical supervision of the new Ministry of Culture, Tourism, Communications, and Spokesman of the Government. In June the Ministry of Information was combined with the Ministry of Culture, Art, and Tourism to form the new ministry. The Superior Council of Communication (SCC), which is under the Office of the President and has limited independence, also regulates the media. The two entities are complementary. The ministry is responsible for developing and implementing government policy and projects concerning information and communication. The SCC oversees the content of radio and television programs and of newspapers to ensure that it adheres to professional ethics and

government policy governing information and communication. The SCC educates journalists and at times performs a disciplinary function. The SCC may summon a journalist to attend a hearing about his work, followed by a warning that a repeat of "noncompliant behavior" will not be tolerated. Hearings may concern alleged libel, disturbing the peace, or violations of state security.

Unlike in the previous year, there were no reports that police confiscated the cameras of journalists.

Journalists charged with libel may defend themselves in court by presenting evidence to support their allegations, but the burden of proof of innocence rests on the journalists. The definition of libel is excessively broad, and libel suits have been used by political and business figures to pressure journalists who produce unflattering press coverage of them or their organizations.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. However, poverty and the high rate of illiteracy limited public access to the Internet.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—Although the Constitution and law provide for freedom of assembly, the Government at times restricted this right.

Political parties and labor unions may hold meetings and rallies without government permission; however, advance notification is required for demonstrations that might threaten public peace. Penalties for violation of the advance notification requirement include 2 to 5 years' imprisonment. Denials or imposed modifications of a proposed march route or schedule may be appealed to the courts.

On May 23, the cabinet imposed sanctions on workers at the Ministry of Foreign Affairs for participating in an April 10 demonstration to demand higher pay and better living and working conditions and unbiased assignments. The cabinet reprimanded the participants but retained 35 demonstrators in their positions while reassigning 105 others to other government agencies.

No action was taken against security forces that forcibly dispersed demonstrations in 2006, causing numerous injuries.

*Freedom of Association.*—The Constitution and law provide for freedom of association, and the Government generally respected this right. Political parties and labor unions could organize without government permission. No gatherings were preemptively banned by the Government. On December 8, however, security forces used tear gas, military belts, and batons to disperse a university student demonstration in Kooudougou, Boukiemde Province.

*c. Freedom of Religion.*—The Constitution and law provide for freedom of religion, and the Government generally respected this right in practice.

Religious groups must register with the Ministry of Territorial Administration, and failure to register may result in a fine of \$95 to \$287 (50,000 to 150,000 CFA francs). The Government routinely approved registration applications.

*Societal Abuses and Discrimination.*—There were no reports of discrimination against members of religious groups or of anti-Semitic acts.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights. The Government cooperated with the Office of the United Nations High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and there were no reports that the Government used it during the year.

*Protection of Refugees.*—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution, and granted refugee or asylum status. The Government also provided temporary protection to individuals who may not qualify as refu-



gees under the 1951 convention and the 1967 protocol and during the year provided it to approximately 1,850 persons.

The Government accepted refugees for resettlement from third countries and facilitated local integration, including access to naturalization. During the year the Government also assisted the voluntary return of 52 Liberian refugees to their homes.

There were no official statistics on the number of stateless persons in the country; however, the National Commission for Refugees believed that a limited number of stateless persons were present.

Both *jus solis* and *jus sanguinis* are applicable; citizenship may be claimed when a person is born in the country or when at least one parent is a Burkinabe citizen.

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

The Constitution provides citizens with the right to change their government peacefully through multiparty elections; however, in practice citizens were unable to exercise this right fully due to the continued dominance of the president and his ruling party.

*Elections and Political Participation.*—In 2005 President Blaise Compaore won reelection with 80 percent of the vote. Opposition candidate Benewende Sankara, the closest runner-up, received 5 percent. Despite some irregularities, international observers considered the election to have been generally free but not entirely fair, due to the resource advantage held by the president.

Individuals and parties can freely declare their candidacies and stand for election in presidential elections; however, individuals must be members of a political party to run in legislative or municipal elections.

In April 2006 there were local elections in 351 communes; 10 communes held repeat elections in July 2006 due to irregularities. A total of 318 of the 351 new mayors were members of the ruling CDP party. Twenty-eight other mayors belonged to parties allied with President Compaore. Only five of the new mayors represented other opposition parties. Despite minor irregularities, international observers considered the local elections to have been generally free but not entirely fair, due to the CDP's resource advantage.

On May 6, legislative elections were held; the ruling CDP won 73 seats in the 111-seat National Assembly, and the other parties won 38, although 25 of the 38 non-CDP deputies belonged to parties allied with the Government. Election observers declared the elections to have been free and orderly, except in four cities where they noted irregularities and several fraud cases involving voters' identification cards. Opposition leaders denounced the elections.

CDP membership conferred advantages, particularly for businessmen and traders seeking ostensibly open government contracts.

There were 13 women in the National Assembly and five women in the 34-member cabinet. One of the three higher courts was led by a woman, the national ombudsman was a woman, 18 elected mayors were women, and an estimated 40 to 45 percent of new communal councilors were women.

The cabinet included 18 minority members; the National Assembly included 61 minority representatives.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials often engaged in corrupt activities with impunity. Corruption was serious and growing. It was especially acute in the police, gendarmerie, military, customs services, taxing agencies, health and justice ministries, municipalities, awarding government contracts, the education sector, and the media. The World Bank's Worldwide Governance Indicators reflected that there was a serious corruption problem in the country. The anticorruption NGO RENLAC also noted an increase in corruption.

In September the Court of Accounts, responsible for auditing the Government's accounts, published an annual report for 2005 highlighting mismanagement in government agencies, including by the mayor of Ouagadougou.

Unlike this report, reports from the Government's High Authority to Fight Against Corruption (HACLC) were not published, although their contents were sometimes "leaked." It was rumored that the 2006 HACLC report was critical of the extent of official corruption.

In December the Government promulgated a new law that was expected to consolidate the HACLC, the State General Inspector, and the National Commission for the Fight Against Fraud into a new State Audit Authority with increased but still insufficient power.

Despite numerous instances in recent years of high-level corruption, no senior officials were prosecuted for corruption. Some public officials are subject to financial disclosure laws, but these laws were not effectively enforced.

There were no laws that provided for public access to government information. While government ministries released some nonsensitive documents, local journalists complained that ministries were generally unresponsive to requests for information from journalists and other citizens, ostensibly for reasons of national security and confidentiality. They also criticized government spokespersons for strictly limiting the scope of questions that could be raised during official press conferences. There is no procedure to appeal denials of requests for information.

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

Domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

During the year there were no reports that the Government met with domestic NGO monitors, responded to any inquiries, or took action in response to any reports or recommendations. Despite human rights NGOs' criticism of the Government's human rights policies, it was generally believed that they operated without government interference. A human rights organization, the Burkinabe Movement for Human Rights (MBDHP), was the most vocal and critical of the Government. During the year the NGO "Mouvement Citoyen" criticized the government-controlled media for censoring its statements regarding government policies.

The Government permitted international human rights groups to visit and operate in the country; however, there were no reported visits during the year by United Nations or other international organizations.

In March 2006 the United Nations Human Rights Council (UNHRC) notified the Government that it had violated articles 7 and 9 of the International Covenant on Civil and Political Rights in connection with the 1987 assassination of former President Thomas Sankara. In its response the Government concurred with UNHRC's observations and agreed to act on its recommendations. In April 2006 the Government posted the UNHRC observations on its Web site and distributed copies to the media, rewrote Sankara's death certificate to show the actual cause of death, and undertook actions to pay Sankara's military pension to his family. It also agreed to pay his family more than \$90,000 (43 million CFA francs) from a family compensation fund established in 2001. However, no pension or compensation monies had been paid because Sankara's family demanded that the case be investigated and the perpetrators punished prior to accepting any financial compensation.

The ombudsman, who is appointed by the president for a nonrenewable 5-year term and cannot be removed during the term, had limited resources. The public generally trusted the ombudsman's impartiality. No report of the ombudsman's work was published during the year.

The National Commission on Human Rights serves as a permanent framework for dialogue on human rights concerns and included representatives of human rights NGOs, unions, professional associations, and the Government. The MBDHP did not participate on the commission and continued to charge that the commission was subject to government influence.

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

The Constitution and law prohibit discrimination based on race, gender, disability, language, or social status; however, the Government did not effectively enforce these prohibitions. Discrimination against women and persons with disabilities remained problems.

*Women.*—Rape is a crime; however, the law was not effectively enforced, and rape occurred frequently. There is no explicit discussion of spousal rape in the law, and there were no recent court cases. There were organizations that counseled rape victims, including Catholic and Protestant missions, the Association of Women Jurists in Burkina, the MBDHP, the Association of Women, and Promofemmes—a regional network that worked to combat violence against women.

Domestic violence against women, especially wife beating, occurred frequently, primarily in rural areas. No law specifically protects women from domestic violence, and cases of wife beating usually were handled out of court. There were no available statistics on how many persons were prosecuted, convicted, or punished for domestic violence during the year; however, it was believed such legal actions were infrequent because women were ashamed or otherwise reluctant to take their spouses to court. Cases that involved severe injury usually were handled through the legal system.

The Ministry for Promotion of Women, the Ministry for Social Action and National Solidarity, and several NGOs cooperated in an effort to protect women's rights. In 2002 the Ministry for the Promotion of Women established a legal affairs section to inform women about their rights and encourage them to defend these rights.

Childless elderly women with no support, primarily in rural areas, and particularly if their husbands had died, were at times accused of witchcraft. They were banned from their villages since they often were accused of eating the soul of a relative or a child who had died. These women sought refuge at centers run by charitable organizations in larger cities.

The law does not specifically prohibit prostitution; however, pimping and soliciting are illegal.

The labor code explicitly prohibits sexual harassment in the workplace, but such harassment was common. The law prescribes fines of \$105 to \$1,260 (50,000 to 600,000 CFA francs) and prison terms varying from 1 month to 5 years. There were no available statistics on how many persons were prosecuted, convicted, or punished for sexual harassment in the workplace during the year.

The law prohibits forced marriage and prescribes penalties of 6 months to 2 years in prison. The prison term may be increased to 3 years if the victim is under 13 years of age; however, there were no reports of prosecutions of violators. Polygyny was permitted, but both parties had to agree to it prior to a marriage. A wife could oppose further marriages by her husband if she provided evidence that he had abandoned her and her children. Either spouse could petition for divorce; the law provides that custody of a child be granted to either parent, based on the child's best interests.

Women continued to occupy a subordinate position and experienced discrimination in education, jobs, property ownership, access to credit, management or ownership of a business, and family rights. Although the law provides equal property rights for women and, depending on other family relationships, inheritance benefits, in practice traditional law denied women the right to own property, particularly real estate. In rural areas, land belonged to the family of a woman's husband. Many citizens, particularly in rural areas, clung to traditional beliefs that did not recognize inheritance rights for women and regarded a woman as property that can be inherited upon her husband's death.

Overall, women represented 45 percent of the workforce. Women comprised one-fourth of the Government workforce, primarily concentrated in lower paying positions.

The Government continued media campaigns to change attitudes that view women as inferior; however, changes have been only modest since the beginning of the campaign. One positive change has been that since 2007 women can serve in the military. The Ministry for Women's Promotion promoted women's rights, and the minister was a woman. During the year the Government continued to establish income-generating activities for women, including market gardening and the production of fabric, shea butter, and soap.

*Children.*—The Constitution contains provisions that nominally protect children's rights.

The Government failed to register all births, primarily in rural areas where administrative structures were insufficient and the population did not understand the value of birth certificates. Also, few rural persons could afford the certificates due to dire poverty. Although there were no statistics, failure to possess a birth certificate resulted in discrimination, including the denial of public services.

The law provides for free, compulsory, and universal primary education until the age of 16; however, the Government lacked the means to provide it fully. If a child qualified on the basis of grades and if the family was very poor, tuition-free education could continue through junior high and high school. Children were still responsible for paying for school supplies, which often cost more than tuition. Many parents could not afford to lose a child's labor in the fields or at other jobs; as a result, overall school enrollment was approximately 66 percent (61 percent for girls). The highest grade level achieved by most children was sixth grade.

The Government allotted approximately \$222 million (99.8 billion CFA francs) to education. The Government promoted primary education for girls by encouraging donor scholarships, supporting school feeding programs, and conducting information campaigns to change societal attitudes toward educating girls. These efforts contributed to improving the school enrollment rate for girls.

Boys and girls had equal access to state-provided medical care. The Government demonstrated its commitment to improving the condition of children by continuing efforts, in cooperation with donors, to revitalize primary health care by including care for nursing mothers and infants; vaccination campaigns against measles, meningitis, and other illnesses; and health education.

The law prohibits the abuse of children under 15 and provides for the punishment of abusers. The penal code mandates a 1- to 3-year prison sentence and fines ranging from \$650 to \$1,890 (300,000 to 900,000 CFA francs) for inhumane treatment or mistreatment of children; however, light corporal punishment was tolerated and widely practiced in society, although the Government conducted seminars and education campaigns against child abuse.

Scarification of the faces of boys and girls of certain ethnic groups continued, but was gradually disappearing.

Female Genital Mutilation (FGM) was practiced widely, especially in rural areas, and usually was performed at an early age. According to a 2006 report by the National Committee for the Fight Against Excision, up to 81 percent of women aged 25 and older, and approximately 34 percent of girls and women under 25, had undergone FGM. Perpetrators were subject to a significant fine and imprisonment of 6 months to 3 years, or up to 10 years if the victim died. In September and October FGM practitioners were arrested in several villages.

For example, on September 18, gendarmes arrested and jailed four persons, including FGM practitioner Zoudou Sawadogo, for practicing excision on 50 girls age 2 to 17 years in Pabre, Oubritenga Province. One of the victims died. The responsible persons remained in jail awaiting trial at year's end.

On October 2, gendarmes arrested and jailed 31 persons, including FGM practitioner Awa Yaogo, for practicing excision on 27 girls age 9 months to 19 years in Manga, Zoundweogo Province. The perpetrators remained in jail awaiting trial at year's end.

On October 31, gendarmes arrested and jailed three persons for practicing excision on 12 girls age 3 to 14 years in Sapone, Bazega Province. The responsible persons remained in jail awaiting trial at year's end.

Several NGOs believed that child marriage was a problem in the provinces of Senou, Soum, Fada, Pama, and Diapaga; however, there were no reliable statistics. The legal age for marriage is 17.

There were no statistics on child prostitution; however, it was a problem. Due to dire poverty, children from poor families relied on prostitution to meet their daily needs, including food and, at times, to help their needy parents at home. Trafficked children, primarily Nigerian nationals, were also subject to sexual abuse and forced prostitution.

*Trafficking in Persons.*—The law prohibits trafficking in children; however, trafficking in children occurred. The law does not prohibit trafficking in adults, and trafficking in adults also occurred. The law also prohibits slavery, inhumane treatment, mistreatment of children and adults, kidnapping, and violence.

The country was a source, transit, and destination country for children and women trafficked for forced agricultural labor and commercial sexual exploitation, forced labor in gold mines and stone quarries, and forced domestic servitude. Internal trafficking of children was also a problem. Burkinabe children were trafficked primarily to Cote d'Ivoire, as well as to Mali, Benin, Nigeria, Togo, Ghana, and Niger. Children were also trafficked from these West African countries to Burkina Faso. To a lesser extent, Burkinabe women were trafficked to Europe for sexual exploitation. Women were believed to have been trafficked to the country from Nigeria, Togo, Benin, and Niger for domestic servitude, forced labor in restaurants, and sexual exploitation. The country was a transit point for trafficked children, notably from Mali, who often were trafficked to Cote d'Ivoire.

The penalty for child trafficking is 1 to 10 years' imprisonment and fines of \$650 to \$3,150 (299,250 to 1.5 million CFA francs).

According to the 2007–08 report by the Office for the Protection of Infants and Adolescents, security forces intercepted 312 trafficked children, more than half of whom were boys; 34 of them were destined for international trafficking. A total of 23 child traffickers, including nine Nigerian nationals, were arrested. By year's end five of the traffickers had been sentenced to prison for 2 to 12 months; six received suspended prison terms of 6 to 24 months; four Nigerian nationals were in detention awaiting trial; and eight were cleared of all charges.

The Ministry of Social Action and National Solidarity and the Ministry of Labor and Social Security were responsible for enforcing trafficking and child labor laws and regulations; however, the Government had limited resources to combat trafficking. In April the Council of Ministers adopted a national plan of action to combat trafficking. It included elements such as prevention, protection, feeding and care of victims, rehabilitation, social and economic reintegration of victims, prosecution, strengthening of the institutional and legal framework, advocacy, follow-up, and evaluation.

The Government cooperated with Cote d'Ivoire, other governments, and international organizations throughout the year in implementing workshops and overall cooperation on child trafficking.

Child traffickers typically acted as intermediaries for poor families, promising to place a child in a decent work situation. Once the child was in the hands of traffickers, these promises were usually disregarded. Some traffickers were distant relatives, often referred to as "aunts." Traffickers occasionally kidnapped children. Once placed in a work situation, whether in the country or beyond its borders, children were usually not free to leave and were forced to work without pay and under very bad conditions.

Trafficked children were subject to violence, sexual abuse, forced prostitution, and deprivation of food, shelter, schooling, and medical care. Organized child trafficking networks existed throughout the country; authorities did not dismantle any during the reporting period. Child trafficking networks cooperated with regional smuggling rings.

The majority of international trafficking was believed to be conducted using forged travel documents. Travel occurred both at official ports-of-entry and at nonrecognized, unmonitored border-crossing points.

The Government worked with international donors and the International Labor Organization (ILO) to address child trafficking, in part by organizing seminars on child trafficking for customs officers. During the year security services and civil society groups organized similar workshops and seminars. The Government also organized several training sessions for watch committee members. Over several years, the Government has established 128 watch committees in 12 of the 13 regions in which child trafficking and child labor were problems. The watch committees included representatives of industries usually implicated in child labor (cotton growers, for example), the police, gendarmerie, magistrates, NGOs, and social welfare agencies. The Government also worked with international and domestic NGOs in the fight against trafficking.

There were no reports that during the year the Government assisted with international investigations or extradited citizens who were accused of trafficking in other countries.

The Government, in collaboration with the United Nations Children's Fund, continued to operate transit centers for destitute children, including trafficked children, where food and basic medical care were provided. It also helped children return to their families. Most reintegration programs for trafficked children were operated by NGOs.

*Persons with Disabilities.*—The law prohibits discrimination against persons with physical or mental disabilities in employment, education, access to health care, the provision of other state services, or other areas; however, the Government did not effectively enforce these provisions. There was no government mandate or legislation concerning accessibility for persons with disabilities. Advocates reported that persons with disabilities often faced social and economic discrimination. Such persons who were able to work frequently found it difficult to find employment, including in government service, because of deeply entrenched societal attitudes that persons with disabilities should be under the care of their families and not in the workforce.

Programs to aid persons with disabilities were limited. In 2005 the Government established a national committee for the reintegration of persons with disabilities. During the year the committee implemented reintegration programs and capacity building programs to better manage income generating activities, and conducted sensitizing campaigns.

*National/Racial/Ethnic Minorities.*—Incidents of discrimination against the country's various ethnic groups occurred, but did not appear to be widespread.

*Other Societal Abuses and Discrimination.*—Societal discrimination against homosexuals and persons with HIV/AIDS were problems. Persons who tested positive for HIV/AIDS were sometimes shunned by their families, and HIV/AIDS-positive wives were sometimes evicted from their homes. In addition there were reports that some house owners refused to rent lodgings to persons with HIV/AIDS. However, persons with HIV/AIDS were generally not discriminated against in employment practices or the workplace.

Homosexuals were discriminated against and were at times victims of verbal and physical abuse. Both religious and traditional beliefs were intolerant of homosexuality. There were no reports that the Government responded to societal violence and discrimination against homosexuals.

*Section 6. Worker Rights*

*a. The Right of Association.*—The law provides workers, including civil servants, the right of association, and workers exercised this right. However, “essential” workers such as police, army, and other security personnel could not join unions. Approximately 85 percent of the workforce was engaged in subsistence agriculture and did not belong to unions. Of the remainder, an estimated 50 percent of private sector employees and 60 percent of public sector workers were union members.

In practice trade unionists were sometimes subjected to intimidation. On May 23, the cabinet imposed sanctions on workers of the Ministry of Foreign Affairs for participating in an April 10 demonstration to demand higher pay, better living and working conditions, and unbiased appointments or assignments. The cabinet reprimanded but retained 35 demonstrators in their positions while reassigning 105 others to other government agencies.

*b. The Right to Organize and Bargain Collectively.*—The law allows unions to conduct their activities without interference, and the Government respected this right. Unions have the right to bargain directly with employers and industry associations for wages and other benefits. There was extensive collective bargaining in the modern wage sector; however, this sector included only a small percentage of workers. The law provides for the right to strike; however, the law provides a very narrow definition of this right. Magistrates do not have the right to strike.

Trade union federations and unions called multiple strikes during the year; unions and government officials met to discuss union grievances. There were no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children; however, children were trafficked and used for informal labor outside their own families for little or no pay.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The law sets the minimum age for employment at 15 years and prohibits children under 18 years from working at night except in times of emergency; however, child labor was a problem. The minimum age for employment was inconsistent with the age for completing educational requirements, which generally was 16 years. In the domestic and agricultural sectors, the law permits children under the age of 15 to perform limited activities for up to 4½ hours per day; however, many children under the age of 15 worked longer hours. An estimated 51 percent of children worked, largely as domestic servants or in the agricultural or mining sectors where working conditions were harsh. Children commonly worked with their parents in rural areas or in family-owned small businesses in villages and cities. There were no reports of children under the age of 15 employed in either state-owned or large private companies.

The Ministry of Labor and Social Security, which oversees labor standards, lacked the means to adequately enforce worker safety and minimum age legislation, even in the small business sector.

Punishment for violating child labor laws included prison terms of up to 5 years and fines of up to \$1,260 (600,000 CFA francs).

The Government organized workshops during the year, and in cooperation with donors, undertook sensitization programs to inform children and parents of the dangers of sending children away from home to work.

*e. Acceptable Conditions of Work.*—The law mandates a minimum monthly wage of \$63 (30,000 CFA francs) in the formal sector; the minimum wage does not apply to subsistence agriculture or other informal occupations. The minimum wage did not provide a decent standard of living for a worker and family. Employers often paid less than the minimum wage. Wage earners usually supplemented their income through reliance on the extended family, subsistence agriculture, or trading in the informal sector. The Ministry of Labor and Social Security was responsible for enforcing the minimum wage.

The law mandates a standard workweek of 40 hours for nondomestic workers, a 60-hour workweek for household workers, and provides for overtime pay. There are also regulations pertaining to rest periods, limits on hours worked, and prohibition of excessive compulsory overtime, but these standards were not effectively enforced.

Government inspectors under the Ministry of Labor and Social Security and the labor tribunals were responsible for overseeing occupational health and safety standards in the small industrial and commercial sectors, but these standards did not apply in subsistence agriculture and other informal sectors. The Government’s Labor Inspector Corps did not have sufficient resources to adequately fulfill its duties. Every company with 10 or more employees was required to have a work safety committee. If the Government’s Labor Inspection Office declared a workplace unsafe for any reason, workers had the right to remove themselves without jeopardy to con-

tinued employment. There were indications that this right was respected, although such declarations by the Labor Inspection Office were rare.

## BURUNDI

Burundi is a constitutional republic with an elected government and a population of 8.3 million. In August 2005, following local and parliamentary elections, the country's two houses of Parliament indirectly elected as president, Pierre Nkurunzia, a member of the National Council for the Defense of Democracy-Forces for the Defense of Democracy (CNDD-FDD) political party. International observers reported that the elections, which ended a 4-year transitional process under the Arusha Peace and Reconciliation Agreement, were generally free and fair. Although the CNDD-FDD party dominated Parliament and the Government, other major parties, notably the Burundian Front for Democracy (FRODEBU) and the Union for National Progress (UPRONA), were also represented. In September 2006 the Government concluded a cease-fire agreement with the Party for the Liberation of the Hutu National Liberation Front (PALIPEHUTU-FNL or FNL), with which it had been engaged in hostilities since 1994, and began demobilizing an estimated 3,000 former FNL combatants. The Government continued to integrate members of former rebel groups, including the CNDD-FDD, into the National Defense Forces (FDN). From 2004 to December 2007 the Government demobilized more than 24,400 former combatants that included members of the regular army, some former rebels, and more than 3,000 child soldiers. Both sides generally adhered to the cease-fire agreement with the exception of a December 28 incident, in which the FNL attacked three military positions in Bubanza, resulting in several injuries and one death among government soldiers. While civilian authorities generally maintained effective control of the security services, there were several instances in which elements of the security forces acted independently of government authority.

The Government's human rights record remained poor; despite improvements in some areas, government security forces continued to commit numerous serious human rights abuses. Members of the FDN, the police, and the National Intelligence Service (SNR) were responsible for killings, torture, and beatings of civilians and detainees (including suspected FNL supporters), although there were fewer such reports than in the previous year. There were isolated reports that security forces raped women and young girls. Impunity and harsh, life-threatening prison and detention center conditions remained problems, and reports of arbitrary arrest and detention continued. Prolonged pretrial detention, lack of judicial independence and efficiency, and rampant judicial corruption continued. The Government continued to hold some political prisoners and political detainees. The Government restricted freedom of assembly and association, although there were fewer such cases than in the previous year. The Government did not tolerate direct criticism of the president and journalists continued to exercise self-censorship. Security forces continued to harass members of the opposition. Societal violence and discrimination against women and trafficking in persons remained problems.

Despite the cease-fire and the general lack of hostilities between the Government and the FNL, abuses by the FNL against civilians continued and occurred primarily in FNL traditional strongholds of Bujumbura Rural, and the northern provinces of Bubanza, Cibitike, Muramvya, and Kayanza. These abuses included killings, kidnappings, rapes, theft, extortion, the forcible recruitment of children as soldiers, and the use of forced labor.

### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—Neither the Government nor its agents committed any politically motivated killings; however, security forces killed civilians during the year, although there were fewer such incidents than in the previous year (see Section 1.g.). Unlike in the previous year, there were no reports of summary executions or killings of civilians in reprisal for rebel attacks or for suspected collaboration with rebel forces. However, in October during a clash between rebel forces loyal to Agathon Rwaswa and dissident rebels under FDN protection, two civilians died as a result of the fighting.

In September an intelligence agent shot and killed a truck driver for failing to provide the location of an individual whom the agent was seeking.

No action was taken in the February 2006 death of a detainee who was severely beaten while in police custody.

At year's end a sub-lieutenant and police officer accused of the July 2006 killings of five soccer fans were in prison awaiting trial.

At year's end the detained SNR member and police officer arrested in connection with the August 2006 deaths of four persons awaited trial in Kinama.

FNL rebels killed numerous persons during the year and committed serious abuses against the civilian population, although there were fewer such reports than in the previous year.

There continued to be reports of deaths and injuries attributed to the use of grenades and mortars; however, unlike in the previous year, there were no deaths as a result of unexploded ordnance or landmines laid in previous years by government or rebel combatants.

No persons were charged during the year in connection with the 2006 bombings in Gihosha, Muganga Nord, and the Nyakabiga Commune.

There continued to be reports of killings of individuals accused of sorcery. Incidents included a January 11 killing of a man in Bujumbura Rural, allegedly by members of the FNL; a January 18 killing of a woman in Ruyigi Province by members of the local commune; the May 29 killing of two persons in Ntega; and the August 18 killing of three persons in Kirundu Province. Despite a 2006 announcement by the president that local authorities would be held accountable for such killings, authorities took no action against the perpetrators.

*b. Disappearance.*—There were no confirmed reports of politically motivated disappearances, and unlike in the previous year, there were no politically motivated kidnappings. The Association for the Protection of Human Rights and Detained Persons (APRODH) reported that no detainees were missing from detention facilities during the year. However, the whereabouts of the 10 detainees missing in 2006 were still unknown.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution and law prohibit such practices, however, the U.N., Human Rights Watch (HRW) and domestic nongovernmental organizations (NGOs) League Iteka and APRODH reported that members of the security forces beat and tortured civilians and detainees.

On August 17, in Bururi Province, an allegedly drunken policeman shot seven persons and injured two others in the Songa market in an attempt to bring order to a large unruly crowd. Authorities arrested the police officer, and, at year's end he was awaiting trial.

Throughout the year multiple credible sources reported that the security forces maintained illegal detention and torture centers across the country. The SNR facility reportedly used for torture of detainees and scheduled for closure in 2006 remained open.

Despite the lack of precise numbers, rape committed by security forces and FNL members continued. For example, in March in Bujumbura Rural Province, an FDN soldier raped a minor, according to the United Nations Integrated Office in Burundi (BINUB). On April 11, an FDN soldier raped a woman in Makamba Province, and on April 18, an FDN soldier raped a woman in Muyinga Province. In all three incidents, police arrested the soldiers, who were awaiting trial at year's end.

During the year courts tried and sentenced two FDN soldiers for rape and sentenced another to 20 years' imprisonment.

There were no developments regarding the 2005 rape of a woman by two men, including an FDN soldier, in Bujumbura, or the rape of a woman by a uniformed police officer in the Gihanga commune of Bubanza Province.

There were no developments in the 2005 beating of a man by the FDN while he was in detention for the beating of five brick masons by the FDN during the masons' detention.

On July 20, unknown perpetrators launched grenades at the homes of five politicians, injuring three. On July 28, in Bururi grenade attacks injured two individuals. Other grenade attacks were reported in Ngozi, Cibitoke, Kayanza, and Bujumbura Rural provinces. At year's end no arrests had been made for any of the grenade attacks.

Unlike in the previous year, there were no reports of injuries from unexploded ordnance or landmines laid in previous years by government and rebel combatants.

*Prison and Detention Center Conditions.*—Prison conditions remained harsh and sometimes life threatening. Severe overcrowding persisted, and the Ministry of Justice reported that 7,594 persons were held in facilities built to accommodate 4,050 prisoners. According to government officials and human rights observers, prisoners suffered from digestive illnesses, dysentery, and malaria, and prisoners died as a result of disease. APRODH reported numerous cases of torture and abuse of prisoners and detainees.



Each prison had one qualified nurse and at least a weekly doctor's visit; however, prisoners did not always receive prompt access to medical care. Serious cases were sent to local hospitals. The International Committee of the Red Cross (ICRC) was the primary provider of medicines; the Government distributed insufficient food in the main prisons and did not give food for persons held in communal lockups. Detainees and prisoners not held in communal lockups received 450 grams of food per day from the Government, and families often had to supplement prisoner rations.

Detention centers and communal lockups were severely overcrowded, and conditions were generally worse than prison conditions. Unlike in the previous year, there were no official reports of abuse of prisoners. However, APRODH acknowledged numerous unofficial reports of such occurrences. Proper sanitation and medical care were limited or nonexistent. There were 400 communal lockups where those who were arrested were supposed to be held no longer than 1 week; however, in practice, detainees were regularly kept in these facilities for much longer periods of time. Family members were required to provide all food for detainees in communal lockups.

According to the Ministry of Justice, there were 332 children in prisons, including 79 infants accompanying their convicted mothers. According to a March HRW report, children were sometimes tortured to extract confessions, and most did not have access to legal advice. Juvenile prisoners were held with and often treated as adults. Political prisoners often were held with convicted prisoners. Pretrial detainees were held in communal lockups, but some were also incarcerated with convicted prisoners. In detention centers and communal lockups, minors were not always separated from adult detainees, and the U.N. documented some cases of sexual abuse.

Unlike the previous year, APRODH reported no child soldiers being held by the Government in prisons or communal jails, and the Government released dozens of child soldiers held in its custody in 2006.

During the year the Government permitted some visits by international and local human rights monitors, including the ICRC; however, municipal police commissioners and authorities were slow to grant BINUB human rights officers access to detainees following accounts of illegal detentions and torture, and access was occasionally denied. Unlike in the previous year, there were no reports that authorities denied HRW, ICRC, and local NGOs access to detainees thought to have been tortured or illegally detained for allegedly belonging to the PALIPEHUTU-FNL.

*d. Arbitrary Arrest or Detention.*—The Constitution and law prohibit arbitrary arrest and detention, but security forces arbitrarily arrested and detained persons.

*Role of the Police and Security Apparatus.*—The national police are responsible for internal security, but the FDN may assume such responsibilities in time of war. The police deal with criminal matters, and the FDN fulfills external security and counterinsurgency roles. In practice the FDN also arrests and detains criminals. The Ministry of Defense oversees the FDN, and the Ministry of the Interior oversees the national police, including the gendarmerie. The SNR, commonly known as the "Documentation Nationale," is a special police agency that reports directly to the president. The SNR's role consists of intelligence gathering, but it also has authority to arrest and interrogate suspects.

Members of the security forces were poorly trained. Corruption, disregard for legal standards on the duration of detention, and torture and mistreatment of prisoners and detainees remained problems. An internal affairs unit within the police force investigated crimes committed by other police units. BINUB and various NGOs provided human rights training to the police. Impunity for members of the security forces who committed serious human rights abuses and the continuing lack of accountability for those who committed past abuses remained key problems; however, the Government made progress in combating impunity among the security forces. During the year authorities arrested and incarcerated more than 150 police for abuses of their police powers; another 100 were under threat of suspension connected to pending allegations of abuse.

A police officer arrested in September 2006 and charged with kidnapping and killing more than 10 suspected FNL collaborators was released when the prosecutor could not provide enough evidence to convict him (see Section 1.g.).

*Arrest and Detention.*—The law requires arrest warrants in most cases, and presiding magistrates are authorized to issue them; however, police and the FDN can make arrests without a warrant but are required to submit a written report to a magistrate within 48 hours. These provisions were not always respected in practice. Police routinely violated requirement that detainees be charged and appear in court within 7 days of arrest. A magistrate can order the release of suspects or confirm charges and continue detention, initially for 7 days, then subsequently for one additional period of 7 days, as necessary to prepare the case for trial. Magistrates also

ignored this requirement, and suspects were often detained 10 days or longer. Police are authorized to release suspects on bail, but this provision was rarely exercised. Police regularly detained suspects for extended periods without announcing charges, certifying the detention before a judge, or advising the Ministry of Justice within 48 hours as required. Suspects are permitted lawyers in criminal cases at their own expense, but the law does not require, and the Government did not provide, an attorney to indigents at government expense. The law prohibits incommunicado detention, but multiple sources reported that it occurred. Authorities on occasion denied prisoners prompt access to family members.

APRODH and League Iteka reported that as of mid-September, the Government had released more than 900 prisoners, including some political prisoners, for time served and good behavior.

Unlike in the previous year, there were no reports of politically motivated arrests. During the year the Government released five of the seven political figures, including former President Domitien Ndayizaye and former Vice President Alphonse Kadege, who were arrested in July and August 2006. On April 27, police arrested CNDD-FDD party chairman Hussein Radjabu, who was believed to be the principal force behind the arrests of the original seven, and charged him with "intent to disrupt national security through an armed rebellion." Radjabu remained in Mpimba Prison awaiting trial at year's end.

APRODH reported that SNR arbitrarily detained four suspected FNL rebels or sympathizers during the year, a marked decrease from the 200 such detentions reported in the previous year. The four were later released and reintegrated into their home communities.

On October 6, police briefly detained Pancrace Cimpaye, spokesperson for FRODEBU, for questioning. There were no reports that security forces arrested other elected officials from the FRODEBU party on suspicion of supporting or belonging to the FNL, or for any other reason.

Unlike in the previous year, there were no reports of the SNR carrying out mass arrests of suspected FNL supporters. The Government released the remaining detainees from the group of approximately 100 individuals detained in 2006 at the Interior Security Police's detention facility in Kigobe, Bujumbura.

Security forces arbitrarily detained journalists; however, unlike in the previous year, there were no reports that NGO leaders or labor unionists were arrested.

Most of the persons arrested on criminal charges since 1993 remained in pretrial custody. According to the Ministry of Justice, 5,280 persons, or 72 percent of the country's prison population, had not been convicted as of May 31 and were awaiting trial. Lengthy jail procedures, a large backlog in pending cases, judicial inefficiency, corruption, and financial constraints often caused trial delays. Irregularities in the detention of individuals, including holding them beyond the statutory limit, continued. Human rights NGOs lobbied the Government for the release of prisoners who were held for long periods of time without charge.

*e. Denial of Fair Public Trial.*—Although the Constitution and law provide for an independent judiciary, the judiciary was not independent of the executive branch, inefficient, and hampered in some cases by corruption. According to U.N. officials, political interference seriously impeded the judiciary's impartiality. The Burundian Attorney's Association noted that no improvements were made in the judiciary during the year.

The judicial system consists of civil and criminal courts with the Supreme Court and Constitutional Court at the apex. In all cases the Constitutional Court has the ultimate appellate authority.

The law provides for an independent military court system, which in practice was influenced by the executive and higher-ranking military officers. Courts of original jurisdiction for lower-ranking military offenders were called "War Councils," and one existed in each of the country's five military districts. A court martial Tribunal of Appeals hears appeals of War Council decisions and also has trial jurisdiction for mid-ranking military offenders up to the rank of colonel. Military courts have jurisdiction over military offenders and civilians accused of offenses implicating members of the military.

The Government officially recognizes the traditional system of informal community arbitration, known as "Ubashingantahe," which functions under the guidance of community members recognized for their conflict resolution skills and which facilitates the settlement of disputes. Traditionally, a "mushingantahe," or community mediator, recognized by the community presides over deliberations, and no lawyers are involved. The opinion of a mushingantahe often is necessary before access is granted to the formal civil court system. The Ubashingantahe system is limited to civil and minor criminal matters and exercises no jurisdiction over serious criminal matters. In previous years some members of the ruling CNDD-FDD party, with a

predominately Hutu membership, looked unfavorably on the institution of the Ubashingantahe because some Hutus perceived it as a tool of Tutsi domination. During the year President Nkurunziza met with leaders of the Ubashingantahe and spoke publicly and favorably about the institution.

Unlike in the previous year, there were no reports of magistrates being instructed by authorities not to investigate cases concerning suspected FNL members, according to APRODH and League Iteka. Also unlike the previous year, there were no reports that magistrates were instructed to confirm arrests and commit suspects to prison without conducting any investigation.

The public reportedly viewed the judiciary as flawed and ethnically prejudiced due to the judiciary's traditional domination by the members of the Tutsi minority; however, during the year the president appointed several judges from the Hutu majority, including the chief justice of the Supreme Court, who is also a woman.

*Trial Procedures.*—With the exception of capital punishment cases, all trials are conducted by panels of judges. Capital punishment cases are decided by a seven-person panel of four citizens and three magistrate judges. Defendants, in theory, are presumed innocent and have a right to counsel but not at the Government's expense, even for those who face serious criminal charges. Defendants have a right to defend themselves; however, in practice, few had legal representation as there were only 90 registered lawyers in the country and because most persons could not afford a lawyer. Citizens often had to travel more than 30 miles to reach a court. Authorities sometimes were unable to carry out their investigations or transport suspects and witnesses to the appropriate court because of lack of resources. All defendants, except those in military courts, have the right to appeal their cases up to the Supreme Court, and in capital cases, to the president for clemency. In practice the inefficiency of the court system extended the duration of the appeals process, effectively limiting the possibility of appeals, even by defendants accused of the most serious crimes.

Procedures for civilian and military courts are similar, but military courts typically reached decisions more quickly. Military trials, like civilian trials, generally failed to meet internationally accepted standards for fairness. Defendants are not provided attorneys to assist in their defense, although NGOs provided some defendants with attorneys in cases involving serious charges. Trials generally are open to the public but can be closed for compelling reasons, including for national security or when publicity can harm the victim or a third party, such as in cases involving rape or child abuse. Defendants in military courts are allowed only one appeal.

*Political Prisoners and Detainees.*—The incarceration of political prisoners and detainees remained a problem during the year. At year's end, according to APRODH, there were an estimated 190–200 political prisoners, all considered to be FNL rebels, a reduction from an estimated 500 at the end of 2006. On April 4, President Nkurunziza pardoned 400 political prisoners. Later, he reclassified many from the general prison population as political prisoners and on June 26 released an additional 461 political prisoners. There were cases of politically motivated charges against individuals convicted for nonpolitical crimes and against defendants awaiting trial for nonpolitical crimes.

In 2005, following the appointment of a commission on political prisoners, President Nkurunziza announced the conditional release of all political prisoners detained for more than 2 years without charge. The Government also released prisoners who had served at least one-quarter of their sentences, with the exception of those who had committed serious crimes. According to the Ministry of Justice, the Government released 3,614 political prisoners during 2006.

The Government generally afforded international organizations and local human rights NGOs access to political prisoners.

Political and civil society leaders remained divided over the definition of a political prisoner, and human rights organizations raised serious concerns over the lack of transparency in the commission's work. In 2006 three NGOs brought a case before the Constitutional Court stating that the decision to release the political prisoners violated the Constitution and should have been based on an act of Parliament rather than an executive decree. The court ruled that the NGOs were not qualified to bring their case before the Constitutional Court and referred them to the General Court. Human rights organizations also expressed concern over the lack of preparation to ensure a nondisruptive reinsertion of these former political prisoners into the communities to which they would return. In response, in 2006 the Government launched a sensitization campaign to explain its decision on political prisoners and to promote reconciliation in their communities.

On January 16, the Supreme Court ordered the release of five individuals, including former President Domitien Ndayizeye and former Vice President Alphonse

Kadege, who were arrested along with three others in August 2006 on charges of threatening state security. The five had been held despite a Supreme Court order in October 2006 that they be freed. Three of the detainees were released in January. The other two individuals were serving 5-year sentences for lying under oath; one was appealing his conviction. In August 2006 the Government acknowledged that the SNR had physically abused several of the detainees, including former Vice President Kadege. Several local and international organizations, including HRW, jointly issued a declaration in 2006 condemning beatings during interrogations and calling on the Government to investigate and prosecute those responsible.

On April 27, authorities arrested former president of the CNDD-FDD Hussein Radjabu on charges of "intent to disrupt national security through an armed rebellion." Radjabu, who was believed to be the principal force behind the arrest of the seven detainees in the 2006 trial of alleged coup plotters, remained in prison at year's end awaiting trial.

*Civil Judicial Procedures and Remedies.*—There is an independent judiciary in civil matters; however, it was neither independent nor impartial. Media reports alleged that the judiciary was being filled by individuals beholden to the Government. The execution of court decisions, including payment of damages, could be very slow, sometimes taking years.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution and law provide for the right to privacy, but the Government did not always respect this right in practice. Authorities rarely respected the law requiring search warrants. It was widely believed that security forces monitored phone calls.

Unlike in the previous year, there were no reports that security forces looted and destroyed houses whose occupants were accused of harboring and aiding the FNL. There also were no reports that security forces followed the family members of detainees and/or threatened them; however, there were numerous reports that members of the FNL looted homes.

*g. Use of Excessive Force and Other Abuses in Internal Conflicts.*—The Government concluded a cease-fire agreement with the FNL in September 2006, and at year's end, there had been only one report of fighting between government forces and the FNL. On December 28, PALIPEHUTU-FNL forces attacked three military positions in Bubanza, resulting in several injuries and one death among government soldiers. There were no reported civilian casualties.

An estimated 250,000 persons, mostly civilians, have been killed in conflict-related violence since 1993, primarily before the September 2006 cease-fire. Reports of abuses by government forces sharply decreased. When proven, government forces accused of abuse, were arrested and subject to prosecution. Abuses by rebel combatants, although higher in number than government forces, also decreased. There were no reports that rebel forces punished members who were responsible for abuses. No actions were taken against members of the security forces or rebels for 2005 and 2004 killings, rapes, lootings, or other abuses committed in the context of conflict.

*Killings.*—According to the U.N., during the year security forces killed 20 civilians; nine were killed by the FDN, nine by the police, and two by the SNR. Unlike in the previous year, the victims were generally bandits, rather than suspected rebel sympathizers.

On January 4, police officers in Vumbi commune killed two civilians. In March a member of the FDN killed a civilian and was subsequently taken into custody by the army. In May the FDN killed three individuals, all believed to be bandits.

There were no developments in the July 2006 killings of 16 persons last seen in military custody; their bodies were found in the Ruvubu River, in the northeastern province of Muyinga. Amnesty International, which charged that the 16 had been accused of allegedly supporting the FNL, called for an independent investigation; however, no such investigation had been conducted by year's end. Three middle-ranking members of the military had been arrested in connection with the killings in 2006; however, the arrest warrant for Colonel Vital Bangirinama, the principal suspect in the Muyinga killings, had not been executed by year's end. According to the U.N. Human Rights Council, at least 10 members of the military participated in the killings.

SNR officer Dominique Surwavuba, arrested in September 2006 for allegedly killing 15 persons thought to be FNL sympathizers, was released and reinstated in his job after the prosecution failed to bring enough evidence to convict him.

Rebel forces were responsible for numerous killings during the year. In March a man in Ngozi Province accused of practicing sorcery was beaten to death by armed members of the PALIPEHUTU-FNL. In April a child was killed in Ngozi Province by members of the FNL during an armed robbery.

There were regular reports of ambushes on the main roads in and out of Bujumbura, often attributed to the FNL; however, it was not always possible to distinguish between FNL and common criminals. Frequently these crimes were perpetrated by demobilized soldiers who were unable to find employment after military service.

Armed bandits killed civilians who refused to comply with extortion, although there were fewer reports than in the previous year.

There were no developments in the February 2006 killing of a woman accused of providing food to the FNL. After FDN soldiers ordered the woman to stop providing such assistance, approximately 20 members of the FNL abducted the woman and her daughter from their home. In February 2006 the woman's badly mutilated body was found; her daughter escaped her captors.

*Abductions.*—There were no reports that the Government agents abducted persons during the year; however, in September the FNL kidnapped a police officer and bound him with a rope. The officer was released when police arrived on the scene.

*Physical Abuse, Punishment, and Torture.*—Security force abuse occurred, although at a sharply reduced rate compared to the previous year. Unlike in the previous year, there were no reports that the SNR tortured detainees, a development partially attributed to training on detainee treatment provided by APRODH and the U.N. High Commissioner for Refugees (UNHCR). In 2006 the SNR torture of suspected FNL members occasionally caused their deaths. No action was taken against any SNR officer.

Three men accused by police in May 2006 of collaborating with the FNL remained in detention at Socarti camp at year's end. No further information was available.

There were a few reports of security force rape. For example, on January 11, a soldier was accused of raping a child in Bujumbura Rural Province.

There were no developments in the September 2005 incident in which a uniformed police officer in the Gihanga Commune of Bubanza Province raped a woman after forcing her husband to the ground at gunpoint.

There were reports that government forces looted homes, but such reports sharply decreased from the previous year.

Unlike in 2006 there were no reports of deaths or injuries from unexploded ordnance and/or landmines laid in previous years by government and rebel forces. According to the Swiss Foundation for Mine Action, 89 percent of the country had been cleared of mines, with approximately 2,000 explosive devices, including unexploded ammunition, grenades, and three antipersonnel landmines uncovered during the year.

During the year rebel combatants continued to commit numerous serious abuses against the civilian population, including torture, rape, and the looting and burning of houses, principally in Bujumbura Rural Province.

On July 11, local media reported that the FNL tortured a young orphan for allegedly stealing \$220 (200,000 francs) from a neighbor. The FNL burned plastic sacks and dropped the hot plastic on the boy's skin.

The FNL looted homes during the year, primarily in Bujumbura Rural Province and the western provinces of Cibitoke and Bubanza.

*Child Soldiers.*—Under the law the minimum age for military recruitment is 16, although the Government stated that no one under 18 was recruited. Through year's end, a project sponsored by the Government and the U.N. Children's Fund (UNICEF) demobilized approximately 3,041 child soldiers from the Government security forces as well as from former rebel groups. According to UNICEF, security forces no longer used children as soldiers for combat, although other sources reported that children continued to serve in the security forces as spies and porters and to perform menial tasks. HRW reported only one incident of a child soldier in the FDN; the child worked as a cook and claimed to be 16 years old.

The Ministry of Defense instituted a disciplinary policy regarding the use of children by soldiers to perform menial tasks. Although there have been no recent reports of child labor in military camps, the policy remained in effect; however, access to camps was generally unrestricted and civilians, including children, easily entered and departed. Soldiers using children to perform menial tasks were subject to punishment and dismissal.

Local NGO League Iteka reported that the FNL continued to recruit children into their ranks, and UNICEF confirmed the presence of 129 child soldiers in a December visit to an FNL camp near Bujumbura.

Of the 65 former FNL soldiers held in government custody, 25 were released in February, and 40 others were released later in the year. According to the Government, there were no former child soldiers being detained. Although the Government failed to reintegrate them into society in accordance with international standards,

several NGOs and UNICEF provided the children skills training or educational assistance. Many were reunited with their families or placed in school. HRW stated that there could be large numbers of children still engaged with the FNL in need of demobilization and reintegration.

Civilians continued to be displaced by FNL infighting. In September over 700 families fled their homes in Bubanza Province as members of the FNL looted their homes for food and supplies. Additionally, on September 3 and 4, over 5,000 persons fled their homes in northern Bujumbura as a result of fighting between FNL factions.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution and the law provide for freedom of speech and the press; however, the Government continued to restrict these freedoms, although there were fewer such cases than in the previous year. Unlike in 2006 there were no reports that journalists were arrested or detained, and the Government did not force media outlets to suspend operations. However, journalists continued to exercise self-censorship, and direct criticism of the president was not tolerated.

The Government controlled many of the major media outlets. The government-owned *Le Renouveau*, the only daily newspaper, as well as the country's only television station. The Government exercised strong editorial control of these media.

There were six private weekly publications, including the private French-language *Arc-en-ciel* (Rainbow), and 11 private Internet and fax-based news sheets. The number of copies printed by independent publications was small, and readership was limited by low literacy levels. Newspaper circulation was generally limited to Bujumbura or other urban centers. Ownership of private newspapers was concentrated in the capital, but there was a wide range of political opinion among the press.

Radio remained the most important medium of public information. The government-owned radio station broadcast in Kirundi, French, and Kiswahili and offered limited English programming. There were nine privately owned radio stations. Some stations received funding from international donors. Listeners could receive transmissions of foreign news organizations such as the BBC and the Voice of America.

The law criminalizes offenses, including defamation, committed by the media and provides for fines and criminal penalties of 6 months' to 5 years' imprisonment for the dissemination of insults directed at the president, as well as writings that are defamatory, injurious, or offensive to public or private individuals.

On October 18, the public prosecutor of Bujumbura summoned Emmanuel Nsabimana, the director of independent radio station RPA, to answer questions concerning a broadcast about a Protestant church representative, Pastor Eson Rutayisire of *Eglise du Bon Berger*, who was accused of sexual harassment. After 4 hours Nsabimana was released.

In January editor Serge Nibizi and journalist Domitile Kiramvu of RPA, and Matthias Manirakiza, the director of Radio Isanganiro, were acquitted and released. In November 2006 authorities arrested and charged them with violating judicial secrecy laws. In the same month, authorities arrested Matthias Manirakiza, the director of Radio Isanganiro, and charged him—as well as Nibizi—with threatening state security and public safety by writing an article suggesting that authorities planned to stage fake attacks on the homes of government officials to bolster their claims of a coup plot.

Unlike in the previous year, there were no reports that the Government used direct censorship or that it suspended operations by independent media.

Media outlets complained about having to pay licensing fees, which some said were an unnecessarily heavy financial burden; it was not clear whether these fees weakened the independent media.

*Internet Freedom.*—There were no reports of government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. However, poverty and a lack of infrastructure prevented widespread public access to the Internet.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The Constitution and law provide for freedom of assembly; however, the Government at times restricted this right. The law requires permits for public meetings and demonstrations, and the former ruling party UPRONA faced temporary suspension of its right to hold meetings due to intraparty disputes that

government officials claimed might turn violent. On more than one occasion, police surrounded UPRONA's party headquarters to prevent the entry of civilians. On another occasion, the UPRONA president was detained for 2 hours for questioning for organizing a UPRONA meeting in a local bistro without the required prior notice to the Ministry of the Interior.

The Government released the 14 FRODEBU members arrested in 2006.

*Freedom of Association.*—The Constitution provides for freedom of association; however, the Government sometimes restricted this right in practice. There were occasional reports that police arrested persons due to their membership in associations. Registration was required for private organizations and political parties. Private organizations were required to present their articles of association to the Ministry of Interior for approval. There were no reports that the Government failed to complete the approval process for private organizations whose purposes the Government opposed.

*c. Freedom of Religion.*—The Constitution and law provide for freedom of religion, and the Government generally respected this right in practice.

The Government required religious groups to register with the Ministry of Interior, which kept track of their leadership and activities. Registration was granted routinely. The Government required religious groups to maintain a headquarters in the country.

*Societal Abuses and Discrimination.*—The Jewish population was very small, and there were no reports of anti-Semitic acts.

There were no arrests in the September 2006 burning of two Roman Catholic churches in Bubanza.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution and law provide for freedom of movement, foreign travel, emigration, and repatriation; however, the Government sometimes restricted these rights in practice. The Government continued to restrict access into and out of Bujumbura at night. During the year citizens' movements were restricted by government checkpoints and the threat of violence by members of the FNL. Unlike in the previous year, the Government did not deny human rights observers access to military camps and SNR facilities, although an HRW observer was denied access to a jail.

The law does not provide for forced exile, and the Government did not use it; however, many persons remained in self-imposed exile. During the year several high profile refugees returned, including CNDD leader and Member of Parliament Leonard Nyangoma, former second Vice President Alice Nzomukunda, and former Radjabu sympathizer Mathias Basabose.

In 2005 the Governments of Rwanda and Burundi signed an agreement with the UNHCR that laid the ground rules for the voluntary repatriation of approximately 4,000 Burundian refugees from Rwanda. By year's end an estimated 2,000 had voluntarily returned, and approximately 2,000 remained in Rwanda.

During the year the UNHCR facilitated the voluntary repatriation of approximately 15,000 Burundian refugees who had previously fled to neighboring countries, primarily Tanzania. The repatriates, who returned mostly to the eastern provinces, often found their homes destroyed, their land occupied, and their livestock stolen. Poor living conditions and a lack of food and shelter were problems for returnees, although they received a 3-month food ration and other forms of assistance from UNHCR. The UNHCR and the National Commission for Rehabilitation of War Victims assisted in the resettlement and reintegration of refugees and internally displaced persons (IDPs).

*Internally Displaced Persons (IDPs).*—According to the U.N. Office for the Coordination of Humanitarian Affairs (UNOCHA), as of September 15, there were approximately 100,000 long-term IDPs living in 160 sites nationwide, the majority in Kayanza, Ngozi, Kirundo, Muyinga, and Gitega provinces. Most were Tutsis displaced by violence in 1993. Soldiers and police provided a measure of protection to the camps, which in many cases had taken on the characteristics of permanent towns and villages. According to UNOCHA, 91 percent of the IDPs were able to participate in agricultural activities, and of these, 78 percent had access to their lands of origin. In the south and east, 18.5 percent of the IDPs were former refugees. According to the UNHCR, IDP camp inhabitants sometimes were required to perform labor for soldiers without compensation.

By year's end the IDPs who protested in Bujumbura in 2005 had not received a letter documenting ownership of land that the Government agreed to give them in the Kinama neighborhood of Bujumbura; the Government was attempting to reset-

tle them elsewhere, although many IDPs preferred to remain until the Kinama issue was resolved.

*Protection of Refugees.*—The law provides for granting refugee status or asylum in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 protocol. The country was also a party to the Organization of African Unity Convention Governing Specific Aspects of Refugee Problems in Africa. The Government has established a system for providing protection to refugees and granted refugee status and asylum to more than 31,000 persons during the year. In practice the Government provided some protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. Some NGOs and humanitarian organizations continued to express concern over the low percentage of applicants to whom the Government granted asylum; however, according to the UNHCR, the Government fulfilled all of its obligations to provide asylum and refugee protections and cooperated with international organizations involved in refugee issues.

At the beginning of December, according to the UNHCR, there were approximately 31,000 Congolese refugees and 282 Rwandan asylum seekers in Burundi. Of the Congolese, more than 11,000 were sheltered in three UNHCR-run refugee camps: Gihinga in Mwaro Province, Gasorwe in Muyinga, and Gihar in Rutana. In addition to the camp-based refugees, there were more than 11,000 Congolese refugees integrated into urban centers. Approximately 23,500 received UNHCR assistance.

During the year the Government provided protection to certain individuals who may not qualify as refugees. These individuals included Rwandan asylum seekers as well as some Congolese in the process of undergoing refugee status determinations.

In April 2005 the minister of justice said a report by the National Commission of Inquiry into the Gutumba massacre of 152 Tutsi refugees in 2004 had been completed and would be released, but by year's end the report had not been released.

In July 2006 the Government appointed a commission to resolve land and property disputes resulting from the approximately 378,000 Burundian refugees who have repatriated since 2002, including some who have been in exile in Tanzania since 1972. In addressing the increasing number of land disputes, the country has relied on a mixture of customary law and legislation, but few citizens were aware of their legal rights and most remained too poor to afford legal representation. During the year NGOs conducted a workshop in Bujumbura to generate an action plan for the land tenure issue.

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

The law and Constitution provide the right for citizens to change their government peacefully, and citizens exercised this right in practice.

*Elections and Political Participation.*—In August 2005, through an indirect ballot, citizens chose their first democratically elected president in more than 12 years, marking the end of the 4-year transition under the Arusha Peace and Reconciliation Agreement. The legislature elected sole candidate Pierre Nkurunziza of the CNDD–FDD, and he was sworn in as president in August 2005.

President Nkurunziza's election followed communal and legislative elections in June and July 2005, which independent electoral observers judged to be generally free and fair, although the campaign prior to the National Assembly elections was tense and significantly marred by violence and intimidation.

Political parties operated without interference during the year. The law requires that political parties receive permission from the Ministry of Interior before holding large-scale meetings that could create a public disturbance. During the year there were 34 recognized political parties. The CNDD–FDD, FRODEBU, and UPRONA were the largest political parties. The CNDD–FDD, which held majorities in both chambers of the legislature, controlled most government positions.

On August 22, tensions between political parties increased with the siege of opposition party FRODEBU spokesman Pancrace Cimapye's home by security forces for "insulting" the president. Cimapye had accused the ruling party of orchestrating five grenade attacks on the homes of opposition politicians several days earlier. Cimapye remained at large until October 6, when police took him into custody for questioning, releasing him 2 hours later.

The Constitution reserves 30 percent of National Assembly seats, Senate seats, cabinet seats, and positions in other government bodies for women. There were 37 women in the 118-seat National Assembly and 17 women in the 49-seat Senate; women held six of 24 ministerial seats.



The law mandates quotas to maintain ethnic balance in the Government. The Constitution requires that 60 percent of seats in the National Assembly be filled by Hutus, the majority ethnic group in the country, and 40 percent be filled by Tutsis, who constitute about 15 percent of the citizenry. In addition military posts were divided equally between Hutus and Tutsis. The Batwa ethnic group makes up less than 1 percent of the population and is entitled to three seats in the senate; the Government fulfilled this mandate.

The National Assembly continued to refuse the demands of human rights groups that have called for the repeal of a 2003 law granting provisional immunity to political leaders who return from exile to take positions in government. The law covers "crimes with a political aim" committed from 1962 to the date of the law's promulgation.

*Government Corruption and Transparency.*—A culture of impunity and widespread corruption remained a problem. Corruption was prevalent in the public and private sectors and affected numerous public services, including procurement, the granting of land use concessions, public health, and the assignment of school grades. Several respected private sector representatives and trade association officials reported that corruption remained a major impediment to commercial and economic development in the country. The World Bank's Worldwide Governance Indicators reflected that corruption was a severe problem. In December 2006 the domestic NGO Observatory for the Struggle against Economic Corruption and Embezzlement estimated the state had lost \$169.1 million (186 billion francs) to corruption and embezzlement since 2000.

In August police arrested Central Bank Governor Issac Bizimana and accused him of allowing the transfer of more than \$17 million (17 billion francs) from government accounts to a private petroleum import company, Interpetrol.

Despite numerous allegations of corruption, no parliamentary commissions of inquiry were launched, largely due to the CNDD-FDD'S domination of the legislature and parliamentary commissions.

The second vice president, the Ministry of Good Governance, and the National Auditing Agency were responsible for fighting corruption. In 2006 the Government replaced the Ministry of Good Governance's inspector general for finance (IGF) with an inspector general of the state, reportedly with the intention of providing more autonomous oversight of anticorruption programs. However, a legal dispute continued to prevent the IGF staff from undertaking its functions. Instead, 33 of the 50 IGF staff were dispatched by presidential decree to the interior of the country to work as provincial-level Ministry of Finance representatives.

In January a Belgian auditing firm, Decision Analysis Partners, released a report confirming irregularities in the 2006 sale of the president's private jet. While it did not single out a guilty party, the auditing firm recommended further investigation, including the creation of a parliamentary commission to determine who profited from the sale. President Nkurunziza subsequently created a special commission to study the report and in June the Government said it would adopt its recommendations, including the creation of a parliamentary commission. However, by year's end no commission had been established, primarily as a result of a general political stalemate in the National Assembly.

There were no developments in the 2005 corruption case against former officials concerning the payment of approximately \$4 million (4.4 billion francs) of government debt to the heirs of Belgian businessman Mojzesz Lubelski.

The law does not provide for access to government information, and in practice information was difficult to obtain. The law does not allow the media to broadcast or publish information in certain cases relating to national defense, state security, or secret judicial inquiries. Human rights observers criticized the law for its poorly defined restrictions on the right to access and disseminate information, noting that vague prohibitions regarding official secrets could easily be used to hide corruption or other human rights abuses.

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

A number of local and international NGOs, including human rights groups, generally operated without government restrictions. Unlike in previous years, human rights observers were generally allowed to visit some government facilities, such as some military bases and prisons run by the SNR. Government officials continued to cooperate with these groups by providing access to some information and other resources.

Domestic human rights groups received varying degrees of cooperation from government ministries; at times the ministries provided them with information and facilitated visits to areas of interest. Although the Government did not directly take

action based on local NGO recommendations, local NGOs continued to engage in advocacy. The most prominent local human rights group, League Iteka, continued to operate and publish a newsletter. While well-established groups with international linkages and a presence in Bujumbura had a measure of protection from government harassment, indigenous NGOs, particularly those in the countryside, were more vulnerable to pressure from local authorities.

Unlike in the previous year, there were no reports that security forces arrested, threatened, or harassed human rights workers. There also were no reports that the president asked for the recall of representatives of international organizations.

The Government cooperated with international governmental organizations and permitted visits by U.N. representatives and other organizations such as the ICRC. However, in 2006, some in-country employees and directors of international NGOs said the country's regulations bordered on interference and needed to be streamlined.

The U.N. High Commissioner for Human Rights (UNHCHR) maintained a six-person observer team in Ngozi to deliver and explain decisions of the Eligibility Commission regarding refugee and asylum status. The commission's purpose was to determine eligibility for those who entered the country and requested refugee and asylum status.

In two separate reports, the U.N. Secretary General (UNSYG) reported that the overall security situation had deteriorated and that criminals had sometimes targeted staff of international NGOs. The highest crime rates were recorded in Bujumbura Marie and Bujumbura Rural, where armed robberies and theft increased during the year.

The UNSYG also noted a surge in the number of ambushes on highways, an increase in the number of armed robberies, especially within the capital, grenade attacks and sporadic gunfire. The report concluded that the human rights situation had not improved. Arbitrary arrests and detentions were on the rise and the investigations into the Gatumba and Muyinga massacres of 2004 and 2006 had not been concluded.

Security officials sometimes refused access to BINUB human rights officers following reports of illegal detention and torture (see Section 1).

The Ministry of Justice, which has jurisdiction over human rights, completed consultations with the UNHCHR on the formation of a Human Rights Commission mandated by the Arusha Agreement; however, no law facilitating creation of the commission had been passed by year's end.

By year's end, despite the adoption of several preliminary steps, neither an International Commission of Judicial Inquiry nor a National Truth and Reconciliation Commission had been established. The proposed commissions would bring to justice persons responsible for genocide, crimes against humanity, and war crimes committed in the country since it gained its independence in 1962. On September 27, President Nkurunziza announced the Government's intention to carry out national consultations before proceeding. On October 4, the U.N. reported that the Government was forming a six-member steering committee composed of two members appointed by the Government, two members from civil society, and two members from the U.N. system to facilitate consultations.

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

The Constitution provides equal status and protection for all citizens, without distinction based on sex, origin, ethnicity, or opinion; however, the Government failed to implement these provisions effectively, and discrimination and societal abuses persisted.

*Women.*—The law prohibits rape, which is punishable by up to 20 years' imprisonment, but does not specifically prohibit spousal rape. Doctors without Borders (MSF) received an average of 115 rape victims each month at its center for rape victims in Bujumbura; however, MSF said the number of rapes was likely much higher. During the year MSF reported 1,435 cases of sexual violence with children less than 5 years of age comprising 14 percent of the total. According to BINUB approximately 65 percent of reported rapes were of children aged 17 years and under. The U.N. Development Fund for Women reported that many rapes of minors were committed with the belief that they would prevent or cure sexually transmitted diseases, including HIV/AIDS.

Many women were reluctant to report rape for cultural reasons, fear of reprisals and unavailability of medical care. According to a field officer at an MSF center in Bujumbura, only 10 to 15 percent of reported rape victims actually initiated legal proceedings. Men often abandoned their wives following acts of rape, and women and girls were ostracized. Some police and magistrates reportedly ridiculed and humiliated women who said they were raped. Some police reportedly required that vic-

tims provide food for and pay the costs of incarceration of those they accused of rape. Many of those who sought judicial redress faced the weaknesses of the judicial system, including judges who did not regard rape as a serious crime and a lack of medical facilities to gather medical evidence. In the limited number of cases that were investigated, successful prosecutions of rapists were rare.

Some local NGOs advocated that cases of rape be subject to community sanctions based upon the traditional justice system of Ubashingantahe. For example, in January the police released a man in Makamba Province accused of raping his five granddaughters. After his release, community members threatened the man, isolated him socially, and refused to allow him to participate in community activities. In August family and neighbors in Buyenyero commune in Bururi Province, following traditional justice methods, socially ostracized a local man accused of raping his niece. They rebuked his attempt to pay a fine, instead declaring him a virtual outcast from the community.

Civil society and religious communities worked to overcome the cultural stigma of rape to help victims reintegrate into families that had rejected them. League Iteka, APRODH, and BINUB continued to encourage rape victims to press charges and seek medical care, and international NGOs provided free medical care in certain areas. The Government also raised awareness of the problem through seminars and local initiatives describing the kinds of medical care available. A June 2006 report stated that such initiatives resulted in more victims filing complaints, obtaining urgent medical assistance, and receiving briefings on their legal rights.

Domestic violence against women was common, although no credible statistics were available. Police occasionally arrested persons accused of domestic violence but released suspects within a few days, with no further investigation. Wives have the right to charge their husbands with physical abuse but rarely did so, although police intervened on occasion and upon request. The law does not specifically prohibit domestic violence; however, persons accused of domestic violence can be tried under assault provisions. According to MSF, the police investigated 154 cases of domestic abuse through August; of that number, investigations were continuing in 67 cases; 87 awaited judgment by the courts.

The law prohibits prostitution; however, it continued to be a problem.

The law does not prohibit sexual harassment, but violators can be prosecuted for similar offenses under public morality laws. There were no known prosecutions during the year.

Women faced legal and societal discrimination, and discriminatory inheritance laws, marital property laws, and credit practices continued despite constitutional protections. By law women must receive the same pay as men for the same work, but in practice they did not. Some enterprises cut salaries of women when they went on maternity leave, and others refused medical coverage to married female employees. Women were less likely to hold mid-level or high-level positions in the workforce. In rural areas women performed most of the farm work, married, and had children at early ages, and had fewer opportunities for education than men. The law precludes women from inheriting family property.

Several local groups worked in support of women's rights, including the Collective of Women's Organizations and NGOs of Burundi and Women United for Development.

*Children.*—The law provides for children's health and welfare, but the Government did not meet all the needs of children, particularly the large population of children orphaned by violence since 1993 and by HIV/AIDS.

The failure of the Government to record all births resulted in denial of some public services for unregistered children. The Government requires a birth certificate for access to free public schooling and free medical care for children under 5. Unmarried women and victims of rape have traditionally been less likely to register the birth of a child.

Schooling was compulsory up to age 12; however, sixth grade was the highest level of education attained by most children, with approximately 10 percent of girls and 14 percent of boys of secondary school age attending school, according to UNICEF. Enrollment of girls in public schools was approximately 40 percent, while girls were approximately 52 percent of pupils in private schools. The NGO Maison Shalom, which ran several centers for orphaned and other vulnerable children in different parts of the country, estimated that 60 percent of the country's school-age children were illiterate. Female illiteracy remained a particular problem.

Although all school fees were abolished in 2005, students had to pay for uniforms, textbooks, and other school materials. While this initiative made schooling available to hundreds of thousands of new students, it also led to overcrowded classrooms and teachers teaching multiple shifts. More than 25 percent of primary schools were destroyed in the war, and many teachers were killed. Some schools reported difficul-

ties in paying for some services, such as guards, which they previously funded with school fees.

Boys and girls had equal access to state-provided free medical care for children under 5.

According to UNICEF, 20,000 children were living with HIV/AIDS, and more than 240,000 children were orphaned by AIDS. UNICEF funded a program to prevent HIV transmission from mother to infant.

Child abuse, apart from rape of minors, occurred but was not reported to be a widespread problem.

The FNL continued to use and recruit child soldiers; however, the Government claimed it no longer recruited anyone under 18 years of age (see Section 1.g.).

Although the 2006 cease-fire agreement between the Government and the last remaining rebel group halted active hostilities, the increasing prevalence of HIV/AIDS increased the number of orphans, and, consequently, an increase in the number of street children. The total number of orphans from all causes was more than 836,000, according to the National Council for the Fight Against HIV/AIDS. According to the Government, an estimated 30,000 children were heads of household, mostly in rural areas. This marked an increase of more than 60 percent from 2006 UNICEF estimates.

According to the Ministry for National Solidarity, Human Rights, and Gender, there were approximately 5,000 street children in the country. In July the Government, in cooperation with Radio Isanganiro and child advocacy NGOs, launched a national radio broadcast to draw attention to the issue of street children. A group of approximately 15 NGOs working with street children developed an action plan and met monthly to coordinate intervention activities area.

*Trafficking in Persons.*—The law does not specifically prohibit trafficking in persons, and there were reports of trafficking. Traffickers can be prosecuted under existing laws outlawing assault, kidnapping, rape, prostitution, slavery, and fraud, but this was not widely understood among police.

During the year the country was a source and transit country for children trafficked for the purpose of forced labor and child soldiering. Trafficking of children as child soldiers was a large problem during the civil war, but the FDN claimed it no longer recruited or used child soldiers. However, the trafficking of child soldiers by the FNL within the country remained a problem.

Unlike in the previous year, there were no arrests of alleged traffickers. The Ministry for National Solidarity, Human Rights, and Gender was responsible for combating trafficking.

The Government did not actively support public awareness campaigns and programs to prevent trafficking; however, it administered a department within the national police, the Brigade for the Protection of Minors, to protect children against sexual exploitation. The brigade, which operated only in Bujumbura, lacked funds to expand its operations to the interior of the country. The brigade has conducted 10 successful prosecutions in the 5 years of its existence.

The Government continued to provide assistance to former child soldiers from the FDN, six former rebel groups, and Guardians of the Peace (a civilian paramilitary force recruited by the army during the war).

*Persons with Disabilities.*—The Constitution prohibits discrimination against those with physical or mental disabilities, and there were no reports that the Government failed to enforce this provision regarding employment, education, or access to healthcare. The Government had not enacted legislation or otherwise mandated access to buildings or government services, such as education for persons with disabilities, in part due to a lack of resources.

*National/Racial/Ethnic Minorities.*—Discrimination against Hutus, who constituted an estimated 85 percent of the population, occurred less frequently during the year. The Constitution requires ethnic quotas for representation within the Government and in the military. Hutus significantly increased their presence and power in the Government following the 2005 elections. During the year significant improvements were made with respect to integration of primarily Hutu ex-combatants into the security forces.

The minority Tutsis, particularly southern Tutsis from Bururi Province, historically have held power and continued to dominate the economy.

*Indigenous People.*—The Batwa, believed to be the country's earliest inhabitants, was approximately 1 percent of the population and generally remained economically, socially, and politically marginalized. However, the Government has instituted several measures to address the Batwa's traditional isolation. Each of the country's 117 administrative districts must provide free school books and health care for all Batwa children. The Government also provides small acreages, when possible, for Batwa

who wish to become farmers and allocates them approximately two acres of land, the average sized farmstead of the country's rural poor.

*Other Societal Abuses and Discrimination.*—The Constitution specifically outlaws any discrimination against those with HIV/AIDS or other incurable illnesses. There were no reports of government-sponsored discrimination against such individuals, although some observers suggested that the Government was not actively involved in preventing societal discrimination.

The Constitution bans marriage between individuals of the same sex. Societal discrimination against homosexuals was widespread. The Government took no steps to counter discrimination against homosexuals.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law protects the right of workers to form and join unions without previous authorization or excessive requirements, and although most workers exercised this right in practice, the army, gendarmerie, and foreigners working in the public sector were prohibited from union participation. The law does not cover the rights of state employees and magistrates. The law prevents workers under the age of 18 from joining unions without the consent of their parents or guardians. According to the Confederation of Burundian Labor Unions (COSYBU), many private sector employers systematically worked to prevent the creation of trade unions, and the Government failed to protect private sector workers' rights in practice. Union representatives indicated, however, that relations with the Government improved during the year.

According to COSYBU, less than 10 percent of the formal private sector workforce was unionized, and roughly 50 percent of the public sector was unionized. Most citizens worked in the unregulated informal economy, in which workers had little or no legal protection of their labor rights.

Unlike in previous years there were no reports of government security agents preventing COSYBU's leadership from traveling to an international labor conference and no reports of a member of COSYBU's leadership going into hiding due to such government harassment.

The law prohibits antiunion discrimination, and the Government generally respected this right in the public sector. However, according to the International Trade Union Confederation (ITUC), the Government often failed to protect workers in the private sector from discrimination by employers. This failure was due to a lack of resources, labor inspectors, and labor courts rather than a government policy. In cases where employers dismissed employees because of their union affiliation, the Ministry of Labor could order the employee's reinstatement. If the employer failed to comply, the ministry referred the case to the labor court, which determined severance pay and indemnification that the employer must pay. Workers fired for union activity were reinstated in their jobs, as required by law.

*b. The Right to Organize and Bargain Collectively.*—The law allows unions to conduct their activities without interference, and the Government protected this right in practice. The law recognizes the right to collective bargaining, and it was freely practiced; however, wages are excluded from the scope of collective bargaining in the public sector and were set according to fixed scales, following consultation with unions.

Since most salaried workers were civil servants, government entities were involved in almost every phase of labor negotiations. Both COSYBU and the Confederation of Free Unions in Burundi represented labor interests in collective bargaining negotiations, in cooperation with individual labor unions. Civil servant unions must be registered with the Ministry of Civil Service.

The law provides workers with a conditional right to strike but bans solidarity strikes and sets strict conditions under which a general strike may occur. All other peaceful means of resolution must be exhausted prior to the strike; negotiations must continue during the action, mediated by a mutually agreed upon party or by the Government; and 6 days' notice must be given to the employer and the Ministry of Labor. The ministry must determine whether strike conditions have been met before a strike can legally take place, which gives the ministry the power to veto all strikes, according to the ITUC. The labor code prohibits retribution against workers participating in a legal strike.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children; however, there continued to be reports that it occurred.

The Government continued a program initiated in 2006 to encourage citizens to participate in Saturday morning community work. Although individuals incurred no

penalty for not participating, businesses were not permitted to remain open during the community action time, and road traffic, except for emergency vehicles and limited exceptions, was prohibited.

Unlike in previous years there were no reports of government security forces using persons, including children, to perform menial tasks without compensation. However, the FNL forced rural populations to perform uncompensated labor, such as the transport of supplies and weapons, and recruited children for labor, although to a lesser extent than in previous years.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The labor code states that children under the age of 18 cannot be employed by an enterprise, except for the types of labor the Ministry of Labor determines to be acceptable, which includes light work or apprenticeships that do not damage children's health, interfere with their normal development, or prejudice their schooling. However, the Government did not effectively enforce these laws, and child labor remained a problem. The legal age for most types of nondangerous labor is 18. Children under age 16 in rural areas regularly performed heavy manual labor in the daytime during the school year. According to the ITUC, the vast majority of children in the country worked during the year.

Children were legally prohibited from working at night, although many did so in the informal sector. Most of the population lived by subsistence agriculture, and children were obliged by custom and economic necessity to participate in subsistence agriculture, family based enterprises, and the informal sector. Child labor also existed in the mining and brick-making industries. UNICEF estimated that approximately 400,000 children worked in these areas.

There continued to be reports of children engaging in forced or compulsory labor, and of trafficking in children. The use of child soldiers was no longer a problem with government forces, but the FNL continued the use of child soldiers.

Child prostitution existed but was not considered to be widespread.

The Ministry of Labor enforced child labor laws and had multiple enforcement tools, including criminal penalties, civil fines and court orders. In practice, however, the laws were infrequently enforced. Due to a lack of inspectors, the ministry only enforced the law when a complaint was filed. The Government acknowledged no cases of child labor in the formal sector of the economy but had conducted no child labor investigations. In conjunction with UNICEF and other NGOs, the Government provided training for Ministry of Labor officials in the enforcement of child labor laws.

During the year the Government supported international organizations, a few NGOs, and labor unions engaged in efforts to combat child labor; efforts included care of demobilized children.

*e. Acceptable Conditions of Work.*—The legal minimum wage for unskilled workers continued to be \$0.15 (160 francs) per day. However, in practice most employers paid their unskilled laborers a minimum of roughly \$1.40 (1,500 francs) per day. Such an income did not provide a decent standard of living for a worker and family. Most families relied on second incomes and subsistence agriculture to supplement their earnings. The Department of Inspection within the Ministry of Labor enforces minimum wage laws, but there were no reports of enforcement in recent years. The legal minimum wage had not been revised in many years, and there were no known examples of employer violations.

The labor code stipulates an 8-hour workday and a 40-hour workweek, except where workers were involved in activities related to national security; however, this stipulation was not always enforced in practice. Supplements must be paid for overtime. Alternative work schedules were negotiable.

The labor code establishes health and safety standards that require safe workplaces. Enforcement responsibility rests with the minister of labor, which was responsible for acting upon complaints; however, there were no reports of complaints filed with the ministry during the year. Workers did not have the right to remove themselves from situations that endangered health and safety without jeopardizing their employment.

Small numbers of persons from the neighboring countries of the Democratic Republic of Congo, Tanzania, and Rwanda worked in the country but did not constitute a significant presence.

---

## CAMEROON

Cameroon, with a population of approximately 18 million, is a republic dominated by a strong presidency. Despite the country's multiparty system of government, the

Cameroon People's Democratic Movement (CPDM) has remained in power since it was created in 1985. In October 2004 CPDM leader Paul Biya won reelection as president, a position he has held since November 1982. The election was flawed by irregularities, particularly in the voter registration process, but observers believed the election results represented the will of the voters. The July 2007 legislative and municipal elections were conducted with irregularities. International and domestic observers noted significant deficiencies in the electoral process, including substantial barriers to registration and insufficient safeguards against fraudulent voting.

The president retains the power to control legislation or to rule by decree. He has used his legislative control to change the Constitution and extend the term of the presidency. Although civilian authorities generally maintained effective control of the security forces, security forces sometimes acted independently of government authority.

The Government's human rights record remained poor, and it continued to commit numerous human rights abuses. Security forces committed numerous unlawful killings. They engaged in torture, beatings, and other abuses, particularly of detainees and prisoners. Impunity was a problem in the security forces. Prison conditions were harsh and life threatening. Authorities arbitrarily arrested and detained anglophone citizens advocating secession, local human rights monitors and activists, and other citizens. The law provides for the arrest of homosexuals, as well as persons not carrying national, government-issued identification cards. There were reports of prolonged and sometimes incommunicado pretrial detention and infringement on citizens' privacy rights. The Government restricted citizens' freedoms of speech, press, assembly, association, and harassed journalists. The Government also impeded citizens' freedom of movement. Other problems included official corruption; societal violence and discrimination against women; female genital mutilation (FGM); trafficking in persons, primarily children; discrimination against indigenous pygmies and ethnic minorities; and discrimination against homosexuals. The Government restricted worker rights and the activities of independent labor organizations. Child labor, hereditary servitude, and forced labor, including forced child labor were problems.

#### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—There were no reports that the Government or its agents committed politically motivated killings; however, throughout the year security forces continued to commit unlawful killings, including killings resulting from beatings and other use of excessive force. There were fewer such reports than in the previous year, but the Government rarely prosecuted officers responsible for using excessive force.

On January 1, a police officer shot and killed Michele Therese Sename Bella, a passenger in a taxi police were chasing. Police maintained they were shooting at the tires of the taxi, but inadvertently shot Bella instead. Police authorities arrested the two officers, detained and subsequently suspended them, and forwarded the case to the courts. Action was pending at year's end.

On January 20, police officer William Etenga of the Bafoussam Special Police Precinct shot and killed a taxi driver following an altercation between the two men. The police officer subsequently committed suicide.

On October 16, in Bamenda, taxi drivers who claimed that the police were harassing them attempted to burn down a police station. Police reportedly fired at the drivers and killed two individuals. Six police officers were injured. An administrative investigation was pending at year's end.

In August a Garoua nongovernmental organization (NGO) reported that gendarmes shot and killed three M'Bororo men for allegedly stealing 90 head of cattle; although evidence subsequently proved that the cattle belonged to the men. Some observers believed that the Lamido (local chief) was responsible for the killings because the cattle were recovered on his property. An investigation was pending at year's end.

Police used excessive force to disperse demonstrators resulting in killings and injuries.

Unlike in the previous year, there were no reports of prisoners dying in custody due to security force abuse.

There were no new developments in the February 2006 police killing of Elvis Ndengue, or the May 2006 violence that resulted in the death of Gregoire Diboule.

There were no new developments in the 2005 police killings of Denis Serge Etoundi, Aurelien Mayouga Noundou, Elvis Sigala Tasama, or Claude Obam Ndoum.

In August 2006 the Yaounde district attorney charged Ni John Fru Ndi, chairman of the Social Democratic Front (SDF), with the murder of Gregoire Diboule. Authorities accused Fru Ndi of being responsible for the violence that resulted in Diboule's death. The charges against Fru Ndi were still under investigation at year's end.

During the year societal violence and summary justice against persons suspected of theft and the practice of witchcraft continued to result in deaths and serious injuries. In 2006 the press reported 43 deaths from beatings and burning.

The practice of witchcraft continued to result in deaths and serious injuries. On October 17, the press reported that approximately 30 high school girls at College de la Maturite in Douala fell into a trance. Word spread quickly among parents and neighbors, who blamed the school founder and responded violently, including by inciting vandalism and burning buildings, attacking school children and the founder, and throwing equipment from school windows. The police were unable to control the mob of more than 5,000. The school's founder had previously been accused of sorcery when widespread reports of school-age children falling into trances began to appear around the country in Yaounde, Douala, and the North and East provinces.

Mob violence was attributed in part to public frustration over police ineffectiveness and the release without charge of many individuals arrested for serious crimes.

On January 2, an angry mob beat and burned Walters Akwafe to death in Mambanda, in the South West Province. On January 1, Akwafe stabbed a friend to death following a dispute over a cigarette.

There were no new developments in the following 2006 mob violence and summary justice-related cases: The January beating and burning death of Fon Vugah Simon II; the March burning deaths of Jean-Pierre Onguene, Serge Toussaint Awa Amougou, and Joseph Cyrille Meba'a; the burning deaths of Jean Bape, Daniel Fotie, and Clovis Koagne.

*b. Disappearance.*—There were no reports of politically motivated disappearances during the year.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution and law prohibit such practices; however, there were credible reports that security forces continued to torture, beat, and otherwise abuse prisoners and detainees. The Government rarely investigated or punished any of the officials involved.

There were reports that security forces detained persons at specific sites where they tortured and beat detainees. Security forces also reportedly subjected women, children, and elderly persons to abuse.

Numerous international human rights organizations and some prison personnel reported that torture was widespread; however, most reports did not identify the victims because of fear of government retaliation against either the victim or the victim's family or because of ignorance of, or lack of confidence in, the judicial system.

In Douala's New Bell Prison and other nonmaximum security penal detention centers, prison guards inflicted beatings, and prisoners were reportedly chained or at times flogged in their cells. Authorities also administered beatings in temporary holding cells within police or gendarmerie facilities. An NGO in Garoua reported that six prisoners were suspended upside down in the Garoua prison.

Security forces reportedly continued to subject prisoners and detainees to degrading treatment, including stripping them, confining them in severely overcrowded cells, denying them access to toilets or other sanitation facilities, and beating them to extract confessions or information about alleged criminals. Pretrial detainees reported that they were sometimes required, under threat of abuse, to pay "cell fees," a bribe paid to prison guards to prevent further abuse.

In late October more than 100 persons were reportedly beaten after members of the Rapid Intervention Brigade arrested them in and around Maroua, in the Far North Province. The victims were detained for several days at Salack, where many of them were stripped naked, blindfolded and beaten, then held in a cell with water on its floor.

Police use of force to disperse demonstrators resulted in injuries.

Little action was taken against security forces that used excessive force in 2006 and 2005.

For example, in 2006 the Garoua High Court in the North Province prosecuted Immigration Police Commissioner Magloire Enguene for use of excessive force, which resulted in injuries during the arrest and sequestration of a citizen whose name was not mentioned in the report. The case was still pending at year's end.

Security forces physically abused and harassed journalists during the year.

Illegal immigrants from Nigeria and Chad reported that they were subjected to harsh treatment and imprisonment.



*Prison and Detention Center Conditions.*—Prison conditions remained harsh and life threatening. Prisons were seriously overcrowded and unsanitary, especially outside major urban areas. The Government did not provide funds to improve serious deficiencies in food, health care, and sanitation, which were common in almost all prisons, including private prisons operated by traditional rulers in the north. Prisoners were kept in dilapidated, colonial-era prisons, where the number of inmates was four to five times the intended capacity. Overcrowding was exacerbated by the large number of long pretrial detentions. There were confirmed reports that government officials accused of corruption were held in separate quarters and received special treatment.

Health and medical care were almost nonexistent in prisons and detention cells located in gendarmeries and police stations. There were reports that prisoners died due to a lack of medical care.

For example, on January 5, Patrick Herve Essama and Alexandre Wamba Kamteu, two prisoners from the Yaounde Kondengui Prison died from drug poisoning and illness, respectively, after their transfer to the local hospital, according to the Ministry of Justice. An investigation concluded that the two men died due to ingesting liquid from the infirmary after it had been ransacked.

Prisoners' families were expected to provide food for their relatives in prison. Douala's New Bell Prison contained seven water taps for a reported 3,500 prisoners, contributing to poor hygiene, illness, and death.

Corruption among prison personnel was widespread. Prisoners sometimes could bribe wardens for special favors or treatment, including temporary freedom.

There were two separate prisons for women. There were also a few pretrial detention centers for women; however, women routinely were held in police and gendarmerie complexes with men, occasionally in the same cells. The secretary of state in charge of penitentiary administration acknowledged this was a serious problem. Mothers sometimes chose to be incarcerated with their children or babies while their children were very young or if they had no other child care option.

Juvenile prisoners were often incarcerated with adults, occasionally in the same cells or wards. There were credible reports that adult inmates sexually abused juvenile prisoners.

Pretrial detainees routinely were held in cells with convicted criminals.

Some high-profile prisoners were separated from other prisoners and enjoyed relatively lenient treatment.

Authorities held adult men, juveniles, and women together in temporary detention centers where detainees usually received no food, water, or medical care. Overcrowding was common. Detention center guards accepted bribes from detainees in return for access to better conditions, including permission to stay in an office instead of a cell. Detainees whose families were informed of their incarceration relied on their relatives for food and medical care.

In the North and Extreme North provinces, the Government continued to permit traditional chiefs, or Lamibe, to detain persons outside the Government penitentiary system, in effect creating private prisons. Many citizens turned to the Lamibe for dispute resolution. Within the palaces of the traditional chiefdoms of Rey Bouba, Gashiga, Bibemi, and Tcheboa, there were private prisons that had reputations for serious abuse.

Unlike in previous years, there were no reports that detainees in temporary detention centers in Garoua were beaten or subjected to other forms of physical abuse.

There was a report that a Lamibe used law enforcement to extort money and confiscate cattle from citizens. Authorities held these citizens without access to an attorney for days or weeks, and then sent them to trial in Garoua, where the charges would routinely be dismissed. The Government permitted international humanitarian organizations access to prisoners. Both the local Red Cross and the National Commission on Human Rights and Freedoms (NCHRF) made infrequent, unannounced prison visits during the year. The Government continued to allow the International Committee of the Red Cross (ICRC) to visit prisons.

In 2005 the prison administrator of the Douala New Bell prison told diplomatic observers that the prison, built to hold 700 inmates, held 3,194. Of these, 2,300 were pretrial detainees who were not held separately from convicted prisoners. During a similar visit to the Yaounde Kondengui Prison, the same observers learned that the prison, built for 800 inmates, held 3,521. In 2004 a senior official estimated that 1,600 out of 1,800 inmates in Bafoussam Prison were pretrial detainees.

*d. Arbitrary Arrest or Detention.*—The Constitution and law prohibit arbitrary arrest and detention; however, security forces continued to arrest and detain citizens arbitrarily.

*Role of the Police and Security Apparatus.*—The national police, the National Intelligence Service (DGRE), the gendarmerie, the Ministry of Territorial Administration, the army's military security department, the army, the minister of defense, and, to a lesser extent, the presidential guard are responsible for internal security; the national police and gendarmerie have primary responsibility for law enforcement. The Ministry of Defense, including the gendarmerie, national police, and DGRE, are under an office of the presidency, resulting in strong presidential control of security forces. The national police include the public security force, judicial police, territorial security forces, and frontier police. In rural areas, where there is little or no police presence, the primary law enforcement body is the gendarmerie.

Police were ineffective, poorly trained, underpaid, and corrupt. Impunity was a problem.

Individuals reportedly paid bribes to police and the judiciary to secure their freedom. Police demanded bribes at checkpoints, and influential citizens reportedly paid police to make arrests or abuse individuals involved in personal disputes.

Citizens viewed police as ineffective, which frequently resulted in mob justice (see Section 1.a.). Due to the continual rise in crime, police opened new stations in Yaounde and Douala.

During the year Mebe Ngo'o, the general delegate for National Security, created new mobile police units and precincts in Yaounde and Douala to improve professionalism and increase police visibility. In 2006 the Center Province purchased 150 police vehicles to improve police effectiveness. In 2005 Mebe Ngo'o activated the "police of the police," an internal affairs unit of undercover agents that had been dormant for many years. During the year the special unit investigated at least five cases, which resulted in sanctions against several police officers.

During the year Mebe Ngo'o also sanctioned eight police officers who violated laws and regulations, including those on corruption.

On January 11, Mebe Ngo'o suspended three Abong-Mbang based police officers for 3 months without pay for failure to follow orders and for corruption. On September 20, he also suspended a Yaounde-based police commissioner for 3 months without pay for aggravated corruption pending legal action.

In 2006 courts convicted at least seven police and gendarmerie officers for human rights abuses.

In 2006 the Government took actions to reform the security forces, including the police and gendarmerie. Several gendarmes and police officers completed a 4-week training seminar on order preservation, with an emphasis on citizens' rights, human rights, and individual freedoms. The Government also sent law enforcement personnel to attend police training at the International Law Enforcement Academy.

*Arrest and Detention.*—The law requires police to obtain an arrest warrant except when a person is caught in the act of committing a crime; however, police often did not respect this right in practice. The law provides that detainees must be brought promptly before a magistrate; however this frequently did not occur. Police legally may detain a person in connection with a common crime for up to 24 hours and may renew the detention three times before bringing charges. While this provision was generally respected, persons reported that police occasionally violated it.

In January the Criminal Procedure Code entered into force, standardizing procedures in both the anglophone and francophone provinces of the country and tightening arrest provisions, ostensibly to combat banditry and maintain public order. The law permits detention without charge by administrative authorities such as governors and senior divisional officers for renewable periods of 15 days. The law also provides for access to counsel and family members. Persons taken into detention frequently were denied access to both legal counsel and family members. The law permits bail, and allows those arrested and held for investigation immediate access to a lawyer. The law also allows citizens the right to appeal a detention decision and the right to sue for unlawful arrest.

Police and gendarmes often arrested persons on spurious charges on Fridays at mid-day or in the afternoon. While the law provides for judicial review of an arrest within 24 hours, the courts did not convene on weekends, so individuals arrested on a Friday typically remained in detention until Monday at the earliest. Police and gendarmes made such "Friday arrests" after accepting bribes from persons who had private grievances. There were no known cases of policemen or gendarmes being sanctioned or punished for this practice. Security forces and government authorities reportedly continued to arbitrarily arrest and detain persons, often holding them for prolonged periods without charges or trial and, at times, incommunicado. However, there were fewer cases reported than in 2006.

Police also arrested persons during unauthorized demonstrations, generally releasing them within a few hours unless they engaged in violence.

In 2006 security forces preemptively arrested approximately 70 leaders, members, and supporters of the Southern Cameroons National Council (SCNC), an anglophone group the Government considers illegal because it advocates secession.

There were no developments in the April 2006 case of gendarmes arresting and detaining Suzanne Binyom and Felicite Atchang for 24 hours at the request of Ernest Oloume, the ruling party deputy from the locality. Oloume told the gendarmes that the women looked suspicious; they in turn filed a complaint for unlawful arrest and detention.

There were also no developments in the September 2006 case of Conrad Monguedin, a lawyer who was arrested and detained by Police Commissioner Mve of the Douala judicial police office for trying to visit a client in the judicial police office.

Police arbitrarily arrested persons without warrants during neighborhood sweeps for criminal and stolen goods. Police frequently arrested persons without identification during sweeps. Citizens are required to carry identification with them at all times.

Prolonged pretrial detention was a serious problem. On occasion, persons were held incommunicado for months or years. In 2005 in Douala's New Bell Prison and Yaounde's Kondengui Prison, 5,300 of the 6,715 persons incarcerated were in pretrial detention. This high number was due to many factors, including the complexity of cases, staff shortages, and corruption. The average pretrial detention period ranged from 1 to 5 years. Longer detention periods were often linked to the loss of a file and the absence of a lawyer to follow up on the case.

In September at Bamenda prison in the North West Province, press reports indicated that 251 of the 431 inmates at the Bamenda prison in the North West Province had been awaiting trial for 3 to 8 years.

There was no information available on Barnabe Atangana or Benoit Bilongo, who remained in pretrial detention at the end of the year after 22 years and 9 years, respectively.

The law specifies that, after an investigation has concluded, juveniles should not be detained without trial for longer than 3 months; however, in practice the Government detained juveniles for longer periods of time. An NGO reported that several juveniles were detained in the Yaounde Central Prison for between 6 months and 1 year.

In recent years there have been reports that some prisoners were kept in prison after completing their sentences or having been released under a court ruling. During a July 2006 visit to Douala, a Catholic prison chaplain told diplomatic observers that there were still many such cases. Authorities kept more than 100 prisoners in jail past their release dates due to the prisoners' inability to pay court fees or damages.

*e. Denial of Fair Public Trial.*—The Constitution and law provide for an independent judiciary; however, the judiciary remained highly subject to executive influence, and corruption and inefficiency remained serious problems. The court system was subordinate to the Ministry of Justice. A constitutional anomaly names the president as “first magistrate,” thus “chief” of the judiciary and the theoretical arbiter of any sanctions against the judiciary, which could influence judicial action. In practice, however, the president has not filled this role. The Constitution specifies that the president is the guarantor of the legal system's independence. He also appoints all judges with the advice of the Higher Judicial Council. However, the judiciary showed modest signs of growing independence. During the year the courts found the Government liable for damages in a few human rights cases involving abuses by security officers. In November the Douala Higher Court found the Government liable for approximately \$24,000 (12 million CFA francs) in damages in connection with the 2005 homicide case involving police officer Mpacko Dikoume.

The court system includes the Supreme Court, a court of appeals in each of the 10 provinces, and courts of first instance in each of the country's 58 divisions.

The legal system includes both national and customary law, and many criminal and civil cases can be tried using either one. However, criminal cases are generally tried in statutory courts, and customary court convictions involving witchcraft are automatically transferred to the statutory courts, which act as the court of first instance. The customary law, used in rural areas, is based upon the traditions of the ethnic group predominant in the region and is adjudicated by traditional authorities of that group. Customary law is deemed valid only when it is not “repugnant to natural justice, equity, and good conscience.” However, many citizens in rural areas remained unaware of their rights under civil law and were taught that they must abide by customary laws. Customary law ostensibly provides for equal rights and status; however, men may limit women's rights regarding inheritance and employment, and some traditional legal systems treat wives as the legal property of their husbands.

Customary courts served as a primary means for settling family-related civil cases, such as in matters of succession, inheritance, and child custody. Divorce cases can be brought to customary courts only if the Government has not sanctioned the marriage through an official license. Customary courts may exercise jurisdiction in a civil case only with the consent of both parties. Either party has the right to have a case heard by a statutory court and to appeal an adverse decision by a customary court to the statutory courts. Most traditional courts also permitted appeal of their decisions to traditional authorities of higher rank.

Military tribunals may exercise jurisdiction over civilians when the president declares martial law and in cases involving civil unrest or organized armed violence. Military tribunals also have jurisdiction over gang crimes, banditry, and highway robbery. The Government interpreted these guidelines broadly and sometimes used military courts to try matters concerning dissident groups who used firearms. Unlike in previous years however, military trials were not subject to irregularities and political influence.

*Trial Procedures.*—The law provides for a fair public hearing in which the defendant is presumed innocent. Within the past year, with the implementation of the criminal code, lawyers and the police have confirmed that persons are presumed innocent until proven guilty. There is no jury system. Defendants have the right to be present and to consult with an attorney in a timely manner. Defendants generally were allowed to question witnesses and to present witnesses and evidence on their own behalf. Defendants also had access to government-held evidence relevant to their cases. Because appointed attorneys received little compensation, the quality of legal representation for indigent clients often was poor. The bar association and some voluntary organizations, such as the Cameroonian Association of Female Jurists, offered free assistance in some cases. The Project for the Improvement of Conditions of Detention continued to engage lawyers to work on prison cases. Trials normally were public, except in cases judged by the Ministry of Justice to have political overtones or to be disruptive to social peace. In practice defendants enjoyed a presumption of innocence and exercised their right to appeal their cases.

Political bias by judges (often instructed by the Government) often stopped trials or resulted in an extremely long process with extended court recesses. Many powerful political or business interests enjoyed virtual immunity from prosecution; some politically sensitive cases were settled through bribes.

*Political Prisoners.*—There were reports of political detainees, which included anglophone citizens advocating secession through an illegal organization.

There were no developments in the case of 15 members of the secessionist group SCNC serving long prison sentences following their 1999 convictions in military trials. The prisoners maintained they were political prisoners; however, the Government claimed they were imprisoned for acts of violence against government offices and officers. The Government considered the SCNC an illegal organization and refused to register it as a political organization. The Government permitted access to the prisoners on a regular basis by international humanitarian organizations.

On September 15, security forces preemptively arrested 11 SCNC activists in Bamendakwe, a locality of Mezam Division, in the North West Province.

During the year the Government continued to detain two individuals widely considered by human rights NGOs to be political prisoners because of irregularities in their trials and restricted access to counsel. Titus Edzoa, former minister of health and long-time aide to President Biya, and Michel Thierry Atangana, Edzoa's 1997 campaign manager, were arrested in 1997, 3 months after Edzoa resigned from government and launched his candidacy for president. They were convicted on charges of embezzling public funds and sentenced to 15 years in prison.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution and law prohibit such actions; however, these rights were subject to the "higher interests of the state," and there were numerous, credible reports that police and gendarmes harassed citizens, conducted searches without warrants, and opened or seized mail with impunity. The Government continued to keep some opposition activists and dissidents under surveillance. Police sometimes detained family members and neighbors of criminal suspects.

The law permits a police officer to enter a private home during daylight hours without a warrant if he is pursuing a criminal whom he suspects of committing a crime. A police officer may enter a private home at any time in pursuit of a criminal observed committing a crime.

During the year police put the houses of SCNC officials and activists under surveillance, searched the houses of some SCNC leaders, and disrupted SCNC meetings in private residences.

An administrative authority may authorize police to conduct neighborhood sweeps without warrants. Such sweeps at times involved forced entry into homes in search of suspected criminals or stolen or illegal goods. Security forces sometimes sealed off a neighborhood, systematically searched homes, arrested persons, sometimes arbitrarily, and seized suspicious or illegal articles.

Unlike in 2005, there were no reports that security forces in Douala and Yaounde used sweeps as a pretext to loot homes and arbitrarily arrest persons for minor offenses, such as not possessing identity cards.

Citizens without ID cards were detained until their identity could be established and then released. Several complained that police arbitrarily seized electronic devices and cell phones. Some registered their complaints with the police.

There continued to be accusations, particularly in the North and Far North provinces, that traditional chiefs arbitrarily evicted persons from their land.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The law provides for freedom of speech and of the press; however, the Government continued to restrict these rights in practice. The Government sometimes arbitrarily arrested journalists and at times reminded journalists about libel laws in an effort to warn them against printing false information or defaming individuals. Journalists, particularly broadcast journalists, at times practiced self-censorship as a result.

Individuals generally were able to criticize the Government publicly and privately without being subjected to government reprisal; however, the Government prohibited advocacy or public discussion of secession, which resulted in numerous arrests of SCNC members during the year. Nonetheless, the independent print media continued to report on SCNC activities.

The Government published the daily newspaper the Cameroon Tribune. The newspaper did not report extensively on protests or political parties critical of the Government, overtly criticize the ruling party, or portray government programs in an unfavorable light.

During the year approximately 200 privately owned newspapers were published; however, most appeared irregularly, primarily due to lack of funding. Only an estimated 25 were published on a regular basis. Mutations, La Nouvelle Expression, Le Messenger, and the newly created La Jour were the only privately owned newspapers published daily. Newspapers were distributed primarily in urban areas, and most continued to criticize the Government and report on controversial issues, including corruption, human rights abuses, homosexuality, and economic policies.

Newspaper distribution was difficult outside of major cities, mostly due to lack of infrastructure outside of the cities and transportation issues.

In 2004 the Government established a special fund to support the development of the press, particularly newspapers, and funds were disbursed to some private newspapers and radio stations. The Government continued to disburse such funds during the year. According to media reports, the Government awarded funding very selectively.

The Government continued to control the broadcast media. Radio remained the most important medium reaching most citizens. There were approximately 70 privately owned unofficial radio stations operating in the country, three-fourths of them in Yaounde and Douala. The state-owned CRTV broadcasts on both television and radio and was the only officially recognized and fully licensed broadcaster in the country until August 30 when the Government issued the first licenses to two private televisions, STV and Canal 2 International, one private radio, Sweet FM, and one cable television network, TV+. The Government levied taxes to finance CRTV programming, which allowed CRTV a distinct advantage over independent broadcasters.

Nonprofit rural radio stations were required to submit an application to broadcast but were exempt from paying licensing fees. Potential commercial radio and television broadcasters must submit a licensing application and pay an application fee when the application is submitted. Once the license is issued, stations must then pay an annual licensing fee, which was expensive for some stations. Although the Government did not issue new broadcast licenses until August, companies operated without them.

During the year the National Communications Council (NCC), whose members were appointed by the president, continued to review all broadcasting license applications, the first step in issuing licenses. A technical committee composed of government-appointed members—including government officials, journalists, and jurists—continued to review the NCC's decisions.

There were several low-power, rural community radio stations with extremely limited broadcast range that were funded by the U.N. Educational, Scientific, and Cul-

tural Organization and foreign countries. The Government prohibited these stations from discussing politics.

The law permits broadcasting by foreign news services but requires them to partner with a national station. The BBC, Radio France International, and other foreign services broadcast in partnership with state-owned CRTV.

Television was less pervasive but more influential than print media. The five independent television stations largely avoided criticizing the Government, although their news broadcasts sometimes focused on poverty, unemployment, and poor education, pointing to the role of government neglect and corruption.

Like the Cameroon Tribune, CRTV provided broad reporting of CPDM activities, while giving relatively little attention to the political opposition. During the year CRTV management continued to instruct staff repeatedly to ensure that government views prevailed at all times.

Security forces, usually acting under the command of local provincial government officials, reportedly continued to restrict press freedom by arresting, detaining, physically abusing, threatening, and otherwise harassing journalists.

On January 29, gendarmes raided the Ocean City Radio studio, a private radio station in Kumba, in the South Province. The gendarmes assaulted the director and several other employees before leaving the station. At the time the station was presenting a program called "20/20" which exposed corruption in the gendarmerie and poor detention conditions in gendarmerie facilities. Following a complaint filed to the gendarmerie chief by a local human rights NGO, the gendarmerie company commander apologized for his subordinates' behavior.

On April 7, the police arrested Georges Gilbert Baongla, publisher of the weekly *Le Dementi*, a Yaounde-based private newspaper, for publication of obscene materials, public contempt of morals, and contempt of decency. The charges stemmed from a March 27 report regarding an alleged homosexual scandal involving an unidentified government minister. The Yaounde prosecutor formally charged Baongla and transferred him to the Yaounde Central Prison. In May a Yaounde court gave Baongla a suspended 6-month prison sentence and fined him \$1,000 (500,000 CFA francs).

According to the NGO Committee to Protect Journalists, in April 2006 Eric Motomu, editor of *The Chronicle*, was beaten unconscious by the bodyguard and driver of opposition leader John Fru Ndi. Motomu said he was treated for head and chest injuries. Earlier, Motomu had been summoned by police in Bamenda in connection with a defamation case brought against him by Fru Ndi. However, Motomu was not formally charged.

No arrests had been made by year's end in connection with the November 2006 attack by unknown intruders of Sweet FM radio presenter Agnes Taile.

The Government was the largest advertiser in the country, and could choose in which media outlets to place advertising. It continued to have a certain degree of influence over media outlets.

The Government prosecuted its critics in the print media through criminal libel laws. These laws authorize the Government, at its discretion and the request of the plaintiff, to criminalize a civil libel suit or to initiate a criminal libel suit in cases of alleged libel against the president and other high government officials; such crimes are punishable by prison terms and heavy fines. The libel law places the burden of proof on the defendant. Local leaders in particular abused this law to keep local journalists from reporting on corruption and abusive behavior. In 2006 various government members and senior government officials filed nine libel suits against journalists.

In August former Minister of Finance, Polycarpe Abah Abah, filed a libel suit against Peter William Mandio and Henriette Ekwe, the director and editor of *Le Front* newspaper, for publishing his name as one of the most corrupt officials in the country. In December they were found guilty and sentenced to 4 months in prison and a fine of \$16,000 (8 million CFA francs) each.

In 2005 the Union of Cameroonian Journalists created the Cameroon Media Council (CMC), an independent, self-regulating body of journalists aiming to promote press freedom, access to information, professionalism, and ethical reporting. The CMC, supported by the minister of communication, also had as part of its mission the goal of reviewing and disciplining media professionals and arbitrating complaints against journalists. Complaints included ethical breeches, such as the common practice of newspaper reporters and editors accepting payments from politicians and businessmen to write articles containing unsubstantiated allegations against their opponents and competitors.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Inter-

net, including by e-mail. The Internet was available and used by citizens, although access was limited by cost and slow connections.

*Academic Freedom and Cultural Events.*—Although there were no legal restrictions on academic freedom, state security informants reportedly operated on university campuses. Professors said that participation in opposition political parties could adversely affect their professional opportunities and advancement.

During the year musical entertainers reported being harassed privately by security officials for singing songs that are derogatory to government officials.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The law provides for freedom of assembly; however, the Government restricted this right in practice.

The law requires organizers of public meetings, demonstrations, or processions to notify officials in advance but does not require prior government approval of public assemblies and does not authorize the Government to suppress public assemblies that it has not approved in advance. However, officials routinely have asserted that the law implicitly authorizes the Government to grant or deny permission for public assembly. Consequently, the Government often did not grant permits for assemblies organized by persons or groups critical of the Government and repeatedly used force to suppress public assemblies for which it had not issued permits.

On numerous occasions throughout the year, authorities refused to grant the SCNC permission to hold rallies and meetings, and security forces arrested and detained some activists.

Security forces forcibly disrupted the demonstrations, meetings, and rallies of citizens, trade unions, and groups of political activists throughout the year; demonstrators were injured, arrested, and killed.

On January 20, the police arrested and detained Nfor Ngala Nfor, the national vice chairman of the illegal SCNC, and 13 other activists, for holding a press conference. The Bamenda prosecutor formally charged the 14 with felonies, namely secession, and detained them in the Bamenda prison. On March 13, the court released the 14 activists on bail, at \$2,000 each (1 million CFA francs) pending trial.

On September 16, gendarmes stormed the SCNC secretariat in Bamenda, North West Province, to disrupt an unauthorized meeting. The gendarmes arrested six members, including Fidelis Chinkwo, Emmanuel Emi, Priscilla Khan, Elvis Bandzeka, and two other activists, but released them the same day.

On September 17, high school students Jean Jores Shimpe Pougou Zok and Marcel Bertrand Mvogo Awono in Abong-Mbang, East Province were shot and killed during a demonstration against a 4-month absence of electricity in the town. Most eyewitnesses claimed that the senior divisional officer (prefet) and his second deputy fired the shots. The Government promised an investigation.

On October 5, in the Mokolo Market in Yaounde authorities used force to quell a demonstration by vendors who were protesting the destruction of their unauthorized sidewalk booths by the Yaounde urban council. One vendor was seriously injured during the incident.

No action was taken against security forces responsible for deaths and injuries as a result of the forcible dispersion of demonstrators. For example, in June 2006 Yaounde police dispersed a gathering from the University of Yaounde II and arrested 50 students. The students were released shortly after their arrest.

The trial continued during the year in the August 2006 case of four leaders of the Association for the Defense of Students' Interests, who were charged with rebellion and disturbance of public order.

*Freedom of Association.*—The law provides for freedom of association, but the Government limited this right in practice.

The conditions for government recognition of a political party, a prerequisite for many political activities, precluded peaceful advocacy of secession. While more than 180 political parties, together with a large and growing number of civic associations, operated legally, the Government continued to refuse to register the SCNC as a political party and harassed and arrested its leaders and members.

On March 14, the Sous-prefet of Yaounde III subdivision refused to allow the opposition SDF party to hold a press conference.

*c. Freedom of Religion.*—The law provides for freedom of religion, and the Government generally respected this right in practice; however, there were a few exceptions.

Religious groups must be approved and registered with the Ministry of Territorial Administration and Decentralization to function legally. Although there were no reports that the Government refused to register any group, the process usually took several years, due primarily to administrative delays.

The practice of witchcraft is a criminal offense under the law; however, individuals generally were prosecuted for this offense only in conjunction with another offense, such as murder. Witchcraft traditionally has been a common explanation for diseases of unknown cause.

*Societal Abuses and Discrimination.*—There was one report of discrimination in Ngoundere by criminals against Christians and persons who practiced traditional indigenous religions.

The size of the Jewish community was very small, and there were no reports of anti-Semitic acts.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—Although the Constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, security forces routinely impeded domestic travel during the year.

Roadblocks and checkpoints manned by security forces proliferated in cities and on most highways, making road travel both time-consuming and costly. Extortion of small bribes was commonplace at these checkpoints. Police frequently stopped travelers to check identification documents, vehicle registrations, and tax receipts as security and immigration control measures. However, there were credible reports that police arrested and beat individuals who failed to carry their identification cards as required by law.

The law prohibits forced exile, and the Government did not use it; however, some human rights monitors and political opponents who considered themselves threatened by the Government left the country voluntarily and declared themselves to be in political exile.

In 2005 the Government, the Nigerian High Commission to Cameroon, and the Office of the U.N. High Commissioner for Refugees (UNHCR) signed a tripartite agreement for the voluntary repatriation of 10,000 of the 17,000 Nigerian Fulani cattle breeders who fled their homes in 2001 to escape ethnic fighting. In 2006 a large number of Nigerians returned home.

*Internally Displaced Persons (IDPs).*—There were approximately 2,000 to 3,000 IDPs in the country. Thousands of people were displaced during the year due to the Bali/Bawock ethnic conflict over land disputes and as a result of an attack by the Oku tribe on the Mbessa tribe (see Section 5).

In 2005 between 10,000 and 15,000 citizens in and around the Adamawa Province villages of Djohong and Ngaoui were displaced following attacks and looting by unidentified armed groups from the Central African Republic (CAR). During the year hundreds of IDPs remained.

During the year the Government worked with the UNHCR to protect and assist IDPs.

*Protection of Refugees.*—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system of providing protection to refugees. The Government granted refugee status or asylum. In practice, the Government provided protection against “refoulement,” the return of persons to a country where there is reason to believe they feared persecution.

The Government also provided protection to certain individuals who did not qualify as refugees under the 1951 convention and its 1967 protocol. However, some non-citizens claimed that refugee status was denied to long-term residents. At year’s end the UNHCR estimated that the country provided temporary protection to approximately 41,440 refugees, of which 28,530 came from CAR.

The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. During the year the Government facilitated entry and provided assistance to some refugees from CAR and Chad.

On October 18, the joint task force against CAR and Chadian rebels disbanded. The task force included troops from the Economic and Monetary Community of Central Africa (comprised of Cameroon, Gabon, CAR, Equatorial Guinea, Congo Brazzaville, and Chad), with logistical support from the French army. Despite the disbanding of this force, the country’s unit continued to patrol the CAR border.

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

The law provides citizens with the right to change their government peacefully; however, dominance of the political process by the president and his party, as well as electoral intimidation, manipulation, and fraud limited the ability of citizens to exercise this right in past elections.



*Elections and Political Participation.*—In July 22 legislative elections the CPDM won a landslide victory with 140 out of 180 parliamentary seats and 310 out of 660 municipal councils. Observers witnessed poor supervision at the polling stations and, in some cases, lax application of the electoral law. An unnecessarily complex registration process effectively disenfranchised some voters because the Government did not implement some electoral improvements previously accepted. For example, despite repeated public assurances, the Government was unable to provide indelible ink—an internationally recognized safeguard against multiple voting—to many polling stations, which reduced the credibility of the electoral process.

The Supreme Court received over 130 complaints from political parties after the elections, but rejected the majority because of technicalities. However, the court ordered new elections in five constituencies for 17 parliamentary seats. On September 30, in the second round of voting the CPDM won 13 seats and the opposition four in an election which also had some irregularities and low voter turnout.

In 2004 President Biya, who has controlled the Government since 1982, was re-elected with approximately 70 percent of the vote in an election widely viewed as freer and fairer than previous elections. Although the election was poorly managed and marred by irregularities, in particular in the voting registration process, most international observers agreed that it reflected the will of the voters. The Commonwealth Observer Group, however, maintained the election lacked credibility.

In December 2006 the National Elections Observatory published its assessment of the 2004 elections; the assessment cited electoral weakness in voter registration and report collection, recommended that the observatory assume control of voter registration, and called for an increased responsibility for the observatory in organizing elections. The Government also passed a law establishing an independent electoral commission, although it had not been created by year's end.

Members of the Beti ethnic group, including the Bulu subgroup to which the president belongs, figured prominently in the Government, civil service, and management of state-owned businesses.

The president's control over the country's administrative apparatus was extensive. The president appoints all ministers, including the prime minister, and also directly appoints the governors of each of the 10 provinces. The president has the power to appoint important lower level members of the 58 provincial administrative structures as well.

The right of citizens to choose their local governments remained circumscribed. The Government greatly increased the number of municipalities run by presidentially appointed delegates, who have authority over elected mayors. Delegate-run cities included most of the provincial capitals and some division capitals in pro-opposition provinces; however, this practice was almost nonexistent in the southern provinces, which tended to support the ruling CPDM party. In municipalities with elected mayors, local autonomy was limited since elected local governments relied on the central government for most of their revenue and administrative personnel.

There were more than 180 registered political parties in the country. Fewer than 10, however, had significant levels of support, and only five had seats in the National Assembly. The ruling CPDM held an absolute majority in the National Assembly; opposition parties included the SDF, based in the anglophone provinces and some major cities. The largest of the other opposition parties were the National Union for Democracy and Progress, the Cameroon Democratic Union, and the Union of the Peoples of Cameroon. The Mouvement Progressiste won its first-ever parliamentary seat in the July elections.

The Government considered the SCNC illegal because it advocates secession and authorities refused to register it as a political organization. On numerous occasions throughout the year, authorities refused to grant the SCNC permission to hold rallies and meetings. Security forces disrupted SCNC meetings, including those held in private residences. During the year security forces also preemptively arrested approximately 40 leaders, members, and supporters of the SCNC to prevent them from participating in unauthorized political meetings.

For example, on January 20, police arrested and detained 14 SCNC members for holding a press conference. The Bamenda prosecutor released all 14 on bail pending trial. On December 18, the 14 SCNC members were acquitted due to a lack of evidence.

On September 16, gendarmes raided an SCNC meeting in Bamenda, North West Province and arrested six members. All six members were released later that day.

In August 2006 SDF Chairman John Fru Ndi was accused of being responsible for violence that resulted in the death of Gregoire Diboule.

In September 2006 the Prefect of Mezam Division in the Northwest Province signed an order banning all public meetings, rallies, or gatherings of more than four

persons and prohibiting access to electronic media for any SCNC official or sympathizer.

In advance of the annual celebration of Southern Cameroon "independence" on October 1, the Government engaged in a campaign of closing down SCNC rallies and meetings.

Official sources reported that the Government continued to hold some SCNC activists in temporary detention pending trials.

Women held 23 of 180 seats in the National Assembly, six of 61 cabinet posts, and a few of the higher offices within the major political parties, including the ruling CPDM.

Pygmies were not represented in the National Assembly or the Government.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. The World Bank's worldwide governance indicators reflected that corruption was a severe problem. The public perception was that judicial and administrative officials were open to bribes in almost all situations.

In January 2006 the Government officially launched the National Agency for the Investigation of Financial Crimes to fight money laundering, corruption, and embezzlement. In March 2006 the president signed a decree creating the National Anticorruption Commission, which replaced the National Corruption Observatory. The commission is under the president's authority. Its leading mission was to monitor and evaluate the effective implementation of the Government's anticorruption plan. It also gathered, centralized, and analyzed allegations and information regarding corrupt practices. Findings of the investigations conducted by the commission could lead to disciplinary or legal proceedings.

There were publicized prosecutions of government officials accused of corruption during the year. For example, the Government sanctioned dozens of government employees. On December 13, the Douala and Yaounde High Courts convicted and sentenced four senior government officials, including a former minister of water and energy, to 10 to 30 years' imprisonment on corruption charges.

Although in April 2006 the National Assembly passed legislation requiring senior state administrators and managers to declare their assets after their appointment and again when they leave office, no assets had been declared by year's end.

On June 28, the Yaounde High Court sentenced Ondo Ndong to 50 years' imprisonment and damages of \$28 million (14.7 billion CFA francs), to be paid with his codefendants, the loss of his civic rights for 10 years, and the confiscation of his belongings. His 13 codefendants were sentenced to between 10 and 48 years' imprisonment and fined \$1.5 million (741 million CFA francs) each.

On September 27, the Yaounde High Court sentenced Gilles Roger Belinga, the former general manager of the Cameroon Real Estate Corporation, to 35 years in prison, a fine of \$5.4 million (2.7 billion CFA francs), the loss of his civic rights for 10 years, and the confiscation of his belongings. His nine codefendants were sentenced to between 15 and 25 years' imprisonment, fined \$4 million (2 billion CFA francs), had their belongings confiscated, and lost their civic rights for 10 years.

During the year prosecution continued for the following 2006 high profile corruption cases: Joseph Edou, the general manager of Credit Foncier, a real estate funding company, and Andre Boto'o a Ngon, the former board chairman of the company and other employees; Alphonse Siyam Siwe, the former director of the Douala Port and Edouard Etonde Ekoto, the former board chairman of the Douala Port Authority.

There were no laws providing citizens with access to government information, and in practice such access was difficult to obtain. Most government documents, such as statistics, letters exchanged between various administrations, draft legislation, and investigation reports, were not available to the public or the media.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing findings on human rights cases; however, government officials repeatedly impeded the effectiveness of local human rights NGOs during the year by harassing their members, limiting access to prisoners, refusing to share information, threatening violence, and using violence against NGO personnel.

The activities of virtually all of these groups were limited by a shortage of funds and trained personnel. Observers criticized the country's NGO laws for giving the Government the power to deny NGOs authorization to operate and the ability to eliminate NGOs by decree.

Despite these restrictions, numerous domestic human rights NGOs operated in the country, including, among others, the National League for Human Rights, the Organization for Human Rights and Freedoms, the Association of Women against Violence, the Movement for the Defense of Human Rights and Freedoms, and the Cameroonian Association of Female Jurists. The Government collaborated with domestic NGOs to learn about such issues as child labor, women's rights, and trafficking in persons and how to subsequently address them.

There were no reports that the Government arrested NGO members.

The Government cooperated with international governmental organizations and permitted visits by U.N. representatives and other organizations such as the ICRC.

While the NCHRF remained hampered by a shortage of funds, during the year it conducted a number of investigations into human rights abuses, visited prisons, and organized several human rights seminars for judicial officials, security personnel, and other government officers. Although the commission infrequently criticized the Government's human rights abuses publicly, its staff intervened with government officials in specific cases of human rights abuses by security forces. During the year the NCHRF continued its efforts to stop "Friday arrests" (see Section 1.d.) and sought to obtain medical attention for jailed suspects. Government officials also attended several seminars organized by the commission. In September 2006 the president signed a decree appointing members to the commission and dismissing all incumbents except the chairman. The incumbents were appointed 15 years ago.

During the year the Ministry of Justice completed its own 2006 human rights report which was published in October.

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

The law does not explicitly forbid discrimination based on race, language, or social status, but does prohibit discrimination based on gender and mandates that "everyone has equal rights and obligations." The Government, however, did not enforce these provisions effectively. Violence and discrimination against women, trafficking in persons, discrimination against ethnic minorities, and discrimination against homosexuals were problems.

*Women.*—The law prohibits rape, although police and the courts rarely investigated and prosecuted rape cases.

Domestic violence against women was common. While there were no reliable statistics, newspaper reports indicated that the problem was widespread. A 2005 survey cited by the Cameroon Tribune during the year indicated that 39 percent of women living with a man (married or unmarried) were victims of physical violence and 28 percent were victims of psychological violence.

The law does not specifically prohibit domestic violence. While assault is prohibited and is punishable by prison terms and fines, the Government did not effectively enforce it in cases of assault on women. Women's rights advocates asserted that the law does not impose effective penalties against men who commit acts of domestic violence. Spousal abuse is not a legal ground for divorce. In cases of sexual assault, a victim's family or village often imposed direct, summary punishment on the suspected perpetrator through extralegal means, ranging from destruction of property to beating.

On March 2, the Government, in cooperation with the United Nations Fund for Women, launched the Fund to Combat Gender-Based Violence.

In 2006 breast ironing emerged as another form of violence against women, practiced in an effort to protect prematurely well-developed young girls from predatory older men. NGOs lead public awareness campaigns to combat this practice during the year.

While the law prohibits prostitution, it was tolerated. Prostitution was practiced predominantly in urban areas and places frequented by tourists.

On June 4, the Government signed the Anti-Sex Tourism Charter, which provides ethical guidelines for the tourism industry.

While the law prohibits sexual harassment, very few cases were reported or prosecuted during the year. The Government did not conduct any public education campaigns on the subject and there were no statistics available on its occurrence.

Despite constitutional provisions recognizing women's rights, women did not enjoy the same rights and privileges as men. Some points of civil law were prejudicial to women.

The law allows a husband to oppose his wife's right to work in a separate profession if the protest is made in the interest of the household and the family; a husband may also end his wife's commercial activity by notifying the clerk of the commerce tribunal of his opposition based upon the family's interest.

Customary law is far more discriminatory against women, since in many regions a woman traditionally was regarded as the property of her husband. Because of the

importance attached to customs and traditions, civil laws protecting women often are not respected. In the customary law of some ethnic groups, husbands not only maintain complete control over family property, but also can divorce their wives in a traditional court without being required to provide either verifiable justification or alimony. Polygyny is permitted by law and tradition. In cases of divorce, the husband's wishes determine the custody of children over the age of 6. While a man may be convicted of adultery only if the sexual act takes place in his home, a woman may be convicted without respect to venue.

Traditional law normally governs the extent to which a woman may inherit from her husband in the absence of a will, and traditions varied from group to group. In many traditional societies, customs grant greater authority and benefit to male heirs than to female heirs. Women were also forced to marry and in some regions parents could, and did, give girls away in marriage without the bride's consent. Once a husband, who could be many years older than his bride, paid his wife's parents a dowry, the girl was considered the husband's property. When a married man died, his widow often was unable to collect any inheritance, since she herself was considered part of the man's property. Often the widow was forced to marry one of the deceased husband's brothers. If she refused, she had to repay the bride price in full and leave the family compound. In the northern provinces, some Lamibe reportedly prevented their wives and concubines from leaving the palace. The lack of a national legal code covering such family issues often left women defenseless against these male-oriented customs.

*Children.*—During the year the Government made some efforts to protect children's rights and welfare, including participation in seminars on children's rights. During the year the minister of social affairs made statements and presented government action plans regarding the improvement of the condition for children.

The law provides for a child's right to education, and schooling was mandatory through the age of 14 and free in public primary schools. Since parents had to pay uniform and book fees for primary school, and because tuition and other fees for secondary education remained costly, education was largely unaffordable for many children. The Government took measures during the year to improve access to schools, such as the construction of new classrooms, recruitment of new teachers, and provision of water fountains.

On March 12, the Ministry of Basic Education signed a renewable 3-year partnership agreement of \$3 million (1.5 billion CFA francs) with the NGO Plan International to construct and renovate schools, improve teacher competency, and provide instructional materials.

According to 2005 government statistics, 72.2 percent of girls between the ages of 6 and 14 were enrolled in school, compared to 81.3 percent of boys in the same age group. According to the U.N. Children's Fund (UNICEF), the secondary school enrollment ratio (gross) was 36 percent for boys and 29 percent for girls. The low education rate continued to be attributed to high costs, socio-cultural prejudices, early marriage, sexual harassment, unwanted pregnancy, and domestic chores.

The Government provided basic medical care through local clinics and hospitals as well as through a limited number of school doctors. Boys and girls had equal access to state-provided medical care.

The exact extent of familial child abuse was not known, although children's rights organizations targeted the problem. Newspaper reports often cited children as victims of kidnapping, mutilation, and even infanticide. There were several credible stories of mothers (usually young, unemployed, and unmarried) abandoning their newborns in streets, garbage cans, and pit toilets.

The law does not prohibit FGM, and it was not practiced widely; however, FGM continued to be practiced in isolated areas in three of the 10 provinces, including some areas of Far North, Eastern, and Southwest provinces.

Internal migration contributed to the spread of FGM to different parts of the country. The majority of FGM procedures were clitorectomies. The severest form of FGM, infibulation, was performed in the Kajifu region of the Southwest Province. FGM usually was practiced on infants and preadolescent girls. Public health centers in areas where FGM is frequently practiced counseled women about the harmful consequences of FGM; however, the Government did not prosecute any persons charged with performing FGM. The Association of Women Against Violence continued to conduct a program in Maroua to assist victims of FGM and their families and to educate local populations.

On June 9–10, the International Federation of Red Cross Societies, in association with the Cameroon Red Cross, organized a seminar for perpetrators and victims of FGM, and educated them on the major risks and consequences of the practice.

While the minimum legal age for a woman to marry is 15, many families facilitated the marriage of young girls by the age of 12. Often these girls are not sent

to school and had no education or means to support themselves. Early marriage was prevalent in the northern provinces of Far North, Adamawa, and North, but was particularly characteristic of the remote Far North Province, where many women as young as 9 faced severe health risks from pregnancies. There were no statistics on the prevalence of child marriage.

Although exact numbers were unavailable, the country had a significant number of displaced or street children, most of whom resided in urban areas such as Yaounde and Douala. On May 14, the minister of social affairs launched an operation to rescue 150 children from the Yaounde streets and take them back to their families.

*Trafficking in Persons.*—The law does not prohibit all forms of trafficking in persons and there were reports that persons were trafficked to, from, and within the country. The law criminalizes child trafficking and slavery and prohibits slavery, prostitution, forced labor, and other crimes related to trafficking in persons.

A 2000 International Labor Organization (ILO) study conducted in Yaounde, Douala, and Bamenda, reported that trafficking accounted for 84 percent of child laborers in those three cities. Local NGOs believed this statistic was still accurate. In most cases, intermediaries presented themselves as businessmen, approaching parents with large families or custodians of orphans and promising to assist the child with education or professional training. The intermediary paid parents an average of \$12 (6,000 CFA francs) before transporting the child to a city where the intermediary would subject the child to forced labor with little remuneration. In four out of 10 cases, the child was a foreigner transported to the country for labor. The report also indicated that the country was a transit country for regional traffickers, who transported children between Nigeria, Benin, Niger, Chad, Togo, the Republic of the Congo, and the CAR for indentured or domestic servitude, farm labor, and sexual exploitation. Citizens also were trafficked to South Africa.

Women and children traditionally have faced the greatest risk of trafficking and have been trafficked most often for the purposes of sexual exploitation and forced labor. Most trafficking in children occurred within the country's borders, while most trafficked women were transported out of the country. According to anecdotal evidence from the NCHRF, women often were "hired" into hubs of prostitution, often in Europe. The method for trafficking women usually involved a marriage proposition by a foreign businessman. The woman was inducted into servitude upon arrival at a foreign destination. Girls were internally trafficked from the Adamawa, North, Far North, and Northwest provinces to Douala and Yaounde to work as domestic servants, street vendors, or prostitutes.

Slavery is illegal in the country and the law provides punishment of 10 to 20 years' imprisonment for persons accused of both slavery and trafficking in persons. However, there were credible reports of hereditary servitude by former slaves in some chiefdoms in the North Province. For example, there were reports that the Lamido (the traditional Muslim chief) of Rey Bouba in the North Province had hereditary servants inside his compound. Although the Lamido was replaced by his son in 2004, these hereditary servants have remained (they are reportedly free to leave but choose not to).

The law provides that any person who engages in crimes often associated with trafficking in persons shall be punished by prison terms of between 6 months and 20 years.

Although statistics were unavailable because traffickers could be prosecuted under various sections of the penal code, the Government reportedly prosecuted trafficking cases during the year.

The Ministry of Labor, Employment, and Social Insurance was primarily responsible for fighting trafficking; however, the ministry was severely underfunded.

The Government continued to fight trafficking through the use of an interagency committee and a program to find and return trafficked children. In addition, the Government cooperated with Gabon, Nigeria, Togo, and Benin in fighting trafficking through the exchange of information and preparation of common legislation on trafficking.

The Government continued to work with local and international NGOs to provide temporary shelter and assistance to victims of trafficking. Catholic Relief Services worked to combat corruption in local schools that led to child prostitution. UNICEF was also actively engaged in combating girls' prostitution throughout the year.

*Persons with Disabilities.*—The law provides certain rights to persons with disabilities, including access to public buildings, medical treatment, and education, and the Government was obliged to provide part of the educational expense of persons with disabilities, to employ them where possible, and to provide them with public assistance when necessary. Access to public secondary education is free for persons

with disabilities and children born of poor parents with disabilities. In practice, there were few facilities for persons with disabilities and little public assistance; lack of facilities and care for persons with mental disabilities was particularly acute. Society largely tended to treat those with disabilities as outcasts, and many felt that providing assistance was the responsibility of churches or foreign NGOs. On June 20, during the second edition of the National Solidarity Action Day, the Ministry of Social Affairs sponsored an exhibition at the National Museum that allowed persons with disabilities to exhibit their expertise. For example, blind persons exhibited woven chairs.

*National/Racial/Ethnic Minorities.*—The population consists of more than 200 ethnic groups, among which there were frequent and credible allegations of discrimination. Ethnic groups commonly gave preferential treatment to fellow ethnic group members in business and social practices. Members of the President's Beti/Bulu ethnic group from southern parts of the country held key positions and were disproportionately represented in government, state-owned businesses, the security forces, and the ruling CPDM party. For example, the minister of defense, the delegate general for national security, and the minister of communication were all from the South Province, the former two being from the same division as the president.

There were reports during the year that Alhadji Baba Ahmadou Danpullo, a wealthy businessman with ties to the Government, deceived M'Bororo women into sexual situations, forcibly displaced the M'Bororo and seized their land and cattle, and used his money and influence with the Government to order the beating and false imprisonment of members of the M'Bororo. There were unconfirmed reports during the year concerning the whereabouts of some M'Bororo men who protested Danpullo's actions in front of a foreign Embassy.

According to the governor of Adamawa Province, during the year bandits targeted M'Bororo cattle herders, kidnapping them and demanding ransom due to the group's perceived wealth.

On February 13, police arrested two persons over a land dispute between the Oku and the Mbessa tribes in both Bui and Boyo divisions in the North West Province. The Bui Oku burned dozens of Mbessa houses, displacing more than 500 persons. The Oku claimed that the Mbessa were farming on their land. They also accused them of having caught and raped Oku women, a charge disputed by local authorities. The Government established a commission to demarcate the borders between the two divisions.

Northern areas of the country continued to suffer from ethnic tensions between the Fulani (or Peuhl) and the Kirdi. The Kirdi remained socially, educationally, and economically disadvantaged relative to the Fulani in the three northern provinces. Traditional Fulani rulers, called Lamibe (for plural and Lamido for singular), continued to wield great power over their subjects, often including Kirdi, sometimes subjecting them to tithing and forced labor. Isolated cases of slavery were reported, largely Fulani enslavement of Kirdi.

Natives of the North West and South West provinces tended to support the opposition party SDF and consequently suffered disproportionately from human rights abuses committed by the Government and its security forces. The anglophone community was underrepresented in the public sector. Although citizens in certain francophone areas—the East, Far North, North, and Adamawa provinces—voiced similar complaints about under-representation and government neglect, anglophones said they generally believed that they had not received a fair share of public sector goods and services within their two provinces. Some residents of the anglophone region sought greater freedom, equality of opportunity, and better government by regaining regional autonomy rather than through national political reform, and have formed several quasi-political organizations in pursuit of their goals.

Police and gendarmes subjected illegal immigrants from Nigeria and Chad to harsh treatment and imprisonment and often targeted Nigerian and Chadian communities when seeking to identify illegal immigrants. During raids, members of the security forces extorted money from those who did not have regular residence permits or who did not have valid receipts for store merchandise. Some members of the country's large community of Nigerian immigrants complained of discrimination and abuse by government officials. Authorities repeatedly announced crackdowns on undocumented Nigerian immigrants, and illegal immigrants were subject to harassment on some occasions, although at a lower level than in previous years.

*Indigenous People.*—Approximately 50,000 to 100,000 Baka, Bakola, and Bagyeli (Pygmies) primarily resided (and were the earliest known inhabitants) in the forested areas of the South and East provinces. While no legal discrimination exists, other groups often treated the Baka as inferior and sometimes subjected them to unfair and exploitative labor practices. Baka reportedly continued to complain that

the forests they inhabit were being logged without fair compensation. Some observers believed that sustained logging was destroying the Baka's unique, forest-oriented belief system, forcing them to adapt their traditional social and economic systems to a more rigid modern society similar to their Bantu neighbors.

Local Baka along the path of the Chad-Cameroon pipeline continued to complain that they were not compensated fairly for their land or had been cheated by persons posing as Baka representatives. In June 2006 the committee in charge of the follow-up on the pipeline organized an evaluation seminar to determine compensation for the Bakola and Bagyeli. The committee agreed that despite improved access to education and healthcare, much remained to be done to improve living conditions for the pygmies. No further developments were reported during the year.

An estimated 95 percent of Baka did not have national identity cards; most Baka could not afford to provide the necessary documentation to obtain national identity cards, which were required to vote in national elections. In 2004 Plan International and another NGO launched a program to educate Bakas about their political rights, which included the construction of a communal radio in the region of Abong-Mbang in Upper Nyong Division, East Province.

In 2005 the Ministry of Social Affairs launched the Project to Support the Economic and Social Development of Bakas in South Province. The mission of the 3-year project was to allow the issuance of birth certificates and national identity cards to 2,300 Bakas, as well as to help register hundreds of students in school.

*Other Societal Abuses and Discrimination.*—Homosexual activity is illegal, with a possible prison sentence of 6 months to 5 years and a possible fine ranging from approximately \$40 to \$400 (20,000 to 200,000 CFA francs). While prosecution under this law was rare, homosexuals suffered from harassment and extortion by law enforcement officials. In addition, false allegations of homosexuality were used to harass enemies or to extort money.

On August 29, gendarmes arrested and detained three young homosexuals in the Douala neighborhood of Bonapriso after neighbors called the gendarmes to report a fight over a sexual transaction. The three were scheduled for trial on November 7 and the trial continued at year's end.

In October the Bonanjo High Court refused to release six Douala men held in New Bell Prison on charges of homosexuality. The Douala High Court formally charged them with homosexuality and the trial was pending at year's end.

In June 2006 the administration of the Douala-based Eyengue Nkongo College, a private high school, expelled 34 students (including 12 women), alleging they were homosexuals. One female student was arrested upon her expulsion. One woman who lived near the school and two former schoolmates were also arrested. On July 7, the Douala First Instance Court released them after giving them a suspended 3-year prison term and a fine of \$50 (25,000 CFA francs) on homosexuality charges.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law allows workers to form and join trade unions. However, the Government imposed numerous restrictions. The law does not permit the creation of a union that includes both public and private sector workers, or the creation of a union that includes different, even closely related, sectors.

The law requires that unions register with the Government, permitting groups of no less than 20 workers to organize a union by submitting a Constitution, bylaws, and nonconviction certifications for each founding member. The law provides for prison sentences and fines for workers who form a union and carry out union activities without registration. Government officials stated that the Government provided union certification within 1 month of application. However, independent unions, especially in the public sector, have found it difficult to register. On November 28, police disrupted a demonstration by the Central Union for Public Service Employees in front of the national assembly. The Government considered the demonstration illegal because it had not received formal legal recognition. The Government also alleged that the union did not follow the regulations governing public gatherings.

Registered unions were subject to government interference. The Government chose the unions with which it would bargain; some independent unions accused the Government of creating small nonrepresentative unions amenable to government positions and with which it could negotiate more easily. Some sections of labor law have no force or effect because the presidency had not issued implementing decrees.

The Constitution and law prohibit antiunion discrimination and employers guilty of such discrimination were subject to fines of up to approximately \$2,000 (1 million CFA francs). However, employers found guilty were not required to compensate the workers for discrimination or to reinstate fired workers. The Ministry of Labor, Employment, and Social Insurance did not report any complaints of antiunion discrimi-

nation during the year, although there were credible press reports of union leader harassment.

*b. The Right to Organize and Bargain Collectively.*—The Constitution and law provide for collective bargaining between workers and management as well as between labor federations and business associations in each sector of the economy. There are no export processing zones. On March 15, the minister of labor, the hydro-carbon employees' union, and the hydro-carbon employers' organization signed a collective bargaining convention in the hydro-carbon sector. In October the Government and the Yaounde press resumed negotiations to finalize a convention that would govern the press sector. Negotiations were ongoing at year's end.

When labor disputes arose, the Government chose the labor union with which it would negotiate, selectively excluding some labor representatives. Once agreements were negotiated, there was no mechanism to enforce implementation; some agreements between the Government and labor unions were ignored by the Government.

The labor code explicitly recognizes workers' right to strike, but only after mandatory arbitration, and workers exercised this right during the year. Arbitration decisions are legally binding, but often unenforceable because the parties refused to cooperate. It was not uncommon for such decisions to be overturned or simply ignored by the Government or employers. The provision of the law allowing persons to strike does not apply to civil servants, employees of the penitentiary system, or workers responsible for national security. Instead of strikes, civil servants were required to negotiate grievances directly with the minister of the appropriate department in addition to the minister of labor.

In early January wardens of the Yaounde Central Prison conducted a sit-in strike over a salary dispute, which subsequently spread to other prisons, including Douala and Bafoussam. The strike erupted into violence when prisoners and detainees rebelled. On January 2, the deputy prime minister and minister of justice ordered the arrest and detention of 71 strikers who were held for 11 days under harsh conditions at the Secretariat of State for Defense. On January 13, the strikers were released pending disciplinary and legal action against them.

In March workers of the ailing national airlines Camair, went on strike to demand guarantees for their future. In October nurses from government health facilities went on strike to demand that the Government pay the benefits it had promised to give them 1 year earlier. During the same time period, newly trained primary education teachers conducted a strike to demand more transparency in the recruitment of those who would be integrated in the public service.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution and law prohibit forced or compulsory labor, including by children; however, there were reports that such practices occurred. Authorities continued to allow prison inmates to be contracted out to private employers or used as communal labor for municipal public works. Money generated from these activities was usually pocketed by prison administrators and not given to detainees.

Hereditary servitude occurred in the Northern provinces.

In the South and East provinces, some Baka, including children, continued to be subjected to unfair and exploitative labor practices by landowners, including work on the landowners' farms during harvest seasons without payment.

The Government expressly prohibits forced and compulsory labor by children, but these practices occurred.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The law generally protects children from exploitation in the workplace and specifies penalties ranging from fines to imprisonment for infringement; however, child labor remained a problem. The Government specifically prohibits forced and compulsory labor by children, but there were reports that it occurred in practice.

The law sets a minimum age of 14 for child employment, which is inconsistent with the age for completing educational requirements.

The law also bans night work and enumerates tasks that children under the age of 18 cannot legally perform. These included moving heavy objects, dangerous and unhealthy tasks, working in confined areas, and prostitution. The law also states that a child's workday cannot exceed 8 hours. Employers were required to train children between the ages of 14 and 18, and work contracts must contain a training provision for minors. The prohibition against night work was not effectively enforced.

Child labor existed chiefly in urban areas and in the informal sector such as street vending, car washing, agricultural work, and domestic service. Many urban street vendors were less than 14 years of age. Children worked as household help, and some children were involved in prostitution. In the north there were credible reports that children from needy homes were placed with other families to do house-



hold work for pay. In Yaounde, Douala, and Bamenda, the ILO estimated that 40 percent of employed children were girls, of whom 7 percent were less than 12 years of age, and 60 percent had dropped out of primary school.

There were reports that some parents gave their children to “marabouts” (traditional religious figures) in Maroua in the Extreme North, to learn the Koran and prepare them to become “marabouts” themselves. However, there were reports that some children were kept in leg chains and subjected to forced labor.

Parents viewed child labor as both a tradition and a rite of passage. Relatives often employed rural youth, especially girls, as domestic helpers, and these jobs seldom allowed time for the children to attend school. In rural areas, many children began work at an early age on family farms. According to some NGOs, the cocoa industry also employed child laborers. These children originated, for the most part, from the Northern and Northwestern provinces.

The Ministry of Social Affairs and the Ministry of Labor, Employment, and Social Insurance were responsible for enforcing existing child labor laws through site inspections of registered businesses; however, the Government did not allocate sufficient resources to support an effective inspection program. Moreover, the legal prohibitions do not include family chores, which in many instances were beyond a child’s capacity. In 2005 the Government employed 58 general labor inspectors to investigate child labor cases.

The ILO continued to work with specific contact persons in various ministries and agencies involved in antitrafficking activities; it also conducted nationwide investigations and cooperated with local organizations.

*e. Acceptable Conditions of Work.*—The minimum wage was approximately \$47 (23,514 CFA francs) per month and was applicable in all sectors. The minimum wage did not provide for a decent standard of living for an average worker and family. The Ministry of Labor, Employment, and Social Insurance was responsible for enforcing the minimum wage nationally.

The law establishes a standard workweek of 40 hours in public and private non-agricultural firms and 48 hours in agricultural and related activities. There are exceptions for guards and firemen (56 hours a week), service sector staff (45 hours a week), and household and restaurant staff (54 hours a week). The law mandates at least 24 consecutive hours of weekly rest. Premium pay for overtime ranges from 120 to 150 percent of the hourly pay depending on amount and whether it is for weekend or late-night overtime. There is a prohibition on excessive compulsory service. Ministry of Labor, Employment, and Social Insurance inspectors were responsible for monitoring these standards; however, they lacked the resources for a comprehensive inspection program.

The Government sets health and safety standards. Ministry of Labor, Employment, and Social Insurance inspectors and occupational health physicians were responsible for monitoring these standards; however, they lacked the resources for a comprehensive inspection program. The law does not provide workers with the right to remove themselves from situations that endanger health or safety without jeopardizing their continued employment.

## CAPE VERDE

Cape Verde, with a population of approximately 460,000, is a multiparty parliamentary democracy in which constitutional powers are shared among the elected head of state, President Pedro Verona Rodrigues Pires, and Prime Minister Jose Maria Neves. Pires was reelected for a second 5-year term in February 2006 in generally free and fair elections. Nationwide legislative elections held in January 2006 were likewise declared generally free and fair by the Supreme Court of Justice and by the National Electoral Commission. While civilian authorities generally maintained effective control of the security forces, there were some instances in which elements of the police forces acted independently of government authority.

The Government generally respected the human rights of its citizens; however, problems were reported in some areas: Police abuse of detainees, poor prison conditions, lengthy pretrial detention, excessive trial delays, violence and discrimination against women, child abuse, and child labor.

### RESPECT FOR HUMAN RIGHTS

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

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

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution and law prohibit such practices; however, there were credible reports that in some instances police beat persons in custody and in detention. Generally, the authorities took action against the abusers. However, there are credible reports that some of the abuses that occurred within the police stations were not reported by police officials.

*Prison and Detention Center Conditions.*—Prison conditions were poor, and facilities were severely overcrowded. Sanitation and medical assistance were poor; however, doctors and nurses were available, and prisoners were taken to public hospitals for serious medical problems. Psychological problems among prisoners were common.

On December 6, a convicted drug trafficker who was collaborating with authorities was murdered in prison by another inmate, alleged to be a professional hit man hired by drug traffickers. The case was under investigation at year's end.

The 2005 prisoner riot case at the Sao Martinho Prison was still awaiting trial at year's end. One prisoner was killed in the riot and three persons were injured, including a guard. The prison director and a number of prison guards were accused of having committed abuses.

Juveniles were held together with adults, and pretrial detainees were held together with convicted prisoners.

The Government permitted formal visits by international human rights monitors to prisons and visits to individual prisoners; however, there were no such visits during the year. Local nongovernmental organizations (NGOs) and media representatives frequently visited the prisons and reported on prison conditions.

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

*Role of the Police and Security Apparatus.*—The police force is organized nationally under the Ministry of Internal Administration and is made up of the public order police, who are responsible for law enforcement, and the judicial police, who are responsible for investigations. Logistical constraints, including lack of vehicles, limited communications equipment, and poor forensic capacity limited police effectiveness. Corruption was not a significant problem.

Police abuses were investigated internally, and these investigations resulted occasionally in legal action against the perpetrators. During the year the Government provided training to increase police effectiveness, which was a problem due to lack of legal training and lack of preparation to handle cases of domestic violence. Impunity was a problem.

*Arrest and Detention.*—Police may not make arrests without a warrant issued by an authorized official, unless a person is caught in the act of committing a felony. The law stipulates that a suspect must be brought before a judge within 48 hours of arrest. The law provides a detainee with the right to a prompt judicial determination of the legality of the detention, and the authorities respected this right in practice. Attorneys inform detainees of the charges against them. There was a functioning bail system. Detainees were allowed prompt access to family members and to a lawyer of their choice and, if indigent, to one provided by the Government.

Lengthy pretrial detention was a serious problem; detainees often remained in jail without charge for more than a year. The judicial system was overburdened and understaffed, and the dropping of charges without a court judgment was a frequent means for terminating criminal cases.

*e. Denial of Fair Public Trial.*—The law provides for an independent judiciary, and the Government generally respected this provision in practice; however, the judiciary was understaffed and inefficient.

The judicial system is composed of the Supreme Court of Justice (SCJ) and the regional courts. Of the five Supreme Court judges, one is appointed by the president, one by the National Assembly, and three by the Superior Judiciary Council. Judges are independent and may not belong to a political party. Regional courts adjudicate minor disputes on the local level in rural areas. The civilian courts have jurisdiction over state security cases. There are penal courts to handle criminal cases, including violations of the electoral laws, civil courts to handle civil and commercial suits, and a military court. The SCJ is the highest appellate court and also handles administrative cases. The military court cannot try civilians.

*Trial Procedures.*—The law provides for the right to a fair and public nonjury trial. Defendants have the right to be present and to consult with an attorney in a timely manner; free counsel is provided for the indigent. Defendants have the right to confront or question witnesses against them and to present witnesses. De-

defendants and their attorneys have access to government-held evidence relevant to their cases. Defendants are presumed to be innocent until proven guilty. They can appeal regional court decisions to the SCJ. The law extends the above rights to all citizens.

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

*Civil Judicial Procedures and Remedies.*—The ordinary courts handle civil matters, including lawsuits seeking damages for, or cessation of, a human rights violation.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution and law prohibit such actions, and the Government generally respected these prohibitions.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution and law provide for freedom of speech and of the press, and the Government generally respected these rights. The independent press was active and expressed a variety of views without direct restriction.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in peaceful expression of views via the Internet, including by e-mail. According to a 2005 study, only 5.2 percent of Cape Verdeans were Internet users; citizens in the cities had access to the Internet at cyber cafes.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution and law provide for freedom of assembly and association, and the Government generally respected these rights.

*c. Freedom of Religion.*—The Constitution and law provide for freedom of religion, and the Government generally respected this right.

*Societal Abuses and Discrimination.*—There was no known Jewish community, and no reports of acts of anti-Semitism or discrimination against members of any religious group. The Supreme Court of Justice had not yet issued a decision at year's end in the 2006 case against four Seventh-day Adventists accused of desecrating a Catholic church.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution and laws provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government cooperated with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

The Constitution and law prohibit forced exile, and the Government did not employ it.

*Protection of Refugees.*—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against “refoulement,” the return of persons to a country where there is reason to believe they feared persecution. The Government granted refugee status or asylum.

The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol, and provided it to approximately 37 persons during the year.

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

The Constitution and law provide citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

*Elections and Political Participation.*—In the January 2006 legislative elections individuals and parties were free to declare their candidacies. The ruling African Party for the Independence of Cape Verde won 41 seats in the National Assembly with 52 percent of the vote; the main opposition party, Movement for Democracy (MPD), won 29 seats, and the Union for a Democratic and Independent Cape Verde won the remaining two seats. International observers characterized the elections as

generally free and fair, despite some irregularities. The MPD unsuccessfully contested the results by alleging fraud and filing with the SCJ for annulment of the elections.

Presidential elections were held in February 2006, and individuals and parties were free to declare their candidacies. International observers were present and characterized the conduct of the election as free and fair. The incumbent President Pires received a second term with 51 percent of the vote; MPD candidate Carlos Veiga obtained 49 percent of the vote. Veiga then petitioned the SCJ to annul the presidential election results, stating that the elections were not free or transparent. The SCJ ruled there were no legal grounds for annulment and confirmed President Pires as the winner.

Although the National Electoral Commission (CNE) and the SCJ declared the legislative and presidential elections generally free and fair, they also recognized that there were some irregularities in both elections. The CNE noted that the electoral code needed to be amended to provide greater security and transparency. It also cited a need for stricter, more consistent voter identification and registration processes, and for the adoption of indelible ink on ballots.

There were 11 women in the 72-seat National Assembly. There were seven women in the 21-member cabinet, and one woman on the SCJ.

There were no members of minorities in the Government.

*Government Corruption and Transparency.*—Criminal penalties for official corruption may reach 15 years' imprisonment. There were no reports of government corruption during the year, but according to the World Bank's Worldwide Governance Indicators, government corruption was a problem.

The law provides for freedom of access to governmental information without restriction, provided that privacy rights are respected; however, there were no requests for such information during the year.

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

A number of domestic human rights groups generally operated without government restriction and investigated and published their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

There were three private human rights groups: The National Commission of the Rights of Man, the Ze Moniz Association, and the Alcides Barros Association.

In January Amnesty International (AI) visited the country; however, AI did not release a report on the visit during the year.

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

The law prohibits discrimination based on race, gender, religion, disability, language, or social status; however, the Government did not enforce these provisions effectively, and violence and discrimination against women and abuse of children were serious problems.

*Women.*—Rape, including spousal rape, is a criminal offense, but the Government generally did not effectively enforce the law. The penalties for rape were 8 to 16 years' imprisonment. Penalties are higher if the victim is under the age of 16, or if the offender takes advantage of job responsibilities in prisons, hospitals, schools, or rehabilitation centers, or with persons under his or her responsibility. NGOs such as The Association in Support of Women's Self-Promotion in Development and The Cape Verdean Women's Organization conducted campaigns against rape.

Domestic violence against women, including wife beating, was widespread. The Government and civil society encouraged women to report criminal offenses such as spousal abuse, which is punishable by 2 to 13 years' imprisonment; however, longstanding social and cultural values inhibited victims from doing so.

While there were mechanisms such as legal counseling, psychological care, specific police attention, and family courts to deal with spousal abuse, these mechanisms neither effectively prevented violence nor ensured the punishment of those responsible. Women claimed that police often ignored the legal complaints they filed against their husbands. Nevertheless, reports to police of domestic violence continued to increase during the year. There were police and judicial delays in acting on abuse cases. Violence against women was the subject of extensive public service media coverage.

Women's organizations, such as the Women Jurists' Association, continued to seek legislation to establish a special family court to address crimes of domestic violence and abuse; however, there was no such legislation by year's end.

Only prostitution of minors is prohibited by law, but the Government generally did not enforce it. Sex tourism was a growing problem, and there are no laws to address it.

Sexual harassment was common and not culturally perceived as a crime. It is prohibited by law with a penalty of 1 year in prison, but the Government did not effectively enforce this law.

Under the law women enjoy the same rights as men, including rights under family law, property law, and in the judicial system. Despite legal prohibitions against sex discrimination and provisions for full equality, including equal pay for equal work, discrimination against women continued. The Government's "Instituto Caboverdiano para a Igualdade e Equidade de Genero" worked for the protection of legal rights of women. The Women Jurists' Association provided free legal assistance to women throughout the country suffering from discrimination, violence, and spousal abuse.

*Children.*—The Government was committed to children's rights and welfare.

The Government provided free and universal education for all children aged 6 to 12. Education was compulsory until age 11; however, secondary education was free only for children whose families had an annual income below approximately \$1,950 (147,000 escudos). There was a 94 percent basic education enrollment rate for all children; the enrollment rate in secondary school for all children was 70 percent.

The Government provided free primary health care for children, and boys and girls had equal access.

Child abuse and sexual violence against children were serious problems, regularly reported by the media. Child labor was also a problem (see 6.d). Government efforts to address these problems were inadequate.

*Trafficking in Persons.*—The law prohibits trafficking in minors, but not adults, and there were reports that persons were trafficked to and from the country. Police reports alleged that the country was a transit point for trafficking in persons from West African countries to the Canary Islands and to Europe. However, there was no concrete data to support this information.

Sentences for trafficking in children range from 12 to 16 years' imprisonment. There were no prosecutions during the year. The Ministry of Justice and the Ministry of Internal Administration are responsible for combating trafficking. The Government did not extradite citizens who were accused of trafficking in other countries.

*Persons with Disabilities.*—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services, and the Government effectively enforced these provisions. There are no laws or programs to ensure access to buildings for persons with disabilities. Several NGOs, including an association for the blind, were active.

*Other Societal Abuses and Discrimination.*—There were no reports of discrimination based on sexual orientation or against persons with HIV/AIDS.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law allows workers to form and to join unions of their choice without previous authorization or excessive requirements, and workers exercised this right in practice. There are no restrictions except for employees of diplomatic missions. Approximately 22 percent of workers were unionized.

*b. The Right to Organize and Bargain Collectively.*—The law allows unions to conduct their activities without interference, and the Government protected this right in practice. The law provides for the right of workers to bargain collectively; however, there was very little collective bargaining. There were no collective bargaining agreements and no collective labor contracts completed during the year. Workers and management in the small private sector, as well as in the public sector, normally reached an agreement through negotiations either individually or collectively.

The law provides union members with the right to strike, but the Government may invoke a "civil request" in an emergency or if coverage of basic needs is threatened. Under a civil request the Government has the power to require the striking union to continue to provide specified minimum services.

There are no special laws or exemptions from regular labor laws in the one export processing zone, which encompasses the whole country.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children, but there were reports that such practices occurred.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—There are laws and policies to protect children from exploitation in the workplace, but the Govern-

ment did not effectively implement them in practice. A new labor code was approved during the year, lowering the legal minimum age for employment from 16 to 15 years. The law prohibits children under the age of 15 from working at night, more than 7 hours per day, or in establishments where toxic products were produced; however, the Government rarely enforced the law.

The most recent statistics available (2000 census) indicated that 8,000 children were working as street vendors and car washers in urban centers, and in agriculture, livestock raising, and fishing in the countryside. In June the Institute of Children and Adolescents, a government organization, concluded a study analyzing the child labor situation in the country. The goal of the study was to raise public awareness, to create an action plan to prevent children from entering exploitive work situations, and to withdraw children engaged in such labor.

The ministries of justice and labor were responsible for enforcing child labor laws; however, such laws were seldom enforced. There were no government programs to address child labor.

*e. Acceptable Conditions of Work.*—As the country's largest employer, the Government continued to play the dominant role in setting wages. It did not fix wages for the private sector, but salary levels for civil servants provided the basis for wage negotiations in the private sector. For an entry-level worker, this wage was approximately \$163 (12,000 escudos) per month. The majority of jobs paid wages that did not provide a worker and family with a decent standard of living; most workers relied on second jobs and extended family support.

The law provides for a maximum workweek for adults of 44 hours, prohibits excessive compulsory overtime, and requires that a premium be paid for hours beyond the standard workweek. There is a required rest period of 12 consecutive hours per week. While large employers generally respected these regulations, many domestic servants and agricultural laborers worked longer hours.

The director general of labor conducted sporadic inspections to enforce the labor code and imposed fines on private enterprises that were not in conformity with the law; however, the Government did not enforce labor laws systematically, and much of the labor force did not enjoy legal protection.

The Government has not set occupational health and safety standards; however, there is a general provision in the law that requires employers to provide a healthy and safe work environment. Few industries employed heavy or dangerous equipment. The law does provide workers with the right to remove themselves from situations that endanger health or safety without jeopardizing their continued employment.

---

## CENTRAL AFRICAN REPUBLIC

The Central African Republic (CAR) is a constitutional republic whose population of approximately 4.2 million is governed by a strong executive branch and weak legislative and judicial branches. Armed forces Chief Of Staff General Francois Bozize seized power in a military coup in 2003. Subsequent legislative and parliamentary elections in 2005 resulted in General Bozize's election as president. National and international observers judged the elections to be generally free and fair despite some irregularities. Fighting between rebels and government security forces contributed significantly to a political and military crisis during the year, which in turn had a profound negative effect on governmental authority and human rights. Civilian authorities did not maintain effective control over the security forces.

The Government's human rights record remained poor. Reports of extrajudicial killings by the Central Office for the Repression of Banditry (OCRB) decreased, but reports of the military killing civilians increased sharply due to government counter-offensive operations against rebels in the north. Security forces continued to torture, beat, and rape suspects and prisoners. Impunity, particularly military impunity, worsened. Despite some improvements, conditions in prisons and detention centers remained harsh and life threatening. The Government's increased use of arbitrary arrest and detention, particularly in connection with fighting against rebels in the north, contributed to an increase in the number of detainees. Prolonged pretrial detention, denial of a fair trial, and judicial corruption continued to be problems. The Government restricted freedom of the press, although to a lesser extent than in the previous year. Freedom of movement deteriorated greatly because of actions by security forces, armed bandits, and rebels. Government corruption and lack of access to government-held information remained serious problems. Societal violence, including female genital mutilation (FGM), discrimination against women, and societal discrimination against indigenous people (Pygmies) also remained problems.

Trafficking was a problem, as were forced labor and child labor, including forced labor by children. Workers' rights remained restricted.

RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—There were no reports that the Government or its agents killed members of opposing political groups, but soldiers, particularly the presidential security forces (commonly known as the presidential guard) killed numerous civilians they suspected of supporting armed rebel groups. Security forces continued to commit executions and other arbitrary killings of civilians with impunity throughout the year.

Both government security forces and armed rebels killed civilians in the course of conflict in the north of the country.

The OCRB, a special antibanditry police squad, continued to arbitrarily execute suspected bandits without respecting the basic due process rights of the accused and was responsible for other arbitrary killings and deaths resulting from torture, although to a lesser extent than in 2006 and previous years. The OCRB, which normally operated only in and around Bangui, committed such abuses with tacit government support and popular approval, partly because the OCRB's actions were seen as an effective means of reducing crime. For example, after the OCRB killed two men in the neighborhood of Kilometer 5 in February, the OCRB director of communications considered it sufficient to say that the two, who had allegedly avoided a police inspection team, were armed and that the soldiers killed them in self-defense.

There were no reports that the Government prosecuted any OCRB personnel for killings committed during the year. In October the Director of Investigations for the OCRB denied that the OCRB had engaged in any illegal killings during the year and later noted that there were no internal investigations of OCRB officers during the year. The parents of individuals killed by the OCRB reportedly filed few complaints with authorities, a circumstance the minister of justice ascribed to the social stigma of being associated with suspected criminals; however, in the view of the public prosecutor and U.N. officials, the reason in many cases was fear of retribution and the widespread belief that the OCRB enjoyed almost total impunity.

During the year there were numerous credible reports that other elements of the security forces, including the Central African Armed Forces (FACA), and particularly the presidential guard forces, committed unlawful killings while apprehending suspects and, allegedly, in connection with personal disputes or rivalries.

Authorities generally appeared unwilling to prosecute personnel of the presidential guard for extrajudicial killings, particularly for those committed in the northwest prefectures. Despite assurances authorities gave the U.N. Peace Building Office in the Central African Republic (BONUCA) that the Government had launched an investigation into the 2006 killing by presidential guard forces of Staff Sergeant Jean-Claude Sanze, there were no indications at year's end that they had taken any action against those responsible. Authorities took no action against members of security forces who reportedly shot and killed two mourners at Sanze's funeral in January 2006.

In May the Permanent Military Tribunal, which is responsible for adjudicating crimes allegedly committed by military forces, convicted presidential guard Sergeant Adomi Wilibona and sentenced him to life imprisonment for having shot two street vendors in Bangui in August 2006. Of the 11 murder cases and seven attempted murder cases that came before it during the year, the tribunal convicted five security forces members of murder. In addition the tribunal convicted two other defendants accused of murder on lesser charges and acquitted one defendant. The remaining murder-related cases were remanded for further discovery or postponed to the tribunal's next session. Many of the remaining cases before the tribunal were remanded for further discovery or postponed to the tribunal's next session.

At year's end Captain Achille Lakouama, a member of the presidential guard and President Bozize's military surgeon and assistant doctor, remained in prison awaiting trial in connection with the killing of presidential protocol director Pascal Bembe in Bangui in September 2006. Captain Lakouama's wife, who was arrested with him, was released without charge during the year. Lakouama remained in prison awaiting a criminal trial at year's end.

There were no developments regarding the 2006 killings of the mayor of Bossangoa or of another mayor and his son in the Ouham prefecture village of Korom-Mpoko.

Armed bandits, who have contributed to the country's instability for many years, demonstrated a growing willingness to kill civilians during the year. In the central

part of the country, armed groups known as zaraguinas engaged in widespread kidnappings, at times killing family members of individuals who could not or would not pay ransom. Although information about these armed groups and highway bandits was difficult to obtain, aid workers and U.N. officials described them as a combination of common criminals and remnants of insurgent groups from the recurring conflicts in the region.

An unidentified group of Sudanese nomads allegedly killed as many as 56 civilians in the village of Massabo in the northwestern region near Boromata in February, according to local and international news reports. No further information was available at year's end.

According to the public prosecutor's office, no suspects had been identified by year's end in the April 2006 killing of two doctors on a World Health Organization (WHO) mission in Ombella Mpoko prefecture. Reports from the region indicated that the killing may have occurred after government security forces interrupted a highway robbery. The case remained under investigation at year's end.

Civilians reportedly continued to kill and injure persons suspected of being sorcerers or witches during the year. There was no additional information on the killings of suspected sorcerers or witches that occurred in 2006.

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

During the year unidentified armed groups kidnapped children, particularly M'bororo children, for ransom.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—Although the law and the Constitution prohibit torture and specify punishment for those found guilty of physical abuse, police, including the OCRB, continued to torture, beat, and otherwise abuse criminal suspects, detainees, and prisoners, according to local human rights groups such as the Association Against Torture (ACAT) and the Central African Human Rights League (LCDH). The Government did not take effective action to punish police who tortured suspects, and impunity remained a problem. Family members of victims and human rights groups, including the LCDH, pursued complaints filed with the courts since 2003 regarding the deaths of several prisoners due to police abuse; however, authorities did not take action on any of the cases by year's end.

Police most commonly employed a form of torture known as "le cafe," the repeated beating of the soles of an individual's feet with a baton or stick. Immediately after administering the beating, police would sometimes force the victim to walk on badly bruised feet and, if the individual was unable to do so, would continue beating the individual.

There were many instances of government forces and rebel groups mistreating civilians, including by torture, beatings, and rape, in the course of the conflicts in the north of the country. During the year the international nongovernmental organization (NGO) Human Rights Watch (HRW) documented at least six cases of torture committed by FACA members in Paoua in January 2006 following a failed rebel offensive, of which five led to the victims' deaths.

There were no reports of government disciplinary action against OCRB Director Yves Gbeyero, who reportedly assaulted a local pastor in May 2006.

No additional information was available on the 2006 case of National Assembly member Ali Kassala, whom members of the presidential guard beat and jailed briefly in October 2006 for inquiring about several detainees and prisoners.

According to the magistrate of the Permanent Military Tribunal, the tribunal tried approximately 63 members of the military forces arrested on charges of committing beatings, torture, and killings at its sitting in April and May. In May the tribunal heard 32 cases in which members of the military were accused of crimes including assault, battery, and manslaughter; the tribunal convicted 14 defendants and acquitted one. The rest of the cases were either postponed to the next tribunal session or resulted in convictions for lesser crimes. The tribunal was scheduled to reconvene in December, but that session was postponed due to a lack of funding.

Members of security forces, particularly members of the military, raped civilians during the year. Security personnel rarely were punished; suspects either escaped from police custody or were released by fellow soldiers and other security agents.

Members of the armed forces often committed other abuses against civilians, including armed robbery and racketeering. No action generally was taken against these soldiers.

Human rights abuses were particularly prevalent in the northeast and northwest, where government soldiers, rebels, and bands of unidentified armed men attacked civilians (see Section 1.g.).



No additional information was available regarding the October 2006 case of a 15-year-old girl raped and injured by a member of the army in Kaga-Bandoro prefecture.

During the year the International Criminal Court (ICC) opened an investigation into a complaint filed by the Government in 2005 against former President Ange-Felix Patasse and others for crimes against humanity committed prior to and during the 2003 coup. The ICC opened an office in Bangui in October.

Civilians continued to take vigilante action against suspected thieves, poachers, and some persons believed to be Chadian combatants.

*Prison and Detention Center Conditions.*—Prison conditions were extremely harsh and well below international standards; prison conditions outside Bangui generally were worse than those in the capital. There were reports that guards tortured prisoners. There were an estimated 1,233 prisoners in the country as of October. Prison cells were overcrowded, and basic necessities, including food, clothing, and medicine, were inadequate and often confiscated by prison officials. Prisoners depended on family members to supplement inadequate prison meals and were sometimes allowed to forage for food near the prison. Prisoners were frequently forced to perform uncompensated labor.

There were two prisons in Bangui: Ngaragba central prison for men and Bimbo central prison for women. Inmates with infectious diseases lived among healthy inmates; however, during the year a nurse was available at both prisons for inmates needing medical care, representing an improvement from the previous year. Detainees and inmates at both prisons received one meal per day; meals were insufficient and consisted of cassava, rice, and either green beans, fish, or (occasionally) meat, depending on the day of the week. Prisoners complained of inadequate meals made from inferior ingredients. One observer witnessed a fight between inmates in Ngaragba over the last scraps of cassava. Inmates slept on the floor or on thin matting provided by their families or charities. Authorities at both prisons permitted detainees' families to make weekly visits.

By October there were 476 inmates in Ngaragba prison, most of them pretrial detainees. Several detainees had been held for 7 months without appearing before a judge. On average there were 10 individuals in each common room. The most crowded cell block contained four rooms, in which approximately 25 prisoners slept, usually on bare concrete floors. Prisoners in these cellblocks complained that water supplies were inadequate and were often cut. In the prison section reserved primarily for educated prisoners and former government officials suspected or convicted of financial crimes, common rooms held four persons on average.

Bimbo's population consisted primarily of pretrial detainees, most of them women accused of sorcery. Several individuals had been detained for 4 months and had not appeared before a judge; few had lawyers. Prison officials allowed detainees who were ill to be treated by a nurse who visited regularly. Overcrowding was reportedly not a problem, and children younger than five were allowed to stay with their mothers at the prison. By year's end a new block of toilets and showers built by the International Committee of the Red Cross addressed earlier concerns about inadequate sanitary facilities. There were no reports of rapes or sexual harassment by the all-male prison guard staff.

Male and female prisoners were held in separate facilities in Bangui but housed together elsewhere. Pretrial detainees were not held separately from convicted prisoners.

Conditions in detention centers were worse than those in prisons and in some cases were life-threatening. Bangui's police detention centers consisted of overcrowded cells with very little light and leaky buckets for toilets. According to local human rights groups, lack of training and poor supervision at detention centers were serious problems and continued to result in torture and beatings. Suspects in police and gendarmerie cells had to depend on family, friends, religious groups, and NGOs for food. Several detainees in an OCB detention center complained to a visitor that they had not eaten in 2 days, had not been allowed to bathe or shower in 2 weeks, and had lice. Detainees with infectious diseases lived among healthy prisoners, and medicine was not available. Suspects generally slept on bare cement or dirt floors. Corruption among guards, who had not been paid in months, was rife. Guards often demanded between \$0.37 (200 CFA francs) and \$0.55 (300 CFA francs) to permit showers, allow the delivery of food and water, or permit family visits.

An October visit to an OCB detention center revealed cramped, foul conditions. Of the seven detainees in one cell, at least three appeared to be under 18, and they complained of the small quantity food provided—one small bowl to be shared each day among them all. A bucket in the corner still served as the only toilet, although the ICRC had built a new toilet and shower complex next to the cell block. It was

unclear whether detainees were allowed to visit the new facilities with regularity. Several of the detainees were visibly sick and did not have access to medical care.

The OCRB director denied that he or his staff tortured or otherwise abused prisoners or detainees, but on some occasions he did not allow observers access to the entire compound. He also stated that the OCRB had nothing to hide, joking that any torture they would commit would be committed in the open-air courtyard.

In Bangui male and female detainees were separated; however, this was reportedly not the case in detention facilities in the countryside. There were no separate detention facilities for juvenile detainees, who routinely were housed with adults and often subjected to physical abuse.

The Government permitted prison visits by human rights observers. The ICRC and religious groups routinely provided supplies, food, and clothes to prisoners. The ICRC and the human rights unit of BONUCA had unrestricted access to prisoners; however, access for some other observers was at times limited to certain areas.

*d. Arbitrary Arrest or Detention.*—The law provides protection against arbitrary arrest and detention and accords detainees the right to a judicial determination of the legality of their detention; however, security forces frequently ignored such provisions, and arbitrary arrest and detention remained a problem.

*Role of the Police and Security Apparatus.*—The Ministry of the Interior and Public Security, through the director general of police, has oversight over the activities of the national police, including the OCRB. The Ministry of Defense oversees military forces, including the presidential guard and the National Gendarmerie. Police and the military share responsibility for internal security.

As part of its efforts to protect citizens and safeguard property, the Government continued to support joint security operations in the capital conducted by the armed forces, Economic and Monetary Community of Central Africa (CEMAC) peacekeepers, and French forces.

Police were not effective; they were severely lacking in financial resources, and their salaries were often in arrears. Citizens' lack of faith in police led at times to mob violence against persons suspected of theft and other offenses. Police corruption, including the use of illegal roadblocks to commit extortion, remained a serious problem. Although the OCRB was created to function only in Bangui and to focus on combating violent banditry, it has increasingly investigated, detained, and abused persons accused of lesser crimes such as embezzlement and petty theft; it also conducted some operations outside Bangui.

Mechanisms existed for redress against police abuse. Citizens could and did file complaints with the public prosecutor. The most common complaints involved theft, rape, brutality, and embezzlement. With the assistance of BONUCA and the high commissioner of human rights and good governance, the prosecutor investigated numerous complaints of police abuse, including killings; however, impunity remained a severe problem. Although the prosecutor had the authority to order the arrest of police officers suspected of committing abuses and exercised that authority during the year, the prosecutor's staff was small and severely lacking in resources.

BONUCA continued to provide security forces, including police officers, with human rights training, and during the year it sponsored a Military Justice Law Reform conference with the aim of rewriting the Central African Code of Military Justice.

*Arrest and Detention.*—Judicial warrants are not required for arrest. The law stipulates that persons detained in cases other than those involving national security must be informed of the charges against them and brought before a magistrate within 48 hours, although this period is renewable once, for a total of 96 hours. In practice authorities often did not respect these deadlines, in part due to inefficient judicial procedures and a lack of judges. In several police detention centers, including the Service de Recherche et Investigation, which was visited by different human rights observer missions, police and government authorities held detainees for more than 2 days and often for 4 weeks before bringing their cases before a magistrate.

There were different standards for treatment of national security detainees. By law, national security detainees are those held for crimes against the security of the state. They may be held without charge for up to 8 days, and this period can be renewed once, for a total of 16 days. However, in practice persons accused of crimes against the security of the state were held without charge for long periods. The law allows all detainees to have access to their families and to legal counsel. Indigent detainees may request a lawyer provided by the Government, although it was not known if this right was often invoked. Detainees are allowed to post bail or have family members post bail for them. In most cases lawyers and families had free access to detainees, but incommunicado detention was a problem.

Arbitrary arrest and detention remained a problem. Authorities arrested and convicted one journalist during the year after he contested the composition of a government media regulatory body.

During the year individuals, particularly women, continued to be arrested and charged with witchcraft, an offense that could be punishable by execution, although no one received the death penalty during the year. Prison officials at Bimbo central prison for women said accused witches were detained for their own safety since village mobs sometimes killed suspected witches. In late 2005 Bangui prison officials estimated that 50 to 60 percent of female detainees were arrested in connection with charges of witchcraft. Human rights observers said the belief in witchcraft was so entrenched that attempts to abolish legal recognition of the crime would be very difficult; however, observers said they were continuing to push for fair trials of the accused.

Prolonged pretrial detention was a serious problem. At year's end pretrial detainees comprised 49 percent of Ngaragba's prison population and an estimated 80 percent of Bimbo's prison population. Detainees usually were informed of the charges against them; however, many waited in prison for several months before seeing a judge. Judicial inefficiency and corruption, as well as a shortage of judges and severe financial constraints on the judicial system, contributed to pretrial delays. Some detainees remained in prison for years because of lost files and bureaucratic obstacles.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary; however, the judiciary remained subject to the influence of the executive branch, and, despite government efforts to improve it, the judiciary was inadequate to meet its tasks.

Inappropriate government pressure on the courts was illustrated by a high profile case in April in which the Constitutional Court was required to rule on the constitutionality of government supported legislation affecting Total Oil, the country's only petroleum supplier. Total Oil was blamed by President Bozize for fuel shortages. With all but one of the justices apparently prepared to reject the legislation as unconstitutional, the president of the court, who was its sole supporter and was widely considered to be close to the president, announced that a ruling would be postponed until 2008, despite a constitutionally mandated 1-month deadline for such rulings. The Government posted guards around the building to prevent the majority of the justices from meeting, and President Bozize urged the judges who opposed his position to resign.

The courts continued to suffer from inefficient administration, a shortage of trained personnel, growing salary arrears, and a lack of material resources. Many citizens effectively lacked access to the judicial system—normally citizens had to travel at least 31 miles to reach one of the country's 35 courthouses. Consequently, traditional justice at the family and village level retained a preponderate role in settling conflicts and administering punishment.

Judicial corruption remained a serious impediment to citizens' right to receive a fair trial. According to the LCDH, corruption extended from the judges down to the bailiffs. Many lawyers paid judges for verdicts favorable to their clients. There were, however, some efforts to combat judicial corruption. The Ministry of Justice continued efforts to implement a zero-tolerance policy, but no update was available at the end of the year on the results of this policy.

Judges are appointed by the president after being nominated by the Superior Council of Magistrates. The judiciary consists of 24 tribunals of first instance, three courts of appeal, a Final Court of Appeals (Cours de Cassation), a High Court of Justice, commercial courts, a military court, and a Constitutional Court. There are also children's and labor tribunals, as well as a Tribunal for Financial Crimes. The highest court is the Constitutional Court, which determines whether laws passed by the National Assembly conform to the Constitution and hears appeals challenging the constitutionality of a law. The Permanent Military Tribunal judges only members of the military.

There were numerous reports that, in reaction to judicial inefficiency, citizens in a number of cities organized to deal with cases through parallel justice and persecution, especially in cases of suspected witchcraft.

*Trial Procedures.*—Trials are public, and defendants have the right to be present and to consult a public defender. Juries are used for criminal trials. If an individual is accused of a serious crime and cannot afford a lawyer, the Government has an obligation to provide one. In practice the Government provided counsel for indigent defendants, although this process was often slow and delayed trial proceedings due to the state's limited resources. Defendants have the right to question witnesses, to present witnesses and evidence on their own behalf, and to have access to govern-

ment-held evidence relevant to their case. Defendants are presumed innocent until proven guilty, and, if convicted have the right to appeal. The Government generally complied with these legal requirements; however, the judiciary did not enforce consistently the right to a fair trial, and there were many credible reports of corruption within the court system. According to the minister of justice, many of the judges were significantly influenced by politics. One indigenous ethnic group in particular, the Ba'Aka, was reportedly subject to legal discrimination and unfair trials.

Witchcraft was occasionally tried in the regular courts and could be punishable by execution, although no death sentences were imposed during the year. Most individuals who were convicted received sentences of 1 to 5 years in prison; they could also be fined up to \$1,500 (817,800 CFA francs). During a typical witchcraft trial, doctors of traditional medicine were called to give their opinion of the suspect's ties to sorcery, and neighbors were called as witnesses. Police and gendarmes conducted investigations into witchcraft.

The Permanent Military Tribunal tried approximately 60 soldiers in its April-May session. The tribunal convicted five soldiers of murder and 14 of assault and battery, among other crimes, with many cases remanded to the following session of the tribunal pending further discovery. The tribunal did not reconvene in December as scheduled due to a lack of financial resources.

*Political Prisoners and Detainees.*—There were several reports of political detainees and political prisoners during the year. For example, Michel Alkhaly Ngady, the publisher of an independent newspaper, was sentenced to 3 months in prison during the year for "resistance and disobedience to public authorities and contempt for the laws." Some observers believed that political considerations were responsible for the harshness of his sentence.

Lydie Florence Ndouba, who had close family ties to former President Patasse, was detained, charged, and convicted of seeking to cross the border into Cameroon using false papers. While observers did not dispute the facts in the case, many asserted that Ndouba may have been singled out and sentenced disproportionately for political reasons.

Authorities granted BONUCA's human rights unit and human rights and humanitarian NGOs access to all political prisoners and detainees.

*Civil Judicial Procedures and Remedies.*—The Constitution provides for an independent judiciary in civil matters, and citizens had access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation; however, there was a widespread perception that judges were easily bribed and that litigants could not rely on courts to render impartial judgments. Many courts were understaffed and personnel were poorly paid.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law prohibits invasion of homes without a warrant in civil and criminal cases; however, police sometimes used provisions of the penal code governing certain political and security cases that allow them to search private property without a warrant. Security forces continued to carry out warrantless searches for guns and ammunition in private homes.

During the year government security forces looted and burned villages in the northeast and northwest suspected of collaborating with rebels, and rebel groups attacked, looted, and burned villages in the same regions, sometimes allegedly to gain information about government authorities.

There were no further developments related to President Bozize's December 2006 order that resulted in security forces burning down houses belonging to deacons of Kina Baptist Church.

*g. Use of Excessive Force and Other Abuses in Internal Conflicts.*—Government and opposition forces engaged in serious and numerous violations of human rights in the course of their struggle for control of the northern part of the country. In the view of many observers, the Government controlled little more than one-half of the country during the year. Civilians were caught in the crossfire between the rebels and counterattacks by the military, which often accused them of supporting the rebels.

In the northwest, several politically motivated rebel groups, including the Popular Army for the Restoration of the Republic and Democracy (APRD) and the Central African People's Democratic Front, continued their struggle against government security forces. Rebels of the APRD partly controlled areas in the northwest, allegedly with support from Chadian rebels.

In the northeast, bordering Sudan and Chad, well-armed members of the Union of Democratic Forces for Unity (UFDR) engaged in significant fighting with French and Central African forces in February and March in a failed attempt to capture the town of Birao, resulting in the destruction of much of the town and the mass

displacement of civilians. A ceasefire and tentative peace agreement reached after government negotiations with rebels in April led to an uneasy peace in the northeast, where there was little fighting for the rest of the year.

In addition to recognizable rebel organizations, unidentified armed groups, taking advantage of weakened security, continued to attack, kill, rob, beat, and rape civilians and loot and burn villages in the north. Kidnappings by such groups also increased during the year, contributing significantly to the country's massive population displacement.

HRW reported that government forces committed numerous extrajudicial killings of civilians their conflict with UFDR rebels in the northeast in December 2006 and January 2007. The number of civilians killed by government forces remained unknown—some reports indicated that local civilians may have been responsible for the deaths of up to 30 ethnic Goula civilians. Soldiers killed villagers they suspected of being rebel sympathizers, including former member of Parliament Zacharia Rizegala and three others in the town of Ouandja in December 2006. FACA soldiers also reportedly “executed” 10 ethnic Goula townspeople in and around Ouadda in December 2006, and killed five other civilians in the village of Sergobo in January. There were no reports that authorities took action against the soldiers or others responsible for these killings.

On January 5, the FACA publicly “executed” Salvador Dami and Rodrigue Wande in the central market in Kaga-Bandoro; the two men were accused of being rebels. There were no reports that authorities took action against the soldiers responsible for the killings.

On January 8, government forces reportedly killed at least two civilians in a counteroffensive against civilians and suspected rebels near the northwestern town of Paoua, which caused hundreds to flee their villages, according to HRW and Amnesty International (AI). In addition presidential guard forces based in Bossangoa reportedly destroyed villages on the Bozoum-Paoua-Pende axis and killed 17 persons in late January, including seven unarmed civilians, according to AI. Authorities did not investigate or respond to these allegations.

The FACA arrested and killed five men early in the year following fighting between government forces and APRD rebels in the northwestern towns of Paoua, Batangafo, and Kabo. Victims included a Nigerian merchant in Paoua and a Chadian merchant in Kabo. Security forces arrested the Chadian merchant after he failed to communicate with them in French or Sango, arousing suspicions of ties to rebels. Soldiers reportedly gouged out his eyes before killing him. There were no reports that authorities took action against the soldiers responsible.

International NGO Refugees International reported that in March, near the northwestern town of Lia, government forces shot indiscriminately at the civilian population, killing two civilians, including a baby, in the course of a fight with rebels. Government forces also burned 30 houses. There were no reports that authorities took action against the soldiers responsible.

There was no government effort during the year to hold security forces accountable for mistreatment of civilians, including the presidential guard led by Lieutenant Eugene Ngaikoisse, which killed large numbers of civilians suspected of supporting rebels in the northwest from January through March 2006. Additional accounts of those events were published during 2007. Due to the magnitude of the reported abuses, local journalists and rights groups called for the establishment of an independent commission to investigate the killings and punish members of security forces responsible for the attacks; however, by year's end, authorities had not investigated or tried FACA members responsible for the 2006 killings.

During the year the public prosecutor reported that authorities arrested some members of security forces responsible for killings and other abuses committed in the northwest during February 2006, and the Permanent Military Tribunal adjudicated 63 cases in May. However, it was not clear if any of these cases involved security forces members responsible for the abuses committed in the northwest in 2006 or early 2007. However, the Ministry of Justice confirmed that no charges were brought or were pending against Lieutenant Ngaikoisse or his soldiers, and that Ngaikoisse remained a member of the presidential guard.

Government forces may have been responsible for the killing of four or five suspected rebels outside the town of Ndele in December 2006, according to one source interviewed by HRW during the year.

Rebel forces also engaged in numerous human rights abuses. In June APRD rebel forces shot and killed a French humanitarian volunteer, Elsa Serfass, who was participating in a mission with Doctors without Borders (MSF). APRD rebel forces conceded that they had fired two rounds at the well-marked MSF vehicles, one of which killed Serfass. Rebel leaders later “executed” the combatant responsible for the shots after conducting their own inquiry, according to local media reports. The Govern-

ment opened an investigation into the matter, but no suspects had been identified by year's end.

HRW reported during the year that UFDR rebels killed five civilians, including three small children, in the village of Delembe in the northeast in late 2006. Rebels also executed Albert Gassa Almende and Bardal Djeme in the northeastern town of Ouanda Djalle in November 2006. According to town officials interviewed by HRW, UFDR forces killed four men during their offensive in Ouadda, including Alhadji Ahmat, whose store was looted before he was shot. There were no reports that any of these rebels were brought to justice.

During the year APRD rebels in the northwest were responsible for kidnappings, beatings, and extortion, according to HRW. They looted villages on the Ouandago-Batangafu road multiple times and beat villagers if they tried to resist. Reports from this area also indicated that rebel forces took civilians hostage to extort money from their families.

Armed groups considered to be bandits or zaraguinas also committed multiple kidnappings of civilians, mostly children who were held for ransom, according to AI, which identified over 30 cases of abduction. Victims whose families could not or would not pay were often killed, as in the cases of Ibrahim Garga and Jaye Bouba. Many of the abductees' families reported the kidnappings to police or local military forces, but there was little or no response on the part of local authorities.

During the year both government forces and rebels destroyed the property of villagers, including the destruction of almost 10,000 homes, and there was a marked increase in the number of internally displaced persons (IDPs) and refugees fleeing the country. The fighting, along with banditry and kidnapping by unidentified groups, forced over 300,000 residents to abandon their villages during the year to seek refuge in Chad (50,000) or Cameroon (45,000), or to live in the bush (212,000).

In the northwest members of government security forces, including the FACA and presidential guard, continued a campaign begun in 2006 in which villages were looted and burned. Government forces burned and looted villages, forcing approximately 212,000 persons from their homes into the forest and surrounding countryside. According to an investigation by HRW, during the year government forces burned and destroyed nearly 3,000 homes on the Batangafu-Kabo-Ouandago-Kaga-Bandoro axis alone. Observers considered these burnings to be part of a deliberate campaign to punish and discourage collaboration with rebel forces.

Almost 100,000 civilians fled their homes in Ouham, Ouham-Pende, and Nana-Mambere prefectures, according to statistics from the U.N. High Commissioner for Refugees (UNHCR). According to a report released by HRW in September, the large number of displaced persons in the northwest was a direct result of the Government's scorched earth tactics, a fact admitted by FACA commanders who disagreed with the policy. One FACA commander noted that the president's directives to soldiers were to respect human rights and the laws of war, suggesting the presidential guard soldiers and others who committed village burnings and lootings were acting outside of their chain of command. Military and government authorities in Bangui neither confirmed this policy nor admitted that their soldiers were responsible for the destruction of villages and property; instead they denounced reports such as that of HRW as incorrect or exaggerated.

During the year observers noted the presence of empty, burned villages lining the road north of Bossangoa towards Markoundia in the northwest, where a small contingent of FACA soldiers was located in rebel-held territory. Presidential guard soldiers also looted and burned the town of Ngaoundai and a neighboring village in June, forcing much of the population into the bush. These actions were reportedly a response to the rebels' killing of the vice-mayor of Ngaoundai earlier in May.

In the northeast, despite objections from French and multinational force troops, government forces burned at least 57 houses and several other buildings, including a school and the mayor's office, after retaking the town of Ouandja in a counter-offensive in December 2006. The town was an ethnic Goula town and considered sympathetic to the UFDR rebellion, according to HRW.

Because security forces reportedly perceived members of the Goula ethnic group as sympathetic to or collaborators with UFDR rebels, and due to the perception among Goula communities that government forces targeted them, many members of Goula communities in the northeast fled their homes. No ethnic Goula remained in the northeastern towns of Birao or Ouadda in early 2007, according to observers.

Villagers also fled the violence and reprisals of rebels and zaraguinas. UFDR rebels beat noncombatants during their occupation of northeastern areas and were responsible for widespread looting in all of the towns they occupied. In some cases UFDR forces reportedly beat civilians to extract information, including the location of local officials and representatives. HRW documented accounts of robbery and looting by UFDR rebels in which public buildings and residences were stripped of

their contents and farmers' fields were denuded. What could not be taken was set on fire.

HRW identified 96 homes burned by zaraguinas on the roads between Kaga-Bandoro and Batangafo.

International and domestic observers reported that during the year security forces, rebel soldiers, Chadian soldiers, and bandits continued to attack cattle herders, primarily members of the M'bororo ethnic group. Assessments of the motives for these attacks differed. Many observers believed M'bororo were targeted primarily because of their perceived wealth and the relative vulnerability of cattle to theft. One U.N. agency reported that, according to its NGO partners in the affected region, the attackers often were themselves M'bororo.

As a result of attacks, more than 20,000 M'bororo fled the Ouham Pende and Nana Mambere prefectures in the northwest and took refuge in Cameroon. M'bororo cattle herders were also disproportionately subjected to kidnapping for ransom. A U.N. agency working in the area indicated that the perpetrators often kidnapped women and children and held them for ransoms of between \$2,000 and \$4,000 (1 million and 2 million CFA francs). Victims whose families could not or would not pay were often killed. According to AI, armed robbers were responsible for at least two deaths in January. In certain areas of the northwest, such as Bawa, perpetrators attacked and burned entire M'bororo villages. Armed groups in the country continued to conduct frequent attacks on the M'bororo population on the Cameroonian side of the border despite the Cameroonian Government's deployment of elite security forces.

The International Rescue Committee (IRC) noted the use of rape to terrorize the population in the north central region by government forces and rebel groups. The IRC reported that 234 survivors of rape came forward during the month of August alone. Given the social stigma attached to rape within society, it was thought likely that these numbers underreported the incidence of rape in conflict zones in north-central and northwestern CAR.

According to HRW, numerous APRD groups included soldiers as young as 12. In addition the UFDR rebel movement admitted that many child soldiers fought with it. AI also reported that UFDR forces actively recruited children.

However, during the year the U.N. Children's Fund (UNICEF) negotiated with UFDR rebel leaders in northeastern CAR to demobilize child soldiers within their ranks; these efforts culminated in a joint ceremony with U.N., government, and international officials in the town of Gordil in June. UNICEF and other observers noted that, while the child soldiers were willing to demobilize and were anxious to attend school, their communities were lacking in the most basic infrastructure.

Internal movement was severely impeded, particularly in the northern and northwestern parts of the country that the Government did not control, by unidentified bandits and rebels, including former combatants that helped President Bozize come to power in 2003. The highway bandits often constructed road barriers to stop drivers, rob them, and sometimes kill them if they refused to pay. Highway bandits also committed many kidnappings and armed robberies.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution and law provide for freedom of speech and of the press; however, authorities employed threats and intimidation to limit media criticism of the Government, although there were fewer instances than in the previous year. Journalists who worked for state-owned media reportedly practiced self censorship.

Individuals could criticize the Government publicly without reprisal.

A number of newspapers criticized the president, the Government's economic policies, and official corruption throughout the year. There were more than 30 newspapers, many privately owned, that circulated daily or at less frequent intervals. Five independent dailies—including *Le Citoyen*, *Le Confident*, and *Le Democrate*—were available in Bangui but were not distributed outside of the Bangui area, and the absence of a functioning postal service continued to hinder newspaper distribution. Financial problems prevented many private newspapers from publishing regularly, and the average price of a newspaper, approximately \$0.55 (300 CFA francs), was higher than most citizens could afford.

Radio was the most important medium of mass communication, in part because the literacy rate was low. There were a number of alternatives to the state-owned radio station, Radio Centrafrique. The privately owned Radio Ndeke Luka continued to provide popular and independent broadcasts, although its reach was limited outside Bangui. Ndeke Luka broadcast domestically produced national news and political commentary on FM airwaves in Bangui and rebroadcast international news throughout the country on shortwave radio with assistance from a foreign media de-

velopment organization and the U.N. Development Program. Radio Notre Dame, which was owned and operated by the Catholic Church, broadcast national news, debates, legal counseling, and human rights education. International broadcasters, including Radio France Internationale, continued to operate during the year. A new radio station, Radio of Peace, opened during the year and broadcast Islamic religious programs in Arabic and Sango.

The Government continued to monopolize domestic television broadcasting, and television news coverage generally supported government positions. Two license applications for private television stations and one for a new radio station were pending at year's end.

The media continued to face many difficulties, including chronic financial problems, a serious deficiency of professional skills, the absence of an independent printing press, and a severe lack of access to government information.

During the year the Central African Journalists Union (UJCA) opened a new press center that was created with donor support as well as an in-kind contribution from the Government.

On April 2, a court sentenced Michel Alkhaly Ngady, editor of Temps Nouveaux and chairman of an organization of independent newspapers, to 2 months' imprisonment and a fine of approximately \$636 (300,000 CFA francs) on charges of "resistance and disobedience to public authorities and contempt for the laws." Ngady's arrest was apparently triggered by a dispute between his press association and the High Council for Communications (HCC), the Government body with oversight over the press. Police arrested Ngady after he contested new appointments to the HCC and encouraged members of his association to disregard HCC rulings. Local media and international press NGOs vigorously criticized the Government's action.

During the year security forces often harassed journalists and sometimes physically and verbally threatened them; there were also reports near the end of the year of government ministers and other high level officials threatening journalists who were critical of the Government.

For example, security forces and unidentified armed men continued to threaten and harass Ndeke Luka journalist Zephirin Kaya for his reporting on abuses against civilians by government forces. On August 25, four unidentified armed men broke into Kaya's house in the middle of the night and shot at his family, who hid in the back of the house (he was not at home). The attack followed earlier reported threats by government forces against him and against the editor of *Le Citoyen*, Maka Gbossokotto, whose newspaper had published similar material.

Imprisonment for defamation and prior censorship were abolished in 2005; however, journalists found guilty of libel or slander faced fines of between \$182 and \$17,800 (100,000 and 8 million CFA francs). In December a court found *Le Citoyen* editor Gbossokotto guilty of defamation of Libyan leader Colonel Muammar Gaddafi following an article critical of the Libyan leader's politics and his involvement in the CAR; the court fined Gbossokotto \$17,800 (8 million CFA francs) and ordered him to pay the sum to the Libyan Embassy in Bangui. The law provides for imprisonment and fines of up to \$1,823 (1 million CFA francs) for journalists who use the media to incite disobedience among security forces or incite persons to violence, hatred, or discrimination. Imprisonment of between 6 months and 2 years and fines of up to \$1,823 (1 million CFA francs) may be imposed for the publication or broadcast of false or fabricated information that "would disturb the peace." There were no reports that authorities charged journalists with these offenses during the year.

The Ministry of Communications maintained a ban on the diffusion by media of songs, programs, or articles deemed to have a "misogynist character" or to disrespect women.

Local journalists and the HCC reported that violence perpetrated by former pro-Bozize rebel fighters, forces loyal to former President Patasse, and armed bandits prevented Bangui-based reporters from venturing outside the capital and severely limited the availability of information about several rural prefectures, particularly in the northern and western regions.

*Internet Freedom.*—There were no reports of the Government limiting or blocking access to the Internet for certain journalists. There were no reports of the Government monitoring e-mail or Internet chat rooms. Although less than 1 percent of the population had access to the Internet, individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

*Academic Freedom and Cultural Events.*—There were no reports that the Government restricted academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The Constitution provides for the right of assembly; however, the Government restricted this right on a few occasions. Organizers of dem-



onstrations and public meetings were required to register with the minister of the interior 48 hours in advance; political meetings in schools or churches were prohibited. Any association intending to hold a meeting was required to obtain the Interior Ministry's approval. In some cases the ministry refused permission "for security reasons."

The Mouvement Democratique pour la Renaissance et l'Evolution de la Centrafrique (MDREC), led by opposition member Joseph Bendounga, was effectively denied the right to organize a public meeting in June. Bendounga sent a letter to the mayor of Bangui on June 7 requesting authorization to hold a public meeting at Sagbado Stadium in the third district of Bangui. The meeting request was rejected by the mayor, who ordered police and soldiers to occupy the stadium on the meeting date, June 19, and drive participants away. After Bendounga's protests were widely covered by private media, his second request for the meeting was authorized, and it was held on June 26, although this meeting was attended by police who monitored the activity of Bendounga's party.

*Freedom of Association.*—The Constitution provides for freedom of association, and the Government generally respected this right. All associations, including political parties, must apply to the Ministry of Interior for registration, and the Government usually granted registration expeditiously. The Government normally allowed associations and political parties to hold congresses, elect officials, and publicly debate policy issues without interference, except when they advocated sectarianism or tribalism.

A law prohibiting nonpolitical organizations from uniting for political purposes remained in place; however, there were no reports that this law was enforced during the year.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, although it prohibits what the Government considers to be religious fundamentalism or intolerance and establishes fixed legal conditions based on group registration with the Ministry of Interior. The Government generally respected the right to religious freedom during the year. The constitutional provision prohibiting religious fundamentalism was understood widely to be aimed at Muslims, who made up approximately 10 percent of the population; however, this provision has not been implemented by enabling legislation.

During the year there were no prosecutions or accountability for the 2006 burning of homes belonging to Baptist deacons ordered by President Bozize.

Religious groups (except for traditional indigenous religious groups) were required by law to register with the Ministry of Interior. The ministry's administrative police monitored groups that failed to register; however, police did not attempt to impose any penalties on such groups during the year. The ministry could decline to register, suspend the operations of, or ban any organization that it deemed offensive to public morals or likely to disturb the peace. Any religious or nonreligious group that the Government considered subversive was subject to sanctions.

The Ministry of Interior also could intervene to resolve internal conflicts about property, finances, or leadership within religious groups. The Government approved the reopening of a Protestant church in Bangui that it had closed in March 2006 after authorities learned that two factions within the church were planning to fight each other with knives. The church members later reconciled.

During the year the Government continued to ban the Unification Church, claiming that it was a subversive organization likely to disturb the peace because of its alleged training of younger church members as paramilitaries.

Two churches suspended by the Government in 2003 failed to reopen, unable to prove that they had the minimum of 1,000 members required by law and that their church leaders graduated from what the Government considered high-caliber religious schools.

Mobs reportedly continued to kill and injure persons suspected of being sorcerers or witches during the year. Police often arrested and detained persons accused of witchcraft or sorcery.

No additional information was available regarding the September 2006 attack by approximately 30 unidentified armed men on a theological college in Bata, near Bozoum in Ouham Pende Prefecture.

*Societal Abuses and Discrimination.*—There was no significant Jewish community, and there were no reports of anti-Semitic acts.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution provides for freedom of movement, foreign travel, emigration, and repatriation; however, the Government restricted freedom of

movement and foreign travel during the year. Security forces, customs officers, and other officials harassed travelers unwilling or unable to pay bribes or “taxes” at checkpoints along major intercity roads and at major intersections in Bangui.

During the year police increased the number of vehicles that it stopped and searched, particularly in Bangui, in what amounted to petty harassment in search of bribes. Local human rights organizations and U.N. officials said the problem of illegal road barriers constructed by members of the military was widespread, and that travelers regularly encountered extortion at these barriers. Merchants and traders traveling the more-than-350 mile main route from Bangui to Bangassou encountered an average of 25 military barriers; at each roadblock, a motorist paid an average fee of \$16 (8,781 CFA francs), which amounted to \$410 (225,000 CFA francs) for the entire trip. This type of extortion greatly discouraged trade and road travel and severely crippled the country’s economy. Following protests from National Assembly deputies and human rights organizations, the Government ordered the demolition of illegal barriers on the roads and set up a team to travel the country and enforce the prohibition of illegal or extrajudicial roadblocks. Although the team was put into place, the roadblocks continued to be a major impediment to movement throughout the country.

Freedom of movement, including of traders and delivery trucks, was also severely impeded in conflict zones. The Government also was unable to control highway bandits operating in the eastern prefectures of Ouaka and Haute-Kotto.

With the exception of diplomats, the Government required that all foreigners obtain an exit visa. Travelers intending to exit the country could be required to obtain affidavits to prove that they owed no money to the Government or to parastatal companies.

At year’s end, authorities had not granted the passport request of Nelson N’Djader, the brother of a rebel leader. N’Djader was released from detention in 2006 after being arbitrarily arrested and harassed.

The Constitution does not permit the use of exile, and the Government did not employ it in practice. Former President Patasse, convicted in absentia for embezzlement, remained outside the country during the year.

*Internally Displaced Persons (IDPs).*—Fighting between government security forces and rebel groups, attacks on civilians by rebels, armed banditry, and the depredations of government soldiers contributed to a notable increase in the number of IDPs during the year—from approximately 150,000 in December 2006 to an estimated 212,000 by year’s end. These various attackers reportedly killed and raped civilians and burned and looted their villages.

The Government did not attack or target IDPs, although some IDPs were caught in fighting between government forces and rebels in the northwestern prefectures of Ouham and Ouham-Pende early in the year. The Government provided little in humanitarian assistance to these IDPs, but it did allow U.N. agencies and NGOs to access these groups freely to provide assistance. The Government also allowed the creation of the first camp for IDPs within the country in Kabo late in the year.

Citizens were displaced throughout the year. The overwhelming majority of IDPs were in the northwestern prefectures of Ouham and Ouham Pende, where civilians abandoned their villages out of fear and lived in the bush for much of the year, returning occasionally to their fields to plant or scavenge. Thousands of individuals also fled their homes due to fighting in the north-central prefectures of Gribingui and Bamingui-Bangoran and the northeastern prefecture of Vakaga. Hygiene-related illnesses and chronic malnutrition increased as attacks or fear of attacks prevented many subsistence farmers from planting crops, and attackers either stole most of the livestock, or the farmers fled with their livestock to safety in neighboring Cameroon. Chronic insecurity also rendered the northwestern region occasionally inaccessible to commercial, humanitarian and developmental organizations, contributing to the lack of proper medical care, food security, and school facilities. By the end of the year humanitarian organizations had returned and provided some emergency relief and assistance to displaced populations.

CEMAC peacekeepers and government forces conducted joint security operations in an effort to secure the northern region and control the proliferation of small arms. Despite these operations, however, the Government was not able to provide sufficient security or protection for IDPs in the northern region.

*Protection of Refugees.*—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against “refoulement,” the return of persons to countries where there was reason to

believe they feared persecution, and granted refugee status and asylum. The Government accepted refugees without subjecting them to individual screening.

The Government continued to cooperate with the UNHCR and other humanitarian organizations in assisting approximately 80,000 refugees in the country.

During the year security forces subjected refugees, as they did citizens, to arbitrary arrest and detention; however, refugees were especially vulnerable to such human rights violations. The Government allowed refugees freedom of movement; however, they were as subject as citizens were to roadside stops and harassment by security forces and unidentified armed groups. Refugees' access to courts and public education was limited by the same factors that limited citizens' access to these services.

Several international organizations worked with the Government and UNHCR to assist refugees during the year. They included the ICRC, Doctors without Borders, Caritas, and the international NGO International Cooperation (COOPI).

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in presidential and legislative elections in 2005, which election observers considered to be generally free and fair, despite some problems.

*Elections and Political Participation.*—In 2005 the country held two rounds of multiparty presidential and legislative elections that resulted in the election of General Bozize as president; Bozize had seized power in a 2003 military coup, declared himself president, and headed a transitional government until the 2005 elections. Domestic and international election observers judged the elections to be generally free and fair and representative of the voters' will, despite irregularities and accusations of fraud made by candidates running against Bozize.

The state remained highly centralized. The president appointed all regional government officials, who led the country's 16 prefectures and 60 subprefectures, and regional government entities had no significant fiscal autonomy. Despite a requirement in the 2004 Constitution that he do so, the president did not call for municipal elections during the year, citing lack of government resources, and towns continued to be led by mayors appointed by him.

During the year the LCDH criticized President Bozize for holding the position of minister of defense on the grounds that the Constitution prohibits the president from holding "any other political function or electoral mandate," under penalty of dismissal; however, government officials said this criticism was based on a misinterpretation of the Constitution. International and local observers criticized the further centralization when the president appointed Minister of Mines and Energy Sylvain Ndoutingai, his nephew, to the post of minister of finance in July. Minister Ndoutingai held the post until October, when it was reassigned to Minister of Water and Forests Emmanuel Bizot.

According to recommendations from a 2003 government-sponsored national dialogue, women should occupy 35 percent of posts in government ministries and political parties; however, this provision was not respected during the year. There were 10 women in the 105-seat National Assembly and three in the president's cabinet.

There were two members of the M'bororo ethnic group and approximately 13 Muslims in the National Assembly.

Pygmies (Ba'Aka), the indigenous inhabitants of the southern part of the country, represented between 1 and 2 percent of the population; they were not represented in the Government and continued to have little political power or influence.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption; however, the Government did not implement these laws effectively, and officials often engaged in corrupt practices with impunity. Misappropriation of public funds and corruption in the Government remained widespread. The World Bank's Worldwide Governance Indicators for 2006 reflected that government corruption was a severe problem.

The Government continued to make some efforts to combat corruption. For example, in August 2006 the Government dissolved the customs service in an effort to combat corruption and the misappropriation of public taxes. Reform of the customs administration was underway during the year, but many of those fired in the Customs Service reform process were rehired during the year.

The Government continued to conduct a campaign against embezzlement, money laundering, and other forms of financial fraud; however, no high-level officials were convicted during the year. There were no developments in the cases of former President Patasse, who was sentenced in absentia for embezzlement and who remained in exile. Minister of Mines and Energy Sylvain Ndoutingai, as well as the then min-

ister of foreign affairs, Come Zoumara, were both accused in the local media of accepting a large amount of money from the French nuclear company Areva for public salary payments as part of an "entry ticket" or bribe, which they allegedly kept for their own use. The facts in this case were still in dispute at year's end, although the Government did not publicly respond to the allegations.

During the year the Government conducted a campaign to verify civil servants' diplomas and job grades. This anticorruption measure identified 400 of the country's 24,700 civil servants as allegedly holding false diplomas. Of these, 143 appeared before the Civil Servant Service Disciplinary Action Council, and 27 were found guilty and fired by the minister of civil service in October.

According to the Constitution, senior members of executive and legislative branches and the courts are required to declare publicly their personal assets; however, during the year no government officials made such declarations.

The case of three treasury employees accused of embezzling \$95,500 (52 million CFA francs) in 2005 was pending before a court at year's end. In 2005 the Government suspended them for 3 months without pay. A court later tried and convicted the three employees, who remained in jail at year's end.

The law provides for access by journalists to "all sources of information, within the limits of the law"; however, it does not specifically mention government documents or government information, and no mention is made of access by the general public. The Government was often unable or unwilling to provide information, and lack of access to information continued to be a problem for journalists and the general public. Furthermore, several years of instability and conflict made information difficult to collect even for the Government, particularly in the countryside. Information on the humanitarian situation, for example, was difficult to obtain and sometimes contradictory.

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

Several domestic and international human rights groups generally operated without government restriction, investigating and publishing in press releases their findings on human rights cases. Government officials met with local NGOs during the year, but at least one local NGO reported that the Government was not responsive. Government officials increasingly criticized local NGOs publicly for their reports of human rights violations committed by security forces.

A few NGOs were active and had a sizable impact on the promotion of human rights. Some local NGOs, including the LCDH, the Human Rights Observatory, the antitorture NGO ACAT, and the Association of Women Jurists, actively monitored human rights problems; worked with journalists to draw attention to human rights violations, including those committed by the army; pleaded individual cases of human rights abuses before the courts; and engaged in efforts to raise the public's awareness of citizens' legal rights. However, the unrest and economic dislocation the country experienced in recent years continued to impede the activities of local human rights NGOs and limited their area of work almost exclusively to Bangui.

Unlike in the previous year, there were no reports of human rights activists receiving anonymous death threats following criticism of the Government's tolerance of impunity and human rights abuses. Unlike in the previous year, there were also no reports of the military instructing humanitarian aid organizations and NGOs to suspend their activities due to security concerns.

Early in the year former security forces members loyal to former President Patasse repeatedly harassed Bernadette Sayo, the president of the Organization for Compassion and Development for Women in Distress (OCODEFAD). OCODEFAD was a Bangui-based organization formed by victims of the widespread rapes that took place in 2002 and 2003, when Democratic Republic of the Congo (DRC) opposition leader Jean-Pierre Bemba's troops assisted then President Patasse in defending his government prior to its overthrow. OCODEFAD demanded that Patasse and Bemba appear before the ICC to answer charges related to crimes committed in the CAR. During the year Sayo's children were also regularly threatened, which led to the family's temporary resettlement in another country with the help of an international NGO.

International human rights NGOs and international organizations operated in the country without interference from the Government, and they increased in number during the year. Armed groups reportedly targeted the small number of humanitarian workers operating in the northwest, stopping their vehicles and robbing them. The northwest and the northeastern Vakaga Prefecture were occasionally inaccessible to NGOs due to instability and fighting between rebels and the military. Nonetheless, aid and relief organizations were present in greater numbers than in

2006 and were generally able to coordinate with government forces to provide relief and development programs for some of the displaced population.

In September both HRW and AI released reports detailing human rights abuses perpetrated by government and rebel forces and armed bandits in the northeast and northwest. The presidential spokesman categorically denied the HRW report's allegations of human rights abuses by government forces. The Government did not respond publicly to AI's report, which focused on the violence perpetrated by unidentified armed bandits and robbers in the north.

During the year BONUCA's human rights section continued to actively monitor human rights practices, assist the Government in capacity building, sensitize the public to human rights, conduct visits to prisons and detention centers, and conduct human rights training for hundreds of government security agents. Although based in Bangui, BONUCA maintained three field offices in the countryside throughout the year. BONUCA also worked with the Ministry of Communications, National Reconciliation, and the Promotion of Human Rights. Nonetheless, BONUCA did not report publicly information regarding human rights abuses that it collected, and some media observers questioned the effectiveness of the human rights section, given its public silence.

The U.N. Development Program and government officials continued collecting weapons from former combatants and reintegrating thousands of them into civilian life. By year's end the disarmament, demobilization, and reintegration program had demobilized more than 5,100 former combatants, and of that number more than 1,700 had been reintegrated.

The High Commission of Human Rights and Good Governance, attached to the presidency, accepted and investigated citizen complaints of human rights violations committed by members of the Government, and it occasionally forwarded cases to the Ministry of Justice for possible prosecution. In addition during the year the commission conducted several investigations of government ministries to combat human rights violations, including corruption. In April the high commissioner defended the Government's record on human rights, underlining some disciplinary actions taken against undisciplined soldiers. Nonetheless, the commission did not have adequate staffing and other resources and lacked the means to properly train its investigators. Some human rights observers criticized the commission for its lack of independence and its lack of effectiveness in reducing impunity in the security forces.

A Human Rights Commission (HRC) in the National Assembly sought to strengthen the capacity of the legislature and other government institutions to advance human rights; however, it suffered from a severe lack of resources.

During the year the ICC announced that it was formally investigating crimes committed in the CAR in 2002 and 2003 by the previous government and by soldiers under the command of Jean Pierre Bemba, then a Congolese rebel leader. The ICC opened an office in Bangui in October. The Government publicly welcomed the investigations; however, domestic and international NGOs acknowledged that the Government was not fully cooperating with the ICC's prosecutor and criticized the Government for failing to conduct an exhaustive and independent investigation of the alleged war crimes. Government officials said an investigation had been made difficult by the insecurity still present in the north.

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

The Constitution stipulates that all persons are equal before the law without regard to wealth, race, or gender; however, the Government did not enforce these provisions effectively, and significant discrimination existed.

*Women.*—The law prohibits rape, though it does not specifically prohibit spousal rape. Rape is punishable by imprisonment with hard labor, although the law does not specify a minimum sentence. Police sometimes arrested men on charges of rape; however, the Government did not enforce the law effectively, and the social stigma induced many families to avoid formal court action.

There was a significant increase in reports of rape during the year as a result of the conflict in the northwest and northeast, particularly along the Kaga-Bandoro-Ouandago-Batangafo axis. One international organization working in the area reported over 200 rape cases for the month of August alone near Kaga-Bandoro.

Although the law does not specifically mention spousal abuse, it prohibits violence against any person and provides for penalties of up to 10 years in prison; however, domestic violence against women, including wife beating, was reportedly common. Spousal abuse was considered a civil matter unless the injury was severe. According to the Association of Women Jurists, a Bangui-based NGO specializing in the defense of women's and children's rights, victims of domestic abuse seldom reported incidents to authorities. When incidents were addressed, it was done within the family or local community. The courts tried very few cases of spousal abuse, al-

though litigants cited these abuses during divorce trials and civil suits. Some women reportedly tolerated abuse to retain financial security for themselves and their children.

The law prohibits FGM, which is punishable by up to 10 years' imprisonment; nevertheless, girls continued to be subjected to this traditional practice in certain rural areas and, to a lesser degree, in Bangui. According to the WHO, overall more than 40 percent of women were victims of FGM. According to data collected by UNICEF, an estimated 36 percent of females between the ages of 15 and 49 had undergone FGM. According to the Association of Women Jurists, anecdotal evidence suggested that the number of girls and women undergoing FGM declined in recent years as a result of efforts to familiarize women with the dangers of the practice.

Although the law does not prohibit prostitution, it prohibits coercing someone into prostitution or profiting from the prostitution of another. Prostitution continued to exist. The law imposes fines and imprisonment for 3 months to 1 year for sexual procurement (including assisting in prostitution). For cases involving a minor, the penalty is between 1 and 5 years of imprisonment. Some young girls reportedly engaged in prostitution for economic reasons, particularly in urban centers. Visitors to the Bimbo prison for women in Bangui in May found 10 women, out of approximately 62, imprisoned on prostitution charges, several of them under age 18. The practice had reportedly grown more common since 2002.

The law prohibits sexual harassment; however, the Government did not effectively enforce the law, and sexual harassment was a problem.

The law does not discriminate against women in inheritance and property rights, but a number of discriminatory customary laws often prevailed, and women's statutory inheritance rights often were not respected, particularly in rural areas. The family code further strengthened women's rights, particularly in the courts; however, access to the judicial system remained very limited throughout the country.

Women were treated as inferior to men both economically and socially. Single, divorced, or widowed women, including those with children, were not considered to be heads of households. Only men were entitled to family subsidies from the Government. Women in rural areas generally suffered more discrimination than women in urban areas. There were no accurate statistics on the percentage of female wage earners. Women's access to educational opportunities and to jobs, particularly at higher levels in their professions or in government service, was limited.

Polygamy is legal, although this practice faced growing resistance among educated women. The law allows a man to take up to four wives, but a prospective husband must indicate at the time of the first marriage contract whether he intends to take additional wives. In practice many couples never married formally because men could not afford the traditional bride payment. The family code obliges the use of bride payments, but it neither requires them nor sets a minimum payment amount. Women who were educated and financially independent tended to seek monogamous marriages. Divorce is legal and can be initiated by either partner.

The Association of Women Jurists advised women of their legal rights and how best to defend them and filed complaints with the Government regarding human rights violations. During the year several active women's groups solicited guidance from the Association of Women Jurists and organized workshops and seminars to promote women's and children's rights, including seminars to encourage women to participate fully in the political process.

*Children.*—The Government spent little money on programs for children, and churches and NGOs had relatively few programs for youths.

The registration of births was inadequate and unregistered children faced limitations in their access to education and other social services. There were no reliable statistics on birth registration. Registration of births in conflict zones was likely to have been lower than in other, particularly urban, areas. According to UNICEF's country report for 2007, total birth registration was 73 percent, with 88 percent of children registered in urban areas and 63 percent in rural areas.

Education is compulsory from ages 6 to 14; tuition is free, but students must pay for their own books, supplies, transportation, and insurance. At the primary level (ages 6 to 11), approximately 40 percent of children attended school, according to a 2003 national census. Attendance rates were lower in rural than in urban areas, and children in rural areas often started school 2 to 3 years later than children in urban areas. Girls did not have equal access to primary education; 39 percent of girls of primary school age were enrolled in school compared with 47 percent of boys, according to UNICEF statistics. Humanitarian organizations reported in June 2006 that, in the northwestern prefectures of Ouham and Ouham Pende, only 9 percent of school-age children attended school due to inadequate security, a situation that likely persisted during the year.

Few, if any, Pygmies attended primary school during the year. Some local and international NGOs, including COOPI, made efforts to increase Pygmy (Ba'Aka) enrollment in schools, although there were no reports of significant government assistance to these efforts.

The census indicated that 10.8 percent of children of secondary school age were enrolled in school. The majority of girls dropped out at age 14 or 15 due to societal pressure to marry and bear children. In addition the census indicated that female literacy rates were lower (32 percent of those 10 and older) than those of males (53.8 percent).

Parents have sought to step in to offset the inadequacies of the public school system. At the primary level, the majority of teachers were parents. According to the U.N. Office for the Coordination of Humanitarian Affairs, three-quarters of all teachers had no formal training.

In the unrest following the 2003 coup, approximately three-quarters of the country's schools were destroyed, although UNICEF has since assisted the Government in rebuilding some primary schools in the southwest region of the country. The failure of the education system, caused by a meager budget and salary arrears, resulted in a shortage of teachers and an increase in the number of street children. During the year UNICEF worked to rehabilitate classrooms and distribute basic education materials to schools in conflict zones and those still suffering from neglect. With the help of UNICEF's NGO partner COOPI, schooling had resumed for 12,500 children in the northwest town of Paoua, with a total of 97 "bush" schools created by year's end. During the year the children were also provided with school kits, and 295 parent-teachers received training.

University students protested the lack of government support and scholarships for their studies during the year, going on periodic strikes in hopes of bringing attention to their demands. University professors also went on strike during the year, demanding the Government pay salary arrears owed to them.

The healthcare system continued to suffer greatly from inadequate resources and instability. There were no indications that boys and girls had unequal access to government-provided care.

The law criminalizes parental abuse of children under the age of 15 years, and child abuse was not widespread. A juvenile court tried cases involving children and provided counseling services to parents and juveniles during the year. In February a court sentenced two parents to 4 years in prison for abusing their 5-year-old daughter.

There was no additional information regarding the September 2006 newspaper report that a member of Parliament had raped his 14-year-old daughter.

The October 2006 case of a 9-year-old girl who had suffered serious burns after her parents allegedly accused her of being a sorcerer remained under investigation, with officials questioning family members and others who may have "provoked" the acts of the girl.

The law establishes 18 as the minimum age for civil marriage. However, an estimated 57 percent of children were married before the age of 18, according to data collected between 1987 and 2005 by UNICEF.

The country's instability had a disproportionate effect on children, who accounted for almost 50 percent of IDPs during the year.

Child labor, including forced labor, was widespread.

There were more than 6,000 street children between the ages of 5 and 18, including 3,000 in Bangui. Many experts believed that HIV/AIDS and a belief in sorcery, particularly in rural areas, contributed to the large number of street children. An estimated 110,000 children have lost one or both parents to HIV/AIDS, and children accused of sorcery (often reportedly in relation to HIV/AIDS-related deaths in their neighborhoods) were often expelled from their households. Many street children begged and stole; several charitable organizations provided them with humanitarian assistance.

There were NGOs specifically promoting children's rights, including some, such as Voix du Coeur, which assisted street children.

*Trafficking in Persons.*—The law does not prohibit trafficking in persons, and there were reports of persons being trafficked, although NGOs and government officials said that trafficking in persons was not widespread. During the year the National Assembly enacted a law criminalizing the trafficking of women and children, but it had not been implemented by year's end.

The country was a source, transit, and destination country for children trafficked for forced labor and sexual exploitation. While the majority of child victims were trafficked within the country, some were also trafficked to and from Cameroon, Nigeria, and the DRC. Children may also have been trafficked from Rwanda to the CAR. Children were trafficked for domestic servitude, sexual exploitation, and

forced labor in diamond mines, shops, and other forced commercial labor activities, such as street vending. No comprehensive trafficking studies have been conducted and little concrete data exists. According to NGOs, orphaned boys and girls were particularly at risk of being trafficked. Indigenous Pygmies may also have been subjected to forced labor or labor in slave-like conditions within the country.

Trafficking was confined primarily to orphaned children, both girls and boys. During the year there were reports that trafficked children were forced into domestic servitude and commercial labor activities, such as street vending and agricultural work. In recent years there were reports that children were trafficked into the country and forced to work by members of the foreign Muslim community from Nigeria, Sudan, and Chad and that merchants, herders, and other foreigners doing business in and transiting the country trafficked girls and boys into the country. Child trafficking victims were not afforded the benefit of a formal education, despite the mandatory school age, and worked without remuneration. There were a few anecdotal reports of children being trafficked to Nigeria and several other nearby countries during the year for use as agricultural workers. There was also anecdotal evidence of sexual exploitation of girls in Bangui.

Some girls entered prostitution to earn money for their families.

Traffickers can be prosecuted under laws against slavery and sexual exploitation, labor code violations, and mandatory school age laws. In addition specific laws that address prostitution have been used in recent years to punish those who trafficked women for the purposes of prostitution.

During the year the Government made some efforts to combat trafficking through law enforcement. However, the Government reported only three arrests for trafficking during the year, all concerning the same case of trafficking reported in December. No update was available on these arrests at year's end.

The Government did not receive or investigate any further cases of trafficking, nor did it use or have access to special investigative techniques in trafficking investigations. By year's end no government agency had been assigned to study, combat, or raise awareness of trafficking. The head of the High Commission of Human Rights and Good Governance, located in the president's office, said that because the Government believed that trafficking was not a problem, it had not set up shelters for trafficking victims and had not incorporated a trafficking component into its human rights training seminars for security forces and other officials.

Neither the Government nor NGOs operated shelters providing specific care to trafficking victims, and there were no known NGOs specifically working to combat trafficking. However, the Government operated a shelter for orphans and destitute children, some of whom may have been trafficking victims, although observers found this scenario unlikely. The minister of social affairs also organized an NGO network to improve government and civil society cooperation in providing care to children in distress, including trafficking victims. In addition the Government created an inter-ministerial committee to combat child trafficking. In late 2006 the Ministry of Social Affairs worked with UNICEF to develop a national action plan to prevent child sexual abuse, including child sex trafficking.

*Persons with Disabilities.*—There was no codified or societal discrimination against persons with disabilities. However, there were no legislated or mandated accessibility provisions for persons with disabilities, and such access was not provided in practice. The Government had not developed a national policy or strategy to provide assistance to persons with disabilities. Approximately 10 percent of the country's population had disabilities, mostly due to polio, according to the 2003 census. There were several government- and NGO-initiated programs designed to assist persons with disabilities, including handicraft training for the blind and the distribution of wheelchairs and carts by the Ministry of Social Affairs.

The Ministry of Social Affairs continued to work with the NGO Handicap International during the year to provide treatment, surgeons, and prostheses to persons with disabilities. For example a \$24,660 (12.7 million CFA francs) physiotherapy center for persons with disabilities continued to operate in Dekoa, 160 miles north-east of Bangui.

*National/Racial/Ethnic Minorities.*—For a variety of reasons, the M'bororo and Goula ethnic groups appeared to suffer disproportionately from the civil disorder in the north.

Tensions between members of the resident Chadian community, whose members numbered in the thousands and who have resided in the country for generations, were less apparent during the year; however, there was occasional violence between Chadian members of the presidential guard and other members of the security forces.



*Indigenous People.*—Despite constitutional protections, there was societal discrimination against Pygmies (Ba'Aka) the earliest known inhabitants of the rain forest in the southern part of the country. Pygmies constituted approximately 1 percent of the country's population. They continued to have little say in decisions affecting their lands, culture, traditions, and the allocation of natural resources. Forest-dwelling Ba'Aka, in particular, were subject to social and economic discrimination and exploitation, which the Government has done little to prevent. Despite repeated promises, the Government took no steps to issue and deliver identity cards to Pygmies, lack of which, according to many human rights groups, effectively denied them access to greater civil rights.

The Ba'Aka, including children, were often coerced into agricultural, domestic, and other types of labor. They often were considered to be the slaves of other local ethnic groups, and when they were remunerated for performing labor, their wages were far below those prescribed by the labor code and lower than wages paid to members of other groups.

During the year COOPI continued to promote the rights of the Ba'Aka by monitoring discrimination and seeking to increase their access to public services by helping the Ba'Aka acquire birth certificates. Refugees International reported in recent years that Pygmies were effectively "second-class citizens" and that the popular perception of Pygmies as barbaric, savage, and subhuman had seemingly legitimized their exclusion from mainstream society.

*Other Societal Abuses and Discrimination.*—The penal code criminalizes homosexual behavior; however, there were no reports that police arrested or detained persons they believed to be homosexual. Societal discrimination against homosexuals persisted during the year, and many citizens denied the existence of homosexuals or attributed their existence to undue Western influence.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law allows all workers to form or join unions without prior authorization, and a relatively small part of the workforce, primarily civil servants, exercised this right. Police personnel and judges may form unions; however, security forces, including the military and gendarmes, may not.

The labor code requires that union officials be full-time wage-earning employees in their occupation and allows them to conduct union business during working hours as long as the employer is informed 48 hours in advance and provides authorization. A person who loses the status of worker, either through unemployment or retirement, can belong to a trade union and participate in its administration.

Unlike in the previous year, there were no reports of police arresting union leaders.

The law expressly forbids antiunion discrimination; however, during the year there were some reports of antiunion discrimination directed toward employees who participated in strikes. Employees can have their cases heard in the labor court. The law does not state whether employers found guilty of antiunion discrimination were required to reinstate workers fired for union activities, although employers found guilty of such discrimination legally were required to pay damages, including back pay and lost wages.

*b. The Right to Organize and Bargain Collectively.*—The labor code provides for the right of workers to organize and administer trade unions without employer interference and grants trade unions full legal status, including the right to file lawsuits, and the Government generally respected these rights in practice. The code provides that unions may bargain collectively in both the public and private sectors and provides workers protection from employer interference in the administration of a union. Collective bargaining occurred in the private sector during the year. The Government generally was not involved if the two parties were able to reach an agreement.

The country's largest single employer was the Government, and government employee trade unions were especially active. In the civil service, the Government set wages after consultation, but not negotiation, with the unions; wage levels have remained unchanged for more than two decades. Salary arrears continued to be a severe problem for military personnel and the country's 24,000 civil servants. The Government owed its employees up to 46 months of salary arrears. Civil servants continued to demand the payment of salary arrears and to hold strikes throughout the year. The Government continued efforts to identify fraudulent "ghost workers" in the civil service to help reduce budgetary problems and pay salary arrears.

Strike leaders for public sector unions and the Government reached an agreement to pay 2 months of salary arrears in October.

Unions have the right to strike in both the public and private sectors, and workers exercised this right during the year; however, security forces, including the mili-

tary and gendarmes, are prohibited from striking. To be legal, strikes must be preceded by the union's presentation of demands, the employer's response to these demands, a conciliation meeting between labor and management, and a finding by an arbitration council that union and employer failed to reach agreement on valid demands. The union must provide 8 days' advance written notification of a planned strike. The law states that, if employers initiate a lockout that is not in accordance with the code, the employer is required to pay workers for all days of the lockout. The Government has the authority to end strikes by invoking the public interest. The code makes no other provisions regarding sanctions on employers for acting against strikers.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—Although the labor code specifically prohibits forced or compulsory labor, there were reports that such practices occurred. Women and children were trafficked for forced labor and sexual exploitation. Prisoners were reportedly forced to work on public works projects without compensation for government officials or magistrates; the prisoners often received shortened sentences for doing so. Pygmies, including children, often were coerced into labor and often treated as slaves.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The labor code's prohibition of forced or compulsory labor applies to children, although they are not mentioned specifically. Other provisions of the labor code forbid the employment of children under 14 years of age; however, the Ministry of Labor and Civil Service did not enforce these provisions. Child labor was common in many sectors of the economy, especially in rural areas, and forced labor also occurred. At times child labor was employed on public works projects and at the residences of government officials and magistrates. The labor code provides that the minimum age for employment could be as low as 12 for some types of light work in traditional agricultural activities or home services. The law prohibits children under 18 from performing hazardous work or working at night; however, children continued to perform hazardous work during the year. The labor code does not define the worst forms of child labor.

Reliable statistics on child labor were not available; however, according to data collected by UNICEF in surveys between 1999 and 2005, approximately 57 percent of children between the ages of 5 and 14 were involved in child labor activities. UNICEF considered a child to be involved in labor activities according to the following classification: Children 5 to 11 years old who, during the week preceding the survey, did at least 1 hour of economic activity or at least 28 hours of domestic work; and children 12 to 14 years old who, during the week preceding the survey, performed at least 14 hours of economic activity, or at least 42 hours of economic activity and domestic work combined.

Throughout the country, children as young as 7 frequently performed agricultural work. Children often worked as domestic workers, fishermen, and in mines (often in dangerous conditions). An international agency reported that children worked in the diamond fields alongside adult relatives. In Bangui, many of the city's 3,000 street children worked as street vendors. There were reports of trafficking in children.

Unlike in the previous year, there were no reports of teachers or principals using school children as occasional or part-time labor on farms. Credible evidence appeared during the year that both the UFDR and APRD rebel groups recruited and used child soldiers.

The Government had extremely few resources to enforce the prohibition against forced labor or child labor laws. Salary arrears and the lack of personnel training severely impeded its enforcement capacity.

Although international organizations, local NGOs, and labor unions have called for more attention to the rehabilitation and reintegration of former child laborers and street children, the country had only two centers—both located in Bangui—that addressed the problem.

*e. Acceptable Conditions of Work.*—The labor code states that the minister of labor must set minimum wages in the public sector by decree. The minimum wage varies by sector and by kind of work. For example the monthly minimum wage was equivalent to approximately \$17 (8,500 CFA francs) for agricultural workers but approximately \$52 (26,000 CFA francs) for office workers. The minimum wages did not provide a decent standard of living for a worker and family, although wage levels were raised during the year. Most labor was performed outside the wage and social security system (in the vast informal sector), especially by farmers in the large subsistence agricultural sector.

The law sets a standard workweek of 40 hours for government employees and most private sector employees. Household employees may work up to 52 hours per week. The law also requires a minimum rest period of 48 hours per week.

There are general laws on health and safety standards in the workplace, but the Ministry of Labor and Civil Service neither precisely defined nor actively enforced them. The labor code states that a labor inspector may force an employer to correct unsafe or unhealthy work conditions, but it does not provide the right for workers to remove themselves from such conditions without risk of loss of employment.

## CHAD

Chad is a centralized republic with a population of approximately 10 million. In May 2006 citizens reelected President Idriss Deby, leader of the Patriotic Salvation Movement (MPS), to a third term in what unofficial observers characterized as an orderly, but seriously flawed election boycotted by the opposition. Deby has ruled the country since taking power in a 1990 coup. Political power remained concentrated in the hands of a northern oligarchy composed of the President's Zaghawa ethnic group and its allies. The executive branch effectively dominated the legislature and judiciary, thereby eliminating potential challenges to a culture of impunity for the ruling minority. Civilian authorities did not maintain effective control of the security forces.

Fighting between the Government and rebel groups continued despite peace accords signed with the United Front for Change (FUC) in December 2006 and with four other rebel groups on October 25. The October 25, 2007 agreement was not implemented. Violent interethnic conflict, banditry, and cross-border raids by Darfur-based militias also continued. Civilians were killed and tens of thousands were displaced. Approximately 231,000 Sudanese refugees who had fled from violence from Darfur, lived in camps along the border.

The Government's human rights record remained poor. Human rights abuses included: Limitation of citizens' right to change their government; extrajudicial killings; politically motivated disappearances; torture and rape by security forces; security force impunity; harsh and life-threatening prison conditions; arbitrary arrest and detention; lengthy pretrial detention; denial of a fair public trial; executive interference in the judiciary; arbitrary interference with privacy, family, and correspondence; use of excessive force and other abuses in internal conflict, including killings and use of child soldiers; limits on freedom of speech, press, and assembly, including harassment and detention of journalists; widespread official corruption; violence and societal discrimination against women, including the widespread practice of female genital mutilation (FGM); child abuse and trafficking; ethnic-based discrimination; repression of union activity; forced labor; and exploitive child labor.

Rebel groups, ethnic-based militias, Darfur-based militias, and bandits committed numerous human rights abuses. These abuses included killing, abducting, injuring, and displacing civilians; attacks against and destruction of villages; use of child soldiers; and attacks against humanitarian workers.

### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—Security forces have committed politically motivated killings and officially sanctioned extrajudicial killings of suspected criminals, although specific information was unavailable. Security forces continued to kill suspected rebels and rebel collaborators (see Section 1.g.). Use of excessive force resulted in deaths. Security forces continued to kill civilians during apprehension and while in custody. The Government did not prosecute or punish members of the security forces who committed killings.

There was an unconfirmed report by a human rights observer that security forces shot and killed a prisoner in Bongor who was attempting to escape.

There were no developments regarding the following 2006 killings by security forces: The April killing by men in military uniform of a government employee; the May killing of the governor's driver in Mongo by gendarme Almardi Ahmat; and the September killing by a gendarme in Beboto of two citizens that were suspected of being rebels.

There was an unconfirmed report of one person found shot and killed after a student demonstration that police had dispersed by gunfire.

Unexploded ordnance and landmines laid by government, rebel, and foreign forces resulted in deaths (see Section 1.g.).

Armed bandits continued to operate on many roads, assaulting, robbing, and killing travelers; some perpetrators were identified as active duty soldiers or deserters. Their motive generally appeared to be robbery, and some of their targets were employees of foreign assistance organizations or nongovernmental organizations (NGOs) (see Section 1.g.). No action was taken against the perpetrators of numerous 2005 and 2006 attacks and killings by bandits.

Interethnic fighting resulted in numerous deaths (see Section 1.g.).

*b. Disappearance.*—There continued to be reports of politically motivated disappearances and persons being held incommunicado during the year, particularly in relation to the country's ongoing conflict (see Section 1.g.). According to the NGO Human Rights Without Borders, the Government created secret detention centers after the April 2006 attacks on N'djamena and at least 16 high-ranking army officers were being kept in these centers. The army officers were not released by year's end.

There were no developments in numerous politically motivated disappearances that occurred between September and December 2005, or in the 2005 arrest and disappearance of Naguili Delphine.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—Although the Constitution and law prohibit such practices, members of the security forces tortured, beat, abused, and raped citizens. Such practices also occurred in connection with the ongoing armed conflict (see Section 1.g.). Impunity for those who committed abuses remained widespread.

Unlike the previous year, there were no reports of security forces beating journalists or human rights workers.

In January security forces in N'Djamena arrested, detained, and reportedly tortured Dabre Felix and Koulayo Jonas, who were accused of theft.

In June security forces arrested without charge, beat, and detained for 1 week Lieutenant Colonel Herve Nassingar.

No action was taken against security forces responsible for torturing persons in 2006.

During the year human rights organizations continued to receive reports that police and gendarmes raped women in custody.

*Prison and Detention Center Conditions.*—Prison conditions remained harsh and life-threatening. Prisons were seriously overcrowded, had poor sanitation, and provided inadequate food, shelter, and medical facilities. As a result of inadequate record-keeping and management, many individuals remained in prison after completing their sentences or after courts had ordered their release.

Local human rights organizations continued to report on the existence of military prisons and prisons run by the Immigration Service, to which access was prohibited. It was unknown who was detained in these prisons and for what reasons they were held.

While the law provides that a doctor must visit each prison three times a week, this provision was not respected. The law authorizes forced labor in prison, but human rights organizations reported that generally it did not occur.

During the year approximately 100 inmates escaped during prison disturbances; none had been apprehended by year's end.

Juvenile males were not always separated from adult male prisoners, and children were sometimes held with their inmate mothers. Pretrial detainees were held with convicted prisoners.

The Government permitted the International Committee of the Red Cross (ICRC) to visit most civilian prisons on a regular basis, and the ICRC conducted such visits during the year. In previous years the ICRC confirmed the existence of illegal prisons run by the gendarmerie, the National Security Agency (ANS), and the police, and requested access to them; however, no access was granted. The Government provided the NGO Chadian Association for the Promotion of Human Rights (ATPDH) with a permanent authorization notice to visit civilian prisons at any time, without need to provide advance notice. Other NGOs, including human rights groups, were required to obtain authorization from a court or from the director of prisons; such authorizations depended largely on the personal inclinations of those with authority to grant permission. NGOs were not allowed access to military prisons.

*d. Arbitrary Arrest or Detention.*—The Constitution and law prohibit arbitrary arrest and detention; however, security forces often violated these provisions.

*Role of the Police and Security Apparatus.*—The Chadian National Army (ANT), Republican Guard, Gendarmerie, national police, nomadic guard (GNNT), and ANS are responsible for internal security. The ANT, Gendarmerie, and GNNT report to the Ministry of Defense; the national police report to the Ministry of Public Security

and Immigration; and the Republican Guard and ANS report to the president. The Ministry of Defense is under the direction of the presidency. Officers from President Deby's ethnic group and closely allied ethnic groups dominated the ANS and Republican Guard.

The police force was centrally controlled, but exercising oversight, particularly outside of N'Djamena, was difficult. Police generally enjoyed impunity. The police force was unable to improve internal security problems, including widespread banditry and arms proliferation. The Government continued to allow months to pass before it paid police force members, and corruption was widespread.

Reports of widespread defection of government troops to rebel groups continued, but estimates of their numbers were not available.

As a result of a December 2006 peace accord with the FUC, an unknown number of FUC combatants were integrated into the Government military during the year.

*Arrest and Detention.*—While the Constitution and law require a judicial official to sign arrest warrants, the Government often did not respect this requirement, and secret arrests occurred. The law requires both access to bail and access to counsel, but neither was regularly provided. Few detainees had the means to pay for private counsel, and incommunicado detention was a problem. Detainees were not promptly informed of charges, and judicial determinations were not made promptly. The Constitution and law state that legal counsel should be provided for indigent defendants and that defendants should be allowed prompt access to family members and counsel; however, in practice this usually did not occur.

Security forces arbitrarily arrested and reportedly tortured persons, particularly those suspected of collaborating with rebels (see Section 1.g.).

Police continued to arrest journalists and NGO officials who criticized the Government.

There were reports that the Government arrested numerous military defectors and members of their families, although specific information was unavailable.

There were no reported developments in the numerous 2006 cases of arbitrary arrest and detention.

Lengthy pretrial detention remained a problem. Persons accused of crimes could be imprisoned for several years before being charged or tried, particularly those who were arrested in the provinces for felonies and transferred to prison in N'Djamena. Of the 3,416 inmates held in the country's prisons in August 2005, 1,980 were pretrial detainees.

*e. Denial of Fair Public Trial.*—The Constitution and law provide for an independent judiciary; however, the judiciary was ineffective, underfunded, overburdened, vulnerable to intimidation and violence, and subject to executive interference. In practice government officials and other influential persons often enjoyed impunity. Members of the military continued to enjoy a particularly high degree of impunity. Members of the judiciary received death threats or faced demotion or removal from their positions for not acquiescing to pressure from officials.

At the national level, a supreme court, constitutional court, and court of appeals exist; some of their members were appointed by the Government rather than elected by citizens as required by law, which weakened judicial independence. The constitutionally mandated High Court of Justice can try high-ranking government officials whose cases are submitted by the National Assembly.

There were no developments in the December 2005 case of three former ministers of livestock that were charged with embezzlement.

At the provincial level, there are appeals courts in N'Djamena, Moundou, and Abeche.

The Constitution and law mandate that the Superior Council of Magistrates recommend judicial nominations and sanction judges who commit improprieties; however, continuing problems between the Government and magistrates prevented any sanctions from being considered or carried out.

A five-judge judicial oversight commission has the power to conduct investigations of judicial decisions and address suspected miscarriages of justice. However, in contrast to the superior council, commission members are appointed by the president, which increased executive control over the judiciary and diminished the authority of the superior council. Parties to judicial cases can appeal to the commission.

*Trial Procedures.*—Applicable law was sometimes confusing, as courts tended to blend the formal French-derived legal code with traditional practices, and customary law often superseded Napoleonic law in practice. Residents of rural areas often lacked access to formal judicial institutions, and legal reference texts were not available outside the capital. In most civil cases, the population relied on traditional courts presided over by village chiefs, canton chiefs, or sultans. However, decisions can be appealed to a formal court.

While the law states that defendants are presumed innocent until proven guilty, in practice many judges assumed a suspect's guilt, particularly in crimes involving rape or theft. Trials are public, and defendants have the right to appeal decisions. Defendants, their lawyers, and judges are permitted by law to question witnesses.

The law states that indigents should be provided promptly with legal counsel, but this seldom occurred in practice. Human rights groups sought to improve this situation, and sometimes provided free counsel themselves.

The Muslim concept of *dia*, which involves a payment to the family of a crime victim, is based on the decision of local leaders and was practiced widely in northern Muslim areas. Non-Muslim groups, which supported implementation of a civil code, continued to challenge the use of the *dia* system, arguing that it was incompatible with the Constitution. Such groups further accused the Government of supporting *dia* practices by permitting the existence of local tribunals. A previously formed technical committee had not resolved the issue by year's end.

*Political Prisoners and Detainees.*—Human rights organizations reported that the Government held political prisoners and detainees and that they were denied access to such persons (see Section 1.g.).

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution and law prohibit such actions, but the Government conducted illegal searches and wiretaps and monitored private mail and e-mail. Security forces also regularly stopped citizens and extorted money or confiscated belongings.

Unlike in the previous year, there were no reports of the Government ordering temporary closure of cellular telephone networks. Military and police officials continued to conduct searches and confiscations of satellite telephones, including those of NGOs, international organizations, and diplomatic vehicles.

There were occasions when police officers arrested family members of suspects, although specific information was unavailable.

*g. Use of Excessive Force and Other Abuses in Internal Conflicts.*—Fighting between the Government and rebel groups continued despite a peace accord signed with the FUC in December 2006 and a separate accord signed with four other rebel groups on October 25. The October 25, 2007 accord was not implemented due in part to a resurgence of fighting in eastern Chad. Violent interethnic conflict, banditry, and cross-border raids by Darfur-based militias also continued. Rebel groups, government forces, and highway bandits attacked and counterattacked, which resulted in deaths and the widespread destruction of homes and property during the year. Rebel attacks and government counterattacks occurred primarily along the eastern border with Sudan. Interethnic attacks on villages in the eastern part of the country continued. Vast areas along the border with Sudan were not protected by the Government. Militias burned houses and stole the cattle of unprotected villages, resulting in numerous deaths and the displacement of thousands of persons.

On September 25, the U.N. Security Council authorized the deployment of a European Union force (EUFOR) and a U.N. police training mission, known as the U.N. Mission in the Central African Republic and Chad (MINURCAT), to protect civilians and promote human rights and the rule of law in eastern Chad and northeastern Central African Republic (CAR). As of year's end few EUFOR and MINURCAT personnel had been deployed.

A state of emergency was in effect from November 2006 until May, and again beginning on October 16. The state of emergency, which was ongoing at year's end, gave security forces special arrest powers and included restrictions on movement, meetings, and the press.

*Killings.*—Government, militia, and rebel attacks and counterattacks resulted in numerous civilian deaths and injuries.

On February 1, government and rebel fighting in Adre injured 120 persons, a third of them civilians.

Security forces continued to kill persons suspected of collaborating with rebel forces. On August 31, security forces killed Ahmat Sougou, who was suspected of collaborating with the armed rebels. No charges were filed.

There were no developments reported in the alleged 2006 security force killings of Sayam N'demra, Nandigar Mbaïssoumta, Andre Tomboi, or Louis Mbatel.

Interethnic attacks on communities continued during the year. On March 31, attacks on the villages of Tiero and Marena resulted in hundreds of deaths, numerous injuries, destruction of homes, and the displacement of approximately 9,000 persons. There were no reported developments regarding the October and November 2006 massacres in the Salamat and Goz-Beida regions, respectively.

In October ethnic clashes between the Tama and Zaghawa tribes resulted in the deaths of 20 persons near Guereda and interrupted humanitarian services.

*Abductions.*—On October 12, an American missionary was abducted by rebels in the Tibesti region. He had not been released as of year's end.

There were reports that the forcible recruitment of some refugees into armed groups continued, although at a significantly smaller scale than the previous year.

There were no reported developments regarding Sudanese militiamen that abducted approximately 4,700 refugees from refugee camps in the east in March 2006.

*Physical Abuse, Punishment, and Torture.*—Unexploded ordnance and landmines laid by government, rebel, and foreign forces resulted in deaths. The U.N. reported that landmines and unexploded ordnance resulted in the deaths of 22 children and injuries to 85 children.

Security forces arrested and detained numerous persons suspected of rebel activity or collaboration with rebels. The Government also arrested military defectors, some of whom had joined rebel groups.

On November 30, four army officers, the sultan and governor of Dar Tama, and one additional individual were reportedly arrested in Guereda. Some of the seven were associated with the FUC, including through family relationships. The individuals were held incommunicado, and there were no reports that they had been released by year's end.

In previous years retribution against the families and villages of military defectors to rebel groups included the burning of homes, arrest and torture of family members, and destruction of crops and other property.

On April 20, the commandant of the ANS arrested and beat M. Mahamat Abderaman, a suspected rebel. The Government had not responded to the incident by year's end.

The 16 high-ranking army officers who were held in secret prisons after the April 2006 attacks on N'djamena were still detained at year's end.

There were no reported developments regarding the 2006 arrests and alleged torture of Brahim Almardi, Nourène Fadoul, Ahmat Mahamat, and Bechir Zam-Zam by security forces. The individuals were suspected rebel supporters.

There were no further developments in the case of Nodjitel Medard, El Hadj Abba Zene, and others who were arrested and later released in 2006 for allegedly collaborating with the rebels.

Sexual violence, including rape, was committed against women and girls. Rapes occurred during attacks on villages and also on and near internally displaced person camps.

*Child Soldiers.*—The law prohibits the use of child soldiers; however, child soldiers were used by the ANT, Chadian rebel groups, village self-defense forces, and armed groups from Sudan operating in the border region. As in the previous year, there were reports that the army forcibly recruited children; the reports were covered by the media, which attributed them to human rights organizations and eyewitnesses.

Children were recruited from refugee camps along the eastern border by armed groups from both Chad and Sudan. For example, a U.N. report noted that, in January, 39 children were recruited by Sudanese armed groups from Briedjing refugee camp.

On May 9, the U.N. Children's Fund (UNICEF) and the Government signed an agreement to identify and demobilize children in the Chadian military; however, the program was reportedly suspended in November. As of July, 425 child soldiers had been demobilized.

*Other Conflict-Related Abuses.*—Armed groups and bandits attacked humanitarian workers. The insecurity hindered the ability of humanitarian organizations to provide services, including food distribution to refugees and IDPs. During the year humanitarian vehicles were hijacked, and numerous convoys were attacked and looted. On May 24, armed bandits attacked two local employees at the World Food Program (WFP) in Biltine, where WFP supplied food to three refugee camps. On June 19, armed men attacked a convoy composed three engineers and two drivers from Oxfam and another NGO; the three engineers were injured. On December 6, a U.N. Office of the High Commissioner for Refugees (UNHCR) driver was killed in the south.

There were reports that as many as 30,000 persons, mostly from Arab nomadic or semi-nomadic groups from the southeast, left the country for Darfur as a result of insecurity, including attacks on their settlements.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution and law provide for freedom of speech and of the press; however, the Government limited these freedoms in practice and intimidated journalists and publishers. A state of emergency was in effect

for much of the year and included strict press censorship provisions against reporting on the rebels, interethnic conflict, and criticism of the Government's handling of internal security. Journalists and publishers practiced self-censorship.

Individuals who publicly criticized the Government often faced reprisal. There were reports that the Government attempted to control criticism by monitoring meetings of the political opposition, and there were reports that the Government attempted to intimidate its critics.

The Government owned the newspaper *Info Tchad* and influenced another, *Le Progres*, but it did not dominate the press. Government-controlled media were subject to censorship, but, sometimes criticized the Government. A number of private newspapers, many of which were critical of government policies and leaders, were published and circulated freely in the capital.

Radio remained the most important medium of mass communication. The government-owned Radiodiffusion Nationale Tchadienne had several branches. There were numerous private radio stations that broadcast throughout the country, many of them owned by religious organizations.

The licensing fee set by the Government's High Council for Communications (HCC) for a commercial radio station remained prohibitively high at approximately \$11,000 (5 million CFA francs) per year, 10 times the fee for radio stations owned by nonprofit NGOs. The HCC monitored and censored the content of radio station programming.

In April the Government issued a warning to the private radio station *Dja FM* following a dispute regarding previous year's taxes.

The Government owned and operated the only domestic television station, but did not interfere with private channels originating outside the country.

During the year the Government harassed and detained journalists. Unlike in previous years, there were no reports that rebels abducted journalists.

On January 31, in Moissala, security forces detained human rights activist and radio reporter Marcel Ngaroto, who worked for a radio station that sometimes criticized the Government.

On September 12, armed men allegedly working for the security forces detained *Al-Jazeera* correspondent Fadoul Beneye.

On December 14, Nadjikimo Benoudjita, managing editor of the newspaper *Notre Temps*, was arrested and charged with inciting ethnic and religious hatred. He was released 3 days later on bail. Benoudjita had written an article that criticized President Deby and the president of France. The newspaper was closed, and publication had not resumed by year's end.

Radio journalist Tchanguiz Vatankhah, who security forces detained in April 2006, was released in May of the same year.

A 2006 government requirement under the state of emergency that all news items be submitted to the HCC for approval before publication continued until May. It was not clear if a similar requirement was enacted under the state of emergency declared on October 16.

Some journalists in rural provinces reported that government officials warned them not to engage in any contentious political reporting. In addition some domestic journalists claimed that the Government restricted their ability to cover some events or visit certain locations and limited their access to high-ranking officials, restrictions that the Government did not impose on foreign journalists.

*Internet Freedom.*—There were no government restrictions on access to the Internet; however, the Government reportedly monitored e-mail. Although increasingly available to the public at Internet cafes, the growth of Internet access was almost entirely through the Government telecommunications company.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—Although the Constitution and law provide for freedom of assembly, the Government limited this right in practice. Authorities banned demonstrations they expected would be critical of the Government, despite being notified 5 days in advance as required by law.

There was an unconfirmed report that one person was found shot and killed after a student demonstration in which police dispersed protesters with gunfire. Numerous injuries also resulted from security force use of live fire to disperse demonstrators at Bongor, Sarh, and Gounou Gaya. Security forces used excessive force to disperse a July demonstration in Moundou.

No action was taken against security forces responsible for injuries that resulted from the violent dispersal of demonstrators in 2006.



*Freedom of Association.*—The Constitution and law provide for freedom of association; however, in May the Government banned the formation of a union.

An ordinance requires prior authorization from the Ministry of Interior before an association, including a labor union, may be formed; however, there were no reports that the ordinance was used. The ordinance also allows for the immediate administrative dissolution of an association and permits authorities to monitor association funds.

*c. Freedom of Religion.*—While the law provides for religious freedom, at times the Government limited this right. The law also provides for a secular state; however, some policies favored Islam in practice. For example, a committee composed of members of the High Council for Islamic Affairs (a government-sanctioned, nongovernmental body) and the Directorate of Religious Affairs in the Ministry of Interior organized the Hajj and the Umra.

The Islamic religious group Faid al-Djaria remained banned on the grounds that its religious customs, including singing and dancing together by men and women in religious ceremonies, were un-Islamic.

*Societal Abuses and Discrimination.*—Although the different religious communities generally coexisted without problems, there were reports of tensions within the Muslim community between the High Council for Islamic Affairs and fundamentalist elements within the community. During the year there were regular meetings between key religious leaders to discuss peaceful collaboration among groups.

On March 8, the Government initiated an interfaith campaign for peace with support from Christians and Muslims organizations.

There was no known Jewish community and no reports of anti-Semitic acts.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—Although the law provides for freedom of movement, foreign travel, emigration, and repatriation, in practice the Government imposed some limits on these rights. The Ministry of Territorial Administration required foreigners, including humanitarian agency personnel, to obtain an “authorization for circulation” to travel to the eastern part of the country.

Security forces, rebels, and bandits continued to maintain roadblocks, extorting money from travelers and often beating and, in some cases, killing them.

Tension along the border with CAR continued to hinder free movement in the region.

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

*Internally Displaced Persons (IDPs).*—The number of IDPs increased from 112,000 in January to 180,000 in August. The IDPs were largely the former residents of villages along the eastern border with Sudan. Some IDPs were forcibly displaced two or three times.

Interethnic violence displaced persons. IDPs were driven from their villages by a combination of attacks by Janjaweed-like mounted raiders from Sudan, Chadian rebels, and Chadian ethnic militias, both Arab and non-Arab. These attacks occurred mostly in the area south of the Abeche-Adre road in the Dar Assongha and Dar Sila departments.

The Government publicly acknowledged that its resources were directed toward fighting rebel groups and armed militias and that it could not protect or provide for the growing number of IDPs and refugees in the country. In 2006 the U.N. withdrew non-essential employees from the country due to threats of rebel and militia attacks in the east. While U.N. and humanitarian organizations operated in the country during the year, lack of security reduced their ability to provide services to IDPs and refugees.

The Government did not attack IDPs or forcibly return or resettle them under dangerous conditions.

*Protection of Refugees.*—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, but the Government has established a system for providing protection to refugees. In practice the Government provided protection against refoulement, the forcible return of persons to a country where they had a well-founded fear of persecution. The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol.

The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers.

According to the UNHCR, as of July the country hosted approximately 231,000 Sudanese refugees from Darfur, most of whom were located in 12 camps along the

eastern border with Sudan. As of September there were also an estimated 44,000 refugees from CAR. There were also small numbers from the Democratic Republic of the Congo.

Most of the refugees from CAR lived in four camps in the south. The camps faced serious water and sanitation challenges.

The Government did not provide sufficient protection for refugee camps in the east, although unlike in the previous year, there were no reports that camps were attacked. However, NGO workers traveling between camps were frequently victims of carjackings and armed robberies. Insecurity in the east, including rebel and bandit attacks, hindered the ability of humanitarian organizations to provide services to refugees.

Antirefugee sentiment among citizens living in refugee-affected areas was high due to competition for local resources such as wood, water, and grazing land, and goods and services provided to Sudanese refugees that were not available to the local population. There continued to be reports that citizens attacked refugees and destroyed their wells.

There were reports that the forcible recruitment of some refugees into armed groups continued, although on a significantly smaller scale than the previous year (see Section 1.g.).

UNHCR and its partner organizations continued to express concern regarding the potential for militarization of refugee camps by Sudanese and Chadian rebels, particularly those located close to the border. Relocation sites for Oure Cassoni and Am Nabak camps still had not been found. Refugees in at least one of the camps, however, adamantly opposed relocation, preferring to remain close to the border of their traditional homeland.

The UNHCR and the Government continued to work to identify safer sites for refugees from Darfur, although few suitable locations were identified.

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

Although the Constitution and law provide citizens with the right to change their government, the Government continued to limit this right in practice. The executive branch dominated the other branches of government.

*Elections and Political Participation.*—In May 2006 President Deby, leader of the ruling MPS, was reelected to a third term in what unofficial observers characterized as an orderly, but seriously flawed election that was boycotted by the opposition. The Government had dismissed appeals from the opposition, civil society, religious groups, and some members of the international community to postpone elections and organize a national dialogue. Observers noted low voter participation, underage voting, multiple voting, and other irregularities.

On August 13, the Government and the opposition coalition signed an agreement that delayed communal and legislative elections, originally scheduled for 2005, until 2009.

There were approximately 78 registered political parties in the country. Parties allied with the Government generally received favorable treatment. Opposition political leaders accused the Government of co-opting their most popular local politicians to run as MPS members in local elections and alleged that the military intimidated party members who refused to cooperate. Northerners, particularly members of the Zaghawa ethnic group, including the Bideyat subclan to which the president belongs, continued to dominate the public sector and were overrepresented in key institutions of state power, including the military officer corps, elite military units, and the presidential staff.

There were seven women among 40 ministers in the cabinet. There were 10 women in the 155-seat National Assembly and two women in the 25-member national election commission.

Both the cabinet and the National Assembly had diverse ethnic representation.

*Government Corruption and Transparency.*—The World Bank's worldwide governance indicators reflected that corruption was a serious problem.

There were no reported developments in the July 2006 case of two cabinet ministers who were removed from their positions for misappropriation of government funds.

During the year there were no reports of government action regarding corrupt practices identified by the College for the Monitoring and Control of Oil Resources in 2005 and 2006.

The law does not provide for public access to government information, although the Government provided such access to government-employed journalists. Independent media journalists complained that they were not given sufficient access to government information.

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

The Government continued to obstruct the work of domestic human rights organizations through arrest, detention, and intimidation of their members; nevertheless, such groups were able to investigate and publish their findings on human rights cases. Government officials generally were accessible to human rights advocates but were often unresponsive or hostile to their findings.

There were two principal local human rights organizations, the ATPDH and the Chadian League for Human Rights. These and smaller human rights organizations worked together through an umbrella organization, the Association for Human Rights.

Despite pressure from the Government, human rights groups were outspoken in publicizing abuses through reports, press releases, and the print media, but only occasionally were they able to intervene successfully with authorities. There was a perception on the part of government officials that most local human rights groups were composed mainly of political opponents, which weakened their credibility with the Government and some international organizations.

Security forces arrested Marcel Ngargoto, a radio reporter and the secretary general of the NGO Human Rights Without Borders.

Unidentified assailants and armed bandits attacked numerous NGO employees during the year (see Section 1.g.).

The lack of security in the east reduced the ability of humanitarian organizations to provide services.

The Government continued to obstruct the work of international human rights organizations, such as Amnesty International.

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

While the Constitution and law prohibit discrimination based on origin, race, gender, religion, political opinion, or social status, the Government did not effectively enforce these provisions. The Government favored its ethnic supporters and allies.

*Women.*—The law prohibits rape, prostitution, and spousal abuse, but all were problems; no reliable quantitative data was available.

Although the law prohibits violence against women, domestic violence, including spousal abuse, was common. Wives traditionally were subject to the authority of their husbands, and they had limited legal recourse against abuse. Although family or traditional authorities could provide assistance in such cases, police rarely intervened.

In previous years there were reports that family members killed women for breaking social taboos, although there were no such reports during 2007. In some places girls and women may not visit the site where an initiation ceremony is to take place. If a female violates this prohibition, under traditional practices the village leaders can kill her.

Prostitution was a problem, particularly in the southern oil-producing region.

The law does not prohibit sexual harassment, and such harassment was a problem.

Discrimination against women remained widespread. In practice women did not have equal opportunities for education and training, making it difficult for them to compete for the relatively few formal-sector jobs. Although property and inheritance laws based on the French code do not discriminate against women, local leaders adjudicated most inheritance cases in favor of men, according to traditional practice.

The exploitation of women was pervasive, especially in rural areas, where women did most of the agricultural labor and were discouraged from seeking formal schooling.

The law does not address polygyny, husbands may opt at any time to declare a marriage polygynous. If a husband takes a second wife, the first wife has the right to request that her marriage be dissolved; however, she must repay her bride price and other marriage-related expenses.

*Children.*—While the Government generally supported the activities of NGOs and international donors to improve children's rights and welfare, the Government had few resources to organize its own activities. The Government was unable to fund medical care or public education adequately beyond the primary level. Government education policy for children and youth focused on improving classroom facilities and infrastructure.

Boys and girls generally had equal access to state-provided medical care.

By law education is universal and free, and basic education is compulsory; however, in practice parents were required to pay tuition to public schools beyond the primary level. Parents were required to pay for textbooks, except in some rural

areas. Approximately half of teachers were hired and paid by parent-teacher associations, without government reimbursement. Educational opportunities for girls were limited. Most children did not complete primary education. The percentage of girls enrolled in secondary school was extremely low compared with that of boys.

Child abuse, including abuse of child herders, remained a problem. These children often worked long hours and were unable to attend school.

The law prohibits the practice of FGM; however, FGM was widespread. According to a 2004 government report by the National Institute of Statistics, Economic and Demographic Studies, 45 percent of local women had undergone excision. According to the survey, 70 percent of Muslim females and 30 percent of Christian females were subjected to FGM. The practice was prevalent, especially among ethnic groups in the east and south. All three types of FGM were practiced. The least common but most dangerous and severe form of FGM, infibulation, was confined largely to the region on the eastern border with Sudan. FGM usually was performed prior to puberty as a rite of passage.

FGM could be prosecuted as a form of assault, and charges could be brought against the parents of FGM victims, medical practitioners, or others involved in the action. However, prosecution was hindered by the lack of specific penalty provisions in the penal code. There were no reports that any such suits were brought during the year. The Ministry of Social Action and Family was responsible for coordinating activities to combat FGM.

Although the law prohibits sexual relations with a girl under the age of 14, even if married, the ban was rarely enforced. Families arranged marriages for girls as young as 12 or 13; the minimum legal age for engagements was 11. The law prohibits forced marriages of anyone under 18 and provides for imprisonment of 6 months to 2 years and a fine of \$114 to \$1,140 (50,000 to 500,000 CFA francs). There were some forced marriages, and the custom of buying and selling child brides continued to be widespread. Many young wives were forced to work long hours of physical labor for their husbands in fields or homes.

Several human rights organizations reported on the problem of the mahadjir, children who attended certain Islamic schools and were forced by their teachers to beg for food and money. There was no reliable estimate of the number of mahadjir children.

Children who were refugees or IDPs had limited access to services such as education and healthcare.

The Government and other armed groups continued to use child soldiers (see Section 1.g).

On December 26, in a case that attracted worldwide attention, six French citizens associated with the NGO Zoe's Arc were convicted on child abduction charges and sentenced to 8 years of hard labor and substantial fines for attempting to unlawfully fly 103 children of Chadian and Sudanese origin to France; a Sudanese and a Chadian each received sentences of 4 years of hard labor for complicity. A bilateral treaty allowed the six French nationals to serve their sentences in France, where they were spared the punishment of hard labor because French law does not allow hard labor as a punishment. At year's end the children were being housed in an orphanage and were receiving services from humanitarian organizations and the Government.

*Trafficking in Persons.*—The law does not specifically prohibit trafficking in persons; however, traffickers could be prosecuted under statutes prohibiting child abduction, sale of children, and child labor. Persons were trafficked to, from, and within the country. Cross-border trafficking was not widespread, and internal trafficking was largely restricted to children.

Children were trafficked for forced labor and commercial sexual exploitation. The majority of child victims were trafficked within the country to work as involuntary domestic servants, herders, beggars, or prostitutes. Children from Cameroon and CAR were trafficked for commercial sexual exploitation to the country's oil-producing regions. Chadian children were trafficked to Cameroon, CAR, and Nigeria.

The majority of child trafficking occurred with parental consent; children were given by parents to relatives or an intermediary in exchange for education, apprenticeships, cattle, or a small sum.

The Government continued to cooperate with UNICEF and NGOs to combat trafficking.

Children were also recruited, sometimes forcibly, into armed groups (see Section 1.g).

*Persons with Disabilities.*—The law prohibits discrimination against persons with disabilities; however, it does mandate that buildings be accessible to persons with disabilities, and in practice the Government operated few education, employment,

or therapy programs for such persons. Several local NGOs provided skills training to persons with hearing or visual impairment. The Government, in conjunction with NGOs, continued to sponsor an annual day of activities to raise awareness of persons with disabilities. The Ministry of Social Action and Family is responsible for the rights of persons with disabilities.

*National/Racial/Ethnic Minorities.*—There are approximately 200 ethnic groups in the country, many of which are concentrated regionally. They speak 128 distinct primary languages. Although most ethnic groups were affiliated with one of two regional and cultural traditions—Arabs and Muslims in the north, center, and east; and Christian or animist groups in the south—internal migrations in response to urbanization and desertification resulted in the integration of these groups in some areas.

Societal discrimination continued to be practiced routinely by members of virtually all ethnic groups and was evident in patterns of employment, especially across the North-South divide. The law prohibits government discrimination on the basis of ethnicity, although in practice ethnicity continued to influence government appointments and political alliances. Political parties and groups generally had readily identifiable regional or ethnic bases.

In the east, interethnic violence continued (see Section 1.g.).

Clashes between herders and sedentary populations and other interethnic violence that often concerned land use continued to be a serious problem.

*Other Societal Abuses and Discrimination.*—Societal discrimination continued to be practiced against homosexuals and those afflicted with HIV/AIDS.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law allows all employees except members of the armed forces to join or form unions of their choice without excessive requirements; however, the authorization of the Ministry of Interior is required, and in May the Government banned the formation of a union. The ministry can also authorize the immediate administrative dissolution of an association.

In the formal sector, more than 90 percent of employees belonged to unions; however, the great majority of workers were nonunionized, unpaid subsistence cultivators or herders. The Government, which owned businesses that dominated many sectors of the formal economy, remained the largest employer.

*b. The Right to Organize and Bargain Collectively.*—The law allows unions to organize and bargain collectively, and the Government protected these rights. Although there were no restrictions on collective bargaining, the law authorizes the Government to intervene under certain circumstances. There are no export processing zones.

The law recognizes the right to strike, and workers exercised this right. The law permits imprisonment with forced labor as punishment for participation in illegal strikes, but no such punishment was imposed during the year.

The International Trade Union Confederation (ITUC) stated that the Government repressed union activity in response to a public sector strike that began in May. The ITUC reported that police occupied a union office; security forces shot at demonstrators Bongor, Sarh, and Gounou Gaya; and that the passport of a union leader was confiscated.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children; however, there continued to be reports of forced labor practices in the formal economy and isolated instances of local authorities demanding forced labor by both children and adults in the rural sector. There were also reports that prisoners were required to work to pay back taxes they allegedly owed.

The law permits imprisonment with forced labor for participation in illegal strikes.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The labor code stipulates that the minimum age for employment is 14, although children may work as apprentices beginning at age 13. The Government did not enforce the law. The law prohibits children under the age of 18 from undertaking “any work which, by its nature or the circumstances in which it was carried out, is likely to harm the health, safety, or morals of children”; however, child labor, including forced child labor, was a serious problem. The minimum employment age is not consistent with the compulsory education age.

An estimated 20 percent of children between the ages of 6 and 18 worked in exploitive labor in the urban informal sector according to a study published by Human Rights Without Borders. Children throughout the country worked in agriculture and herding. They also were employed in the commercial sector, particularly

in the capital, as street vendors, manual laborers, and helpers in small shops. Young girls worked as domestic servants, mainly in N'Djamena. A 2005 UNICEF-government survey of child domestics in N'Djamena noted that 62 percent were boys; 24 percent were between 8 and 14 years of age, 68 percent were between 15 and 17; and 86 percent were illiterate.

There were also credible reports that children were forced into slavery. According to a 2004 U.N. news service report, aid workers in the country estimated that families had sold as many as 2,000 children—some as young as 8—into a system in which they worked as child cattle herders. In some areas local authorities fined parents caught selling their children into forced labor. To avoid detection, some families worked with intermediaries to pass children from families to farm owners.

Children who attended certain Islamic schools were sometimes forced by their teachers to beg for food and money.

Some children worked as domestic servants in the households of relatives for little compensation. Some young girls were forced into marriages by their families and then compelled to work in their husbands' fields or homes while they were still too young to do so safely.

Government forces and rebel groups recruited child soldiers (see Section 1.g.).

The Office of Labor Inspection is responsible for enforcement of child labor laws and policies. That office had approximately 16 labor inspectors to cover the entire country. As in previous years, they reportedly had no funding to carry out field work and investigations.

The Government did not have a comprehensive plan to eliminate the worst forms of child labor; however, the Government continued to work with UNICEF and other NGOs to increase public awareness of child labor. In addition, the campaign to educate parents and civil society on the dangers of child labor, particularly for child herders, continued.

*e. Acceptable Conditions of Work.*—The labor code requires the Government to set minimum wages, and the minimum wage at year's end was \$64 (28,000 CFA francs) per month; however, these standards were generally ignored. Most wages, including the minimum wage, did not provide a decent standard of living for a worker and family. Nearly all private sector and state-owned firms paid at least the minimum wage, but it was largely ignored in the vast informal sector. In some areas there were long delays in the payment of those salaries. Salary arrears remained a problem, although less so than in previous years. Low wages among customs, police, and military officials contributed to almost daily extortion of the civilian population along all major roads.

The law limits most employment to 39 hours per week, with overtime paid for supplementary hours. Agricultural work was limited to 2,400 hours per year, an average of 46 hours per week. All workers were entitled to an unbroken 48-hour rest period per week; however, these rights rarely were enforced.

The labor code mandates occupational health and safety standards and gives inspectors the authority to enforce them; however, these standards were generally ignored in the private sector and in the civil service.

Workers had the right to remove themselves from dangerous working conditions; however, in practice they could not leave without jeopardizing their employment. The labor code explicitly protects all workers, including foreign and illegal workers, but the protections provided were not always respected in practice.

## COMOROS

The Union of the Comoros is a constitutional, multiparty republic of approximately 711,000 citizens. The country consists of three islands: Grande Comore, Anjouan, and Moheli, and claims a fourth, Mayotte, which France governs. In May 2006 citizens elected Union President Ahmed Abdallah Mohamed Sambi in polling that international observers described as free and fair. This was the first peaceful and democratic transfer of power in the country's history. In defiance of a union government decision to delay the island president election on Anjouan, former Anjouan island President Mohamed Bacar held an illegal island presidential election on June 10. Bacar declared himself the winner of the election, retained control of Anjouan, and remained in power at year's end. The civilian authorities in Grande Comore and Moheli generally maintained effective control of the security forces. On May 2, in Anjouan, there were armed confrontations between island security forces controlled by Bacar and union security forces.

The union government generally respected the human rights of its citizens on the two islands under its effective control, although there were some areas of concern.

On Anjouan, the citizens were denied the right to change their island president through free and fair elections; forces loyal to Bacar arbitrarily detained, imprisoned, and prevented gatherings of Bacar's critics; and certain individuals were restricted from entering or leaving the island. The following human rights problems were also reported on all three islands: Poor prison conditions, restrictions on freedom of press and religion, official corruption, discrimination against women, child abuse, and child labor.

#### RESPECT FOR HUMAN RIGHTS

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

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

*b. Disappearance.*—There were no reports of politically motivated disappearances in Grande Comore and Moheli; however, Mohamed Bacar detained more than 300 opponents and persons that criticized his regime on Anjouan, many of whom were held incommunicado.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution and law prohibit such practices, and there were no reports that government officials employed them on Grande Comore or Moheli; however, there were reports that gendarmes on Anjouan beat journalists and arbitrarily detained and tortured an opposition supporter.

*Prison and Detention Center Conditions.*—Prison conditions remained poor, common problems included; improper sanitation, overcrowding, inadequate medical facilities, and poor diet. Authorities held pretrial detainees with convicted prisoners. The Government permitted visits by independent human rights observers; however, there were no reports of such visits during the year.

There were reports that prisons in Anjouan were filled to capacity and that detainees were being held in shipping containers.

*d. Arbitrary Arrest or Detention.*—The Constitution and law prohibit arbitrary arrest and detention, and the Government generally observed these prohibitions on Grande Comore and Moheli; however, hundreds of persons who opposed or were critical of Bacar were reportedly arbitrarily imprisoned on Anjouan.

*Role of the Police and Security Apparatus.*—Six separate security forces report to four different authorities. A union military and a union gendarmerie handle defense and local policing on Grand Comore and Moheli; Anjouan maintains its own gendarmerie. The union police force handles immigration and some local policing in Grand Comore. Each of the three islands also has its own local police force.

There was continued corruption in the police force. Citizens paid bribes to evade customs regulations, avoid arrest, and falsify police reports. Police personnel paid bribes to receive promotions within the force. Impunity was a problem, as there was no mechanism to investigate police abuses. Union police took part in international training to become more professional.

*Arrest and Detention.*—The law requires warrants for arrests and provides that detainees may be held for 24 hours, although these provisions were not always respected in practice. The prosecutor must approve continued detention. A tribunal informs detainees of their rights, including the right to legal representation. According to the law, public attorneys are available to indigent individuals, but in practice there was a dearth of legal representation. There is a bail system under which the individual is not permitted to leave the country.

During the year security forces in Anjouan reportedly arrested and imprisoned more than 300 journalists, intellectuals, politicians, and teachers, and other persons suspected of disloyalty to Bacar; many were still detained at year's end. Jails on the island reportedly were full, and some persons were being held in shipping containers.

*e. Denial of Fair Public Trial.*—The Constitution and law provide for an independent judiciary, and the Government generally respected this provision in practice. The head of state appoints magistrates by decree.

The seven-member Constitutional Court includes a member appointed by the president of the Union, a member appointed by each of the two union vice presidents, a member appointed by each of the three island government presidents, and a member appointed by the president of the National Assembly. Minor disputes can be reviewed by the civilian court of first instance, but in practice they are often settled by village elders outside of the formal structure.

*Trial Procedures.*—The law provides for the right to a fair trial, however corruption was a problem. Under the legal system, which incorporates French legal codes

and Islamic Shari'a law, trials are mostly open to the public, and defendants are presumed innocent. Juries deliberate criminal cases, and there is an appeal process. Defendants have the right to be present, to access government-held evidence, and to consult with an attorney. The law also requires the state to provide an attorney for indigent defendants, but this rarely occurred.

*Political Prisoners and Detainees.*—There were no reports of political prisoners or detainees on Grande Comore and Moheli; however, more than 300 persons who opposed or were critical of Bacar, including journalists, activists, and teachers were arbitrarily arrested and imprisoned on Anjouan. Some of those detained were held incommunicado, and there was a report of an opposition supporter having been tortured.

For example, on June 5, opposition supporter Abdou Said was detained for 4 days by Anjouan forces and reportedly tortured.

*Civil Judicial Procedures and Remedies.*—By law there is an independent and impartial judiciary for civil matters. In practice formal courts have insufficient resources and are rife with corruption.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution and law prohibit such actions, and the Government generally respected these prohibitions in practice.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution and law provide for freedom of speech and of the press; however, the union government partially limited press freedom. On Anjouan, forces loyal to Mohamed Bacar did not respect freedom of speech and the press, and detained and imprisoned those who criticized him. Journalists practiced self censorship.

Individuals could generally criticize the union government publicly or privately without reprisal on Grande Comore and Moheli, and the union government did not attempt to impede such criticism. On Anjouan, however, forces loyal to Mohamed Bacar detained many of his opponents.

There is a government-supported newspaper and four independent newspapers. Mohamed Bacar did not allow free radio in Anjouan. One government radio station operated on a regular schedule. Small community radio stations operated without government interference on Grande Comore and Moheli, as did Mayotte Radio and French television. On May 3, Bacar's forces attacked a union radio station.

On May 16, gendarmes on Anjouan reportedly arrested and beat four journalists who tried to regain control of transmitters damaged by Bacar supporters. The four were released the following day.

On June 24, Anjouan gendarmes arrested and detained radio reporter Elarifou Minihadji during an anti-Bacar protest. Gendarmes reportedly beat him in custody; Minihadji was released on June 27.

On May 30, union police seized all copies of L'Archipel from retailers for having published "inappropriate" pictures of captured soldiers in Anjouan. Editor Aboubacar M'changama was questioned.

During the year journalists fled the country or went into hiding to avoid arbitrary arrest. For example, on December 1, Kamal Ali Yahoudha, editor of Radio-Television Anjouan, went into hiding, where he remained at year's end.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The Constitution and law provide for freedom of assembly; however, in practice the Government did not always respect this right. On Anjouan Bacar's forces regularly used force and intimidation to prohibit gatherings of those who criticized him. For example, in May and June three persons were injured as a result of the forcible dispersement of pro-union government demonstrations, rallies, and meetings.

Unlike in the previous year, there were no reports of forcible dispersement on Grande Comore.

*Freedom of Association.*—The Constitution and law provide for freedom of association, and the union government generally respected this right. On Anjouan, forces loyal to Mohamed Bacar harassed and intimidated the political opposition.



*c. Freedom of Religion.*—The Constitution provides for freedom of religion; however, the Government restricted this right in practice. The Constitution does not declare Islam the official religion but declares that the laws must draw inspiration from Islam. Proselytizing for any religion except Islam is illegal, and the law prohibits citizens from converting from Islam.

*Societal Abuses and Discrimination.*—Comoran Christians continued to face intense social pressure, including restricting the use of the few Christian churches to noncitizens. Family and community members harassed those who joined non-Muslim faiths.

On August 12, a molotov cocktail attack by unknown assailants caused damage to a medical dispensary run by a Catholic charity on Grande Comore. The dispensary's director had previously received a threatening anti-Christian leaflet.

There was no known Jewish population and no reports of anti-Semitic acts.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution and law provide for freedom of movement within and the country and foreign travel, and the Government generally respected these rights in practice; however, travel restrictions were imposed on certain individuals as a result of the political unrest on Anjouan.

On June 5 and 6, supporters of Mohamed Bacar barricaded the Anjouan airport effectively keeping Union President Sambu, union forces, and some international observers away from the island. In November Bacar issued a list of political opponents banned from leaving Anjouan, and a list of mostly union government officials who were not permitted to enter Anjouan.

On October 20, the African Union applied travel sanctions against Mohamed Bacar and 144 other individuals in leadership positions in Anjouan, the sanctions remained in place at year's end. The sanctions also provided for tight controls on all travel in and out of Anjouan.

Unlike the previous year, there were no reports that union security forces were conducting home inspections in search of "illegal immigrants."

Unlike the previous year, there were no reports of inter-village conflict restricting the movement of citizens.

The law does not prohibit forced exile, but the Government did not use it.

*Internally Displaced Persons.*—During the year 500 to 600 persons fled from Anjouan to Grande Comore and Moheli due to fear of Bacar's forces. The Government did not restrict the movement of such persons, although some persons suspected of defecting from Bacar's militia were briefly detained by union officials.

*Protection of Refugees.*—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has not established a system for providing protection to refugees. In practice the Government provided some protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution.

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

The Constitution and law provide citizens with the right to change their government peacefully; however, in practice citizens on Anjouan were denied the right to change their island president through free and fair elections. Those on Grande Comore and Moheli exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

*Elections and Political Participation.*—The Constitution provides for a "rotating" union presidency in which each island takes a turn at holding a primary for presidential candidates. In 2006 the turn passed to Anjouan; all 12 presidential candidates had to be natives of Anjouan to run in the primary. From the 12, Anjouan voters selected three to run in the May national election that led to the election of President Sambu. International observers considered the elections free and fair. The May 2006 inauguration of President Sambu was the first peaceful and democratic transfer of power in the country's history. The Constitution thus restricts, by island, who can run for the presidency, but aside from the rotation principle, anyone is free to run.

Grande Comore and Moheli held first and second round island president (governor) elections on June 10 and 24; both elections were considered free and fair.

On Anjouan, however, citizens were denied the right to change their island president through free and fair elections.

On April 27, the Constitutional Court ruled that Mohamed Bacar should have resigned as Anjouan island president to legitimately run for reelection in 2007. Union President Sambi subsequently designated an interim president of Anjouan. On May 2, armed fighting broke out between Bacar's supporters and union forces, and Bacar briefly stepped down as Anjouan island president. On June 7, the union government postponed first-round Anjouan island president elections from June 10 to June 17 because Bacar did not permit a free and transparent process, including union organization of the election and international monitoring. In defiance of the postponement order, Bacar unilaterally held an illegal election on June 10 and declared himself the winner. The African Union did not consider this election valid, but Bacar remained in power on Anjouan at year's end.

Unelected elders leading traditional social, religious, and economic institutions filled voids in communities where the formal government was ineffectual or nonexistent.

There was one woman in the 33-member National Assembly. There was one female minister in the union government. There were no minorities in high-level offices.

*Government Corruption and Transparency.*—The World Bank's worldwide governance indicators reflect that corruption was a serious problem. The law provides for criminal penalties for official corruption; however the Government did not implement the law effectively and officials often engaged in corrupt practices with impunity. Resident diplomatic, U.N., and humanitarian agency workers reported that petty corruption was commonplace at all levels of the civil service despite the Government's 2006 launch of an anti-corruption campaign. Private sector operators reported that corruption and lack of transparency were problems.

The Government prosecuted and disciplined a few officials during the year on corruption charges. On August 29, Prosecutor General Abdou Said Fazul, Appeals Court President Papa Ahamada Djae, and Judge Mohamed Abdou were dismissed for corruption charges.

There are no laws providing for public access to government information. Those who have personal or working relationships with government officials can generally access government information, but not members of the general public.

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

One domestic and some international nongovernmental organizations (NGOs) generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

A human rights commission still had not been established at year's end.

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

The law prohibits discrimination based on race, sex, disability, language, or social status; however, there was discrimination against women.

*Women.*—Rape is illegal, punishable by imprisonment of 5 to 10 years or up to 15 years if the victim is younger than 15 years of age. The Government did not enforce the laws on rape effectively. The law does not specifically address spousal rape.

The law prohibits domestic violence. The Government did not take any action to combat violence against women. Women can seek protection through the courts in such cases, but in practice extended family or village elders customarily addressed such problems.

Prostitution is illegal. Prostitution was not openly practiced or solicited in public places with the exception of a few hotels frequented by foreigners. Arrests for prostitution were rare.

Sexual harassment is illegal and punishable by up to 10 years of imprisonment. Although rarely reported due to societal pressure, such harassment was nevertheless a common problem.

The law provides for equality of persons, and in general, inheritance and property rights do not discriminate against women. Men retained the dominant role in society, although the matriarchal tradition afforded women some rights, especially in terms of landholding. Societal discrimination against women was most apparent in rural areas where women had farming, childrearing duties, and fewer opportunities for education and wage employment. In urban areas growing numbers of women were employed and generally earned wages comparable to those of men engaged in similar work; however, few women held positions of responsibility in business. The law does not require women to wear head coverings, but many women faced societal pressure to do so.

*Children.*—The Government did not take specific action to protect or promote children's welfare. The Government does not enforce legal provisions that address the rights and welfare of children. There were no reports that government failure to register births led to denial of public services.

Education is free and compulsory for children below the age of 16, but the Government rarely provided public school education for children past the age of 14. During the school year, teacher strikes over nonpayment of salaries interrupted school several times. Boys generally had greater access to schools than girls.

Boys and girls had equal access to state-provided medical care, which was limited.

Although there are no official statistics on child abuse, it was common, and often occurred when impoverished families sent their children to work for wealthier families. A 2002 U.N. Children's Fund study found that child abuse, including sexual abuse, was widespread and often occurred at home. There also were reports that teachers raped students.

Child prostitution and child pornography are illegal. The law considers unmarried children under the age of 18 as minors, and they are protected legally from sexual exploitation, prostitution, and pornography. There were no statistics regarding these matters, but they were not considered serious problems.

*Trafficking in Persons.*—The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the country.

*Persons with Disabilities.*—There are no laws that mandate access to buildings for persons with disabilities or that prohibit discrimination in employment and public services.

The country's center for persons with disabilities on Grande Comore was run by an NGO. The center imported wheelchairs and prosthesis for disabled persons.

*Other Societal Abuses and Discrimination.*—There were no reports of discrimination against persons with HIV/AIDS. Homosexuals did not publicly discuss their sexual orientation due to societal pressure.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law allows workers to form and join unions of their choice without previous authorization or excessive requirements, and many of those in the wage labor force did so in practice. Teachers, civil servants, taxi drivers, and dockworkers were unionized.

The labor code, which was rarely enforced, does not include a system for resolving labor disputes.

The law does not prohibit antiunion discrimination by employers in hiring practices.

*b. The Right to Organize and Bargain Collectively.*—The law protects workers from employer interference in their right to organize and administer their unions, and the Government protected this right in practice. Unions have the right to bargain collectively, although employers set wages in the small private sector, and the Government, especially the ministries of finance and labor, set them in the larger public sector. The law provides for the right to strike, and government employees exercised this right to protest non-payment of salaries. There are no laws protecting strikers from retribution, but there were no reported instances of retribution.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor by adults with certain exceptions for obligatory military service, community service, and accidents, fires, and disasters. The union's civil protection unit may oblige persons to respond to disasters if it is unable to obtain sufficient voluntary assistance; however, this has never occurred. There are no specific prohibitions against forced or compulsory child labor, and there were some reports that such practices occurred.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The law defines 15 as the minimum age for employment, but the Government did not always enforce this law. Children worked in subsistence farming and fishing. Some families placed their children in the homes of wealthier families where they worked in exchange for food, shelter, or educational opportunities. Many children were not paid for their work. The Government's Ministry of Labor is responsible for enforcing child labor laws, but it did not actively do so.

*e. Acceptable Conditions of Work.*—There was no minimum wage. Despite strikes and other protests, the union government was unable to pay government employees, including low-level government officials, teachers, and medical workers, for several months due to budgetary difficulties.

The law specifies a workweek of 37½ hours, 1 day off per week, and 1 month of paid vacation per year. According to the law, workers receive time-and-a-half for overtime. These laws, like many others, were not enforced. Employers, particularly the Government, were often remiss in paying salaries.

No safety or health standards have been established for work sites. Workers generally could not remove themselves from an unsafe or unhealthful situation without risking their employment.

## DEMOCRATIC REPUBLIC OF THE CONGO

The Democratic Republic of the Congo (DRC) is a nominally centralized republic with a population of approximately 60 million. The president and the lower house of Parliament (National Assembly) are popularly elected; the members of the upper house (the Senate) are chosen by provincial assemblies. Under a Constitution formally promulgated in February 2006, presidential and National Assembly elections held in June 2006 and a presidential runoff in October 2006 were judged by international observers to be credible, despite some irregularities and unproven allegations of fraud made by the losing presidential candidate. Voters elected Joseph Kabila, who had headed a transitional government since 2003 as president. Internal conflict had an extremely negative effect on human rights during the year, particularly in the area of conflict, the east.

At year's end government control of many areas of the country remained weak, particularly in North and South Kivu provinces. Civilian authorities generally did not maintain effective control of the security forces.

In all areas of the country the Government's human rights record remained poor, and security forces acted with impunity during the year, committing numerous serious abuses, including unlawful killings, disappearances, torture, and rape, and engaged in arbitrary arrests and detention. Harsh and life-threatening conditions in prison and detention facilities, prolonged pretrial detention, lack of an independent and effective judiciary, and arbitrary interference with privacy, family, and home also remained serious problems. Security forces recruited and retained child soldiers and compelled forced labor by adults and children. Members of the security forces also continued to abuse and threaten journalists, contributing to a decline in freedom of the press. Government corruption remained pervasive. Security forces at times harassed local human rights advocates and U.N. human rights investigators. Discrimination against women and ethnic minorities, trafficking in persons, child labor, and lack of protection of workers' rights continued to be pervasive throughout the country.

Armed groups continued to commit numerous, serious abuses—some of which may have constituted war crimes—including unlawful killings, disappearances, and torture. They also recruited and retained child soldiers, compelled forced labor, committed widespread crimes of sexual violence and other possible war crimes.

### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—There were no reports that the Government or its agents committed politically motivated killings; however, government security forces committed numerous unlawful killings with impunity.

In the east, security forces summarily executed civilians and killed civilians during clashes with illegal armed groups (see Section 1.g.).

Security forces arbitrarily and summarily killed civilians, often for failing to surrender their possessions, submit to rape, or perform personal services. For example, on February 22, a soldier of the Congolese armed forces (FARDC) 11th Integrated Brigade in Kabamba, South Kivu Province, shot and killed a civilian who refused to carry the soldier's personal belongings. Military authorities arrested the soldier and transferred him to a military jail. At year's end there was no information on whether he had been prosecuted.

On April 28, a navy corporal shot and killed a university student in Goma, North Kivu Province, when the student refused to give the corporal his mobile phone. Military authorities took no action against the corporal, but transferred him to another duty station, allegedly for his safety.

During the year there were reports of death in prisons resulting from physical abuse by members of security forces. According to the U.N. Human Rights Office (UNHRO), the Office of the Military Prosecutor allegedly subjected two murder suspects to torture and ill-treatment by FARDC soldiers at Uvira Central Prison in

South Kivu Province, resulting in the October 25 death of a civilian detainee. The victim had been arrested on September 25 on suspicion of involvement in the killing of a lieutenant in the 109th Brigade 4 days earlier.

On October 16, the local police's Mobile Intervention Group (GMI) abducted an inmate at Buluwo Prison in Katanga Province who was alleged to have been involved in the October 15 prison mutiny and subjected him to cruel, inhuman, and degrading treatment until he died. Military authorities took no action against the GMI officers.

On January 31 and February 1, security forces in Bas-Congo Province used excessive force against demonstrators of the ethnic separatist group Bundu dia Kongo (BDK), who were protesting the conduct of gubernatorial elections in the province. Demonstrators blocked streets and engaged in other unlawful acts. A report by the U.N. Mission in the Congo (MONUC) concluded that at least 105 persons were killed, including six police and four soldiers, and more than 100 were injured. It also stated that both sides were to blame. The minister of interior removed several high-ranking provincial security officials, but by year's end military authorities had not initiated judicial proceedings against any security force personnel accused in the incident. The National Assembly conducted its own investigation but did not release its findings. On May 29, the Boma Military Tribunal sentenced five BDK members to 3 to 5 years in prison for involvement in the January events. In July a military tribunal acquitted six of eight other BDK members on similar charges.

From March 21 to 23, in the final incident in a series of armed confrontations in Kinshasa, forces loyal to President Kabila and those of Movement for the Liberation of the Congo (MLC) leader and former Vice President Jean-Pierre Bemba killed approximately 300 persons, including many civilians, according to the multidisciplinary investigative team headed by the UNHRO. During the fighting, soldiers from both forces looted homes, schools, and businesses. The team also determined that pro-Kabila forces used excessive force and engaged in summary executions. In addition the team concluded that members of the FARDC and the Republican Guard (GR), an elite armed force under the control of the president, arrested over 200 persons, mostly from Equateur Province (Bemba's province of origin), and subjected a significant number of them to cruel, inhuman, and degrading treatment. The U.N. called on the Government to investigate the incident fully through the use of an independent investigative body and take action against those responsible. The Government did not initiate any investigations or prosecutions against any FARDC or GR soldiers for roles in the killings or detentions. However, the chief military prosecutor established a commission to look into the legality of the detentions. By year's end authorities had released only five of the detainees, and they did so on medical grounds.

Military authorities sentenced one of several FARDC soldiers involved in the January 2006 killing of 13 civilians in Kagaba, Ituri District (Orientale Province), to life in prison. Military authorities did not punish any of the other soldiers involved.

A FARDC commandant who killed an unidentified local businessman in Katanga Province in June 2006 fled the jurisdiction in 2007 and had not been arrested or charged by year's end.

Military authorities took no action against FARDC soldiers who killed a civilian from whom they were trying to extort money in North Kivu Province in July 2006.

In March the Bunia military tribunal convicted 14 soldiers of the FARDC 1st Brigade of war crimes in the August 2006 mass killing of over 30 civilians at Bavi, Ituri District. The tribunal sentenced 13 of the soldiers to hard labor for life, and 1 to 6 months in prison; it convicted four others in absentia. The court also ordered the 14 to pay \$315,000 (157.5 million francs) plus interest to the families of the victims. The court ordered the Government to pay if the defendants did not. In July an appeals court reduced the life sentences of eight of those convicted to 10 to 15 years for cooperating with military investigators.

During the year a military court commuted a December 2006 death sentence to life in prison for a FARDC soldier who killed two election workers in October 2006.

FARDC Colonel Simba Hussein, sentenced to death for killing a civilian who refused to change his tire in 2005, remained in the army at the same rank in Lubumbashi during the year.

On June 28, a Katanga Province military court acquitted several FARDC soldiers and three employees of Anvil Mining, an Australian firm, of involvement in the 2004 massacre of several dozen residents of Kilwa. The UNHCHR issued a public statement expressing concern that the court had concluded the killings were the accidental results of fighting, "despite the presence at the trial of substantial eyewitness testimony and material evidence pointing to the commission of serious and deliberate human rights violations." On December 21, the Military Court of Appeal in Lubumbashi denied an appeal request by relatives of the victims.

Security forces killed suspects during apprehension, or while holding them in custody. On January 6, the police chief in Sota, Ituri District and one of his assistants subjected a detainee to cruel and inhuman treatment which resulted in his death. Police arrested the assistant, who remained in detention at year's end. The police chief fled the jurisdiction to escape arrest.

A FARDC commander in Dii, Ituri District, whose actions resulted in the death of a detained murder suspect in January 2006, remained free at year's end.

During the year military authorities sentenced to prison a FARDC soldier who beat an elderly man in March 2006 and forced him to walk 32 miles until he died in Beni, North Kivu Province. The soldier subsequently escaped.

According to the locally based African Association for the Defense of Human Rights (ASADHO), prison authorities took no action during the year against guards at the Penitentiary and Rehabilitation Center of Kinshasa (CPRK) who killed five prisoners and wounded several others during a prison riot in September 2006.

On July 27, a policeman in Mabikwa, Maniema Province severely beat a man when his family attempted to impede his arrest on a legal warrant. He later died of his injuries. The policeman went into hiding, and there was no information available regarding measures, if any, taken against him.

Military authorities identified three FARDC soldiers who accidentally killed a civilian in Panzi, South Kivu Province, while attempting to intimidate him in June 2006, but they had yet to apprehend them by year's end.

No action was taken against security forces that killed a minor during mob violence at a polling station in Bumba, Equateur Province, in October 2006.

There was at least one report of a civilian mob killing a security forces member who had allegedly committed crimes.

On June 28, civilians in Bukavu, South Kivu Province, burned to death a soldier named Muhindo whom they believed guilty of killing a civilian during a robbery the previous day. There was no information on whether action was taken against the civilians responsible for the killing.

There were no reports of authorities taking action in any of the cases in which civilians killed police officers in 2006.

*b. Disappearance.*—There were reports of politically motivated disappearances by government forces. There were few if any reports that the Government made efforts to investigate disappearances and abductions, including those in which security force members were accused of involvement.

According to the Kinshasa-based nongovernmental organization (NGO) Voice for the Voiceless (VSV), three armed men in civilian clothes abducted three lawyers in Kinshasa in July. Witnesses later alleged the three lawyers were detained by the National Intelligence Agency (ANR). No information about their whereabouts was available by year's end.

At year's end, Dr. Faustin Sosso, a former medical advisor to former Vice President Bemba, remained missing.

Armed groups operating outside government control kidnapped numerous persons, often for forced labor, military service, or sexual services. Many of the victims disappeared (see Section 1.g.).

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law does not criminalize torture, and during the year there were many credible reports that security services tortured civilians, particularly detainees and prisoners, and employed other types of cruel, inhuman, and degrading punishment. There were relatively few reports of government authorities taking action against members of security forces responsible for these acts. In August the UN's independent expert on human rights in the DRC recommended that the Congolese legislature criminalize torture.

According to MONUC, 62 cases of torture by police and militias were reported to authorities in North Kivu Province in the first 6 months of the year. For example, on January 23, ANR agents arrested a civilian in Beni for stealing iron roofing from his employer's business. The agents beat the victim with sticks, including on his genitals. There were no reports of government authorities taking action against the ANR agents allegedly responsible.

MONUC reported that on February 4, police officers in Mbuji Mayi, Kasai Oriental Province, arrested a man on suspicion of theft. Police detained him in a holding cell for 3 days and tortured him daily. The police commander heated a bottle filled with sand over a fire and then placed it on different parts of his body. He was released due to his poor health on February 13. There were no reports of government authorities taking action against the officers allegedly responsible.

On November 1 the GMI from the Bakwa Bowa police station in Kasai Oriental Province arrested and tortured seven men for illegal possession of weapons and for

being members of a gang. They beat the seven with a table leg and a motorbike chain and ordered them to provide the names of gang members from their village when they protested their innocence. One victim died of his injuries on November 2. At year's end, authorities had taken no action against the GMI officials.

There were reports that members of the security services tortured and abused civilians to settle personal disputes. For example, an unnamed FARDC general in Kinshasa, who had allegedly given \$2,000 (1 million francs) to a civilian to start a business selling beer, arrested the civilian on April 30 when the civilian reported 430 crates of beer missing. The general ordered the civilian detained at a military camp and whipped 50 strokes each day during 45 days of detention. Military authorities transferred jurisdiction to a military court, which ordered the man to pay the general \$500 (250,000 francs). Military authorities took no action against the general for his actions.

The authorities' failure to take action against many individuals accused of torture and other abuses committed in 2006 contributed to an atmosphere of impunity. For example, military authorities filed no charges against GR Lieutenant Mukalayi who reportedly tortured a man in Kinshasa in March 2006 for allegedly insulting the head of state, or against GR troops who allegedly arrested and tortured 84 fishermen in Equateur Province in August 2006. By year's end authorities had not filed charges against Lieutenant Colonel Dieudonne Mutupeke of the 109th Brigade, who beat a man in September 2006 in Kahorohoro, South Kivu Province.

On several occasions during the year police beat and arrested journalists who wrote or broadcast material they did not like.

Unlike in 2006, there were no reports of police or soldiers abusing, robbing, or raping homeless children.

There were continuing reports of rape of civilians by members of the security forces. A November MONUC report stated that reports of "arbitrary execution, rape, torture, and cruel, inhumane, and degrading treatment by FARDC and the Congolese national police" were increasing. According to the report, courts sentenced 13 FARDC officers who were responsible for executions, rape, and other crimes in Ituri District between August and November 2006. Otherwise, there had been "very little progress in combating impunity." Human rights observers described rape and brutality against women and girls as "rampant," particularly in South Kivu Province (see Section 1.g.).

On May 17, FARDC soldiers of the 6th Integrated Brigade looted several houses near Jiba, Ituri District, raped four women, and forced 10 villagers to carry looted goods to their camp near Bule. They released the villagers several days later. Military authorities arrested two soldiers in connection with one of the rapes, but took no action against the soldiers for looting or forced labor.

On September 14, Congolese national police (PNC) officers in Yanonge, Orientale Province, allegedly raped eight women, including three minors and a pregnant woman. The officers allegedly acted on orders of their commander. At year's end, no action had been taken against the officers or the commander.

On November 23, five FARDC soldiers allegedly gang raped a woman in Bongondjo, Equateur Province. The perpetrators have yet to be arrested or disciplined.

Although authorities jailed members of the naval and police forces who committed mass rape in Waka, Equateur Province, in March 2006, most subsequently escaped, and their whereabouts were unknown at year's end. According to MONUC, military authorities tried two of the police officers in November on charges of rape, torture, cruel and inhuman treatment, arbitrary arrest, and looting. The tribunal reached verdicts in December. The tribunal, on MONUC's advice, delayed pronouncing its verdicts until victims of the atrocities could be present. According to MONUC, logistical steps were being taken at year's end to make this happen.

In February MONUC investigators accused police officers of raping more than 30 women in Kara, Equateur Province in December 2006. Police authorities took no action against the officers during the year. ASADHO reported that police arrested, but released without charge, police officers who raped 60 women and girls in Belongo, Equateur Province, in August 2006.

*Prison and Detention Center Conditions.*—Conditions in most large prisons remained harsh and life threatening.

During the year an unknown but sizable number of prisoners died due to neglect. For example, on October 2 the PNC in Lodja, Kasai Oriental Province, arbitrarily arrested and illegally detained a 64-year-old man in a holding cell at the Office of the Military Prosecutor for allegedly receiving stolen goods. He remained in custody for 14 days and was not granted bail for treatment despite deteriorating health. He died on October 16. At year's end the case was under investigation by the Office of the Public Prosecutor.

The penal system continued to suffer from severe underfunding, and most prisons suffered from overcrowding, poor maintenance, and a lack of sanitation facilities. Health care and medical attention remained inadequate and infectious diseases rampant. In rare cases prison doctors provided care; however, they often lacked medicines and supplies. In August the UN's independent expert on human rights in the DRC recommended that the Parliament adopt a law to reform the prison system. However, as of year's end, neither the Government nor the Parliament had responded.

Larger prisons sometimes had separate facilities for women and juveniles, but others generally did not. Male prisoners raped other prisoners, including men, women, and children. Prison officials held pretrial detainees together with convicted prisoners and treated both groups the same. They generally held individuals detained on state security grounds in special sections. Government security services often clandestinely transferred such prisoners to secret prisons. Civilian and military prisons and detention facilities held soldiers and civilians alike.

In June foreign diplomats visited Bukavu prison in South Kivu Province. The prison, built in 1923, had no food budget, no medicine, no vehicle, and no money for salaries. The prison director lived with his family in a cell and had not been paid in more than 2 years.

In July foreign diplomats visited the CPRK, which had a capacity of 1,500 but held 4,057 detainees and prisoners. The women's wing housed 127 women and children who shared four toilets. The women suffered from frequent skin and vaginal infections and typhoid.

According to the director of CPRK, fewer than 100 of the country's 213 prisons functioned; while there were no reports of the Government officially closing prisons in 2007, dozens of prisons that had not functioned in previous years remained closed. Most prisons were dilapidated or seriously neglected. Prisoners routinely escaped from prisons in all provinces. Observers noted that conditions in the dilapidated prisons were so bad that escape was easy, and starving and abused prisoners sometimes risked their lives to escape. In Katanga Province's Kalemie prison, built in 1928, 80-year-old prison walls reportedly could be penetrated in several hours using only a spoon. In some cases security personnel who were detained or convicted for serious crimes were released from prison by military associates or by bribing unpaid guards.

In all prisons except CPRK, the Government had not provided food for many years—prisoners' friends and families provided the only available food and necessities. Malnutrition was widespread. Some prisoners starved to death. Prisoners with no one to provide them with food often experienced malnutrition. Prison staff often forced family members to pay bribes to bring food to prisoners. In addition temporary holding cells in some prisons could be extremely small for the number of prisoners they held. Many had no windows, lights, electricity, running water, or toilet facilities.

On August 1, 114 prisoners in Uvira, South Kivu Province, escaped after not having eaten for more than 3 days. Guards, who had not eaten for several days themselves, were reportedly too weak to chase the prisoners. Only seven prisoners were recaptured.

Even harsher conditions prevailed in small detention centers, which were overcrowded, had no toilets, mattresses, or medical care, and which provided detainees with insufficient amounts of light, air, and water. Originally intended to house short-term detainees, they were often used for lengthy stays. They generally operated without dedicated funding and with minimal regulation or oversight. Detention center authorities often arbitrarily beat or tortured detainees. Guards frequently extorted bribes from family members and NGOs to visit detainees or provide food and other necessities.

Despite a pre-2007 presidential decision to close illegal jails operated by the military or other security forces, there were no reports of illegal jails being closed during the year. According to MONUC, the security services, particularly the intelligence services and the GR, continued to operate numerous illegal detention facilities characterized by harsh and life threatening conditions. Authorities routinely denied family members, friends, and lawyers access to these illegal facilities.

During the year the UNHRO confirmed cases it described as torture in detention centers run by security services. On October 2, two ANR agents in Bishile, Katanga Province, arbitrarily arrested, detained, and subjected a civilian accused of facilitating prostitution to cruel, inhuman, and degrading treatment. The victim was admitted to the local hospital in critical condition. Authorities had taken no action against the ANR agents at year's end.

The law provides that minors may be detained only as a last resort; however, in part due to the absence of juvenile justice or education centers, authorities com-



monly detained minors. Many children endured pretrial detention without seeing a judge, lawyer, or social worker; for orphaned children, pretrial detention often continued for months or years.

Armed groups outside central government control sometimes detained civilians, often for ransom, but little information was available concerning the conditions of detention.

On October 27, a mwame (local chief) and other traditional leaders of the Bafulero ethnic group organized the arbitrary arrest of 57 civilians in Luvungi, South Kivu Province, for allegedly practicing witchcraft. Acting with the complicity of elements from the FARDC 12th Integrated Brigade, they transferred the 57 civilians to the residence of the mwame in Lemera, where they subjected them to ill-treatment and detained them in very inhumane conditions for 4 days while awaiting the results of tests for witchcraft. They released the 57 civilians on October 31 following the intervention of the UNHRO. Authorities took no action against the mwame, other traditional leaders, or FARDC soldiers involved in the incident.

In general the Government allowed the International Committee of the Red Cross, MONUC, and some NGOs access to all official detention facilities; however, it did not allow these organizations access to illegal detention facilities.

*d. Arbitrary Arrest or Detention.*—The law prohibits arbitrary arrest or detention; however, government security forces arbitrarily arrested and detained persons.

*Role of the Police and Security Apparatus.*—The security forces consist of the PNC, which operates under the Ministry of Interior and has primary responsibility for law enforcement and public order. The PNC includes the Rapid Intervention Police (PIR) and the Integrated Police Unit. The ANR, overseen by the president's national security advisor, is responsible for internal and external security. Other agencies include the military intelligence service of the Ministry of Defense; the Directorate General of Migration (DGM), responsible for border control; the GR, which reports directly to the presidency; and the FARDC, which is part of the Ministry of Defense and generally responsible for external security, but which also exercises an internal security role.

Security forces generally remained ineffective, lacked training, received little pay, and suffered from widespread corruption. The Government prosecuted and disciplined relatively few security forces personnel for abusing civilians. Impunity in the security forces remained a severe, widespread problem. Investigating misconduct or abuses by the security forces is the responsibility of the military justice system. There were a total of 265 investigators, 232 prosecutors, and 125 judges in the military system. However, they were poorly trained, and they had little or no resources for investigations, and limited—if any—access to law codes.

According to an August U.N. independent expert's report on the human rights situation in the country during the first 6 months of the year, "86 percent of human rights violations were committed by the army and police," raising "doubts" about the ability and commitment of the Government to uphold human rights and ensure security. The independent expert recommended the Government undertake fundamental and effective security sector reform and develop mechanisms to effectively reduce impunity and end widespread sexual violence. The independent expert also recommended that the Government vet (through a confirmation process) members of the security forces in order to restore public confidence in government institutions, and suspend security forces members accused of human rights violations.

In an October report entitled *Torture and Killings by State Security Agents Still Endemic*, Amnesty International documented serious human rights abuses by government security forces. Amnesty International recommended that the Government address detention-related violations by establishing an independent national monitoring mechanism for all detention centers; address impunity by establishing an independent body with powers to suspend security forces members suspected of serious abuses, pending judicial investigation; and strengthen the accountability of the security forces by prioritizing police reform, establishing an ombudsperson to investigate complaints against security forces, and better defining and limiting the roles and powers of the security forces, particularly the GR and ANR.

During the year the Government continued to cooperate with MONUC and international donors on police training programs. According to a needs assessment of the police force conducted in Kinshasa during the year by an international NGO, 58 percent of police officers questioned indicated they had never received training in human rights.

*Arrest and Detention.*—Under the law, arrests for offenses punishable by more than 6 months imprisonment require warrants. Detainees must appear before a magistrate within 48 hours. Authorities must inform those arrested of their rights and the reason for their arrest, and may not arrest a family member instead of the

individual being sought. They may not arrest individuals for non-felony offenses, such as debt and civil offenses. Authorities must allow arrested individuals to contact their families and consult with attorneys. In practice security officials routinely violated all these requirements.

Police often arbitrarily arrested and detained persons without filing charges, often to extort money from family members. Authorities rarely pressed charges in a timely manner and often created contrived or overly vague charges. No functioning bail system existed, and detainees had little access to legal counsel if unable to pay. Authorities often held suspects in incommunicado detention and refused to acknowledge their detention.

In October FARDC soldiers in Kamina, Katanga Province, arbitrarily arrested and illegally detained the wives of five FARDC soldiers, as well as another soldier, for 36 days for allegedly killing a 3-year-old child by witchcraft.

On October 24, PNC officers in Manjakela, Maniema Province, arbitrarily arrested a woman accused of witchcraft and illegally detained her for 18 days. During her detention, she was allegedly taken out of her cell and raped on several occasions.

Government security forces used the pretext of state security to arbitrarily arrest individuals and frequently held those arrested on such grounds without charging them, presenting them with evidence, allowing them access to a lawyer, or following other aspects of due process.

Security personnel detained perceived opponents and critics of the Government during the year.

On April 30, a Kinshasa military court acquitted opposition politician and former Vice President Bemba ally Marie-Therese Nlandu and nine codefendants on charges of insurrection and possession of weapons of war related to their alleged role in the burning of the Supreme Court building in November 2006. Several of the defendants claimed that police tortured them during detention. After her acquittal, Nlandu left the country and was living abroad at year's end. Military authorities subsequently relieved the judge who acquitted her and her codefendants. In July military prosecutors filed an appeal of Nlandu's acquittal at the High Military Court in Kinshasa. The court had not set a date to hear the case by year's end.

Authorities throughout the country at times arrested or beat a relative or associate of a person they sought to arrest.

For example, in Buta, Orientale Province, on January 27, the district police inspector arrested the wife of a judicial investigator, alleging that the investigator was inciting the population against the police. The inspector released the investigator's wife after 3 days of detention and took the investigator into custody. The inspector released the investigator after having him tortured and after the investigator's family paid a large sum of money.

Military authorities have not charged ANR agents in Lubumbashi who arrested and beat two civilians in August 2006 in place of their employer.

During the year government security forces arbitrarily arrested and temporarily detained three union leaders (see Section 6.b.).

Prolonged pretrial detention, often ranging from months to years, was a problem. A 2006 MONUC report found that 70 to 80 percent of persons detained nationwide were in pretrial detention. Trial delays were due to factors such as judicial inefficiency, corruption, financial constraints, and staff shortages. Prison officials often held individuals long after their sentences had expired due to disorganization, judicial inefficiency, or corruption.

*e. Denial of Fair Public Trial.*—The law provides for an independent judiciary; in practice judges, who were poorly compensated, remained subject to influence and coercion by officials and other influential individuals.

For example, General Jean-Claude Kifwa, Commander of the 9th Military Region and a cousin of President Kabila, and his security detail attempted to arrest three military magistrates in Kisangani, Orientale Province, on September 30. They allegedly arrested the magistrates for objecting to two pending cases being tried in the military, instead of the civilian, court system (the magistrates had said they did not believe the military court system had jurisdiction). One of the magistrates escaped, but soldiers stripped and severely beat the other two in front of their families and took them to the Katele military camp, where they were again beaten. The following day, Kifwa's security detail put the two magistrates on public display during a military parade organized by Kifwa. When released, the victims were admitted to the hospital in serious condition, where they remained for 10 days. Three delegations from Kinshasa—two military delegations and one composed of the justice and human rights ministers—investigated the case, but none had released a report by year's end, and Kifwa and his security detail retained their positions. All three magistrates had resumed work.

Judicial corruption remained pervasive, particularly among magistrates.

The civilian judicial system, including lower courts, appellate courts, the Supreme Court, and the Court of State Security, failed to dispense justice consistently and was widely disparaged as ineffective and corrupt.

The 2006 Constitution vests responsibility for the judicial branch with a Supreme Council for the Judiciary in order to provide judicial independence. However, the Parliament had yet to adopt legislation necessary to implement this provision.

Military courts, which had broad discretion in sentencing and provided no appeal to civilian courts, tried military as well as civilian defendants during the year. The military code of justice, in place prior to the adoption of the present Constitution, continued to remain in force. It prescribed trial by military courts of all cases involving state security and firearms, whether the defendants were military or civilian. In August the UN's resident expert on human rights recommended that the Government establish a clearer separation between civilian and military jurisdictions.

*Trial Procedures.*—Although the Government permitted, and in some cases provided, legal counsel, lawyers often did not have free access to defendants. The public could attend trials only at the discretion of the presiding judge. Juries are not used. Defendants have the right to appeal in most cases except those involving national security, armed robbery, and smuggling, which the Court of State Security generally adjudicates. Defendants have the right to confront and question witnesses against them and can present evidence and witnesses in their own defense. The law requires that defendants have access to government-held evidence, but this was not always observed in practice. There were no reports of women or specific ethnic groups being denied categorically these rights.

*Political Prisoners and Detainees.*—There were reports of political prisoners and detainees but no reliable estimates of the number. The Government sometimes permitted access to political prisoners by international human rights organizations.

Local and international NGOs reported the abduction by government security forces, particularly the GR, of numerous persons allegedly associated with former Vice President Bemba or persons from Equateur, his province of origin, following March 21–23 fighting in Kinshasa between pro-Kabila forces and Bemba's guard forces.

Opposition politicians alleged that approximately 400 suspected supporters or sympathizers of Bemba were held without trial in jails and prisons in Kinshasa following the fighting in March. The UNHRO estimated security forces detained 200 persons following the events of March 21–23. According to ASADHO, there were currently 175 detainees, including six children under 15. MONUC confirmed that minors were among the detainees. MONUC and Human Rights Watch (HRW) gained access to these detainees. A multidisciplinary investigative team headed by UNHRO released a report on the abuses during the events of March 21–23 (see Section 1.a.).

Fernando Kutino and two colleagues, whom a military tribunal sentenced to 20 years in prison in 2006, remained incarcerated at the end of 2007.

Jeanette Abidje returned home to Bukavu after being jailed in Kinshasa for 12 months beginning in February 2006 for claiming her child was the result of a rape by President Kabila.

*Civil Judicial Procedures.*—Civil courts exist for lawsuits and other disputes, but the public widely viewed them as corrupt. The party willing to pay the highest bribe was generally believed to receive decisions in its favor. Most individuals could not afford the often prohibitive fees associated with filing a civil case. No civil court exists to address human rights violations.

*f. Arbitrary Interference with Privacy, Family, Home or Correspondence.*—The law prohibits arbitrary interference with privacy, family, home, or correspondence; however, security forces routinely ignored these provisions. Soldiers, demobilized soldiers, deserters, and police continued to harass and rob civilians. Security forces routinely ignored legal requirements and entered and searched homes or vehicles without warrants. In general those responsible for such acts remained unidentified and unpunished. Security forces sometimes looted homes, businesses, and schools.

On January 11 and 12, soldiers of the FARDC 1st Integrated Brigade mutinied in Bunia, Ituri District, after hearing false reports of the misappropriation of year-end bonuses. They looted the Bankoko neighborhood of Bunia. In July military authorities sentenced 17 FARDC soldiers to 10 to 20 years' imprisonment and ordered them to pay a total of \$98,000 (49 million francs) to the victims.

On September 4, nine armed men in FARDC uniforms allegedly broke into two houses in Mbuji Mayi, Kasai Oriental Province, threatened the residents with death, and took away their money and many of their belongings.

On September 4, four PNC officers operated an illegal road block in Mbuji Mayi, Kasai Oriental Province, and extorted local residents while threatening them with death.

FARDC naval forces in Equateur Province regularly engaged in illegal taxation and harassment of traders along the Congo River. They set up checkpoints to collect "taxes," often arresting individuals who could not pay the demanded bribes, and stole whatever food and money they could from them.

FARDC soldiers who occupied a primary school in Mbau, North Kivu Province in March 2006 left it during the year when ordered into combat operations. Military authorities took no action against the soldiers for the occupation.

Authorities at times arrested or beat a relative or associate of a person they sought to arrest. For example, on August 28, the local ANR arbitrarily arrested and illegally detained a woman in place of her husband in the town of Ikila, Bandundu Province.

On October 23, two FARDC soldiers arbitrarily arrested and illegally detained a woman along with her 2-month-old baby in place of her husband in Kafumbe, Katanga Province.

Authorities took no action against a police officer who ordered the 2005 beating by Lubumbashi police of Mimi Mbayo in place of her husband. Mbayo fled Lubumbashi, and her whereabouts were unknown at year's end.

Military authorities took no action against officers who beat a woman after unsuccessfully searching for her husband in Uvira, South Kivu Province in April 2006.

Armed groups operating outside government control in the east routinely subjected civilians to arbitrary interference with privacy, family, home, and correspondence (see Section 1.g.).

*g. Use of Excessive Force and Other Abuses in Internal Conflicts.*—Internal conflict continued in rural and mineral-rich parts of the east, particularly in North Kivu Province, and, to a lesser degree, South Kivu Province and the Ituri District. During the year the Government increased the level of its forces in North Kivu Province, drawing many units previously deployed in South Kivu Province and Ituri District. In December the FARDC launched an offensive in North Kivu Province against the forces of renegade General Laurent Nkunda, but was routed comprehensively.

Military preparations during the year, and the fighting itself, led to further deprivations against civilians by several members of security forces and armed groups, led to further recruitment of child soldiers, and temporarily halted humanitarian aid to many of the province's displaced persons. More than 17,000 peacekeeping soldiers of MONUC continued to provide logistical support and training to the FARDC. In December the U.N. Security Council extended MONUC's mandate until December 31, 2008, and asked MONUC "to attach the highest priority to addressing the crisis" in North and South Kivu provinces and urged it to protect civilians.

Security forces and armed groups continued to kill, abduct, torture, and rape civilians, and burn and destroy villages. All parties continued to use mass rape and sexual violence with impunity, often as weapons of war, and to humiliate and punish individuals, victims, families, and communities. Doctors without Borders treated 2,400 victims of sexual violence from January to October in North Kivu Province alone, and there were 4,500 reported rape cases in South Kivu Province in the first 6 months of the year; many other victims of rapes in the east did not report attacks. Rapes, on occasion committed against a single woman by large numbers of armed men, sometimes resulted in vaginal fistula, a rupture of vaginal tissue that left victims unable to control bodily functions and liable to ostracism.

There were sporadic reports of death or injury from landmines laid during the 1998–2003 war.

Security forces and armed groups continued to recruit and maintain child soldiers in their ranks. According to a U.N. independent expert's report in August, there was continued recruitment and use of children in security forces and by armed groups during the first 6 months of the year. Perpetrators included government security forces, FARDC forces allied with renegade General Nkunda and not under central command authority, Mai Mai militia, and the Democratic Forces for the Liberation of Rwanda (FDLR), composed primarily of Hutus from neighboring Rwanda, including many who perpetrated the 1994 Rwandan genocide.

Fighting between the FARDC and armed groups continued to cause population displacements, and limit humanitarian access to conflict areas. According to the U.N. Office for the Coordination of Humanitarian Affairs (UNOCHA), fighting between armed groups and the FARDC during the year displaced more than 30,000 civilians in South Kivu Province and approximately 470,000 civilians in North Kivu Province during the year.

At times, verification of reported abuses in the east was difficult due to geographical remoteness and hazardous security conditions; however, MONUC's pres-

ence allowed observers to gather more information than would have otherwise been possible.

*Abuses by Government Security Forces.*—Government security forces arrested, illegally detained, raped, tortured, and summarily executed or otherwise killed civilians and looted villages during military actions against armed groups during the year. The Government conducted some trials for abuses committed in the context of internal conflicts in the east. In general, however, the trials were flawed, and sentences were not always enforced. For example, FARDC soldiers who killed three children during clashes with the FDLR in Nyamilima, North Kivu Province, in June 2006 remained in the ranks of the FARDC in the province.

During the year, following publication of a July 2006 MONUC special report on human rights abuses committed by FARDC and Mai Mai militia in 2005, military authorities demoted several FARDC officers and sentenced the leader of an unnamed FARDC battalion to life in prison.

The FARDC continued to commit arbitrary killings in the east. For example, on September 30, two FARDC corporals of the 24th Integrated Battalion allegedly arbitrarily executed two civilians in the area of a market northeast of Beni, North Kivu Province. According to the UNHRO, the soldiers had forced the men to carry their personal belongings and then shot them when they showed signs of fatigue before arriving at their destination. The Office of the Military Prosecutor identified the men, but had taken no action by year's end.

On November 10 a FARDC soldier of the 7th Integrated Brigade allegedly shot and killed a civilian in Kabaya, North Kivu Province, following an argument. Military authorities arrested the soldier but had yet to transfer him to the Office of the Military Prosecutor in Goma by year's end.

The FARDC also continued to subject civilians to physical abuse and arbitrary arrest in the east. For example, on October 9, 25 FARDC soldiers of the 67th Brigade subjected 92 civilians in the village of Kahese, Katanga Province, to cruel, inhuman, and degrading treatment as well as extortion during an official mission to arrest suspected Mai Mai militia members. The victims lodged a formal complaint with the Office of the Military Prosecutor in Kalemie, which had taken no action by year's end.

According to the UNHRO, the ANR arbitrarily arrested and illegally detained four individuals on November 23 and 24 in Goma, North Kivu Province, for allegedly collaborating with renegade General Nkunda's National Congress for the Defense of the Congolese People. They did not allow any of them to receive visits from lawyers or family members. Their status at year's end was unknown.

Rape by members of security forces remained a serious problem, and perpetrators enjoyed almost total impunity. Soldiers of the FARDC 1st Integrated Brigade who mutinied and looted on January 11 and 12 in Bunia, Ituri District, also raped as many as nine women, including four young girls. Although military authorities sentenced the soldiers to prison in July for looting and indiscipline, they did not charge them with rape due to insufficient evidence.

FARDC soldiers of the 2nd Integrated Brigade in Vuyinga, North Kivu Province, committed a series of rapes during the first week of April. An unspecified number of soldiers raped an 18-year-old woman, a 13-year-old girl, and another minor on successive days. Military authorities had arrested only one of the soldiers by year's end. Authorities allegedly released him after having him beaten by other soldiers. Military authorities did not bring charges against soldiers accused of perpetrating sexual violence in Uvira, South Kivu Province, in 2006. Their commander said they had deserted and could not be found.

None of the 42 FARDC soldiers convicted in 2006 by a military court in Mbandaka, Equateur Province, of murders and rapes committed in 2005, which the court judged to be crimes against humanity, remained in custody. All the soldiers were arrested, but many escaped several days later. The remainder disappeared in the aftermath of an explosion of an Mbandaka munitions depot in June.

During the year MONUC estimated that FARDC forces in the east continued to use approximately 200 children as soldiers and porters.

*Abuses by FARDC Mixed Brigades.*—Many human rights violations were committed by "mixed brigades," created when renegade General Nkunda, based in North Kivu Province, agreed in January to "mix" his troops with pro-government troops. The five mixed brigades numbered approximately 12,000 soldiers, fewer than half of whom were thought to be loyal to Nkunda. The agreement progressively disintegrated during the year until its definitive collapse in August, resulting in increased fighting and abuses by all parties in North Kivu Province, as well as increasing ethnic tensions there. Nkunda, a former officer of the Rwanda-backed Congolese Rally for Democracy rebel group, and later a FARDC general, remained sub-

ject to a 2005 Congolese arrest warrant for alleged war crimes and crimes against humanity committed since 2002.

FARDC mixed brigades in North Kivu Province, notably Bravo Brigade, based in Rutshuru territory, and Charlie Brigade, based in Masisi territory, killed civilians during the year. During the year MONUC discovered a number of mass graves in these areas. The Government took no action against any of the soldiers in the mixed brigades responsible for these killings.

Elements of the Bravo Brigade executed at least 15 civilians, including children and older women, during an attack against suspected FDLR members and collaborators around Buramba, North Kivu Province, on March 12. Victims' relatives denied accusations that the victims fought for the FDLR.

According to MONUC, five soldiers of the Charlie Mixed Brigade summarily executed four civilians in Rubaya on April 27.

According to MONUC, elements of the Bravo Mixed Brigade arbitrarily executed five civilians in Rudehe, North Kivu Province on May 17. They accused the civilians of collaborating with the FDLR.

On June 19, elements of the Charlie Mixed Brigade killed three civilians in a church in Nyabyashwa. Two days later soldiers from the same brigade killed two civilians near Nyabyashwa, alleging they had collaborated with the FDLR.

A UNHRO team investigating mass graves discovered near Rubare, North Kivu Province, verified the presence of at least 21 bodies at three different sites previously occupied by the Bravo Mixed Brigade. The team found each of the 21 bodies with their hands tied. The team informed military justice authorities of their findings and submitted photographic evidence, but the authorities had taken no action by year's end.

Some mixed brigade commanders recruited or tolerated the use of children as soldiers during the year. More than 200 children remained in five mixed FARDC brigades at the time of the brigades' disintegration in August, and their circumstances following August were unknown. Children who were part of the FARDC mixed brigades were deployed with their units, some of which were subsequently involved in active combat against the FDLR in North Kivu Province.

Mixed brigade commanders Colonel Faustin of Delta Brigade and deputy commander Colonel Baudouin of Charlie Brigade, as well as former Ituri District militia leader Bosco Ntaganda, were uncooperative in releasing children under their command in North Kivu Province. Bravo commander Colonel Sultani Makenga and Lieutenant Colonel Mulomba forcibly recruited child soldiers. According to HRW, on March 22 Makenga attempted to prevent child protection workers from removing eight children from a military camp in Kitchanga, North Kivu Province. He allegedly dragged six children from the protection workers' vehicle and beat the other two. Three of the six later escaped to U.N. peacekeepers. The status of the other three children remained unknown at the end of the year.

FARDC mixed brigades harassed and extorted money from civilians.

Harassment of civilians by elements of Bravo Mixed Brigade during the year caused population displacements. They reportedly beat, taxed, and held civilians hostage for information about the FDLR. They also committed acts of pillage, harassment, intimidation, and arbitrary arrests. They denied displaced persons access to their farms to retrieve food.

The FARDC made no credible attempts to investigate or address human rights abuses committed by mixed brigade soldiers in 2006 before their previous units became part of the FARDC.

*Abuses by Armed Groups Outside Central Government Control.*—Illegal armed groups committed numerous serious abuses, especially in rural areas of North and South Kivu provinces during the year. Such groups killed, raped, and tortured civilians, often as retribution for alleged collaboration with government forces.

According to the U.N. Human Rights Council's special rapporteur on violence against women, armed groups committed the majority of rapes in the east. They committed gang rapes, and often raped victims in front of their families, using extreme violence, threats, and beatings.

Armed groups maintained and recruited child soldiers, including by force, and sometimes threatened and harassed humanitarian workers.

According to the July 18 report of the U.N. Security Council Group of Experts on the DRC, government security forces and armed groups in South Kivu Province extorted portions of miners' income and imposed illegal taxes on producers of minerals, including tin, gold, tantalum, and tungsten. The report singled out the FARDC's 11th Integrated Brigade, members of the FDLR, and local self defense groups (Mai Mai), as the worst offenders. In North Kivu Province the report cited the FARDC 85th Brigade, made up of nonintegrated Mai Mai troops.

Many armed groups abducted men, women, and children and compelled them to transport looted goods for long distances without pay. On occasion, armed groups also forced civilians to mine. Armed groups forced women and children to provide household labor or sexual services for periods ranging from several days to several months.

Armed groups in parts of the east sometimes detained civilians, often for ransom. They continued to loot, extort, and illegally tax civilians in areas they occupied.

There were no credible attempts by armed groups to investigate abuses allegedly committed by their fighters.

*Forces of Renegade General Laurent Nkunda.*—Forces loyal to renegade General Nkunda, believed to number approximately 4,000 combatants, continued to commit serious abuses in North Kivu Province following the disintegration of the mixed brigades. A mid-November UNHRO investigation of an alleged mass killing by pro-Nkunda forces in Lushebere, North Kivu Province, confirmed that armed, Kinyarwanda-speaking men in military camouflage killed six civilians, including a 9-month-old baby, and injured at least four others on the night of November 9.

The UNHRO reported that pro-Nkunda forces raped 12 women of the villages of Kirambi and Kitagoma in North Kivu Province's Rutshuru territory in early November, during which the soldiers also looted Kirambi Hospital.

HRW and the U.N. Group of Experts on the DRC accused forces loyal to Nkunda of having recruited and used children as combatants. In 2007 pro-Nkunda troops reportedly recruited an unknown number of Congolese children for soldiering from refugee camps in Rwanda. In December MONUC accused Nkunda's forces of forcibly recruiting several hundred children, including some demobilized (former) child soldiers, from schools in North Kivu Province for use as soldiers.

*The Democratic Forces for the Liberation of Rwanda (FDLR).*—The FDLR continued to be led by individuals responsible for fomenting and implementing the Rwandan genocide. Between 6,000 and 8,000 FDLR fighters remained in the provinces of North and South Kivu. According to MONUC, a few hundred opted to voluntarily demobilize and return to Rwanda during the year.

FDLR fighters continued to commit abuses against civilians, including killings, abductions, and rapes.

In a series of attacks between January and April, FDLR militia killed 10 of the 75 villagers they abducted in South Kivu Province.

On May 26 and 27, FDLR and Rasta militia killed at least 29 villagers near Kanyola, South Kivu Province, injured 27, and kidnapped at least 18. Militia members used machetes, sticks, knives, and hammers to kill victims in their beds, leaving notes claiming the killings were in reprisal for recent campaigns against the FDLR by the FARDC. FARDC soldiers later recovered eight kidnap victims and located the remains of four others.

In July the FARDC rescued 40 civilians who had been kidnapped by the FDLR.

The FDLR took no credible action to investigate or address past human rights abuses by its members.

*Ituri District Militia Groups.*—Militias in the Ituri District of Orientale Province, including the Front for National Integration (FNI), the Congolese Revolutionary Movement (MRC), and the Front for Patriotic Resistance in Ituri (FRPI), signed a ceasefire agreement with the Government in October 2006 that included promises of amnesty and FARDC commissions for their leaders, many of whom have been widely accused of crimes against humanity. As a consequence, reports of more serious abuses by Ituri militias decreased in 2007.

In October the Congolese Government transferred Germain Katanga, a former leader of the FRPI, to the International Criminal Court (ICC) on various charges of war crimes and crimes against humanity, including killings, using child soldiers, and forcing women into sexual slavery.

Former Ituri militia leader Thomas Lubanga, whom the DRC surrendered to the ICC in March 2006, remained in custody at The Hague at the end of the year on charges of enlisting and conscripting child soldiers. His trial was scheduled to begin on March 31, 2008.

By year's end all seven former MLC militia members convicted by a military court in April 2006 for crimes against humanity, including a 2003 massacre, had escaped from jail, and their whereabouts were unknown.

In March the Bunia Military Tribunal convicted seven FNI and FRPI fighters for the murder of two MONUC military observers in 2003 in Mongwalu. The court sentenced four to life imprisonment, two to 10 to 20 years of hard labor, and exonerated one. Two other fighters accused of the killings remained at large. Angenonga Ufoyuru, alias Kwisha, one of those sentenced to life, was convicted in absentia because he had escaped from the Bunia Prison on January 13. Military officials recap-

tured him October 6, and on November 12 the Bunia Military Tribunal confirmed the sentence.

In July a military appeals court, citing the 2005 amnesty law, acquitted Yves Kawa Panga Mandro, alias Chief Kawa, a former Ituri militia leader convicted in 2006 for crimes against humanity in 2003. The appeals judge ruled that the prosecution had made a number of errors in the case.

Minor harassment and extortion of civilians by Ituri militia continued to occur. According to the U.N. Group of Experts in the DRC, the FNI, the FRPI, and the MRC have consistently recruited and used children within their ranks and continued to do so during the year.

*Mai Mai.*—Various Mai Mai, community-based militia groups in the provinces of South Kivu, North Kivu, and Katanga continued to commit abuses against civilians, including killings, abductions, and rapes. According to the U.N. Group of Experts on the DRC, the use of children as soldiers by Mai Mai in North Kivu Province was endemic.

On March 9, Mai Mai of the Baraka group in Mailo, North Kivu Province, arbitrarily executed 13 civilians in retaliation for arrests of some of their combatants by the FARDC.

On March 29, unidentified Mai Mai near Butuhe, North Kivu Province, abducted, mutilated, and killed a policeman.

On April 9, unidentified Mai Mai burned to death three civilians in an attack on Kivira, North Kivu Province, in retaliation for the arrest and killing of a Mai Mai combatant by the FARDC.

On October 3, a joint team composed of FARDC, U.N., and local officials investigating allegations of mass rape perpetrated in Lieke Lesole, Orientale Province, beginning in late July, determined that a Mai Mai group led by Colonel Thomas was responsible for 114 cases of rape committed between July 21 and August 3. Military justice officials had taken no action by year's end.

In August the Kipushi Military Tribunal in Katanga Province began the trial of Katanga Mai Mai leader Gideon for war crimes and crimes against humanity. As of the end of 2007, his trial was still underway.

Clashes between Mai Mai militia and the FARDC led to population displacement in North Kivu Province during the year.

*Allied Democratic Forces/National Army for the Liberation of Uganda (ADF/NALU).*—MONUC officials said members of ADF/NALU, a Ugandan rebel group active in northern North Kivu Province, engaged in petty theft and extortion throughout the year.

*Abuses by U.N. Peacekeepers.*—There were no reports of abuses committed by U.N. soldiers during the year, but there were developments regarding reported abuses from earlier years. U.N. officials continued to investigate allegations that Indian peacekeepers in Nyabiondo, North Kivu Province, traded food rations and military intelligence for gold in 2005 and 2006 (the commander was returned to India soon after the allegations surfaced). Investigators concluded that Pakistani peacekeepers who faced similar allegations in 2005 did not do so, but found that some offered other forms of assistance to illegal gold smugglers. One officer was returned to Pakistan in June.

An internal investigation in 2007 found no MONUC peacekeepers guilty of patronizing a child prostitution ring in South Kivu Province in August 2006. A court in Bangladesh sentenced two Bangladeshi peacekeepers to short jail sentences for using excessive force against detainees in Ituri District in 2005 following the ambush and murder of nine Bangladeshi peacekeepers.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The law provides for freedom of speech and of the press; however, the Government restricted these rights in practice. Freedom of the press declined as the result of threats and actions by government officials at several levels during the year. In August the UN's independent expert on human rights in the DRC noted dozens of cases in which security forces harassed and arbitrarily arrested journalists and other media personnel and recommended that the Government increase its dialogue with the media to seek "remedies, when necessary, through the law" and reduce violence against the media.

Generally individuals could privately criticize the Government, its officials, and private citizens without being subject to official reprisals. However, on at least one occasion, security forces committed a reprisal in reaction to remarks by a political party member, although the comments did not include criticism of the Government. GR soldiers arrested and detained a member of the Union for Democracy and Societal Progress (UDPS) political party in Bukavu on May 17 because of remarks he



made about the anniversary of the liberation of Kinshasa by Laurent Kabila's troops during the war. The soldiers reportedly beat and interrogated the party member before releasing him. The GR commander reportedly threatened to kill him if he said anything about the arrest to human rights NGOs or MONUC's Radio Okapi. The victim remained in Bukavu and by year's end had suffered no additional harm.

A large and active private press functioned throughout the country, and the Government licensed a large number of daily newspapers to publish. The Government required every newspaper to pay a \$500 (250,000 francs) license fee and complete several administrative requirements before publishing. Many journalists lacked professional training, received little if any salary, and were vulnerable to manipulation by wealthy individuals, government officials, and politicians who provided cash or other benefits to encourage certain types of articles. Many newspapers remained critical of the Government and many others showed bias toward it or supported particular political parties. The Government press agency published the Daily Bulletin which included news reports, decrees, and official statements.

Radio remained the most important medium of public information due to limited literacy and the relatively high cost of newspapers and television. More than 200 privately-owned radio and television stations operated, in addition to two state-owned radio stations and one state-owned television station, Congolese National Radio-Television (RTNC). The president's family also owned and operated a television station, Digital Congo. Political parties represented in the Government could generally gain access to RTNC.

Security forces arrested, harassed, intimidated, and beat journalists because of their reporting. For example, on February 2, a local police chief beat reporter Nelson Thamba of Community Radio Moanda after Thamba asked questions about the recent clashes between the BDK and government security forces. The police chief ignored a court summons in the case, and authorities took no action against him.

On June 17, three men in police uniforms shot and wounded an RTNC broadcast journalist, Anne-Marie Kalanga, and her brother in Kinshasa. No action was taken against the police officers as of year's end. The motivation for the shooting was not known.

On October 22, Minister of State for Higher Education Sylvain Ngabu, a close associate of Prime Minister Antoine Gizenga, invited two television journalists to his Kinshasa office where he ordered five police officers to assault them. The incident occurred after the journalists, news director Heustache Namunanika and cameraman Didier Lofumbwa of private broadcaster Horizon 33, produced a story aired on October 19 on the minister's decision to suspend a local university chancellor. The Government took no direct action against Ngabu. However, Kabila and Gizenga removed him from the higher education post in a November ministerial reshuffle, and transferred him to the housing ministry.

During the year foreign journalists representing international media were generally not subject to harassment by security forces, although there was one exception. Members of the reporting team for American television news magazine "60 Minutes" reported that men claiming to be ANR agents harassed them in Bukavu and Goma.

On April 13 a military tribunal in Kinshasa sentenced two FARDC soldiers to death in the killing of journalist Franck Ngyke Kungundu and his wife in Kinshasa in 2005; the tribunal sentenced a third soldier to life imprisonment. This was the first conviction in the death of a journalist in many years.

On August 24, a Kinshasa military tribunal sentenced one army deserter and two civilians to death for the July 2006 murder of journalist Louis Babuwa Mwamba.

Military authorities took no action against security forces personnel engaged in nonlethal abuse of journalists in 2006, including GR soldiers who assaulted a Radio Okapi journalist in Kisangani (they apologized to Radio Okapi); FARDC Captain Kengo Lengo, who temporarily shut down a Maniema Province radio station in June; GR soldiers who tortured a Kinshasa journalist at a military camp in June 2006 for allegedly possessing an inflammatory photo; and PNC officers who detained two foreign journalists in Kinshasa in October.

Early in the year authorities released without trial Mbaka Bosange, a cameraman arrested for filming police officers fleeing a mob that attacked the Supreme Court building in November 2006.

During the year there were reports of unidentified persons killing two journalists and kidnapping, beating, threatening, and harassing other journalists. On June 13, unidentified armed men killed editor Serge Maheshe of MONUC's Radio Okapi in Bukavu, South Kivu Province. The motive for the killing remained unknown. He had received threats prior to his death and had had arguments with soldiers at a checkpoint near the governor's office in his neighborhood. In August a military court sentenced to death two FARDC soldiers who confessed to the murder, as well as two

of Maheshe's friends who were with him at the time of his death. MONUC, local NGOs, and Maheshe's mother denounced the judgment. In September the alleged gunmen recanted their accusations against Maheshe's friends, claiming the military court had bribed them to make the accusations. All appealed the verdicts and remained in custody at year's end.

On August 9, unidentified armed men killed independent reporter and photographer Patrick Kikuku in Goma, North Kivu Province. The killers stole Kikuku's camera but left his money and his cell phone. The motive for the killing remains unknown. The case remained under investigation at year's end.

On October 20 the minister of information revoked the licenses of 16 private radio stations and 22 television stations for failure to pay registration fees. Some local journalists alleged the action was an attempt to intimidate stations close to the opposition prior to the Government's planned distribution of \$2 million (1 billion francs) in state subsidy funds to the country's media outlets; however, they presented no evidence to support this claim. As of year's end, all stations had paid the requested fees and resumed broadcasting, according to Congolese NGO *Journaliste en Danger* (JED).

The High Media Authority (HAM), a quasigovernmental organization mandated by the earlier transitional Constitution, continued to operate in the absence of a successor body. During the year it sanctioned one privately owned media organization, Radio Television Debout Kasai for broadcasting allegedly defamatory comments and threats against Kasai Oriental Governor Ngoyi Kasanji.

During the year authorities closed some broadcast stations. For example, on March 7, the mayor of Butembo, North Kivu Province, ordered police to temporarily shut down the RTNC station for broadcasting a program that raised the issue of insecurity in the city.

On March 17, the provincial military commissioner in Luebo, Kasai Oriental Province, ordered the radio station *Organisation pour le Developpement de Luebo* in Luebo, Kasai Occidental Province, shut down for allegedly broadcasting "outrageous and hateful speech." The HAM conducted an investigation and authorized the station to reopen on March 22. It resumed broadcasting on May 2.

According to HRW, during March 21 fighting in Kinshasa between forces loyal to President Kabila and those of Senator and former Vice President Bemba, soldiers loyal to President Kabila seized and looted facilities housing radio and television stations owned by Bemba, forcing them off the air temporarily. Nearly a dozen journalists and technicians reportedly went into hiding following the incident, along with other Bemba supporters, but most if not all had returned to work by year's end.

Government officials used criminal libel laws to suppress criticism of the Government and pursuit of corruption in the private sector by the press. On January 6, a court sentenced the editor of the independent weekly newspaper *Le Moniteur*, Rigobert Kwakala Kash, to 11 months in prison for libel. The newspaper had published three articles alleging that Jacques Mbadu Situ, the transitional governor of Bas-Congo Province, ignored instructions from the Ministry of Interior and misappropriated funds intended for the state payroll. Kwakala served 35 days in jail.

On February 27, a court in Bas-Congo Province sentenced Popol Ntula Vita, a reporter for the weekly *La Cite Africaine*, to 3 months for defamation and "harmful suppositions" in Bas-Congo Province after he accused four general tax office employees in Boma of embezzling license plate fees. Ntula reportedly went into hiding to avoid arrest while an appeal was filed. His whereabouts were unknown at year's end.

A journalist with radio station *Concorde FM* charged with defaming a police commander in Kasai Occidental Province in June 2006 served a 3-month sentence and then returned to work as a journalist.

*Internet Freedom.*—The Government did not restrict access to the Internet or monitor e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Private entrepreneurs made Internet access available at moderate prices through Internet cafes in large cities throughout the country. Poor infrastructure and high prices limited the ability of all but the wealthiest to have Internet access in their homes.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The Constitution provides for the freedom of peaceful assembly; however, the Government restricted this right in some instances.

The Government required organizers of public events to inform local authorities in advance; to deny authorization, authorities must do so in writing within 5 days of being notified.

During the year police occasionally arrested demonstrators. On October 30, PNC officers in Kinshasa broke up a planned march to the National Assembly, which was organized by several parties not represented in Parliament and was apparently in violation of advance-notice procedures. According to JED, PNC officers arrested not only march organizers Gaston Dindo and Moise Moni Dela of former Vice President Bemba's former electoral platform l'Union pour la Nation, but 11 journalists as well. JED claimed the officers beat the journalists severely for an hour, robbed them, and detained them an additional hour before releasing them.

Security forces often acted against unregistered protests, marches, or meetings. On January 31 and February 1, security forces used excessive force against demonstrators affiliated with the ethnic separatist group BDK in Bas-Congo Province (see Section 1.a.).

Military authorities took no action against a FARDC captain who shot into a crowd of protesters in Bukavu in May 2006, killing a child, or against soldiers who killed 13 civilians and injured 20 others during BDK demonstrations in June 2006 in Matadi, Bas-Congo Province.

On August 19, elements of the PIR ordered 100 photojournalists to disperse as they marched to the Ministry of Interior to deliver a statement protesting the killing of colleague Patrick Kikuku. They did so without incident. They claimed they had informed the governor of Kinshasa in writing of the march 5 days in advance, as required by law, but dispersed without further incident.

*Freedom of Association.*—The Constitution provides for freedom of association; in practice the Government sometimes restricted this right. Security forces detained numerous members and sympathizers of Bemba's MLC party, particularly following the 3-day battle between pro-Kabila and pro-Bemba forces in Kinshasa in March. Soldiers mistreated a member of the UDPS after the member made remarks critical of former President Laurent Kabila during a party meeting.

Amnesty International reported in October that the Directorate of General Intelligence and Police Special Services (DRGS) allegedly engaged in intimidation of opposition politicians and parliamentarians. For example, on March 25, DRGS officers searched the house of an opposition National Assembly deputy, Pitchou Bolenge Yoma, without a warrant. A DRGS officer subsequently threatened Bolenge after he complained to authorities. There were no reports that authorities had taken action against the DRGS officers as of year's end.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respected this right in practice, provided that worshipers did not disturb public order or contradict commonly held morals.

The law provides for the establishment and operation of religious institutions and requires practicing religious groups to register with the Government; registration requirements were simple and implemented in a nondiscriminatory manner. In practice unregistered religious groups operated unhindered.

In January police and FARDC soldiers clashed with BDK adherents in fighting that led to more than 100 deaths (see Section 2.b.). The BDK called itself a politico-religious movement and claimed to have 100,000 members. The group continued to advocate violence against "illegitimate state authorities" and discrimination against non-Kongo.

*Societal Abuses and Discrimination.*—The country has a very small Jewish population, and there were no reports of anti-Semitic acts.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation; however, the Government sometimes restricted these rights.

Security forces established barriers and checkpoints on roads, at ports, airports, and markets, ostensibly for security reasons, and routinely harassed and extorted money from civilians for supposed violations, sometimes detaining them until they or a relative paid. The Government forced travelers to pass through immigration procedures during domestic travel at airports, ports, and when entering and leaving towns.

Local authorities continued to extort "taxes" and "fees" from boats traveling on many parts of the Congo River. There were also widespread reports of FARDC soldiers extorting fees from persons taking goods to market or traveling between towns.

There were reports of attempts by DGM officials to impose “auxiliary” fines on foreigners not carrying passports during the year.

Security services in North and South Kivu provinces sometimes required travelers to present official travel orders from an employer or government official.

The significant risk of rape by soldiers and armed groups, coupled with government inability to secure eastern territories, effectively restricted freedom of movement by women in many rural areas, particularly in the east.

Passport issuance was irregular and often required payment of significant bribes. The law requires a married woman to have her husband’s permission in order to travel outside the country. There were no reports that the Government prevented particular groups from acquiring passports.

The law prohibits forced exile, and the Government generally did not employ it. However, some supporters of Senator and MLC President Bemba, who left the country under MONUC escort following March 21–23 fighting with pro-Kabila forces which eliminated his militia as a viable military force, claimed that he was effectively in self-imposed exile. He was in principle free to return, but claimed to fear possible prosecution and assassination if he did so.

Apart from the law giving the husband the right to deny his wife the right to travel, the Government did not restrict emigration or prohibit the return of citizens who had left the country.

*Internally Displaced Persons (IDPs).*—As of December 31, the Office of the U.N. High Commissioner for Refugees (UNHCR) estimated there were approximately 1.3 million IDPs concentrated in the east, of whom 800,000 were in North Kivu Province. UNHCR also estimated during the year that there were 500,000 newly displaced persons in 2007, 470,000 from North Kivu Province and 30,000 from South Kivu Province.

FARDC operations against armed groups outside government control in the eastern provinces led to internal displacement of many persons during the year. Attacks on local populations by armed groups also caused significant displacements.

The Government did not provide protection or assistance to IDPs, who were forced to rely exclusively on humanitarian organizations. The Government generally allowed domestic and international humanitarian organizations to provide assistance to IDPs. Fighting between the FARDC and armed groups sometimes restricted the ability of humanitarian organizations to assist IDPs.

The Government did not attack, target, nor forcibly return or resettle IDPs under dangerous conditions.

No further information was available on FARDC troops allegedly subjecting IDPs to forced labor in Katanga Province mines in 2006.

*Protection of Refugees.*—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government had established a rudimentary system for providing protection to refugees. In practice it granted refugee and asylum status to individuals as necessary and provided protection against “refoulement,” the return to a country where there is reason to believe individuals feared persecution.

The Government provided temporary protection to an undetermined number of individuals who may not qualify as refugees under the 1951 convention and its 1967 protocol.

The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers with welfare and safety needs.

Government authorities did not provide adequate security to refugees.

The UNHCR received reports that a DRC-based group was recruiting children for forced labor or child soldiering in the DRC from a Rwandan camp for Congolese refugees.

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

The Constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through credible presidential, parliamentary, and provincial elections based on universal suffrage. Presidential and parliamentary elections in June 2006, and a presidential runoff in October 2006, were judged to be credible by the Carter Center and the European Union Observer Mission.

*Elections and Political Participation.*—The country’s 11 new provincial assemblies chose 108 candidates for 5-year terms in the national Senate on January 19. The elections took place peacefully but were marred by allegations of vote-buying.

Military authorities did not prosecute FARDC soldiers who stopped citizens on election day in October 2006 in Aveba and Nizi, Ituri District, physically abused them, and extorted money from them. Although authorities arrested the soldiers in 2006, they later released them from custody without charge.

Political parties were able to operate without restriction or outside interference. Unlike in 2006, the electoral commission did not disallow the registration of any political parties for technical or other reasons; however, there were no reports that any parties attempted to register.

Opposition deputies boycotted the National Assembly from April 13 to 25 to highlight concerns about their members' security following the victory of pro-Kabila forces over former Vice President Bemba's militia. Some charged that armed men wearing GR uniforms looted their houses and harassed and threatened them. Otherwise, opposition deputies and senators took an active part in parliamentary deliberations.

A law on the status and rights of the political opposition, which was adopted in late 2007, recognizes opposition parties represented in Parliament as well as those outside it and guarantees their right to participate in political activities without fear of retribution.

Women held 42 of 500 seats in the National Assembly and 47 of 690 seats in the provincial assemblies. Five of the 108 senators were women. Among the 45 government ministers and vice ministers, five were women.

No Pygmies were elected to the Senate, National Assembly or provincial assemblies in the 2006–2007 legislative elections.

*Government Corruption and Transparency.*—Corruption remained endemic throughout the Government and security forces. The public perceived the Government to be widely corrupt at all levels. According to the World Bank's worldwide governance indicators, official corruption was a severe problem.

Weak financial controls and lack of a functioning judicial system encouraged officials to engage in corruption with impunity. Many civil servants, police, and soldiers had not been paid in years, received irregular salaries, or did not earn enough to support their families, all of which encouraged corruption. Reports indicated that the mining sector continued to lose millions of dollars as a result of the corruption of government officials at all levels.

The law requires the president and ministers to disclose their assets. President Kabila, Prime Minister Gizenga, and all ministers and vice-ministers did so during the year.

There continued to be an Ethics and Anti-Corruption Commission, but it had little impact during the year and lacked resources, independence, and credibility. It last convened in November without any significant results or findings.

Government authorities and wealthy individuals at times made use of defamation laws that carry criminal punishments to discourage media investigation of government corruption (see Section 2.a.).

The law does not provide for public access to government-held information. In practice the Government did not grant access to government documents for citizens or noncitizens, including foreign media.

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

A wide variety of domestic and international human rights organizations investigated and published findings on human rights cases. The Human Rights Ministry worked with NGOs and MONUC during the year and responded to requests for information. However, security forces harassed, intimidated, or arrested local human rights advocates, NGO workers, and MONUC investigators during the year. In addition prison officials sometimes obstructed NGO access to detainees.

The main Kinshasa-based domestic human rights organizations included ASADHO, VSV, Committee of Human Rights Observers (CODHO), JED, and the Christian Network of Human Rights and Civic Education Organizations. Prominent organizations operating in areas outside Kinshasa included Heirs of Justice in Bukavu, Lotus Group in Kisangani, and Justice Plus in Bunia, Ituri District.

The Government's human rights bodies met with domestic NGOs and sometimes responded to their inquiries but took no known actions.

There were reports that NGOs seeking to register had to pay bribes to local officials to avoid lengthy application requirements.

The U.N. Group of Experts on the DRC expressed "great concern" in their July 18 report about the levels of harassment and threats by FARDC soldiers and armed groups against NGO child protection officials in Ituri District and South and North Kivu provinces.

On August 23, three ANR agents arrested and severely beat a member of a local human rights NGO in the village of Kwasa-Kwasa, Kasai Oriental Province, and also issued threats against human rights activists in the area. Prior to the beating, the NGO member had reportedly protested the arbitrary arrest and ill-treatment of two young men.

On September 22, ANR agents in Kabamba, Kasai Occidental Province, arbitrarily arrested and briefly detained a human rights activist on the grounds that he had organized a meeting without informing them.

On November 29, local authorities arbitrarily arrested and detained the president of the civil society association in Punia, Maniema Province, and a local human rights activist and allegedly subjected them to cruel, inhuman, and degrading treatment, after the association submitted a memorandum to the interior minister denouncing territorial officials for involvement in many cases of arbitrary arrest, illegal detention, and murder.

There were no new developments in the 2006 killing of a local NGO member in the North Kivu Province town of Masisi by the FARDC 813th battalion allied with General Nkunda.

By year's end authorities had yet to take action regarding the killing of human rights activist Pascal Kabungula Kibembi in Bukavu, South Kivu Province. According to a Bukavu-based NGO, a trial was begun some months after the killing but was interrupted in December 2005 and never resumed. NGOs asked that suspects be kept in custody pending the outcome of the trial.

During the second half of the year, the families of the director and president of JED left the country temporarily following anonymous death threats.

In June the president of CODHO claimed he had received two anonymous calls threatening members for having accompanied Amnesty International representatives to Kinshasa's CPRK prison to meet with MLC detainees. The anonymous caller allegedly called the organization's members "supporters of criminals" and said they would be so considered by the security services.

The Government generally cooperated with international NGOs that published reports on human rights and humanitarian issues and permitted their investigators access to conflict areas. Unlike in 2006, there were no reports of security forces detaining members of international NGOs.

GR units prevented U.N. staff, including the U.N. Group of Experts on the DRC, from moving freely during their investigations in the eastern part of the country during the year.

On July 9, ANR agents subjected two MONUC human rights officers in Uvira, South Kivu Province, to death threats, physical abuse, and expulsion during a joint monitoring visit to ANR holding cells with the Uvira public prosecutor.

No action was taken against a FARDC soldier accused of killing a local provincial child protection official in Masisi, North Kivu Province, in July 2006.

The Government cooperated with multilateral organizations and permitted international humanitarian agencies access to conflict areas. A number of senior U.N. officials visited the country during the year, including Secretary General Ban Ki-Moon, Deputy Secretary-General Asha-Rose Migiro, U.N. High Commissioner for Human Rights Louise Arbour, U.N. Special Representative for Children in Armed Conflict Radhika Coomaraswamy, Special Rapporteur on Violence against Women for the U.N. Human Rights Council Yakin Erturk, Special Rapporteur on the Independence of Judges and Lawyers Leandro Despouy, UNOCHA Under-Secretary-General John Holmes, as well as a delegation of U.N. Security Council ambassadors.

U.N. officials freely criticized actions by the Government during the year.

Unlike in 2006, no U.N. peacekeepers were killed during the year.

On February 19, the Bunia military court sentenced four of seven defendants from Mongbwalu, Ituri District, to 10 years to life in prison for the killing of two MONUC military observers in 2003. MONUC claimed an unnamed FARDC commander released the remaining defendant following pressure from an unnamed former Ituri militia chief who was appointed Special Adviser on Investigations to the FARDC Commander in Ituri District.

During the year the Government cooperated with the ICC, which continued investigations into war crimes and crimes against humanity committed in the country since July 2002. In October the GDRC transferred Germain Katanga, leader of an illegal armed group in Ituri District, to the ICC on charges of war crimes and crimes against humanity, including killings, the use of child soldiers, and forcing women and girls into sexual slavery.

The Government continued to cooperate with the International Criminal Tribunal for Rwanda (ICTR), which operated freely in areas under government control, seeking several individuals indicted for involvement in the 1994 Rwandan genocide that they believed might be in the DRC.

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

The Constitution prohibits discrimination based on ethnicity, sex, or religion; however, the Government did not enforce these prohibitions effectively, in part because it lacked appropriate institutions.

*Women.*—The law criminalizes rape, but the Government did not effectively enforce this law, and rape was common throughout the country and especially pervasive in areas of conflict in the east; however, there were no comprehensive statistics available regarding its prevalence. Legislation enacted in 2006 broadened the definition of rape to include male victims, sexual slavery, sexual harassment, forced pregnancy, and other sexual crimes not previously covered by law. It also increased penalties for sexual violence, prohibited compromise fines, allowed victims of sexual violence to waive appearance in court, and permitted closed hearings to protect confidentiality. The law neither mentions sexual violence in marriage nor prohibits spousal rape. The minimum penalty prescribed for rape was a prison sentence of 5 years.

Government security forces, armed groups, and civilians perpetrated widespread and sometimes mass rape against women and girls (see Section 1.g.).

Prosecutions for rape and other types of sexual violence remained rare. Both victims and the U.N. Human Rights Council's special rapporteur on violence against women cited widespread impunity as the main reason for sexual violence. Most victims did not have sufficient confidence in the justice system to pursue formal legal action or feared subjecting themselves to further humiliation and possible reprisal.

Regional NGOs reported some rape statistics during the year. For example, according to the South Kivu Provincial Commission against Sexual Violence, 1,335 cases of rape were reported in the province between January and March. In August a group of South Kivu NGOs told the U.N. Human Rights Council's special rapporteur on violence against women that more than 4,500 sexual violence cases were recorded in the first 6 months of the year. NGOs in Equateur reported 1,029 rapes registered by July. The Kasai Occidental NGO Synergy against Violence reported at least one rape per day registered with NGOs in the town of Tshikapa during the first half of the year.

It was common for family members to pressure a rape victim to keep quiet, even to health care professionals, to safeguard the reputations of the victim and her family.

Girls and women who had been raped often found it difficult to find husbands, and married women who were raped were often abandoned by their husbands.

Some families forced rape victims to marry the men who raped them or to forego prosecution in exchange for money or goods from the rapist.

Domestic violence against women occurred throughout the country; however, there were no statistics available regarding its extent. Although the law considers assault a crime, it does not specifically address spousal abuse, and police rarely intervened in domestic disputes. There were no reports of judicial authorities taking action in cases of domestic or spousal abuse.

The law does not prohibit female genital mutilation (FGM), but there were no reports of FGM being practiced.

The Constitution prohibits forced prostitution and bans prostitution of children under age 18. Although no statistics were available regarding its prevalence, adult and child prostitution occurred throughout the country, and there were reports of women and girls pressured or forced to engage in prostitution by their families. There were anecdotal reports that members of the security forces harassed or raped women engaged in prostitution.

Sexual harassment occurred throughout the country; however, no statistics existed regarding its prevalence. The 2006 sexual violence law prohibits sexual harassment, and the minimum penalty prescribed by law is a prison sentence of 1 to 20 years; however, by year's end judicial authorities had yet to prosecute any cases.

Women did not possess the same rights as men in law and in practice. The law requires a married woman to obtain her husband's consent before engaging in legal transactions, including selling or renting real estate, opening a bank account, and applying for a passport. Under the law women found guilty of adultery may be sentenced to up to 1 year in prison; adultery by men is subject to legal penalty only if judged to have "an injurious quality."

Women experienced economic discrimination. The law forbids a woman from working at night or accepting employment without her husband's consent. According to the International Labor Organization, women often received less pay in the private sector than men doing the same job and rarely occupied positions of authority or high responsibility.

*Children.*—The Government budgeted insufficient amounts for children's welfare and did not make it a priority. In practice primary school education was not compulsory, free, or universal, and very few functioning government-funded schools existed. Public and private schools expected—although did not require—parents to contribute to teachers' salaries. In practice parents funded 80 to 90 percent of school expenses. These expenses, plus the potential loss of income or labor while their children attended class, left many parents unable to enroll their children in school.

According to the U.N. Children's Fund (UNICEF), approximately 55 percent of boys and 49 percent of girls attended primary school. The rates for secondary school attendance were 18 percent for boys and 15 percent for girls. Rates for girls were lower because many parents preferred to send their sons to school, either for financial or cultural reasons. Fifty-four percent of children reached grade five.

The law prohibits all forms of child abuse. Its extent was unknown and had not been investigated. Although authorities made several arrests related to child abandonment and abuse during the year, no cases had been prosecuted by year's end.

The Constitution prohibits parental abandonment of children for alleged sorcery; in practice such allegations led to abandonment and abuse.

Unlike in previous years, there were no reports of children accused of sorcery being killed by parents and relatives or other adults. A court sentenced two adults who drowned a 15-year-old boy for alleged sorcery in September 2006 in Equateur Province to 5 years in prison and ordered them to pay a fine of \$100 (50,000 francs) during the year. They served 2 months and were released.

Child abuse was an especially serious problem in the eastern conflict regions (see Section 1.g.).

A June 28 report of the U.N. secretary-general on children and armed conflict in the DRC concluded that members of Congolese security forces were the main abusers of children's rights. The FARDC was responsible for 50 percent of all abuses documented by the report, and the PNC for 19 percent. Armed groups outside central government control, including Mai Mai militias, the forces of General Nkunda, and the FDLR, were responsible for the remaining 30 percent.

According to the report, the number of cases of child abduction in eastern DRC remained high between June 2006 and May 2007. Abducted children were recruited as soldiers in 30 percent of the cases, raped in 13 percent, and subjected to forced labor in 2 percent. In 17 percent of reported cases, the children abducted were formerly associated with armed groups and were detained by the FARDC in order to gather information about the groups or to extort money from family members. In 38 percent of the cases, the reasons for abduction were not known.

The law prohibits marriage of girls under age 15 and boys under 18; however, marriages of girls as young as 13 took place. Dowry payments greatly contributed to underage marriage. In some cases parents married off a daughter against her will to collect a dowry or to finance a dowry for a son. The sexual violence law criminalizes forced marriage. It subjects parents to up to 12 years' hard labor and a fine of \$185 (92,500 francs) for forcing a child to marry. The penalty doubles when the child is a minor. There were no reports of prosecutions for forced marriage during the year.

Child prostitution occurred throughout the country; however, there were no statistics available regarding its prevalence. According to HRW, police in Kinshasa extorted sexual services from child prostitutes.

According to the June 28 U.N. secretary-general's report on children and armed conflict, 4,222 children were victims of sexual violence in the eastern part of the country between June 2006 and May 2007. Children represented 33 percent of all victims of sexual violence. Sixty-six percent of perpetrators were from armed groups, 29 percent were civilians, and 4.2 percent were FARDC or PNC soldiers.

The country's estimated 50,000 street children included many accused of sorcery, child refugees, and war orphans, as well as children with established homes and families. UNICEF reported that 60 percent of Kinshasa's more than 14,000 homeless children were abandoned by their families after being accused of sorcery. Many churches in Kinshasa conducted exorcisms of children involving isolation, beating and whipping, starvation, and forced ingestion of purgatives.

The Government was ill-equipped to deal with large numbers of homeless youth and children. Many engaged in prostitution without third-party involvement, although some were forced to do so. Citizens generally regarded street children as thugs engaged in petty crime, begging, and prostitution, and approved of actions taken against them. Security forces abused and arbitrarily arrested street children (see Sections 1.c. and 1.d.).

There were numerous reports of collusion between police and street children, including street children paying police officers to allow them to sleep in vacant build-



ings, and others turning over to police a percentage of goods stolen from large markets.

Several NGOs worked actively and effectively with MONUC and UNICEF to promote children's rights throughout the country.

*Trafficking in Persons.*—Several laws prohibited specific acts of trafficking in persons; however, there were credible reports of trafficking, particularly in the east. The laws that could be used by the Government to prosecute cases against traffickers included the 2006 law on sexual violence, which prohibits forced prostitution and sexual slavery, as well as legislation prohibiting slavery, rape, and child prostitution. The Constitution forbids involuntary servitude and child soldiering; however, existing laws do not prohibit all forms of trafficking.

The country was a source and destination country for men, women, and children trafficked for forced labor and sexual exploitation. According to ASADHO, the two main countries linked to the DRC for trafficking in persons were Somalia and Ethiopia. There were reports of Congolese children prostituted in brothels or by loosely organized networks, some of whom were exploited by FARDC soldiers. Congolese women and children were reportedly trafficked to South Africa for sexual exploitation. No statistical information existed on the extent of adult or child prostitution.

The majority of reported trafficking was conducted in the country's unstable eastern provinces by armed groups outside government control. Indigenous and foreign armed groups, notably the FDLR, and, to a lesser extent, government security forces, continued to abduct and forcibly recruit Congolese men, women, and children to serve as laborers (including in mines), porters, domestics, and sex slaves, although at a much reduced rate from previous years.

Unintegrated government military units and armed groups continued to recruit and maintain child soldiers in their ranks (see Section 1.g.).

The international NGO Save the Children reported that during the latter part of the year armed groups in the east recruited children "in record numbers" to serve as soldiers and sex slaves.

The law specifically prohibits and provides penalties of 10 to 20 years' imprisonment for child and forced prostitution, pimping, and trafficking for sexual exploitation. There were no reported investigations or prosecutions of traffickers during the year.

Military authorities took no action against commanders who employed child soldiers. Eight children who were identified by child protection officers in South Kivu Province in the ranks of a FARDC unit led by a Captain Mulenga in March 2006 remained in the unit, and no action was taken against him. Colonel Jean Pierre Biyoyo, the only person convicted by a Congolese court for recruitment of child soldiers, escaped from Bukavu prison in South Kivu Province in June 2006. He reappeared in March in Bukavu as part of a FARDC delegation and had been promoted to Lieutenant Colonel. He served during the year with the mixed brigades in North Kivu Province, reportedly as an aide to General Nkunda, and remained with Nkunda's forces after the mixed brigades disintegrated.

The Ministry of Justice was responsible for combating trafficking. Law enforcement authorities were rarely able to enforce existing laws due to lack of personnel, training, and funding, and the inaccessibility of eastern areas of the country.

The Government's antitrafficking programs were limited and lacking in resources. Following accusations of incompetence and corruption, it disbanded CONADER, the national disarmament agency, which was charged with demobilizing child soldiers, in mid-2007 and transferred its functions to the defense ministry. Authorities cooperated with other governments to return trafficked individuals, and representatives attended regional meetings on trafficking. The Government provided training to some police and military personnel on sexual violence and child soldiering. The Government did not screen vulnerable population groups to identify trafficking victims. It provided no funding for protection services or for assisting victims of trafficking but permitted NGOs to provide services to them.

The Government has demobilized more than 29,000 children from security services and armed groups since the end of the war in 2003; however, most credible sources, including UNICEF and CONADER, estimated that at least 3,000 children had yet to be demobilized, principally from the ranks of armed groups, which sometimes held them as prisoners.

The Government, in coordination with MONUC, reached agreements with militias in Ituri District, General Nkunda in North Kivu Province, and Mai Mai in North and South Kivu provinces that included provisions for the demobilization of child soldiers; however, the groups did not generally respect the agreements.

In February and March, nearly four dozen children were removed from Peter Karim's FNI militia, based in Ituri District after his forces surrendered to the

FARDC. During a June 14 demobilization, child protection officials identified 31 children among the FNI fighters.

According to the U.N. Group of Experts on the DRC, the use of children as soldiers by Mai Mai militia in North Kivu Province was endemic. In South Kivu Province in June, child protection NGOs identified 20 children among 60 Mai Mai in Kilba, 19 among 40 Mai Mai in Runingu, and several dozen in Kabumbe. The majority were ex-combatants. Some had joined voluntarily in hopes of receiving demobilization payments.

*Persons with Disabilities.*—The law prohibits discrimination against persons with disabilities; however, the Government did not effectively enforce these provisions, and persons with disabilities often found it difficult to obtain employment, education, or government services.

The law does not mandate access to buildings or government services for persons with disabilities. Some schools for persons with disabilities, including the blind, received private funds and limited public funds to provide education and vocational training.

*National/Racial/Ethnic Minorities.*—Members of virtually all of the country's more than 400 ethnic groups practiced societal discrimination on the basis of ethnicity, and discrimination was evident in hiring patterns in some cities. The Government took no reported actions to address this problem.

The security forces in Kinshasa sometimes harassed, arbitrarily arrested, or threatened members of ethnic groups from Equateur Province. Security forces in North and South Kivu provinces sometimes harassed, arbitrarily arrested, or threatened members of many different ethnic groups resident there.

On August 3, a mob attacked a U.N. facility in Moba, Katanga Province, after a local radio station aired false rumors about the return of ethnic Tutsi refugees. Four U.N. military observers were wounded, and 21 staff members were evacuated from the city.

*Indigenous People.*—The country had a population of between 10,000 and 20,000 Pygmies (Twa, Mbuti and others), believed to be the country's original inhabitants; during the year societal discrimination against them continued. Most Pygmies took no part in the political process and continued to live in remote areas. During the year fighting in North Kivu Province between armed groups and government security forces caused displacement of some Pygmy populations.

On November 24, in the village of Katakai, Katanga Province, three PNC officers allegedly arrested a Pygmy and subjected him to cruel, inhuman, and degrading treatment for no known reason. They reportedly tied him up, blindfolded him, and repeatedly beat him. They later released him and the victim lodged a formal complaint with the Office of the Public Prosecutor.

*Incitement to Acts of Discrimination.*—Unlike in 2006, there were no reports of incitement to acts of discrimination.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution provides all workers—except government officials and members of the security forces—the right to form and join trade unions without prior authorization or excessive requirements. Workers formed unions in practice; however, the Ministry of Labor, which was responsible for ensuring the right of association, conducted no inspections and exercised no oversight during the year. Of an estimated 24 million adults of working age, 128,000 employees in the private sector (0.5 percent) belonged to unions, according to the American Center for International Labor Solidarity (Solidarity Center). No information was available regarding the number of union members in the public sector. The informal sector, including subsistence agriculture, constituted at least 90 percent of the economy.

The law provides for union elections every 5 years; however, the Government did not allow them in the public sector, with the exception of parastatal industries.

The law prohibits discrimination against union employees, although authorities did not enforce this regulation effectively. The law also requires employers to reinstate workers fired for union activities.

The Inter-Union Committee, composed of public and private sector unions, is not legally mandated. However, authorities generally recognized it as a negotiating partner with employers, on labor issues of policy and law.

Private companies often registered bogus unions to create confusion among workers and discourage real ones from organizing. According to the Solidarity Center, many of the nearly 400 unions in the private sector had no membership and had been established by management, particularly in the natural resources sector.

*b. The Right to Organize and Bargain Collectively.*—The law provides for the right of unions to conduct activities without interference and to bargain collectively. However, in practice the Government did not always protect these rights.

On May 31, police in Mbuji Mayi, Kasai Oriental Province, violently disrupted an extraordinary session of the general assembly of the provincial branch of the Congolese Press Union. Members initially refused to disperse, asserting they had duly informed local authorities. Police beat several members; one suffered a head injury requiring hospitalization.

On July 26, at the urging of RTNC general manager Emmanuel Kiplongo, the GR arrested three RTNC employees who as union leaders were attempting to organize a general union meeting to advocate for 10 months of back pay. Kiplongo accused them of preparing to destroy the station's installations. The GR released one employee on July 30 with no charges. It released the other two on August 14, after each paid fines of \$120 (60,000 francs).

Authorities took no action against security forces that arrested and detained the head of the union Prosperity in Kinshasa in January 2006. They released him from jail shortly after his arrest.

Collective bargaining was ineffective in practice. The Government set public sector wages by decree, and unions were permitted to act only in an advisory capacity. Most unions in the private sector collected dues from workers but did not succeed in engaging in collective bargaining on their behalf.

The Constitution provides for the right to strike, and workers sometimes exercised it. In small and medium-sized businesses, workers could not exercise this right effectively in practice. With an enormous unemployed labor pool, companies and shops could immediately replace any workers attempting to unionize, collectively bargain, or strike, and according to the Solidarity Center, companies and shops did so during the year. The law requires unions to have prior consent and to adhere to lengthy mandatory arbitration and appeal procedures before striking. The law prohibits employers and the Government from retaliating against strikers; however, the Government did not enforce this law in practice, but unlike in previous years did not jail any striking public sector employees.

Union leaders fired by the MIBA diamond parastatal for attempting to organize a strike in Kasai Oriental Province in 2006 were not rehired.

There were no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced or compulsory labor, including by children; however, although no statistics were available, both were practiced throughout the country.

Government security forces continued to kidnap men, women, and children, including IDPs, and force them to serve as porters and domestic laborers.

According to the UNHRO, FARDC soldiers forced 70 civilians to work on farms near Kondoni, Ituri District, on November 7. Military authorities took no action against the soldiers.

No disciplinary action was known to have been administered to several groups of FARDC soldiers who forced five civilians to perform labor at a military camp in Muhangi, North Kivu Province, in February 2006.

Military authorities took no action against FARDC soldiers who forced civilians in Gethy, Ituri District, to harvest and transport goods in August 2006. Local NGO L'Egalite reported that such actions continued during the year.

Military authorities took no action to punish soldiers throughout Ituri District who abducted civilians for forced labor, including as personal attendants, miners, and crop harvesters and transporters, in August and September 2006.

In the mining sector, middlemen and dealers acquired raw ore from unlicensed miners in exchange for tools, food, and other products. Miners who failed to provide sufficient ore became debt slaves, forced to continue working to pay off arrears. The Government did not attempt to regulate this practice.

Armed groups operating outside central government control subjected civilians to forced labor (see Section 1.g.).

FDLR members abducted four women and a 14-year-old girl in Walungu territory, South Kivu Province and subjected them to sexual slavery from February to March.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—There were laws to protect children from exploitation in the workplace; however, government agencies did not effectively enforce child labor laws. Child labor remained a problem throughout the country, and there continued to be reports of forced child labor. Although there were no reports of large enterprises using child labor, it was common in the informal sector, particularly in mining and subsistence agriculture, and was often the only way for a child or family to earn money.

Although the minimum age for full-time employment without parental consent is 18 years, employers may legally hire minors between the ages of 15 and 18 with the consent of a parent or guardian. Those under age 16 may work a maximum of 4 hours per day. All minors are restricted from transporting heavy items.

Security forces and armed groups also used children, including child soldiers, for forced labor in mines.

Children make up as much as 10 percent of the work force in the informal ("artisanal") mining sector. In mining regions of the provinces of Katanga, Kasai Occidental, Oriental, and North and South Kivu, children performed dangerous mine work, often underground. In many areas of the country, children aged 5 to 12 years broke rocks to make gravel for a small wage.

From November 13–17, a UNHRO field team in Misisi, South Kivu Province, observed several children working in illegal gold mines for FARDC soldiers of the 115th Battalion.

Prostitution, including forced child prostitution, was practiced throughout the country.

According to a June 18 Save the Children report, 12,000 children in Kasai Oriental Province were employed at 20 unlicensed diamond mining sites. The children excavated, transported, and washed diamonds. At mines near Tumpatu, Kasai Oriental Province, girls around the age of 12 worked as prostitutes. According to the report, preteen children also worked digging tombs at the cemeteries for \$1 to \$2 (500 to 1000 francs) per day and as dishwashers and guards at restaurants for \$.25 to \$.50 (125 to 250 francs) per day.

Parents often used children for dangerous and difficult agricultural labor. Children sent to relatives by parents who could not support them sometimes effectively became the property of those families, who subjected them to physical and sexual abuse and required them to perform household labor.

Government agencies responsible for combating child labor included the Ministry of Labor, the Ministry of Women and Youth, the Ministry of Social Affairs, and the National Committee to Combat Worst Forms of Child Labor. These agencies had no budgets for inspections and conducted no investigations during the year.

*e. Acceptable Conditions of Work.*—Employers in the informal sector often did not respect the minimum wage law of \$1 (500 francs) per day. The average monthly wage did not provide a decent standard of living for a worker and family in the formal economy. Government salaries remained low, ranging from \$50 to \$110 (25,000 to 55,000 francs) per month, and salary arrears were common for both the civil service and public enterprises (parastatals). More than 90 percent of laborers worked in subsistence agriculture or informal commerce.

The law defines different standard workweeks, ranging from 45 to 72 hours, for different jobs. The law also prescribes rest periods and premium pay for overtime, but employers often did not respect these provisions in practice. The law establishes no monitoring or enforcement mechanism, and businesses often ignored these standards in practice.

The law specifies health and safety standards; however, government agencies did not effectively enforce them. No provisions of the law provide workers the right to remove themselves from dangerous work situations without jeopardizing their employment.

According to the Solidarity Center, more than 1 million miners work in the informal sector nationwide and up to 20 percent of the DRC population may indirectly rely on this so-called artisanal, or small-scale, mining. Many suffered violence from guards and security forces for illegally entering mining concessions.

On April 3, the collapse of an illegal mine on the Kasai Oriental Province concession of the diamond parastatal MIBA killed several diggers.

---

## REPUBLIC OF CONGO

The Republic of Congo, with a population estimated to be between 2.8 million and 3.2 million, is a parliamentary republic in which most of the decision-making authority and political power is vested in the president, Denis Sassou-Nguesso, and his administration. Parliamentary elections for the Senate and National Assembly in June and August were marred by irregularities and widely viewed as poorly run and highly disorganized, with four district results later overturned by the courts. Independent monitors determined the 2002 presidential elections did not "contradict the will of the people" despite some irregularities and manipulation in the administration of the elections. While the civilian authorities generally maintained effective

control of security forces, there were instances in which members of the security forces acted independently of government authority.

The Government's human rights record remained poor; although there were fewer documented abuses during the year, serious problems remained. Citizens' right to peacefully change their government was limited. In addition, the following serious human rights problems were reported: Killings of suspects by security forces; mob violence, including killing of suspected criminals; security force beatings, physical abuse of detainees, rapes, looting, solicitation of bribes, and theft; harassment and extortion of civilians by uncontrolled and unidentified armed elements; poor prison conditions; impunity; arbitrary arrest; lengthy pretrial detention; an ineffective judiciary; infringement on citizens' privacy rights; limits on freedom of the press; restrictions on freedom of movement; official corruption and lack of transparency; domestic violence and societal discrimination against women; trafficking in persons; discrimination on the basis of ethnicity, particularly against Pygmies; and child labor.

#### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—There were no reports that the Government or its agents committed any politically motivated killings; however, security forces killed persons.

According to a local human rights nongovernmental organization (NGO), in January police in Brazzaville beat a prisoner, Guy Yombo, who later died from his injuries. Yombo had been arrested by police in the city's Ouenze District nearly 2 weeks earlier without clear charges filed against him. No known investigation or charges against police were reported by year's end.

On January 23, guards at the Brazzaville central prison killed a prisoner who reportedly attempted to escape when almost 200 prisoners protested poor conditions. There was no report of any action being taken against the authorities responsible for the killing.

On September 10, police officers in Brazzaville shot and killed three armed suspects who were resisting arrest. The suspects had established a makeshift roadblock at the Djoue Bridge and were accused of robbing travelers. Police officers were injured in the shootings.

In some areas of the Pool region, armed elements believed to be Ninja rebels killed citizens. On November 24, Ninja rebels reportedly killed one civilian and four rival rebels in Kibouende during a dispute over rights to work for a communications company installing a cellular tower.

There continued to be occasional deaths due to mob violence, as civilians took vigilante action against presumed criminals or settled private disputes. Police at times intervened to stop mob violence.

Three villagers arrested in 2005 for killing an Italian missionary, who was killed after his convoy had struck and killed a child, reportedly remained in prison, although the victim's family made personal appeals during the year for a pardon.

Local inhabitants frequently took the law into their own hands to punish persons presumed or known to be police or military personnel who looted civilian residences, resulting in death or serious injury. Such incidents were most common in remote areas.

*b. Disappearance.*—There were no reports of politically motivated disappearances during the year.

Families of 353 persons who disappeared in the 1999 "Beach" incident continued during the year to search for legal avenues- including using French courts-to pursue their claims of criminal wrongdoing by individuals and the Congolese Government. In 2005 a Brazzaville court acquitted 15 high-ranking military and police officials accused of involvement in the disappearance and presumed deaths of the 353 persons separated from their families by security forces in 1999 upon their return to Brazzaville from the Democratic Republic of Congo (DRC). In 2006 the Supreme Court refused to consider an appeal.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—Although the Constitution and law prohibit such actions, security forces frequently used beatings to coerce confessions or to punish detainees. During the year there were reports that abuses continued in the jail and prison systems.

As in previous years, there were reports by NGOs that security forces members raped female detainees and beat citizens.

In certain areas of the Pool region, unidentified armed elements, some of whom were thought to be uncontrolled elements of government security forces or former

Ninja rebels, continued to rob trains, harass citizens and NGO workers, and extort bribes. The Government blamed Ninja rebels for the incidents.

*Prison and Detention Center Conditions.*—Prison and detention center conditions were harsh and life threatening. Prisons were overcrowded, with more than 500 prisoners housed in a facility built for fewer than 100. In Brazzaville's central prison, built in 1944, most cellmates slept on the floor, on cardboard or thin mattresses in their small cells, leaving them exposed to diseases. Food provision was poor and health care was virtually nonexistent, provided primarily by outside charities. Prisoners and detainees in the Brazzaville central prison, the only prison in the capital, usually received only one meal a day. The Ministry of Justice continued to repair some prisons; however, lack of funds hindered efforts to improve facilities and to provide food and medicine.

Detainees held at police stations often were subjected to beatings, rapes, overcrowding, and extortion.

Women were incarcerated with men, except in the city of Brazzaville, where separate facilities were maintained. Juveniles were held with adults, and pretrial detainees were held with convicted prisoners.

There were six prisons and numerous police jails throughout the country. The total prison population was estimated at more than 900; more than 500 inmates were in Brazzaville's prison.

In August, following protests by prisoners over poor conditions in Brazzaville, 242 prisoners—including numerous political prisoners—were ordered released from the Brazzaville and Pointe Noire prisons, with the Government citing space concerns in the overcrowded prisons.

The Government continued to grant access to prisons and detention centers to domestic and international human rights groups. During the year local human rights groups, including the Congolese Observatory for Human Rights, the Association for the Human Rights of the Incarcerated, the National Council for the Promotion and Protection of the Rights of Detained Person, and a Catholic Church organization visited prisons and detention centers. The International Committee of the Red Cross (ICRC) continued regular visits to prisons and detention centers in Brazzaville and Pointe Noire and reported that it had received appropriate cooperation from the Government on its visits during the year.

*d. Arbitrary Arrest or Detention.*—The Constitution and law prohibit arbitrary arrest and detention; however, members of the security forces unreasonably detained persons for minor offenses, mostly traffic related, and subjected them to fines to be paid on the spot as a condition for release. Reports of arbitrary arrests and detentions continued to decrease.

*Role of the Police and Security Apparatus.*—The security forces include the police, gendarmerie, and military. The police and the gendarmerie are responsible for maintaining internal order, with police primarily inside cities and the gendarmerie mainly in other areas. The military forces are responsible for external security, but also have domestic security responsibilities, such as protecting the president. The minister of defense oversees the military forces and gendarmerie, and the minister of security oversees the police.

During the year the security forces established a joint police and military unit known as COMUS, under the Ministry of Security and Public Order, responsible for patrolling the frontiers. Another unit, the military police, is composed of military and police officers and is primarily responsible for investigating professional misconduct by all the security forces. Overall, the professionalism of the security forces continued to improve in large part due to training by the international law enforcement community. The Government generally maintained effective control over the security forces; however, some members of the security forces who acted independently of government authority committed abuses.

Corruption remained a significant problem in the security forces. During the year there were frequent reports of arrested individuals whose families bribed police to secure their release. Traffic police extorted bribes from taxi drivers under threat of impoundment of their vehicles. Although the Human Rights Commission (HRC) was established for the public to report security force abuses, impunity for members of the security forces was a widespread problem.

*Arrest and Detention.*—The Constitution and law require that warrants be issued by a duly authorized official before arrests are made, that a person be apprehended openly, that a lawyer be present during initial questioning, and that detainees be brought before a judge within 3 days and either charged or released within 4 months; however, the Government frequently violated these provisions. There is a system of bail, but more than 70 percent of the population had an income below the poverty level—defined as less than \$1 (500 CFA francs) a day—and could not afford

to pay bail. Detainees generally were informed of the charges against them at the time of arrest, but formal charges often took at least a week to be filed; police at times held persons for 6 months or longer due to administrative errors or delays in processing detainees. Most delays were attributed to lack of staff in the Ministry of Justice and court system. Lawyers and family members usually were given prompt access to detainees, and indigent detainees were provided lawyers at government expense. In those cases where indigent detainees were detained outside a major city, they were often transferred to the closest town or city where an attorney was available.

Arbitrary arrest continued to be a problem. The most common cases were threats of arrest to extort bribes. These were perpetrated most often against vehicle operators (mainly taxi drivers) by police, gendarmes, or soldiers. Immigration officials also routinely stopped people and threatened them with arrest, claiming they lacked some required document, were committing espionage, or on some other pretext to extort funds.

Most often, these incidents resulted in the bribe being paid; if not, the person was detained at a police station (or the airport) until either a bribe was paid or pressure was placed on authorities to release the individual.

According to police documents, authorities had released and did not file charges against 16 individuals detained in 2005 for suspected gun trafficking near the city of Dolisie. It was believed the Government closed the case.

Lengthy pretrial detention due to judicial backlogs was a problem. Pretrial detainees were reported to be the majority of the prison population; one local human rights NGO estimated that nearly 67 percent and 52 percent of the Brazzaville and Pointe Noire prisoners, respectively, were pretrial detainees. On average detainees waited 6 months or longer before going to trial. It was a general belief that bribes determine the length of detention.

*e. Denial of Fair Public Trial.*—Although the Constitution and law provide for an independent judiciary, the judiciary continued to be overburdened, underfunded, and subject to political influence, bribery, and corruption.

The judicial system consists of traditional and local courts, courts of appeal, a Court of Accounts, the High Court of Justice, the Constitutional Court, and the Supreme Court. In rural areas, traditional courts continued to handle many local disputes, particularly property and inheritance cases, and domestic conflicts that could not be resolved within the family. The Court of Accounts' function is to hear cases related to mismanagement of government funds. The Constitutional Court's responsibility is to adjudicate the constitutionality of laws and judicial decisions. The High Court of Justice's function is to review judicial decisions or crimes involving the president and other high-ranking authorities in the conduct of their official duties. Members of the High Court of Justice, appointed in 2004, began work at the end of 2006. During the year, in its highest-profile case, the court overturned election results in four districts, citing poorly run polls by the Government. Local courts dealt with criminal and civil complaints. The Supreme Court met regularly and primarily heard cases related to the legality of land seizures by the Government during the civil war. It also reviewed administrative and penal cases from lower courts.

*Trial Procedures.*—The Constitution provides for the right to a fair trial presided over by an independent judiciary; however, the legal caseload far exceeded the capacity of the judiciary to ensure fair and timely trials, and most cases never reached the court system. The courts have not heard any civilian criminal trials since 2005, with the Government citing a lack of funds to organize trials; some prisoners were subsequently freed and considered in pending trial status, while most remained in pretrial detention. In general defendants were tried in a public court of law presided over by a state-appointed magistrate. Juries are used. Defendants have the right to be present at their trial and to consult with an attorney in a timely manner. An attorney is provided at public expense if an indigent defendant faces serious criminal charges. Defendants can confront or question accusers and witnesses against them and present witnesses and evidence on their own behalf. The defense has access to prosecution evidence. Defendants are presumed innocent and have the right of appeal. The law extends the above rights to all citizens.

The military has a tribunal system to try criminal cases involving military members, gendarmerie, or police. Historically this body, the Marshal Court, is believed to be subject to influence and corruption. During the year, however, the Marshal Court ordered an inquiry into corrupt military payroll practices and suspended 150 bank accounts of former military personnel pending the investigation. There was no resolution to the investigation by year's end. Civilians were not tried under this system.

*Political Prisoners and Detainees.*—There were some political prisoners and detainees. During the year the ICRC reported that it continued to monitor the condition of several political prisoners.

Three exiled DRC military officers remained in pretrial detention in military headquarters, where they have been held since March 2004, when they were arrested for political reasons following disturbances in Kinshasa. The three were reportedly being held pending extradition, although an effective extradition policy between the two countries did not exist.

*Civil Judicial Procedures and Remedies.*—There is a civil court system; however it was widely believed to be subject to the same corrupt practices alleged in the criminal court system. Although civilians can file a lawsuit in court seeking damages or cessation of a human rights violation, no such cases were known to exist, and there remained general mistrust of the judicial system as a means to address human rights issues.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution and law prohibit such actions; however, security forces at times illegally entered, searched, and looted private homes.

In September police in the Ouenze District of Brazzaville entered a home without a warrant under the pretense that they were looking for narcotics. The accused was never charged, and complained that money taken during the unlawful search of his home was never returned. An official complaint was filed against the police officers; however, no action was taken against the police by the end of the year.

Citizens generally believed the Government monitored telephone and mail communications of selected individuals.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution and law provide for freedom of speech and of the press, but also criminalize certain types of speech, such as incitement of ethnic hatred, violence, or civil war. The Government at times limited freedom of speech and the press. Broadcast journalists and government print media journalists practiced self-censorship. The nongovernment print media felt fewer constraints as long as its reporting stayed only in print form and was not broadcast.

Individuals could criticize the Government publicly or privately without reprisal on relatively minor issues. However, persons feared reprisal if they named high-level officials while criticizing government policies. The Government generally did not proactively attempt to impede criticism by, for example, monitoring political meetings, but sometimes punished critics after the fact.

There was one state-owned newspaper, *La Nouvelle Republique*, and several publications which were closely allied with the Government. There were 15 to 20 private weekly newspapers in Brazzaville that criticized the Government. Newspapers occasionally published open letters written by government opponents. The print media did not circulate widely beyond Brazzaville and the commercial center of Pointe Noire, although it reached approximately one-third of the population.

Most citizens obtained their news from the radio or television, and primarily from government-controlled radio in rural areas. There were three privately owned radio stations, all progovernment, three government-owned radio stations, and one government-owned television station. There were four privately owned television stations; none were critical of the Government. Several satellite television connections were available and permitted viewing a wide range of news and entertainment programs by the relative few who could afford it.

Government journalists were not independent and were expected to report positively on government activities. There was evidence that when government journalists deviated from this guidance there were adverse consequences, especially if they were critical of the president.

In June a television journalist reported receiving death threats from military and government authorities after interviewing a prominent opposition leader, who criticized the president during the aired interview. Shortly before the June elections, a second television journalist reported receiving anonymous, threatening phone calls after airing an interview with political opposition leaders. Both journalists refrained from discussing the incidents publicly or reporting them to authorities, saying they feared reprisals by government agents.

A number of Brazzaville-based journalists represented international media. The Government continued to revoke journalists' accreditations if their reporting reflected adversely on the country's image, although fewer instances were reported during the year. This policy affected journalists employed by both international and government-controlled media.

The press law provides for monetary penalties for defamation and incitement to violence.



Unlike in previous years, there were no reported cases of newspapers forced by the Government to suspend publication or journalists arrested for defaming the president.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Estimates from 2005, the last available, indicated that only 1 percent of the population had access to the Internet, due to the lack of infrastructure, reliable power, and telephone or satellite services.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The Constitution and law provide for freedom of assembly, and the Government generally respected this right in practice.

Groups that wished to hold public assemblies were required to inform the Ministry of Territorial Administration and appropriate local officials, who could withhold authorization for meetings that they claimed might threaten public order.

Unlike in previous years, demonstrations by public workers protesting salary arrears at a prominent downtown Brazzaville intersection were allowed to continue without interruption or interference from the police.

However, two demonstrations were halted by the Government during the year. In April political opposition parties were prevented by security forces from continuing with a rally calling for the creation of an independent electoral commission.

In November human rights NGOs and family members of the individuals who disappeared in the Beach incident were prevented by government officials from holding a demonstration, despite prior governmental approval of the rally. The Beach demonstration was to have taken place during the 42nd session of the African Commission on Human and Peoples' Rights, held in Brazzaville in mid-November.

*Freedom of Association.*—The Constitution and law provide for freedom of association, and the Government generally respected this right in practice. Groups or associations-political, social or economic-were generally required to register with the Ministry of Territorial Administration. Although registration could sometimes be subject to political influence, during the year there were no reports that this occurred.

*c. Freedom of Religion.*—The Constitution and law provide for freedom of religion, and the Government generally respected this right in practice.

*Societal Abuses and Discrimination.*—There were no reports of discrimination against members of religious groups. There was no substantial Jewish community in the country, and there were no reports of anti-Semitic acts.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation; however, in practice the Government at times imposed limitations. Immigration officials routinely stopped travelers on various pretexts to extort funds.

In the Pool region, unidentified armed elements believed to be Ninja rebels continued to harass and intimidate citizens, resulting in limited freedom of movement.

The law prohibits forced exile, and the Government did not use it. The Government did not prevent the return of citizens, including political opponents of the president. By year's end, former President Pascal Lissouba, who was sentenced in absentia in 2001 to 30 years in prison for "economic crimes," had not returned to the country, despite a November announcement that President Sassou-Nguesso had agreed to allow his return and pardon him. In August a former prime minister, Joachim Yhombi-Opango, returned to the country after the Council of Ministers granted him amnesty in May for a 2001 conviction in absentia for allegedly improperly selling the country's oil while in office.

*Protection of Refugees.*—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided some protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution, and granted refugee status or asylum.

The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum

seekers. During the year the Government cooperated with the UNHCR in the voluntary return of refugees, including ex-combatants from the DRC, to their homes.

The Government also provides temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol; however, the Government was not generally effective in dealing with such cases. The National Refugees Committee's offices were closed during the year due to a lack of funds, and the committee was unable to offer meaningful services. Requests for refugee status continued to remain unprocessed as a result.

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

The Constitution and law provide citizens with the right to peacefully change their government; however, legislative elections during the year were marred by irregularities and characterized as chaotic. During the 2002 presidential elections, significant irregularities occurred, and the entire Pool region was unable to vote.

*Elections and Political Participation.*—Legislative elections in June and August were widely considered fraught with poor organization and low voter turnout, although there were no confirmed incidences of violence. The ruling Congolese Labor Party and independent candidates aligned with it won 125 seats, with 12 seats won by candidates from two opposition parties. There were widespread reports of citizens being allowed to vote despite having national election identification cards with erroneous information, while others holding seemingly correct cards were not allowed to cast ballots. Examples of irregularities included the use of outdated voter registration rolls across the country, confusion over polling locations, and polls that either opened extremely late or closed extremely early. Calls by local NGOs, opposition parties, and international organizations throughout the year for the Government to create an independent national election commission went unheeded. Local human rights NGOs characterized the parliamentary elections a “sham” and a “disgrace.” Results in four districts, primarily south of Brazzaville, were revoked by the High Court of Justice due to irregularities. Following new elections in those districts in December, a candidate who had lost in the discarded poll won; the results in the other three districts remained the same as those of the discarded poll.

The 2002 parliamentary elections were finalized during the year, when eight of 12 seats for the Pool region were decided in the June and August polls. The seats had been vacant since 2002.

Independent observers determined that the presidential elections in 2002 did “not contradict the will of the people”; however, they noted obvious flaws such as insufficient ballots at certain polling stations, confusion over voting locations, and the boycott by some opposition members who claimed the elections were biased. The European Union and other observers stated that the electoral process was manipulated. Most key presidential candidates were banned or withdrew at the last minute, and the legislative elections were almost completely boycotted by the opposition.

Major political parties included the ruling Congolese Labor Party, the Pan-African Union for Social Development, the Congolese Movement for Democracy and Integrated Development, the Union for Democracy and the Republic, the Rally for Democracy and Social Progress, and the Union for Progress. Some opposition party leaders returned from exile during the year. Northern ethnic groups, such as the president's Mbochi group and related clans, dominated the political system.

There were eight women in the 66-seat Senate and six women in the 137-seat National Assembly. There were five women in the 35-member cabinet.

There were 14 members of tribes other than the dominant northern tribes in the 66-seat senate, 36 in the 137-seat National Assembly, and 11 in the 35-member cabinet. Despite a 2006 parliamentary reaffirmation of their right to vote, Pygmies were excluded from the political process due to their isolation in remote forested areas, their culture, and their stigmatization by the majority Bantu population.

*Government Corruption and Transparency.*—The law provides for criminal penalties for official corruption.

There was a widespread perception of corruption throughout government, including misuse of revenues from the oil and forestry sectors. According to the World Bank's Worldwide Governance Indicators, government corruption was a severe problem. Also, according to the International Monetary Fund (IMF) and local and international NGOs, official corruption was widespread, particularly in the mismanagement of natural resources. The IMF and World Bank expressed concern about governance and lack of financial transparency, inadequate internal controls and accounting systems, and conflicts of interest in the marketing of oil by the state-owned oil company. Government officials, through bribes or fraud, regularly siphoned off the bulk of revenues from these industries into private overseas accounts. Pervasive

lower-level corruption included security personnel and customs and immigrations officials demanding bribes.

Two prominent anticorruption and human rights activists, Christian Mounzeo and Brice Mackosso, reported ongoing harassment during the year, following their arrest and convictions in 2006 on embezzlement charges that international organizations and foreign governments alleged were politically motivated. Mounzeo and Mackosso denied the charges and appealed their convictions—which, after an 8-month trial, included 12-month suspended sentences and fines equivalent to US \$600 (300,000 CFA)—but the appeal had not been heard by year's end. On several occasions in January and February, both men were prevented by security officials from leaving Pointe Noire, despite intervention by the prime minister and the ministries of justice and of territorial administration. These restrictions caused both men to miss several energy sector and anti-corruption meetings in Europe and Brazzaville early in the year. In April Mounzeo was again prevented by immigration and security officials from leaving the country, this time from Brazzaville; 2 weeks later, however, Mackosso was permitted to leave Brazzaville without problems or interference. By June Mounzeo was also able to travel freely, and the harassment had subsided somewhat by year's end.

In November the country was readmitted to the Kimberley Process, an international multi-stakeholder initiative to stem the trade of conflict diamonds, after being suspended in 2004 once reviews showed the country's diamond exports vastly outnumbered its production capacity.

The law provides for public access to government information for citizens, noncitizens, and the foreign media; however, in practice there were lengthy delays before the Government released information.

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

A number of domestic and international human rights groups generally operated, with some exceptions, without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were more cooperative and responsive to international groups than to domestic human rights groups; however, domestic human rights groups did not report specific incidents of being impeded in their work during the year.

The government-sponsored HRC is charged with acting as a government watchdog and addressing public concerns on human rights issues. Observers claimed that the commission was completely ineffective and was not independent. The president appointed most, if not all, of its members. The commission had not met or taken any significant action since its creation in 2003.

The ICRC maintained an office in Brazzaville. During the year access to government officials and to detainees remained good for international humanitarian officials; however, local NGOs had poor access.

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

The law and Constitution prohibit discrimination on the basis of race, gender, language, or social status; however, the Government did not effectively enforce these prohibitions. Societal discrimination and violence against women, trafficking in persons, regional ethnic discrimination, and discrimination against indigenous people were problems.

*Women.*—Rape, including spousal rape, is illegal; however, the Government did not effectively enforce the law. The law prescribes 5 to 10 years in prison for violators. Rape was common, although the extent of the problem was unknown because the crime was seldom reported. There was no evidence that rape was part of organized or targeted campaigns of violence, according to international NGO officials. Depending on the severity of the circumstances, the penalties for rape, despite what the law requires, in practice could be as few as several months but rarely more than 3 years' imprisonment. Less than 25 percent of reported rape cases were prosecuted, according to local and international NGO estimates. There were no statistics available on the incidence of rape.

Domestic violence against women, including rape and beatings, was widespread but rarely reported. There were no specific provisions under the law outlawing spousal battery, other than general statutes prohibiting assault. Domestic violence usually was handled within the extended family, and only the more extreme incidents were reported to the police. This was primarily due to the social stigma for the victim, and because such matters traditionally were dealt with in the family or village. No official statistics concerning domestic violence against women were available. Local NGOs, such as the Congolese Association to Combat Violence Against Women and Girls, organized HIV testing and domestic violence public awareness

workshops and offered training for community chiefs, police officers, health workers, magistrates, journalists, and others from the public and private sectors. Other NGOs, including the local Human Rights Center, the International Rescue Committee, and Doctors Without Borders continued to draw attention to domestic violence and provided counseling and assistance to victims.

Female genital mutilation (FGM) was not practiced indigenously and is against the law; however, it may have occurred in some immigrant communities from West African countries where it was common. There were no known government or other efforts to investigate or combat FGM.

Prostitution is illegal, but the Government did not effectively enforce this prohibition. Prostitution was common, and police often accepted services in lieu of arresting prostitutes.

Sexual harassment is illegal. Generally the penalty is 2 to 5 years in prison. In particularly egregious cases, the penalties can equal those for rape, 5 to 10 years in prison. However, the Government did not effectively enforce the law. Sexual harassment was very common but rarely reported. As in previous years, there were no available statistics on its incidence. Successful prosecutions were only achieved when a victim with good legal representation or connections actively pursued a case; however, no such cases were reported.

Marriage and family laws overtly discriminate against women. Adultery is illegal for women but not for men. Polygyny is legal; polyandry (having multiple husbands) is not. The law provides that a wife shall inherit 30 percent of her husband's estate; however, in practice the wife often lost all inheritance upon the death of her spouse, particularly under traditional or common-law marriage. The symbolic nature of the dowry is set in the law; however, this often was not respected, and men were forced to pay excessive bride prices to the woman's family. As a result, the right to divorce was circumscribed for some women because they lacked the means to reimburse the bride price to the husband and his family. This problem was more prevalent in rural areas than in urban centers. The Ministry of Social Affairs was in charge of protecting and promoting the legal rights of women; however, it did not effectively perform its function.

The law prohibits discrimination based on gender and stipulates that women have the right to equal pay for equal work; however, women were underrepresented in the formal sector. Women experienced economic discrimination in access to employment, credit, comparable pay for similar work, and owning or managing businesses. Most women worked in the informal sector and thus had little or no access to employment benefits. Women in rural areas were especially disadvantaged in terms of education and wage employment and were confined largely to family farming, small-scale commerce, and child-rearing responsibilities. Many local and international NGOs have developed microcredit programs to address this problem, and government ministries such as those of social affairs and agriculture were also active in helping women set up small income-producing businesses.

*Children.*—The Government was committed to protecting the rights and welfare of children. There were no reports of discrimination or denial of public services based on failure to register births; the Government adopted a system in previous years to provide free birth registration in Brazzaville, but by year's end the program still did not cover other areas of the country.

Education was compulsory, tuition-free, and universal until the age of 16, but families were required to pay for books, uniforms, and school fees. In the cities, approximately 95 percent of school-age children attended school, and in rural areas an estimated 90 percent attended. Schools were overcrowded and facilities extremely poor. Girls and boys attended primary school in equal numbers; however, the proportion of girls who continued on to the high school and university levels was significantly lower. Girls generally quit school by age 15 or 16. In addition teenage girls often were pressured to exchange sex for better grades, which resulted in both the spread of HIV/AIDS and unwanted and unplanned pregnancies.

Child abuse was not common; most reports in previous years involved the West African immigrant communities in the country.

There were isolated cases of child prostitution among children who lived on the streets. The prevalence of the problem remained unclear. According to reports from international and local NGOs and other observers, these cases were not linked to trafficking but were efforts by some of these children to survive.

With support from international organizations, the Government provided economic and counseling support to former child soldiers.

During the year the number of children who lived on the streets remained approximately the same. International organizations assisted with programs to feed and shelter these children. The majority of homeless children in Brazzaville and Pointe Noire were believed to be from the DRC, according to the U.N. Children's

Fund (UNICEF). Children who lived on the streets were vulnerable to sexual exploitation and often fell prey to criminal elements such as drug smugglers. Many begged or sold cheap or stolen goods to support themselves.

*Trafficking in Persons.*—The law does not specifically prohibit trafficking in persons and there were reports that persons were trafficked to the country.

There continued to be unconfirmed reports of trafficking of children by West African immigrants living in the country, as well as trafficking of children from the DRC. Trafficking could be prosecuted under existing laws against slavery, prostitution, rape, illegal immigration, forced labor, and regulations regarding employer-employee relations; however, there were no known cases of the Government prosecuting any trafficker under these laws. The ministries of security, labor, and social affairs, as well as the gendarmerie, have responsibility for trafficking issues.

UNICEF reports indicated the country was a destination for trafficked persons, with an estimated 1,800 children reportedly trafficked in Brazzaville and Pointe Noire. There were unconfirmed reports that underage relatives of immigrants from West Africa could be victims of trafficking. There was no evidence of trafficking in adults. Children from West Africa worked as fishermen, shop workers, street sellers, or domestic servants. There were reports that some were physically abused.

Suspected traffickers, who were believed to be either distant relatives or fellow countrymen of the victims, recruited parents to sell their children with false promises of providing the children care or training, or visas to Europe or South Africa.

There were no known cases of the Government assisting with international investigations or extraditing citizens who were accused of trafficking in other countries. In June UNICEF, local NGOs, and government officials in Pointe Noire created a joint program and reported successfully repatriating some West African children who claimed to have been trafficked, particularly from Benin.

There was no evidence of involvement of government officials in trafficking, although bribery and corruption were problems.

There were no government programs providing protection or assistance to victims or programs to prevent trafficking.

*Persons with Disabilities.*—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services, although the Government generally did not enforce the law. There were no laws mandating access for persons with disabilities. The Ministry of Social Affairs is the lead ministry responsible for these issues.

*National/Racial/Ethnic Minorities.*—The law prohibits discrimination based on ethnicity; however, the Government did not effectively enforce this prohibition.

Regional ethnic discrimination was prevalent among all ethnic groups, was evident in government and private sector hiring and buying patterns, and apparent in the effective “north-south” regional segregation of many urban neighborhoods. The relationship between ethnic, regional, and political cleavages was inexact; however, supporters of the Government included persons mostly from northern ethnic groups, such as the president’s Mbochi group and related clans.

*Indigenous People.*—The indigenous Pygmy ethnic group, who numbered in the tens of thousands and lived primarily in forest regions, did not enjoy equal treatment in the predominantly Bantu society. The Government did not effectively protect their civil and political rights. Pygmies were severely marginalized in regard to employment, health services, and education, in part due to their isolation in remote forested areas of the country and their different cultural norms. Pygmies usually were considered socially inferior and had little political voice; however, in recent years several Pygmy rights groups have developed programs and were actively focusing on these issues. Many Pygmies were not aware of the concept of voting and had minimal ability to influence government decisions affecting their interests. There were reports during the legislative elections of June and August of candidates ordering Pygmy voters to vote in their favor in exchange for promises of salt and clothes.

In June during the annual FESPAM music festival, a low-ranking government official decided to house 20 Pygmy performers in the defunct national zoo in Brazzaville, with makeshift tents as their lodging; other, non-Pygmy performers were provided hotel rooms and proper accommodations.

During the year the National Network of Indigenous People of Congo launched an appeal to government, civil society, and international organizations to improve Pygmy living conditions. A first-ever conference dedicated to the rights of indigenous people was held in Brazzaville in late November and early December, sponsored by the Ministry of Health, Social Services and Family.

Bantu ethnic groups have exploited Pygmies, possibly including children, as cheap labor; however, as in previous years, there was little information regarding the extent of the problem.

*Other Societal Abuses and Discrimination.*—The Constitution prohibits discrimination based on political, sexual or religious orientation. However, the social stigma associated with homosexuality was significant. There was no open homosexuality in the country.

In contrast, persons with HIV/AIDS were fairly well organized and sought fair treatment, especially regarding employment. NGOs worked widely on HIV/AIDS issues, including raising public awareness that those living with HIV/AIDS were still able to contribute to society. The law provides avenues for wronged persons to file lawsuits if they were, for example, terminated from employment due to their HIV/AIDS status.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law allows workers to form and join unions of their choice without previous authorization or excessive requirements, and workers exercised this right; however, members of the security forces and other essential services do not have this right. Almost 100 percent of workers in the public sector and approximately 25 percent of workers in the formal private sector were union members.

There were a few reports that antiunion discrimination occurred during the year. Most trade unions were reportedly weak and subject to government influence; as a result, workers' demonstrations were frequently prohibited, often by the unions themselves. There were no reports during the year of employers firing workers for union activity.

*b. The Right to Organize and Bargain Collectively.*—The law allows unions to conduct their activities without interference, and the Government protected this right in practice. The law also provides for the right to bargain collectively, and workers freely exercised this right, although collective bargaining was not widespread due to severe economic conditions. There are no export processing zones.

The law provides for the right to strike, except by public sector unions, subject to conditions established by law. Workers exercised this right by conducting legal strikes. Unions were free to strike after filing a letter of intent with the Ministry of Labor, which began a process of nonbinding arbitration under the auspices of a regional labor inspector from the ministry. The letter of intent had to include the planned strike date, at which time the strike legally could begin, even if arbitration was not complete. Employers have the right to fire workers if they do not give advance notice of a strike.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children; however, there were unconfirmed reports that such practices occurred.

The Government has not repealed a 1960 law which allows persons to be requisitioned for work of public interest and provides for their possible imprisonment if they refuse.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—Although there are laws and policies designed to protect children from exploitation in the workplace, child labor was a problem. The minimum age for employment or internships was 16 years; however, this law generally was not enforced, particularly in rural areas and in the informal sector. Children worked with their families on farms or in small businesses in the informal sector without government monitoring.

The Ministry of Labor, which is responsible for enforcing child labor laws, concentrated its limited resources on the formal wage sector, where its efforts generally were effective. As in previous years, limited resources prevented the ministry from carrying out regular child labor inspection trips.

International aid groups, such as UNICEF, reported little change during the year in child labor conditions: The problem existed, but had neither worsened nor improved.

*e. Acceptable Conditions of Work.*—The national minimum wage, which was approximately \$100 (54,000 CFA francs) per month in the formal sector, did not provide a decent standard of living for a worker and family. Wage floors established in the 1980s for various sectors have remained largely unchanged and are not considered relevant, as wages in the formal sector are paid above the minimum levels, although often not by much. There was no official minimum wage for the informal and agricultural sectors. High urban prices and dependent extended families obliged many workers, including teachers and health workers, to seek secondary employ-

ment, mainly in the informal sector. The bulk of back salaries dating to the late 1990s civil conflict period remained unpaid.

The law provides for a standard workweek of 7 hours per day, 6 days a week with a 1-hour lunch break. There was no legal limit on the number of hours worked per week. The law stipulates that overtime must be paid for all work in excess of 42 hours per week; however, there is no legal prohibition against excessive compulsory overtime. Overtime was subject to agreement between employer and employee.

Although health and safety regulations require biannual visits by inspectors from the Ministry of Labor, such visits occurred much less frequently. Unions generally were vigilant in calling attention to dangerous working conditions; however, the observance of safety standards often was lax. Workers have no specific right to remove themselves from situations that endanger their health or safety without jeopardy to their continued employment.

---

## COTE D'IVOIRE

Cote d'Ivoire is a democratic republic with an estimated population of 18 million. Laurent Gbagbo, candidate of the Ivorian People's Front (FPI), became the country's third elected president in 2000. The election, which excluded two of the major parties, the Democratic Party of Cote d'Ivoire (PDCI) and the Rally for Republicans (RDR), was marred by significant violence and irregularities. In 2000 the Supreme Court declared Gbagbo the victor with 53 percent of the vote. In 2002 exiled military members and coconspirators simultaneously attacked government ministers and military and security facilities in Abidjan, Bouake, and Korhogo. The failed coup attempt evolved into a rebellion, which split control of the country between the rebel New Forces (NF) in the north and the Government in the south. The failure of subsequent peace accords resulted in the 2004 deployment of 6,000 peacekeepers under the U.N. Operation in Cote d'Ivoire (UNOCI), who joined the 4,000-member French Operation Licorne peacekeeping force already in the country. Approximately 8,000 UNOCI and 2,400 Licorne peacekeepers remained in the country at year's end to support the ongoing peace process. Civilian authorities in government- and NF-controlled zones generally did not maintain effective control of the security forces.

On March 4, President Gbagbo and NF rebel leader Guillaume Soro signed the Ouagadougou Political Agreement (OPA), which establishes a transitional government with Soro as prime minister. The OPA also calls for the disarmament of armed factions, reunification of the country, identification of Ivorians, and 2008 presidential elections. By year's end progress had been made on some provisions of the OPA: Nearly 70 percent of the civil administration returned to the north, the "audiences foraines" process was underway to issue birth certificates to those who were never registered, and the "zone of confidence" (ZOC) was dismantled. Little progress was made in disarmament until December, when the two sides entered into two supplementary agreements in which they committed to beginning disarmament on December 22, to holding presidential elections in June 2008, and fully implementing the provisions of the OPA as rapidly as possible.

The Government's human rights record, which improved slightly during the year, continued to be poor. Continuing political instability and uncertainty kept tensions high throughout the country. The following human rights abuses were reported: Restriction of citizens' right to change their government; arbitrary and unlawful killings, including summary executions, by security forces, progovernment militias, and student groups; disappearances; torture and other cruel, inhuman, or degrading treatment and punishment by security forces, progovernment militias, and a student group; deplorable prison and detention center conditions; security force impunity; arbitrary arrest and detention; denial of a fair public trial; arbitrary interference with privacy, family, home, and correspondence; police harassment and abuse of noncitizen Africans; use of excessive force and other abuses in internal conflicts; restrictions on freedoms of speech, press, peaceful assembly, association, and movement; corruption; discrimination and violence against women; female genital mutilation (FGM); child abuse and exploitation; trafficking in persons; forced labor, including of children; and child labor, including hazardous labor.

The NF's human rights record improved slightly during the year but continued to be poor. UNOCI reported the killing and disappearance of civilians in NF-held territories. The NF continued to arbitrarily arrest and detain persons and to conduct arbitrary ad hoc justice during the year. There were reports of extrajudicial killings and arrests of persons suspected of attempting to overthrow the Government.

## RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—Security forces continued to commit extrajudicial killings with impunity, and progovernment militia groups were responsible for harassment, killings, and disappearances. These crimes often went unreported or underreported due to fear of reprisals.

Security forces frequently resorted to lethal force to combat widespread crime and often committed crimes themselves with impunity. Rebel forces in the north also committed extrajudicial killings.

There continued to be credible reports of numerous cases in which the use of excessive force by security forces resulted in deaths. Such cases often occurred when security forces apprehended suspects or tried to extort money from taxi drivers and merchants.

In August security forces shot and killed Henri Beugre, a member of the Young Patriots, a youth group with close ties to the ruling FPI party, during a demonstration in Divo. During the demonstration, the Young Patriots attacked a police officer. The police officer allegedly responsible for killing Beugre had not been tried by year's end.

No action was taken against members of security forces or the Young Patriots responsible for summary executions during 2006.

In December 2006 the military prosecutor announced that the 19 remaining persons held in connection with the January 2006 attacks on two Akouedo military camps had been acquitted; the 19 were part of an original group of 60 charged with assassination and breach of state security.

There were no developments during the year in the investigation launched in July 2006 into the June 2005 deaths of three military officers: Major Colonel Bakassa Traore, who died after security forces arrested and beat him, and Colonel Jules Yao Yao and retired General Laurent M'Bahia Kouadio after they attended a dinner hosted by the French ambassador.

During the year there were a number of killings attributed to members of the Security Operations Command Center (CECOS), an anticrime organization whose personnel also were accused of human rights violations, racketeering, extortion, and harassment. There continued to be reports that members of CECOS carried out summary executions of thieves in Abidjan, although the interior ministry stated that all victims were criminals killed in the course of police anticrime activities.

On February 2, CECOS members shot and wounded Toulman Ibrahim as he and three other men tried to steal a taxi in the Marcory district of Abidjan. CECOS officers detained Ibrahim at the hospital where he had sought treatment for his wounds. He later died in police custody without having received medical care.

On February 21, four CECOS members shot and killed two unarmed prison escapees. Sergeant Mabe Kpokro was accused of firing at the prisoners at point-blank range after they had already been subdued. CECOS commander Guiai Bi Poin admitted that the killing was unjustified. On March 14, the military prosecutor charged the four officers with murder, abandonment of duty, and violating instructions. The officers were transferred to the military prison in Abidjan (MAMA) and were awaiting trial at year's end.

On July 11, CECOS members attacked dozens of taxis in Abidjan in retaliation for the wounding of a CECOS member 2 days earlier in a fight between CECOS members and taxi drivers. A bystander was killed, and three taxi drivers and two other bystanders were injured. The minister of transportation visited the victims' families after the incident to offer condolences. Although the mayors of Adjame and Attecoube raised the issue with the Government, no punitive action was taken against the officers by year's end.

By December 2006, 17 of the 61 persons arrested for attacking gendarmerie and police in Anyama in 2005 had been released, and 36 of the 44 persons who stood trial received heavy sentences. In June, following the signing of the amnesty law by the president, the 36 detainees were released.

On September 3, hundreds of members of the pro-FPI Union of Secondary School and University Students (FESCI) staged a violent protest in Abidjan against the Government for the handling of the August 2006 violent confrontations between FESCI students and police, in which several demonstrators were injured.

There were no developments in other 2006 or 2005 security force killings.

There were fewer reports of the collaboration of government forces and irregular forces that created a climate of fear and impunity in previous years. There were also no reports that the Government recruited Liberian mercenaries in the west.

During the year militia groups continued activities that contributed to a climate of fear and insecurity, particularly in the west. Although there were fewer reports



of killings by militias than in the previous year, UNOCI reported cases of local militias patrolling streets. In late August young men in Guiglo, claiming to be acting on the orders of the local police commissioner, prevented the Beninese Peacekeeping Battalion from patrolling the streets. The police commissioner of Guiglo confirmed that the young men had organized themselves but denied that he had instructed them to block UNOCI patrols.

Unlike in the previous year, police and security forces in Abidjan did not use lethal force in neighborhood sweeps against citizens with northern origins and African immigrants in search of rebel sympathizers, infiltrators, and arms caches.

Rebel groups were responsible for indiscriminate killings of gendarmes, government officials, and suspected FPI sympathizers; however, there were fewer such reports than in previous years.

During the year extrajudicial killings attributed to the NF were reported in rebel-held zones and in the former ZOC, the area separating the national armed forces (FANCI) and NF troops in which UNOCI troops maintained peace.

No investigations were conducted into numerous abuses committed by rebels in previous years, including summary executions, killings, rape, beatings, and looting.

In Abidjan and the western part of the country, there were reports of atrocities, including killings, rapes, and looting, by progovernment militias and others. In August UNOCI reported an upsurge in security incidents in the Diourouzon-Geniebiy road in the Bangolo region. UNOCI reported that attacks were committed routinely by armed and disguised men. On August 3, a child was shot in the stomach, and, on August 5, a man was shot and killed.

On February 9, a gang of armed men attacked a group of traders on the Guiglo-Gbapleu road, killing four persons and injuring six.

There were fewer incidents than in the previous year of ethnic violence that resulted in deaths. Reports of conflict between local residents in the west and other—principally Ivorian—settlers continued.

On March 5, French peacekeeping troops in the western part of the former ZOC shot and killed a man in a bus after it did not stop at a checkpoint despite several requests from the peacekeepers. Of the seven persons in the bus, two others were wounded in the incident.

*b. Disappearance.*—Unlike in the previous year, there were no reports of disappearances during the year. Several members of the opposition (particularly the RDR), journalists, and ordinary citizens remained missing at year's end.

There were no developments in the French investigation into the involvement of Ivorian officer Tony Oulai in the 2004 disappearance of Guy Andre Kieffer, a Franco-Canadian freelance journalist, and Oulai remained in French custody at year's end.

There were no developments in other 2006 or 2005 disappearances.

Most of the persons reported missing in previous years remained missing at year's end.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution and law prohibit such practices; however, security forces beat and abused detainees and prisoners to punish them or to extract confessions. Although there were no credible reports of rape and torture during the year, experts believed that security forces continued to rape and torture women and girls. Police officers forced detainees to perform degrading tasks under threat of physical harm. Police often detained persons overnight in police stations, where they beat them and forced them to pay bribes. Police continued to harass and extort bribes from persons of northern origin or with northern names.

There were no developments in the incidents of cruel and degrading treatment reported in 2006. There were fewer reports than in the previous year of violent actions and threats against political opposition figures and human rights activists. Unlike in the previous year, there were no reports that opposition leaders received death threats over the telephone and from armed men dressed in fatigues, and that armed men harassed family members.

Police and security forces used excessive or lethal force to disperse demonstrations.

Members of the security forces continued to harass journalists.

There were no verifiable reports that security forces raped women and girls during the year, demonstrating a decline from the wide-scale rapes that had occurred since the conflict broke out in 2002. Human rights groups issued extensive reports during the year detailing the sexual violence committed by rebel and government forces over the preceding 5 years. There were no developments in the cases from previous years in which security forces committed rape.

Unlike in the previous year, there were no reports that security forces conducted widespread neighborhood searches during which they beat and robbed residents. There continued to be reports, however, that noncitizen Africans, mostly from neighboring countries, were subject to harassment by security forces and “self-defense” committees, including repeated document checks, security force extortion, and racketeering.

There were no developments in cases reported in 2006.

Unlike in the previous year, there were no reports that loyalists of President Gbagbo’s FPI party organized groups of Young Patriots or that youth groups aligned with the ruling FPI harassed and intimidated residents and merchants; however, some groups had arms or had ready access to arms supplied by the Government. The presidency sponsored some of these groups and tolerated others, but it did not have complete control over them.

Unlike in the previous year, following the signing of the OPA, there were no reports that progovernment militias harassed and assaulted farmers who were migrants from other West African countries.

Unlike in the previous year, there were no reports that the progovernment militia Groupe de Patriotes pour la Paix (GPP), which was banned in 2003, conducted attacks.

In the NF-held part of the country, rebel military police operated with impunity in administering justice without legally constituted executive or judicial oversight. Rebels often harassed and abused local citizens, often on the basis of ethnic or political background. However, there were fewer reports during the year that rebel forces beat persons who supported President Gbagbo and the ruling FPI. There were reports that NF members raped women and girls in the north and that rebel soldiers arrested, tortured, or killed suspected government loyalists or allies of rival rebel leader Ibrahim Coulibaly in the zones under their control.

There were fewer reports than in the previous year of incidents of interethnic violence that resulted in injuries.

*Prison and Detention Center Conditions.*—Conditions were poor and in some cases life threatening in the country’s 33 prisons. In the 22 prisons located in the area under control of the Government, this situation was primarily due to inadequate budgets and overcrowding. For example, the country’s main prison, MACA, was built for 1,500 persons but held 4,696 detainees as of December 31; the other 21 prisons in the government-controlled area collectively held 5,925 detainees despite their 3,371-person capacity. Conditions in MACA were notoriously bad, especially for the poor. Wealthy prisoners reportedly could “buy” extra cell space, food, and even staff to wash and iron their clothes. The Government spent approximately \$0.26 (120 FCFA) per prisoner on the daily food ration, which was not sufficient to prevent cases of severe malnutrition in prisoners who had no family or whose families did not bring them additional food. Inmates at some prisons grew vegetables to feed themselves with aid provided by the International Rescue Committee (IRC) and the European Union through the nongovernmental organization (NGO) Prisoners Without Borders. There were 205 deaths in the country’s 22 prisons as of December 31. UNOCI reported that most deaths in prison were due to malnutrition. There were credible reports that prisoners frequently brutalized other prisoners for sleeping space and rations. There were press reports of prostitution and a flourishing drug trade in MACA. Several small national and international charities, such as the Ivorian Islamic Medical Rescue Association, continued to provide food, clothing, and legal and medical assistance to prisoners. The International Committee of the Red Cross (ICRC) helped feed prisoners with no family in the towns of Bondoukou, Bouaffle, Dimbokro, Sassandra, and Divo, and also provided aid to renovate prison medical centers and prison cells. French NGO Prisoners Without Borders received funding from the European Union to renovate eight prisons. At the end of the year, only the renovation of the Divo prison had been completed, providing space to accommodate 50 additional prisoners.

Children often lived with their imprisoned mothers. At year’s end, two children lived with their imprisoned mothers at MACA. Male minors were held separately from adult men, but the physical barriers at the main MACA prison were inadequate to enforce complete separation. At year’s end, fewer minors were detained with adults than in the past. The International Catholic Office for Children (BICE) and Prisoners without Borders continued their efforts to assist imprisoned children by helping to locate their families and by maintaining a separate facility for them at the Divo prison. During the year BICE helped create eight separate detention centers for minors. Nine other prisons had separate cells for minors by year’s end. Minors and adults continued to share cells in the five remaining prisons in the government-controlled areas. Pretrial detainees were held with convicted prisoners. At

year's end, there were 3,031 pretrial detainees (about 28.5 percent of the prison population).

Prison conditions for women were particularly difficult, and healthcare facilities were inadequate. There were continued reports that female prisoners engaged in sexual relations with wardens to get food and privileges. There continued to be inadequate healthcare facilities for women. Pregnant prisoners went to hospitals to give birth, and their children often lived with them in prison. The penitentiary accepted no responsibility for the care or feeding of the infants, although inmate mothers received help from local NGOs.

In September the company Tráficos compensated 35 victims at MACA for illnesses they developed following their exposure to the toxic waste that it had dumped near MACA and other parts of Abidjan in September 2006, causing the death of one prisoner.

The Government permitted access to prisons by local and international NGOs, including the ICRC, World Doctors, International Prisons' Friendship, Love Amour, Prisoners Without Borders, and the Ivorian Islamic Medical Rescue Association.

The NF continued to maintain detention centers, and the ICRC and UNOCI human rights division local teams were granted full access to them. UNOCI reported in 2006 that the NF detained 295 persons, usually without due process. The NF allegedly freed prisoners to serve as combatants against the Government.

Unlike in the previous year, there were no reports that rebels killed prisoners, although there continued to be credible reports that prisoners died in rebel jails. In July UNOCI found that 26 detainees had died over a month-long period in a prison in Daloa due to malnutrition, poor hygiene due to overcrowding, and disease. Although the prison only had a capacity of 400, it held 918 detainees.

*d. Arbitrary Arrest or Detention.*—The Constitution and law prohibit arbitrary arrest and detention; however, both occurred frequently.

*Role of the Police and Security Apparatus.*—Security forces under the ministries of defense and interior include the army, navy, air force, republican guard, presidential security force, and the gendarmerie, a branch of the armed forces with responsibility for general law enforcement. There were reportedly major divisions within the military based on ethnic and political loyalties. Police forces, which are under the jurisdiction of the Ministry of Interior, include paramilitary rapid intervention units such as the Anti-Riot Brigade and the Republican Security Company, and the plainclothes investigating unit, Directorate for Territorial Security (DST). In 2005 the Government formed CECOS to combat rising crime in Abidjan. A central security staff collected and distributed information regarding crime and coordinated the activities of the security forces. Security forces frequently resorted to excessive force.

Poor training and supervision of security forces, corruption, the public's fear of pressing charges, and investigations conducted by security forces, who themselves were abusers, contributed to widespread impunity and lawlessness in the country. Racketeering at roadblocks remained a serious problem. There were fewer reports than in the previous year that security forces were seen forcing persons stopped at roadblocks to do push-ups while being beaten or subjected to other abuses. Police solicited sexual favors from prostitutes in exchange for not being arrested. Unlike in the previous year, there were no reports that police kidnapped private citizens and either killed them or released them, sometimes demanding a bribe for their release. Security forces often were accused of causing rising crime in Abidjan, and there were credible reports that security forces rented their uniforms and weapons to persons wanting to engage in criminal activity. Security forces on occasion also failed to prevent violence. In spite of a 2006 government campaign discouraging citizens from paying bribes to security forces at checkpoints, citizens who did not pay bribes continued to face the confiscation of their official documents, harassment, intimidation, or physical abuse.

The Government sometimes took action against police officers who committed abuses; however, it generally did not investigate or punish effectively those who committed abuses, nor did it prosecute persons responsible in previous years for unlawful killings and disappearances. During the year the military prosecutor took steps to combat malfeasance, including the establishment of a telephone help line to report racketeering incidents.

On August 12, the military prosecutor caught 12 members of the security forces setting up roadblocks and extorting bribes of approximately \$69 (32,500 FCFA) from transport operators and drivers. The security forces detained drivers who refused to pay and their passengers and confiscated their identity documents. The 12 members of the security forces, who had been detained without charge, were released by year's end.

By the end of September, the military tribunal reported that 68 members of the security forces had been tried in court for criminal acts, including 13 for involuntary and voluntary killings; 24 for assault, and 31 for petty offenses and racketeering. There were four convictions: Army officer Allui Djezou was sentenced to 5 years' imprisonment; navy officer Oka Koffi was given a suspended sentence of 1 month's imprisonment for assault and fined approximately \$226 (100,000 FCFA); army officer Kouame Alvis Olivier received a suspended sentence of 6 months' imprisonment and a fine of \$226 (100,000 FCFA) for involuntary manslaughter; gendarmerie officer Ali Ouattara was given a 1-year prison sentence and a fine of \$226 (100,000 FCFA) for involuntary manslaughter and assault.

In March the military tribunal of Abidjan convicted army officer Mangoury Mandele Herve of the 2005 killing of Yapo Gislain in the Adjame district of Abidjan. Mangoury was sentenced to 18 years in prison, fined approximately \$567 (250,000 FCFA), and discharged from the military.

In April police officer Zie Guillaume was acquitted for lack of evidence on charges that he attempted to bribe the minister of security with \$240,000 (117 million FCFA).

The military tribunal reported that, as of October 2006, 56 members of the defense and security forces, including police officers, gendarmes, and military personnel, were being held at MAMA. Thirty-six of the 56 were arrested during the year and transferred to jail for murder, rape, corruption, violation of orders, theft, embezzlement, and other abuses.

*Arrest and Detention.*—Under the law, officials must have warrants to conduct searches, although police sometimes used a general search warrant without a name or address. A bail system existed solely at the discretion of the judge trying the case. Detainees were generally allowed access to lawyers; however, in cases of accusations of complicity with the rebels or other matters of national security, detainees were frequently denied access to lawyers and family members. For more serious crimes, those who could not afford to pay for lawyers were given lawyers by the state, but less serious alleged offenders were often without representation. A public prosecutor may order the detention of a suspect for 48 hours without bringing charges, and in special cases such as suspected actions against state security, the law permits an additional 48-hour period. According to members of the jurists' union, police often held persons for more than the 48-hour legal limit without bringing charges, and magistrates often were unable to verify that detainees who were not charged were released. Defendants do not have the right to a judicial determination of the legality of their detention. A magistrate could order pretrial detention for up to 4 months but also had to provide the minister of justice with a written justification on a monthly basis for continued detention.

DST was charged with collecting and analyzing information relating to national security. DST has the authority to hold persons for up to 4 days without charges; however, human rights groups stated there were numerous cases of detentions exceeding the statutory limit.

There were fewer reports than in the previous year that security forces arbitrarily arrested merchants and transporters, often in conjunction with harassment and requests for bribes.

Police also arrested and detained journalists during the year.

Unlike in the previous year, security forces did not arrest RDR party members and officials and persons of northern origins thought to be close to the rebellion.

In March police arrested six traders and shopkeepers who were protesting the implementation of a standardized invoice system. One merchant, Abdul Ibrahim Redda, a naturalized Ivorian citizen of Lebanese origin, was deported without being tried. His family raised the issue with the UNOCI human rights division, which was pursuing the case with DST at year's end.

Police and gendarmes detained persons in various military camps in Abidjan; however, there were fewer such reports than in the previous year. Few of these detainees entered the civil justice system.

Many inmates continued to suffer long detention periods in MACA and other prisons while awaiting trial. Despite the legal limit of 10 months of pretrial detention in civil cases and 22 months in criminal cases, some pretrial detainees were held in detention for years. At year's end, the National Prison Administration reported that 25–30 percent of the 9,941 prisoners held in the 22 government-controlled prisons were pretrial detainees.

For example, at year's end, no trial had been held in the case of 11 persons arrested in January for allegedly attacking gendarmes, customs officials, and local police at the Noe border. At a public hearing in February, the military tribunal issued detention warrants to the accused, who were transferred to the military prison in Abidjan. Four of the 11 persons were released following the signing of the amnesty

law in June; all four were Ivorian nationals. The remaining seven—Malian, Nigerien, and Burkinabe nationals—remained in detention awaiting trial at year's end.

Unlike in the previous year, human rights organizations did not report that, in rebel-controlled territory, the NF arbitrarily arrested, mistreated, ransomed, or detained persons thought to be loyal to President Gbagbo. There were, however, reports of extrajudicial killings and arrests at year's end of persons suspected of attempting to overthrow the Government with the help of Sergeant Ibrahim Coulibaly. FANCI Sergeant Moussa Guire, whom the NF charged with spying in 2006, was released from detention in Bouake following the May issuance of the amnesty decree.

There were no developments in other cases from 2006.

*Amnesty.*—On April 12, President Gbagbo signed an amnesty decree for any citizen, whether civilian or military, accused of crimes against state security. The amnesty did not apply to crimes against humanity or economic crimes. On June 26, the Government released 64 persons, including 27 soldiers, who had been jailed in connection with the July 2005 attack on Anyama, Agboville, and Gohitafla.

*e. Denial of Fair Public Trial.*—The Constitution and law provide for an independent judiciary; however, in practice the judiciary was subject to influence from the executive branch, the military, and other outside forces. Although the judiciary was independent in ordinary criminal cases, it followed the lead of the executive in national security or politically sensitive cases. There also were credible reports that judges were subject to corruption. The judiciary was slow and inefficient.

The formal judicial system is headed by a Supreme Court and includes the Court of Appeals, lower courts, and a constitutional council. The law grants the president the power to replace the head of the Supreme Court after a new Parliament is convened. In 2003 President Gbagbo appointed the seven members of the Constitutional Council without consultation with the Government. President Gbagbo tasked the council with, among other things, the determination of candidate eligibility in presidential and legislative elections, the announcement of final election results, the conduct of a referendum, and the constitutionality of legislation.

*Trial Procedures.*—The law provides for the right to public trial, although key evidence sometimes was given secretly. The Government did not always respect the presumption of innocence. Those convicted have the right of appeal, although higher courts rarely overturned verdicts and did not do so during the year. Defendants accused of felonies or capital crimes have the right to legal counsel. The judicial system provides for court-appointed attorneys; however, no free legal assistance was available, aside from infrequent instances in which members of the bar provided pro bono advice to defendants for limited periods.

In rural areas traditional institutions often administered justice at the village level, handling domestic disputes and minor land questions in accordance with customary law. Dispute resolution was by extended debate, with no known instance of resort to physical punishment. The formal court system increasingly superseded these traditional mechanisms. The law specifically provides for a grand mediator, appointed by the president, to bridge traditional and modern methods of dispute resolution.

Military courts did not try civilians. Although there were no appellate courts within the military court system, persons convicted by a military tribunal may petition the Supreme Court to set aside the tribunal's verdict and order a retrial.

There was little available information on the judicial system used by the NF in the northern and western regions; however, there continued to be credible reports of summary executions for various crimes in the NF-controlled zone. For example, on December 27, a violent clash between rival NF forces in Bouake culminated in the executions of Seydou Traore and several other persons who were allegedly plotting to overthrow the Government with the help of exiled military leader Sergeant Ibrahim Coulibaly. Several NF officers suspected of complicity with Traore were arrested and charged with attempting to overthrow the Government. They remained in detention in Bouake and Korhogo at year's end. UNOCI issued a public statement criticizing the summary executions and illegal and arbitrary arrests that resulted from the clash.

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

*Civil Judicial Procedures and Remedies.*—The Constitution and law provide for an independent judiciary in civil matters; however, the judiciary was subject to corruption, outside influence, and favoritism based on family and ethnic ties. Citizens can bring lawsuits seeking damages for, or cessation of, a human rights violation; how-

ever, they did so infrequently. The judiciary was slow and inefficient, and there were problems enforcing domestic court orders.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution and law provide for these rights; however, the Government did not respect these rights in practice, although there were fewer such reports than in previous years. Officials must have warrants to conduct searches, must have the prosecutor's agreement to retain any evidence seized in a search, and are required to have witnesses to a search, which may take place at any time; however, in practice police sometimes used a general search warrant without a name or address. Unlike in the previous year, there were no reports that police entered the homes of northern citizens and noncitizen Africans (or apprehended them at large), took them to local police stations, or extorted small amounts of money for alleged minor offenses.

Unlike in the previous year, there were no reports that security forces conducted warrantless searches of opposition party officials' residences, allegedly in search of weapons, conducted neighborhood searches in which they entered several homes at the same time, or harassed opposition forces.

No action was taken against security forces who forcibly entered residences in previous years.

Security forces monitored private telephone conversations, but the extent of the practice was unknown. The Government admitted that it listened to fixed line and cellular telephone calls. Authorities monitored letters and parcels at the post office for potential criminal activity, and they were believed to monitor private correspondence, although there was no evidence of this. Members of the Government reportedly continued to use students as informants.

The NF continued to confiscate the property and vehicles of civil servants and those believed to be loyal to President Gbagbo, although it did so less often than in the previous year. The NF vacated some of the property that they had confiscated in previous years.

There were unverifiable allegations that the rebels in the northern towns of Bouake and Katiola continued to monitor mail, looking for potential government loyalist infiltrators.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution and law provide for freedom of speech and the press, but the Government restricted these rights in practice. Journalists continued to practice self-censorship for fear of retribution. Government officials aggressively used the court system to punish critics.

On April 20, the trial of PDCI-affiliated former minister of animal production and fisheries, Kobenan Adjoumani, ended with the defendant receiving a 2-month suspended sentence for defaming President Gbagbo in June 2005 by accusing him of masterminding the 2002 rebellion. Adjoumani's appeal was in progress at year's end.

The only remaining government-owned daily newspaper, *Fraternite Matin*, which had the greatest circulation of any daily, rarely criticized government policy. There were a number of private newspapers that frequently criticized government policy, the president, and the ruling party. Newspapers often ceased publication and were supplanted by others due to strong competition, a limited audience, and financial constraints. Most newspapers were politicized and sometimes resorted to fabricated stories to defame political opponents.

The private radio stations did not have complete control over their editorial content. The Government used the Audiovisual Communication Council (CNCA), which was controlled by the ruling party, to closely monitor Radio Nostalgie because the major shareholders of the company were close to RDR President Alassane Ouattara. National broadcast regulations prohibit the transmission of any political commentary.

Following the 2002 rebellion, the Government reduced press freedoms in the name of patriotism and national unity. The Government and the ruling FPI continued to exercise considerable influence over the official media's program content and news coverage. During the year opposition leaders frequently complained that the official media did not accord the opposition equal television airtime.

On February 27, police charged Nouveau Reveil newspaper publisher Denis Kah Zion and editor Andre Silver Konan with "contempt of the head of state" for a report the newspaper published entitled "Gbagbo's 100 crimes during his 7 years in office." The National Press Commission, the CNCA, the Press Freedom and Ethics Monitoring Center (OLPED), and the Newspaper Publishers Association (GEPCI) issued a joint statement demanding the immediate release of Zion and Konan in accordance with article 68 of the press law banning the imprisonment of journalists for any offense.

On September 11, five journalists from opposition newspapers were arrested and charged with publishing articles about the 38 richest persons in the country, including members of the FPI. The journalists were released after 11 hours but awaited pretrial hearings at year's end.

On September 12, Colonel Denis Gieglobo ordered the arrest of UNOCI radio journalist Enoch Faye, who reported on barricades erected by various militias in Guiglo as well as an incident of the militias burning tires and firing shots into the air. Faye was released later that day.

The media played a role in inflaming tensions, and newspapers backed by political parties published inflammatory editorials and created a climate of hostility toward perceived political opponents. The Ivorian Observatory on Press Freedom and Ethics and the National Press Commission, which enforced regulations regarding creation, ownership, and freedom of the press, regularly published press releases urging journalists to be more moderate.

Members of the security forces continued to harass and beat journalists. Outspoken members of the press, particularly those working for opposition party newspapers, continued to receive death threats and suffer physical intimidation from groups aligned with the ruling FPI party.

On February 27, a group of FESCI members invaded the headquarters of L'Intelligent d'Abidjan newspaper, harassed the staff and journalists, and caused minor damage to the premises. The FESCI members claimed to be protesting an article published in the paper alleging that FESCI members had registered with opposition political party the Union for Peace and Democracy in Cote d'Ivoire (UDPCI).

On September 7, the bodyguards of army chief of staff General Philippe Mangou beat Dialogue newspaper journalist Jean-Charles Lago, who was attending a ceremony cosponsored by Mangou. When the general's staff realized that a journalist was present without invitation, the guards assaulted him.

Unlike in the previous year, there were no reports that the Young Patriots attacked journalists, destroyed issues of independent and opposition newspapers, or threatened newspaper vendors.

There were no developments in the 2006 cases of Young Patriot attacks on journalists, including the January attacks on an opposition reporter and cameraman, journalist David Mobio, and on Minister Delegate of Communications Martine Studer-Coffi.

There were no developments in the December 2006 case in which the managing director of opposition newspaper Le Nouveau Reveil, Denis Kah Zion, issued a public statement describing repeated death threats against his family and colleagues.

Unlike in the previous year, there were no reports that foreign journalists were subjected to government harassment and intimidation.

Unlike in the previous year, the opposition did not attack journalists whom they believed to be spying on them on behalf of the FPI.

No action was taken against progovernment youth groups who attacked, threatened, arrested, or harassed journalists in previous years.

The law authorizes the Government to initiate criminal libel prosecutions against officials. In addition the state may criminalize a civil libel suit at its discretion or at the request of the plaintiff. Criminal libel was punishable by 3 months to 2 years in prison.

While there was self-censorship in the press, independent daily newspapers and opposition party dailies often examined and called into question the Government's policies and decisions.

In NF-held territory, rebels broadcast their own programming from Bouake, which included radio and television shows that were heard in towns and villages around Bouake and, according to some reports, in the political capital, Yamoussoukro. In the western part of the country, rebels also broadcast on a local radio station around Man. The NF continued to allow broadcasts of government television or radio programs in their zones. The NF also allowed distribution of all progovernment newspapers and most independent newspapers in their territory.

Unlike in the previous year, there were no reports that rebel forces beat and harassed journalists.

No action was taken against rebel forces who beat, harassed, and killed journalists in previous years.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Citizens had access to the Internet at Internet cafes, but home access was prohibitively expensive for most persons.

*Academic Freedom and Cultural Events.*—The Government restricted academic freedom. FESCI, the pro-Gbagbo student group created in the early 1990's, generated a climate of fear and intimidation at the universities and regularly stopped classes, forced students to attend meetings, and threatened professors who interfered in their activities. The Government controlled most educational facilities, even at the post-secondary level, and a presidential decree required authorization for all meetings on campuses.

Many prominent scholars active in opposition politics retained their positions at state educational facilities; however, some teachers and professors suggested that they had been transferred, or feared that they could be transferred, to less desirable positions because of their political activities. According to student union statements, security forces continued to use students as informants to monitor political activities at the University of Abidjan.

FESCI continued to use violent tactics to maintain its hold on student government, disrupt the work of officials appointed by opposition ministers, and intimidate other students. For example, on January 4, members of FESCI prevented Meite Adam, the interim director of the regional center in charge of campus management, from taking office at the University of Cocody. FESCI blocked the roads to the campus and threatened passers-by. The ministry of education transferred Adam's office to another location to prevent further showdowns with FESCI.

In late May FESCI threatened to attack private schools where professors taught while public institutions were on strike. Fearing violent reprisals, private institutions closed May 21–23. On May 21, members of FESCI ransacked the premises of Canadian University in retaliation for remaining open during the strike.

No action was taken against FESCI members responsible for similar incidents reported in previous years.

Unlike in previous years, FESCI members did not target the General Association of Students of Cote d'Ivoire, a rival student group founded in 2004 as an alternative form of student governance.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The law allows for freedom of assembly; however, the Government sometimes restricted this right in practice. Groups that wished to hold demonstrations or rallies in stadiums or other enclosed spaces were required by law to submit a written notice of their intent to the Ministry of Security or the Ministry of Interior 3 days before the proposed event. No law expressly authorizes the Government to ban public meetings or events for which advance notice has been given in the required manner, but the Government prohibited specific events deemed prejudicial to the public order. Even if authorization for an event was granted, the Government could later revoke it. In December 2006 President Gbagbo renewed a ban on all forms of outdoor public demonstrations in Abidjan. The ban had not been lifted at year's end.

Unlike in previous years, there were no reports that RDR members had difficulties associating freely, nor were there reports that security forces harassed and detained RDR members who tried to meet.

Police forcibly dispersed antigovernment demonstrations, which resulted in injuries.

On June 26, police used tear gas to disperse demonstrators protesting the Government's decision to compensate each of the families of the 16 deceased victims of the 2006 toxic waste poisoning approximately \$224,862 (100 million FCFA) of the \$224.9 million (100 billion CFA) paid to the Government by the company Trafigura in a settlement.

On June 15, members of the Anti-Terror Group militia destroyed property and attempted to disrupt a rally held by Minister of Solidarity and War Victims Louis Andre Dacourey Tabley to explain the Ouagadougou Political Agreement in the Yopougan district of Abidjan.

On September 17, CECOS wielded clubs and fired tear gas grenades to break up a demonstration in Abidjan by female vendors who were protesting the Government's lack of enforcement of price controls on food and housing. CECOS Commander Goue claimed that force was necessary to break up the demonstration because some protesters were throwing stones at police.

There were no developments in the 2006 cases in which police used force to disperse demonstrations on Giscard d'Estaing Boulevard, at the house of the late General Robert Guei, or in front of the headquarters of Radio Television Ivoirienne (RTI).

*Freedom of Association.*—The law provides for freedom of association, and the Government generally respected this right; however, the law prohibits the formation



of political parties along ethnic or religious lines, both of which were key factors in some parties' membership.

The GPP, which was banned in 2003, continued to exist but, unlike in the previous year, did not attack government installations and personnel.

*c. Freedom of Religion.*—The Constitution and law provide for freedom of religion, and the Government generally respected this right. However, after 2002 the Government targeted persons perceived to be perpetrators or supporters of the rebellion, many of whom were Muslim and from the north. Although the country's political conflict lay along ethnic rather than religious lines, political and religious affiliations tended to follow ethnic lines; consequently, some religious affiliation was an important marker of political alliance. Strong efforts by religious and civil society groups helped prevent the crisis from becoming a religious conflict. The targeting of Muslims suspected of rebel ties continued to diminish during the year.

In the past the Government informally favored the Catholic Church and consequently gave Catholic Church leaders a much stronger voice in government affairs than their Islamic counterparts. Such preferential treatment led to feelings of disenfranchisement among some Muslims. There was no state religion; however, for historical as well as ethnic reasons, government officials informally favored Christianity, in particular the Catholic Church. Catholic schools received government subsidies, and Catholic Church leaders had a stronger voice in government affairs than their Islamic counterparts, which resulted in feelings of disenfranchisement among some Muslims.

Some Muslims believed that their religious or ethnic affiliation made them targets of discrimination by the Government with regard to both employment and the renewal of national identity cards. As northern Muslims shared names, style of dress, and customs with several predominantly Muslim neighboring countries, they sometimes were accused wrongly of attempting to obtain nationality cards illegally to vote or otherwise take advantage of citizenship. This created a hardship for a disproportionate number of Muslim citizens.

The law requires religious groups desiring to operate in the country to register; however, registration was granted routinely.

*Societal Abuses and Discrimination.*—There were no reports of anti-Semitic acts. For a more detailed discussion, see the 2007 International Religious Freedom Report.

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution and law do not provide specifically for freedom of movement, foreign travel, emigration, or repatriation, and the Government restricted freedom of movement during the year. There were frequent restrictions on internal travel. A curfew remained in place, prohibiting citizens from entering and leaving Yamoussoukro and Abidjan city limits between 11:00 pm and 6:00 am. Security forces, local civilian "self-defense" committees, and water, forestry, and customs officials frequently erected and operated roadblocks on major roads, where they regularly extorted travelers and demanded that travelers produce identity and vehicle papers.

Unlike in previous years, there were no reports that police harassed opposition members at the airport and prevented foreigners from traveling overland between the north and the south.

Persons living under NF authority continued to face harassment and extortion when trying to travel between towns and to the government-controlled south, although this harassment diminished following the signing of the OPA and President Gbagbo's trips to the north in November and December. Local military authorities regularly sold passes required of travelers. Security and defense forces also victimized northerners when they tried to cross into the zone under government control. Beginning in February, government banks and financial services reopened their services to the public in Bouake, and government workers and retirees in the north were able to travel to Bouake to collect their wages and pensions. However, despite the announcement of redeployed government financial services in the west and the north, neither those services nor those of private banks had resumed by year's end. The cost of either paying one's way through the various barricades or hiring a money runner to do so was substantial. Government officials reported the roundtrip cost for citizens in the north to travel from Bouake and other cities to Yamoussoukro to cash paychecks to be between \$45 and \$67 (20,000 to 30,000 FCFA). A money courier or informal banking service cost either \$11 (5000 FCFA) or a flat percentage of the amount transferred.

The law specifically prohibits forced exile, and no persons were exiled forcibly during the year. Following the signing of an amnesty law in April, a number of persons returned from self-imposed exile due to death threats, including several members

of the RDR, members of other opposition parties, and senior army officers, such as Colonel Jules Yao Yao.

*Internally Displaced Persons (IDPs).*—There were large numbers of IDPs in the country as a result of the 2002 crisis. The U.N. Office for the Coordination of Humanitarian Affairs estimated that as many as 1 million persons were displaced at the beginning of the crisis, of whom perhaps half (300,000 Burkinabe, 150,000 Malians, and 50,000 Guineans) were foreign nationals. The most recent IDP data from the U.N. Population Fund (UNPFA) estimated the total number of IDPs in the country to be 709,000. More than 90 percent of IDPs lived with host families, and almost 70 percent were located in Abidjan. However, other humanitarian organizations and donors noted that these statistics included IDPs who maintained access to their government salaries even after their displacement.

During the crisis, progovernment and rebel forces did not generally target civilians, but ethnic conflict and fighting forced many persons to flee the zones of conflict, and others simply felt uncomfortable in the side of the divided country that they found themselves in initially. Roadblocks and toll collection points made it difficult for civilians to move in both sides of the country. These IDPs continued to place heavy burdens on host communities, especially given the prolonged nature of the crisis.

Since the signing of the OPA on March 4, important strides made toward peace promoted spontaneous and assisted returns of IDPs to their homes. The ZOC that separated the government-held south from the NF-held north was dismantled, replaced by a “Green Line.” The former ZOC in the west was patrolled by a mixed brigade of FANCI and NF forces. However, humanitarian assistance to support the IDP return process and to monitor their reintegration in villages and settlements near the cocoa/coffee plantations remained critical to its success.

Government assistance, especially in the north and west where civil servants and infrastructure were only partially in place, did not meet the needs of these IDPs. The Government reported that approximately 70 percent of civil servants had returned to work in these areas by year’s end. International and local NGOs were working to fill the gap.

The ministries of foreign affairs and solidarity and war victims worked closely with U.N. agencies on IDP issues. In January the Government established a consultative interministerial committee chaired by the Ministry of Solidarity and War Victims to coordinate humanitarian action and IDP protection. The ministry drafted an IDP return program, which was included in the OPA and in the crisis recovery program launched by the prime minister’s office in July. A more detailed version of this program was submitted to the interministerial committee for approval and funding, but it remained at the committee level and unimplemented at year’s end.

In February and March the IDP Protection Cluster, a working group led by the U.N. High Commission on Refugees (UNHRC), continued a survey of 11,390 heads of households to complement a 2005 UNFPA survey and to develop durable solutions for displaced communities. The extended survey found that 10.2 percent of the population surveyed did not possess identification documents.

The Ministry of Solidarity and War Victims also registered IDPs in Abidjan who wanted to return to their homes. By mid-year approximately 3,000 names were on the list. In December the ministry attempted to return several hundred willing IDPs from Abidjan to Bouake but was unable to provide any assistance beyond transportation. As a result, the majority of these IDPs returned to Abidjan within a few days after reaching Bouake. Some of these returnees staged a brief hunger strike to protest the Government’s lack of support for them in Bouake. During the year the ministry worked closely with international humanitarian partners to ensure that the country’s plans for IDP resettlement conformed to U.N. internal displacement guidelines.

During the year U.N. agencies and local authorities continued to facilitate the small-scale return of IDPs to several locations in the west of the country. An estimated 50,000 IDPs returned spontaneously and with the assistance of humanitarian organizations to their areas of origin. The displacement patterns often complicated the return of IDPs. At year’s end approximately 1,012 IDPs, mostly of Burkinabe origin, remained in the Guiglo Temporary Center for Assistance to Displaced People (CATD). These displaced Burkinabe and other settlers living in the Guiglo CATD said that their plantations around the western town of Blolequin, south of the ZOC, were being occupied by indigenous Guere populations, who themselves had been displaced from their land in the ZOC at the beginning of the crisis. The Government had not addressed this situation by year’s end.

The original displacement patterns often complicated the return of IDPs. For example, in April the prefect of Blolequin moved approximately 1,200 to 1,300 willing IDPs from Zou out of a protected forest area south of Blolequin where they had set-

tled after the war began. This facilitated move was intended to allow other IDPs to return to their home area. Since the move from the protected area, those IDPs were living with host families.

New population displacements continued on a regular basis in the western region, particularly in the area around Guiglo and in the former ZOC, although on a much smaller scale than had occurred in previous years. Persons who had settled on abandoned plantations during the crisis were themselves displaced by returning landowners. During the year confusion over land tenure caused significant tension in the region as ethnically different returning communities and those who were never displaced were required to negotiate a new and delicate balance of power. Although the origin of most disputes appeared to be economic, generally resulting from issues of land tenure and access to arable farmland, most of these conflicts also cut along ethnic lines. In October a joint delegation of several ministries determined during a trip to the western region of the country that degraded infrastructure and extreme poverty exacerbated tensions between returnees and host communities. The delegation identified the lack of road access to the region as one of the major obstacles to IDP returns.

*Protection of Refugees.*—The Constitution and law provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protections to refugees. The Government is signatory to the 1969 Organization of African Unity Convention Governing Specific Aspects of Refugee Problems in Africa, and the law provides for asylum status to be granted in accordance with this convention.

In practice the Government provided protection against “refoulement,” the return of persons to a country where there is reason to believe they feared persecution. The Government granted refugee status and asylum. The Government also cooperated with the UNHCR and other humanitarian organizations in assisting refugees and maintained an office charged with aiding refugees and other stateless persons.

The Government also provided temporary protection for individuals who may not qualify as refugees under the 1951 Convention/1967 protocol.

Individual security officers occasionally did not honor identity documents issued to refugees by the Government or by the UNHCR. There were fewer reports than in previous years that security forces destroyed refugees’ identity documents, arbitrarily detained, verbally harassed, and beat refugees at checkpoints; however, these abuses occurred. The identity card law includes a provision for identity cards to be issued to non-Liberian individuals over 14 years of age whose refugee status has been granted by the National Eligibility Commission. Liberians who arrived in the country before the 2003 peace agreement in Liberia benefited from prima facie (group determination) and received temporary refugee cards. Liberians who arrived in the country after the peace agreement did not receive temporary cards. Under certain circumstances, some asylum seekers who were not granted refugee status by the Government were provided refugee certificates by the UNHCR.

The Government began facilitating local integration for refugees in protracted situations. In December the National Office of Identification, together with the UNHCR and SAARA, the Ivorian Refugee and Stateless Persons Aid and Assistance Office, began a campaign to provide refugee identity cards to undocumented Liberian refugees. The identification cards provide the refugees legal residence and work rights for the duration of their refugee status. The Government also supported the Liberian Embassy in making Liberian consular cards available in 2008. Liberian nationals holding the consular cards agreed to forego their refugee status in exchange for the right to remain in the country as citizens of the Economic Community of West African States (ECOWAS), with corresponding residence and work rights. Refugees also had access to naturalization in the country.

The Government continued to assist the safe, voluntary return of refugees to their homes. More than 21,000 Liberian refugees returned to Liberia during the UNHCR’s 3-year voluntary repatriation operation, which ended June 30. Approximately 4,500 Liberian refugees returned during the year. A joint verification exercise conducted in August by the UNHCR and the Government found that 24,000 Liberian and 450 other refugees still remained in the country.

Unlike in the previous year, there were no reports that refugees were raped.

*Stateless Persons.*—In the absence of reliable data, the scale of statelessness in the country was unclear but thought to be in the thousands. The country had habitual residents who were either legally stateless or de facto stateless, and the Government had not effectively implemented laws and policies to provide such persons the opportunity to gain nationality on a nondiscriminatory basis. A series of public mo-

mobile court hearings (“audiences foraines”) was begun in September to facilitate the issuance of birth certificates to unregistered individuals over age 13.

Citizenship is derived from one’s parents rather than by birth within the country’s territory, and birth registration was not universal. During the initial phase of the audiences foraines project in 2006, these mobile courts cited a failure to prove parentage in rejecting approximately 16 percent of the cases processed, leaving these 560,000 persons potentially stateless unless they could prove themselves nationals of another country.

During the year the UNHCR worked with the ministries of justice and human rights and interior to raise awareness of statelessness and the need to distinguish between identification of citizens as part of the current electoral process and identification for the purpose of protecting individual legal and civil rights. UNHCR advocated for the implementation of long-term and generalized registration procedures rather than election-specific measures.

A law enacted in 1998 governing land use stipulates that only Ivorian citizens are permitted to own land in rural areas.

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

The Constitution and law provide for the right of citizens to change their government peacefully through democratic means. However, significant violence and irregularities marred the last presidential and legislative elections held in 2000.

*Elections and Political Participation.*—On March 4, President Gbagbo and NF rebel leader Guillaume Soro signed the OPA, which establishes a transitional government with Soro as prime minister and calls for presidential elections in 2008. Presidential and parliamentary elections previously scheduled for 2005 through U.N. resolutions were not held due to the lack of political reconciliation and progress in the disarmament, demobilization, and reintegration (DDR) program that did not begin until December 22.

The 2000 presidential elections followed several postponements and a controversial Supreme Court decision disqualifying 14 of the 19 candidates, including PDCI and RDR candidates. RDR leader Ouattara was excluded from running in the presidential and legislative elections following the Supreme Court’s ruling that he had not demonstrated conclusively that he was of Ivorian parentage. The court also disqualified former President Bedie, president of the PDCI party, because he did not submit the required medical certificate.

As a result of the Supreme Court rulings, most international election observers declined to monitor the election. Preliminary results showed that Gbagbo was leading by a significant margin. However, in 2000 an Interior Ministry and National Elections Commission (CNE) official announced that the CNE had been dissolved and declared General Guei the victor with 56 percent of the vote. Thousands of Gbagbo supporters protested, demanding a full vote count. Mass demonstrations resulted in numerous deaths and injuries; the next day, national radio and television reported that General Guei had stepped down and that Laurent Gbagbo had assumed the presidency.

The 2000 National Assembly election was marred by violence, irregularities, and a very low participation rate. In addition the election could not take place in 26 electoral districts in the north because RDR activists disrupted polling places, burned ballots, and threatened the security of election officials.

Following the legislative by-elections in 2001, 223 of the 225 seats of the National Assembly were filled: The FPI won 96 seats, the PDCI 94 seats, the Ivorian Worker’s Party four seats, very small parties two seats, independent candidates 22 seats, and the RDR five seats, in spite of its boycott of all of the legislative elections. The two seats from Kong, where Ouattara planned to run, remained unfilled as the RDR, the only party running in that electoral district, boycotted the elections.

Citizens’ ability to elect subnational governments was limited.

With the signing of the OPA, the country began to take steps toward reconciliation. President Gbagbo remained in office despite the expiration of his term in October 2005. On March 29, NF Secretary General Guillaume Soro was appointed prime minister. In July civil administrators began to return to the north; by year’s end, nearly 70 percent of the civil administration was in place throughout the country. In September the Government initiated the nationwide public mobile identity hearings to issue birth certificates to unregistered citizens and noncitizens over age 13. The birth certificates were intended to be used to register to vote. In addition, the OPA permits those on the registered voters list from 2000 to register to vote in the upcoming elections.

In 2003 the political parties signed the French-brokered Linas-Marcoussis Accord (Marcoussis Accord), agreeing to a power-sharing government with rebel representa-

tives. The Government made little progress on the implementation of the Marcoussis Accord, and in 2004 the NF suspended its participation in the DDR program. On December 22, the Government and NF launched a DDR program.

There were no developments in the December 2006 demonstrations by youth members of the opposition that resulted in the deaths of three members of the opposition and injuries to several members of the security forces.

Women held 19 of 225 seats in the last elected National Assembly, which was suspended at the end of 2005. The first vice president of the National Assembly was a woman. Women held four of the 33 ministerial positions in Prime Minister Soro's cabinet. Of the 41 Supreme Court justices, four were women. Henriette Dagri Diabate served as secretary general of the RDR, the party's second ranking position.

In the last elected National Assembly, 44 out of 223 members of Parliament were Muslim.

*Government Corruption and Transparency.*—Government corruption and lack of transparency remained serious problems during the year. It was common for judges open to bribery to distort the merits of a case. Judges reportedly accepted bribes in the form of money and sexual favors. Corruption had the greatest impact on judicial proceedings, contract awards, customs and tax issues, and accountability of the security forces.

In March the Ministry of Good Governance created in September 2006 by then-prime minister Charles Konan Banny was returned to its previous designation as a governmental agency below cabinet level when Prime Minister Soro came to office.

In April former police officer Zie Guillaume was acquitted for lack of evidence of attempting to bribe the minister of security in August 2006 with \$240,000 (117 million FCFA) after allegedly attempting to enroll Police Academy candidates who had not completed the required exam.

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

A number of domestic and international human rights groups, including the Ivorian League for Human Rights (LIDHO) and the Ivorian Movement for Human Rights (MIDH), generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views. The Government occasionally met with some of these groups.

During the year UNOCI, LIDHO, MIDH, Action for the Defense of Human Rights, and other human rights groups gathered evidence and testimony, published in independent local daily newspapers, and often criticized government security forces.

Unlike in the previous year, members of MIDH did not receive death threats from progovernment groups. However, FESCI continued to threaten and harass human rights groups. For example, on May 21, FESCI members vandalized and nearly destroyed the Abidjan headquarters of LIDHO and the Association for the Protection of Human Rights in retaliation for the organizations' support for striking university teachers.

Progovernment militia groups continued to target and harass UNOCI. For example, on September 25, 50 members of a former militia group, the Union for the Resistance of the Great West (URPGO), invaded a UNOCI camp in Duekoue. The militia members claimed that they had not received the money promised them by the Government for disbanding and threatened to obstruct the public identification hearings scheduled to begin in the region. No injuries were reported in the attack, and the police intervened to disperse the crowd.

No investigations were conducted into incidents from previous years of threats and harassment of MIDH members.

Progovernment militia, unhindered by government security forces, blocked U.N. and French peacekeeping forces from conducting activities in government-controlled areas, although there were fewer such reports than in the previous year. For example, on January 12, progovernment demonstrators from the Young Patriots group attacked and vandalized a U.N. vehicle carrying U.N. soldiers in the Yopougon district of Abidjan.

There were no developments in the January 2006 attacks against the International Working Group during which progovernment demonstrators attacked vehicles belonging to Prime Minister Banny, a French Embassy official, and the U.N.

During the year the Government regularly permitted the World Food Program (WFP), the ICRC, and other international organizations to conduct humanitarian operations. Eleven U.N. agencies, including the International Labor Organization (ILO) and the World Health Organization, were resident and active throughout the year. Unlike in the previous year, there were no reports that the Government restricted their access to certain areas deemed sensitive or denigrated their work.

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

The law prohibits discrimination based on race, ethnicity, national origin, sex, or religion; however, the Government did not effectively enforce the law.

*Women.*—The law prohibits rape and provides for prison terms of 5 to 10 years, and the Government enforced this law. Claims were most frequently brought against child rapists. A life sentence can be imposed in cases of gang rape if the rapists are related to or hold positions of authority over the victim or if the victim is under 15 years of age. The law does not specifically penalize spousal rape. Rape was a problem, although its extent was unknown because the Government did not collect statistics on rape or other physical abuse of women. Women's advocacy groups continued to protest the indifference of authorities to female victims of violence; however, women who reported rape or domestic violence to the police were often ignored. Many female victims were convinced by their relatives and police to seek an amicable resolution with the rapist rather than pursue a legal case. The Ministry of Family and Social Affairs, the Association of Women Lawyers, and MIDH continued to seek justice on behalf of rape victims but did not handle many cases during the year because of the reluctance of victims to file formal complaints. During the year the MIDH continued a project called SOS Rape that began in 2005 to provide rape victims with legal, social, psychological, and medical assistance.

The law does not define domestic violence, which continued to be a serious problem throughout the country. Female victims of domestic violence suffered severe social stigma and, as a result, often did not report or discuss domestic violence. The courts and police viewed domestic violence as a problem to be addressed within the family unless serious bodily harm was inflicted or the victim lodged a complaint, in which case criminal proceedings could be initiated. However, a victim's own parents often urged withdrawal of a complaint because of the effect of social stigma on the family.

During the year the Ministry of Family and Social Affairs continued to provide limited assistance to victims of domestic violence and rape. The ministry's support included providing government-run counseling centers with computers, printers, and other equipment for record-keeping and visiting a few victims in their homes to attempt to reconcile troubled couples and to remove domestic servants from homes in which they had been sexually abused. There were four counseling centers in Abidjan, and the Ministry of Family and Social Affairs opened new counseling centers in Yamoussoukro, Bouafle, Daloa, Duekoue, and Tabou during the year. In 2005–06 the centers assisted approximately 547 victims of violence. The lack of women's shelters impeded the ministry from removing victims from abusive homes.

The National Committee in Charge of Fighting against Violence against Women and Children, under the Ministry of Family and Social Affairs, maintained a hot line for abused women, helped provide shelters for victims of abuse, and counseled abusive husbands. The committee also monitored abusive situations through frequent home visits. Young girls who feared becoming victims of abuse, FGM, or forced marriage could appeal to the committee, which arranged for shelter in facilities run by the Government or NGOs. The committee often stopped abuse by threatening legal action against offending parents or husbands. With the assistance of the IRC, the committee trained 100 religious leaders in Divo and Abidjan to identify the various forms of violence against women and children and to assist the victims.

Prostitution is legal between consenting adults in private, and the practice appeared to be increasing due to economic conditions. Soliciting and pandering are illegal, and the police sometimes enforced the law. Women from nearby countries sometimes were trafficked into the country, including for forced prostitution.

The law prohibits sexual harassment; however, such harassment was widespread and routinely accepted as a cultural norm. The penalties for sexual harassment are between 1 and 3 years' imprisonment and a fine ranging between \$810 and \$2,250 (360,000 and 1 million CFA). The Government did not initiate any investigations or prosecutions during the year.

The law prohibits discrimination on the basis of gender; however, women occupied a subordinate role in society. Government policy encouraged full participation by women in social and economic life; however, there was considerable resistance among employers in the formal sector to hiring women, who were considered less dependable because of their potential for pregnancy. Some women also encountered difficulty in obtaining loans, as they could not meet the lending criteria established by banks, such as a title to a house and production of a profitable cash crop. NGOs supervised efforts to create economic cooperatives to provide poor women access to small loans from the Government or private microfinance banks. Women in the formal sector usually were paid at the same rate as men; however, because the tax code did not recognize women as heads of households, female workers were required

to pay income tax at a higher rate than their male counterparts. Women's organizations continued to campaign for tax reform to enable single mothers whose children have been recognized by their fathers to receive deductions for their children. Inheritance law also discriminated against women.

Women's advocacy organizations continued to sponsor campaigns against forced marriage, marriage of minors, patterns of inheritance that excluded women, and other practices considered harmful to women and girls. Women's organizations also campaigned against the legal provisions that discriminated against women. The Coalition of Women Leaders continued its efforts to promote greater participation of women in political decision-making and in presenting themselves as candidates in legislative and municipal elections.

*Children.*—The law provides parents a 3-month period to register their child's birth for a fee of approximately \$1.13 (500 CFA).

The Ministries of Public Health and of Labor, Public Administration, and Social Security sought to safeguard the welfare of children, and the Government also encouraged the formation of NGOs to promote children's interests, such as the National Organization for Children and Family.

Primary education was not compulsory and usually ended when children reached 13 years of age; however, it was tuition-free. In principle students did not have to pay for books or fees; however, some still did so or rented books from stalls on the street because the Government did not provide for school fees and books for every school. Ministry of Education statistics for the 2005–06 school year indicated a schooling rate of 55 percent, with 59 percent of boys and 51 percent of girls attending school.

During the year the schooling rate improved but remained lower in the zone controlled by the NF. Progress in the peace process allowed the reopening of schools that were closed, the redeployment of teachers, and the return of displaced families to the north. According to the NGO *Ecole pour Tous*, the lower enrollment rate was due both to lack of government teachers working in NF-controlled zones and to the migration of families out of these areas.

The WFP continued to work with the Government to establish a countrywide system of school canteens that provided subsidized lunches for \$.05 (25 FCFA).

Students who failed secondary school entrance exams did not qualify for free secondary education, and many families could not afford to pay for schooling. Parental preference for educating boys rather than girls persisted, particularly in rural areas. The minister of national education stated in 2005 that almost one-third of the female primary and secondary school dropout rate of 66 percent was attributable to student pregnancies.

Teachers sometimes gave good grades and money to students in exchange for sexual favors. The penalty for statutory rape or attempted rape of a child under the age of 16 was a prison sentence of 1 to 3 years and a fine of \$225 to \$2,250 (100,000 to 1 million FCFA), but there were no arrests or convictions under this law during the year.

The Ministry of Health and Public Hygiene continued to operate a nationwide network of clinics for children, infants, and prenatal care staffed with nurses and doctors who served the local residents, whether citizens or noncitizens, free or at low cost; however, many doctors and nurses left the zones under control of the NF after 2002. During the year many of the health care professionals who had left the NF zones returned to their posts. Girls and boys had equal access to health care.

A 2004 NGO survey of 500 schoolchildren in Abidjan and its suburbs found that 27 percent of children had been victims of sexual abuse; 74 percent of the victims were girls and 26 percent boys. Approximately 33 percent had been raped, 15 percent had been the victims of attempted rape; 42 percent had been fondled, and 11 percent were victims of sexual harassment. When the sexual abuse occurred in the family, 54 percent of the assailants were male cousins, 11 percent were female cousins, 5 percent were guardians, and 3 percent were brothers and sisters.

FGM was a serious problem. The law specifically forbids FGM and provides penalties for practitioners of up to 5 years' imprisonment and fines of approximately \$720 to \$4,000 (360,000 to 2 million FCFA). Double penalties apply to medical practitioners. An estimated 60 percent of women had undergone the procedure. FGM was practiced most frequently among rural populations in the north and west and to a lesser extent in the center and south. FGM usually was performed on girls before or at puberty as a rite of passage, with techniques and hygiene that did not meet modern medical standards. Local NGOs, such as the Djigui Foundation, Animation Rurale de Korhogo, and the National Organization for Child, Woman, and Family, established public awareness programs to prevent FGM and continued to work to persuade FGM practitioners to turn in their instruments. Unlike in the previous year, no arrests related to FGM were made.

There were no developments in the March 2006 case in which the NF arrested and later released without charge a mother and the FGM practitioners who had conducted the surgery on the woman's 3-year-old daughter, who later required medical attention.

The law prohibits and provides criminal penalties for forced or early marriage; however, it occurred throughout the country, particularly in rural areas. The law prohibits the marriage of men under the age of 20, women under the age of 18, and persons under the age of 21 without the consent of their parents. However, in conservative communities—particularly those in the north—traditional marriages were commonly performed with girls as young as 14. The law specifically penalizes anyone who forces a minor under 18 years of age to enter a religious or customary matrimonial union. There is no data on child marriage because these marriages are formalized in traditional ceremonies rather than through legal registration.

Unlike in previous years, there were no reports that progovernment militias and rebel forces recruited and used children as soldiers on either a voluntary or a forced basis.

There were many thousands of children living on the streets, including approximately 5,000 in Abidjan; even NGOs dedicated to the problem found it difficult to estimate its extent. Some children were employed as domestics and were subject to sexual abuse, harassment, and other mistreatment by their employers. Because of the political-military crisis, many families, including displaced families, relied on their children to work as street vendors. Many street children were reluctant to stay in training centers operated by NGOs, where they earned no money and were subject to strict discipline.

*Trafficking in Persons.*—The Constitution and law do not prohibit trafficking in persons, and, although the Government continued its antitrafficking efforts, trafficking in persons remained a problem.

The country was a source and destination country for trafficking in women and children. Women and children were trafficked from Mali, Burkina Faso, Ghana, Togo, and Benin for the purposes of sexual exploitation and forced commercial, agricultural, and domestic servitude. The full extent and nature of the problem was unknown despite efforts to document the trafficking of persons in the country. There was no reliable estimate on the number of children intercepted or repatriated during the year. Trafficking in persons appeared to decrease during the year due to increased police checkpoints and fewer economic opportunities in the country.

The country's cities and farms provided ample opportunities for traffickers to find potential victims, especially children and women. The informal labor sectors were not regulated under existing labor laws; as a result, domestics, most nonindustrial farm laborers, and those who worked in the country's broad range of street shops and restaurants remained outside formal government protection. Internal trafficking of girls ages 9 to 15 to work as household domestics in Abidjan and elsewhere in the more prosperous south remained a problem. Traffickers of local children often were relatives or friends of the victim's parents. Traffickers sometimes promised parents that the children would learn a trade, but they often ended up on the streets as vendors or working as domestic servants. Due to the economic crisis, many parents allowed their children to be exploited to minimize the financial burden on the family. Because security forces were trained to search buses for trafficked children, traffickers continued to adapt their methods, such as by relocating a small number of children at a time by bicycle or train or on foot rather than moving large groups of children into the country by bus.

Women principally were trafficked to the country from Nigeria and Ghana. A local NGO estimated in 2006 that 58 percent of the female prostitutes in Abidjan were citizens of other countries. Organized trafficking rings promised Nigerian women and girls that they would have jobs in restaurants and beauty salons in Abidjan; however, many of these victims ended up in brothels.

Women and children were trafficked from the country to African, European, and Middle Eastern countries for sexual exploitation and agricultural and domestic labor.

The regular trafficking of children into the country from neighboring countries to work in the informal sector in exchange for finder's fees generally was accepted. Children were trafficked into the country from Mali, Burkina Faso, Ghana, Togo, Benin, and Mauritania for indentured or domestic servitude, farm labor, and sexual exploitation.

The controversy over child labor in the local cocoa sector continued, and the Government, the ILO, the Institute of Tropical Agriculture, and the international chocolate industry continued to document the problem and search for ways to handle the issue. A 2002 survey conducted by the International Institute of Tropical Agriculture revealed that most children in the cocoa sector worked on the family farm



(approximately 70 percent) or beside their parents. Of the 625,000 working children, 96.7 percent had a kinship relation to the farmer. Others, most frequently the children of extended family members or persons well known to them, cited their or their family's agreement to leave their respective countries to work on farms in the country to earn money or to pursue a better life.

The 2002 research suggested that perhaps 5,000 to 10,000 children were trafficked to or within the country to work full- or part-time in the cocoa sector. It also showed an estimated 5,100 children employed as full-time permanent workers, approximately 3,000 of whom were from Burkina Faso. The survey found another 12,000 children working part-time on cocoa farms who had no family ties with the farmer. The research also showed that approximately 109,000 child laborers worked in hazardous conditions on cocoa farms in the country in the worst forms of child labor. During the year the Government's interministerial task force issued a preliminary report on child labor in the cocoa sector that confirmed these findings and reported that 97 percent of children working in cocoa fields were the children, grandchildren, or other close relatives of the farmer or operator. The task force's preliminary report generally affirmed the conclusions of the 2002 study. The newer study found that 22 percent of children living in cocoa-growing regions were engaged in cocoa farming and that a substantial majority of such children (87 percent) were engaged in at least one form of the worst forms of child labor as defined by ILO Convention 182. Eighty-four percent of children working in cocoa, for example, carried loads that were considered too heavy for them. The 2002 studies estimated that 59 percent were from Burkina Faso, 24 percent were citizens, and the others were from Mali or other countries to the north. Compared to previous years, there were significantly fewer reports of children from neighboring countries being imported for fieldwork on plantations under abusive conditions.

Traffickers can be prosecuted under laws prohibiting kidnapping, forced labor, and mistreatment; however, there was minimal law enforcement in government-held territories, and only four traffickers were arrested, prosecuted, and sentenced to prison terms during the year. An additional 17 traffickers were arrested and placed into the custody of local or their home country's law enforcement authorities. For example, in September a Nigerian couple was arrested, tried, and sentenced to 1 year in prison for trafficking six minor girls from Nigeria for sexual exploitation. With the assistance of UNOCI and the International Organization for Migration (IOM), the National Committee for the Fight against Violence against Women repatriated the girls to Nigeria.

The Government cooperated with international investigations of trafficking. In February the local police, Interpol, and the IOM worked together to rescue 25 Filipino women who had been trafficked to the country to be sexually exploited. The Government's cooperation led to the arrest and sentencing of the traffickers as well as the voluntary repatriation of four of the victims.

The National Committee for the Fight Against Trafficking and Child Exploitation was created in July 2006 to coordinate the Government's implementation of the multilateral cooperative agreement signed in 2005 by 10 West African Countries. The committee, which met at least three times during the year, coordinated the Government's antitrafficking efforts and included representatives from the ministries of family and social affairs, security, labor, foreign affairs, economy and finance, and health and public hygiene. In February the committee finalized standard operating procedures for NGOs, security forces, and government institutions aiding trafficked children. During the year the Government continued to establish village-level watch committees in the south and northeast of the country as part of the child trafficking monitoring system component of the agreement. Members of the committee reported, however, that it lacked sufficient resources—such as vehicles to visit the field—to be effective.

The Government worked with NGOs and international organizations to combat trafficking in persons. The National Committee for the Fight Against Child Trafficking continued its work during the year and included representatives from numerous government ministries; representatives from several national and international organizations and NGOs, such as UNICEF, the ILO, Save the Children, the International Cocoa Foundation, the German Cooperation Agency, the Network of African Women Ministers and Parliamentarians-Cote d'Ivoire (REFAMP-CI); and the BICE. The development agencies of two foreign governments, in cooperation with NGOs, industry-sponsored consortiums, and the Ministry of Labor continued a campaign against the worst forms of child labor in cocoa-growing belts.

*Persons with Disabilities.*—The law requires the Government to educate and train persons with physical, mental, visual, auditory, and cerebral motor disabilities, to hire them or help them find jobs, to design houses and public facilities for wheelchair access, and to adapt machines, tools, and work spaces for access and use by

persons with disabilities; however, wheelchair accessible facilities for persons with disabilities were not common, and there were few training and job assistance programs for persons with disabilities. The law also prohibits acts of violence against persons with disabilities and the abandonment of such persons; however, there were no reports that the Government enforced these laws during the year.

On September 4, several protesters were injured when police used excessive force to disrupt a demonstration by members of the National Federation of the Handicapped of Cote d'Ivoire (FAH-CI) in front of the Ministry of Family and Social Affairs. The group assembled to protest the Government's failure to recruit persons with disabilities into the civil service and to pay the state subsidy allocated to persons with disabilities.

Adults with disabilities were not specific targets of abuse, but they encountered serious discrimination in employment and education. Although the Government had a program to recruit persons with disabilities for government service, FAH-CI announced in December 2006 that only 435 persons with disabilities had been recruited into the civil service since the program began. The Government financially supported special schools, associations, and artisans' cooperatives for persons with disabilities, but many persons with physical disabilities begged on urban streets and in commercial zones for lack of other economic opportunities. Persons with mental disabilities often lived on the street.

The Ministry of Family and Social Affairs and the Federation of the Handicapped were responsible for protecting the rights of persons with disabilities.

*National/Racial/Ethnic Minorities.*—The country's population was ethnically diverse, and all ethnic groups sometimes practiced societal discrimination on the basis of ethnicity. At least one-quarter of the population was foreign. Outdated or inadequate land ownership laws resulted in conflicts with ethnic and xenophobic overtones.

National identification remained at the heart of efforts to resolve the ongoing political crisis. Between 300,000 and 3 million persons were believed to be undocumented Ivorians and therefore unable to participate fully in Ivorian politics and society. In the OPA the Government and the NF agreed to allow the mobile courts to issue birth certificates that indicate the nationality of a person's parents. The hearings to establish identity were launched on September 25 and continued at year's end.

Some resident ethnic groups included many noncitizens, while others included few noncitizens. Members of northern ethnic groups that were represented domestically and in neighboring countries often were required to document their citizenship.

Police routinely abused and harassed noncitizen Africans residing in the country. Harassment by officials reflected the common belief that foreigners were responsible for high crime rates and instances of identity card fraud. Harassment of northerners, which increased markedly after the 2002 rebellion, continued to decline from the previous year.

The French and the Burkinabe continued to minimize their public exposure to protect themselves from harassment by security forces at checkpoints. Unlike in the previous year, there were no reports of harassment of French citizens. There were reports during the year that some harassment shifted to Lebanese merchants.

There were reported clashes, usually over land tenure, between the native Guere populations and other groups. For example, on May 30, three Guineans near Duekoue were killed by three persons believed to be Ivorian following a land dispute between the native Guere and the nonnatives.

Unlike in the previous year, there were no reports of ethnic tensions in Alepe. However, ethnic tensions in the west and southwest continued to lead to violence. In the west, and in Duekoue and Bangolo in particular, there continued to be violent clashes between the native We population and members of the foreign community, particularly Burkinabe farmers.

On August 30, 11 persons were convicted and sentenced to 20 years in prison for conducting the 2005 attack in which 145 people were killed in the villages of Petit Duekoue and Guitrozon in a dispute over land rights. The 10 other persons charged in the massacre were acquitted.

On January 21, a group of ethnic Bete youth in the village of Zaguiguia beat to death businessman Sangare Adama, whose body was found in a well. A criminal investigation was ongoing at year's end.

*Other Societal Abuses and Discrimination.*—The law did not provide for the protection of homosexuals or persons living with HIV/AIDS from societal and other forms of discrimination. Societal stigmatization of these groups was widespread, and the Government did not act to counter it during the year.

*Incitement to Acts of Discrimination.*—Unlike in previous years, progovernment newspapers, militias, and youth groups did not use the media to promote hatred against northerners, the French, or foreigners. Charles Ble Goude, leader of the Young Patriots, used less violent rhetoric after sanctions were imposed on him in February 2006 and he and other youth leaders promoted national reconciliation during the year.

*Section 6. Worker Rights*

*a. The Right of Association.*—The law allows all citizens, except members of the police and military services, to form or join unions of their choice without excessive requirements, and workers exercised these rights in practice.

Only a small percentage of the workforce was organized, and most laborers worked in the informal sector, which included small farms, small roadside and street side shops, and urban workshops. However, large industrial farms and some trades were organized, and there was an agricultural workers union. Of the 15 percent of workers in the formal sector, approximately 60 percent were unionized.

The law does not prohibit antiunion discrimination by employers or others against union members or organizers.

*b. The Right to Organize and Bargain Collectively.*—The law allows unions in the formal sector, which comprised approximately 1.5 million workers or 15 percent of the workforce, to conduct their activities without interference, and the Government protected this right in practice. The law provides for collective bargaining and grants all citizens, except members of the police and military services, the right to bargain collectively. Collective bargaining agreements were in effect in many major business enterprises and sectors of the civil service. The law provides for the right to strike, and workers generally exercised this right. During 2006 and 2007, paramedics, physicians, and teachers at the primary, secondary and university levels conducted strikes for a variety of grievances. However, the law requires a protracted series of negotiations and a 6-day notification period before a strike may take place, making legal strikes difficult to organize and maintain.

In September doctors began a nationwide, indefinite strike protesting a court decision to appoint an acting manager as the head of their union. On September 18, the Government designated the strike illegal and unjustified and instructed the Ministry of Labor to take the necessary steps to penalize the doctors. The Government also announced that strikes would not be tolerated and that illegal strikes would be sanctioned and prosecuted, depending on the effect on the public. The Government stated that it would no longer tolerate any strike or disruption of work likely to jeopardize the peace process.

On February 19, police arrested 5 secondary school teachers for inciting teachers to revolt and creating an unlawful association. The teachers were held in police custody for 12 days. After being questioned by the public prosecutor and jailed at MACA for another 2 weeks, the teachers were released without charge.

There were no developments related to the August 2006 strike by the medical corps of the Cocody University Teaching Hospital after a gendarme used his gun to threaten the hospital staff.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children, and the Government made efforts to enforce the law during the year. However, there were reports such practices occurred.

Instances of forced labor occur in the informal labor sectors which were not regulated under existing labor laws. Thus, domestics, most nonindustrial farm laborers, and those who worked in the country's broad range of street shops and restaurants remained outside formal government protection.

Compulsory labor by children occurred.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—There were laws against forced labor and the exploitation of children in the workplace; however, child labor remained a problem. In most instances the legal minimum working age is 14; however, the Ministry of Civil Service, Employment, and Administrative Reform enforced this provision effectively only in the civil service and in large multinational companies. The law limits the hours worked by young workers, defined as those younger than 18. However, children often worked on family farms, and some children routinely acted as vendors, shoe shiners, errand boys, domestic helpers, street restaurant vendors, and car washers and washers in the informal sector in cities. Some girls as young as 9 began work as domestics, often within their extended family networks. There were reliable reports of children laboring in "sweatshop" conditions in small workshops. Children also worked in hazardous conditions in family-operated, small-scale gold and diamond mines.

Children continued to work under hazardous conditions on cocoa farms. During the year the Government published a preliminary diagnostic plan that found that 22 percent of children in a test area within the cocoa-growing regions were involved in cocoa production, and a majority of them (over 80 percent) were subjected to at least one form of the worst forms of child labor, overwhelmingly carrying heavy loads. Other studies showed that children engaged in a number of tasks that were likely to harm their health and safety, including clearing fields, applying pesticides, carrying heavy loads, and using machetes. While a small percentage of the children working on cocoa farms had no family ties to the farmers, the vast majority worked on family farms or with their parents.

During the year government militias and rebels continued to use child soldiers; however, there were no reports during the year that either group recruited new child soldiers.

The Ministry of Labor is responsible for enforcing child labor laws and made progress during the year to address the worst forms of child labor. While enforcement of child labor laws continued to be hindered by financial constraints and other factors, there were indications that government efforts, along with those of its international partners, had a positive effect towards decreasing the worst forms of child labor.

The Ministry of Labor and the prime minister's Child Labor Task Force supported and collaborated with NGOs and international partners to combat the worst forms of child labor. The Government applied lessons learned from its 2004 pilot program addressing child labor in the cocoa industry to extend the program to three additional regions: Agnibilekro (East), Soubre (West), and Tiassale (South). In September the Council of Ministers adopted a National Action Plan on Trafficking and Child Labor, and in April experts validated a bill relating to the Prohibition of Child Trafficking and the Worst Forms of Child Labor. The Ministry of Labor, the Child Labor Task Force, and other government ministries worked to implement a national action plan to combat the worst forms of child labor. The Ministry of Family and Social Affairs continued to conduct awareness campaigns targeting children at risk and agricultural regions that employ child labor, working in coordination with several international NGOs. The Government did not undertake child labor inspections due to lack of funding.

During the year NGOs conducted ongoing campaigns to sensitize farm families about child labor based on the list developed by the Government of prohibited worst forms of child labor.

The Association of Domestic Worker Placement in Cote d'Ivoire worked to prevent the exploitation of children in domestic work. Other NGOs campaigned against child trafficking, child labor, and the sexual abuse of children.

*e. Acceptable Conditions of Work.*—Minimum wages varied according to occupation, with the lowest set at approximately \$78 (36,607 FCFA) per month for the industrial sector; this wage did not provide a decent standard of living for a worker and family. A slightly higher minimum wage rate applied for construction workers. The Government enforced the minimum wage rates only for salaried workers employed by the Government or registered with the social security office.

Labor federations attempted to fight for just treatment under the law for workers when companies failed to meet minimum salary requirements or discriminated among classes of workers, such as local and foreign workers. For example, in 2006 the sanitary services company Ash International, which went out of business during the year, paid wages as low as \$27 (12,000 FCFA) per month to female employees who swept the streets of Abidjan. According to their labor federation, labor inspectors ignored this violation of the law.

The shipbuilding company Carena continued to discriminate between European engineers, who were paid on average \$17,985 (8 million FCFA) a month, and their African colleagues, who received approximately \$1,798 (800,000 FCFA) a month. Government labor and employment authorities did not take action in these cases.

The standard legal workweek was 40 hours. The law requires overtime pay for additional hours and provides for at least one 24-hour rest period per week. The law did not prohibit compulsory overtime. The Government did not actively enforce the law during the year.

The law provides for occupational safety and health standards in the formal sector; however, in the large informal sector of the economy, the Government enforced occupational health and safety regulations erratically, if at all. Labor inspectors frequently accepted bribes. Workers in the formal sector have the right to remove themselves from dangerous work without jeopardy to continued employment by utilizing the Ministry of Labor's inspection system to document dangerous working conditions. However, workers in both the formal and informal sectors could not absent themselves from such labor without risking the loss of their employment.

Several million foreign workers, mostly from neighboring countries, typically worked in the informal labor sector, where labor laws were not enforced.

## DJIBOUTI

Djibouti is a republic with a strong elected president and a weak legislature. It has an estimated population of 660,000. In 2005 President Ismail Omar Guelleh won reelection unopposed amidst an opposition party boycott. International observers considered the election to be generally free and fair. The civilian authorities generally maintained effective control of the security forces.

The Government's human rights record remained poor although there were improvements. Problems included abuse of detainees; harsh prison conditions; corruption; official impunity; arbitrary arrest and detention; prolonged pretrial detention; interference with privacy rights and restrictions on freedom of the press, assembly, and association. Other abuses included female genital mutilation (FGM), discrimination on the basis of ethnicity and nationality, and restrictions on unions.

During the year regional council members—who were elected in the first-ever regional elections in 2006—took office and began working with government officials to implement decentralization. Prison conditions improved with the construction of new facilities, and the Government also publicized women's rights and supported a new center to protect women at risk from abuse.

### RESPECT FOR HUMAN RIGHTS

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

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

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution and the law prohibit such practices; however, there continued to be reports that police and gendarmes beat detainees.

Members of police vice squads continued to detain suspected prostitutes on the streets, and some were reportedly raped as a precondition for release.

*Prison and Detention Center Conditions.*—Prison conditions improved; additional buildings were constructed to alleviate overcrowding. Access to sanitary facilities and water for washing improved. Conditions at Nagad detention center, where foreigners were held prior to deportation, also improved. Detainees had access to water, food, and medical treatment. Most detainees were deported within 24 hours of arrest.

Unlike in previous years, juveniles were held separately from adult prisoners. Children under the age of 5 were allowed to stay with their mothers.

The Government granted prison access to the International Committee of the Red Cross (ICRC) for annual inspections.

*d. Arbitrary Arrest or Detention.*—The law prohibits arbitrary arrest and detention; however, the Government did not uniformly respect these prohibitions.

*Role of the Police and Security Apparatus.*—Security forces include the national police Force (FNP) under the Ministry of Interior, the army, the Gendarmerie Nationale under the Ministry of Defense, and an elite Republican Guard which protects the president. The FNP is responsible for internal security, border control, and prisons. The Gendarmerie Nationale is responsible for external security but also has some domestic responsibilities.

Police were generally effective; however there were reports of corruption, particularly in the lower ranks where wages were low. Official impunity was a problem. There were no mechanisms available to investigate and resolve claims of police abuse.

*Arrest and Detention.*—The law requires arrest warrants and stipulates that the Government may not detain a person beyond 48 hours without an examining magistrate's formal charge; however, the law was not always enforced in practice. Detainees may be held another 24 hours with the prior approval of the public prosecutor. All persons, including those accused of political or national security offenses, must be tried within 8 months of arraignment. The law also provides for bail and expeditious trial; however, police occasionally disregarded these procedures. Detainees have the right to prompt access to an attorney of their choice; in criminal cases the state provides attorneys for detainees without legal representation. Lengthy pretrial detention was a problem; however, no statistics were available.

*e. Denial of Fair Public Trial.*—The Constitution and law provide for an independent judiciary; however, in practice the judiciary was not independent of the executive. Constitutional provisions for a fair trial were not universally respected. The judiciary was subject to inefficiency and corruption. A government audit of the judicial function resulted in the dismissal of two magistrates for corruption in March.

The judiciary is based on the French Napoleonic code and is composed of a lower court, an appeals court, and a Supreme Court. The Supreme Court may overrule lower court decisions. Magistrates are appointed for life terms. The Constitutional Council rules on the constitutionality of laws including those related to the protection of human rights and civil liberties; however, its rulings did not always adequately protect these rights.

The legal system is based on legislation and executive decrees, French codified law adopted at independence, Islamic law (Shari'a), and nomadic traditions. Urban crime was dealt with in the regular courts in accordance with French-inspired law and judicial practice. Civil actions may be brought in regular or traditional courts. The Family Code governs the majority of cases pertaining to family and personal matters including marriage, divorce, child custody, and inheritance. Issues that fall under the Family Code are brought to civil court.

*Trial Procedures.*—Trials generally were public, but in politically sensitive cases, security measures limited but did not prevent public access. Legal counsel was supposed to be available to the indigent in criminal and civil matters, but defendants often did not have legal representation. The law states the accused is innocent until proven guilty; however, defendants were not always presumed innocent. A presiding judge and two accompanying judges heard court cases. The latter received assistance from two lay assessors who were not members of the bench but who were considered to possess sufficient legal knowledge to comprehend court proceedings. The Government chose lay assessors from the public, but reports indicated that political and ethnic affiliations played a role in the selection. Defendants have the right to be present, confront witnesses, have access to government-held evidence, and have a right of appeal.

Traditional law often applied in conflict resolution and victim compensation. For example, traditional law often stipulated that a price be paid to the victim's clan for crimes such as murder and rape.

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

*Civil Judicial Procedures and Remedies.*—A civil court deals with all matters related to the Civil Code. Citizens do have access to the courts in cases of civil rights violations. There is arbitration of civil disputes if the parties agree. In rural areas traditional courts resolve many civil disputes. An administrative law chamber exists but does not function, and such matters are resolved in civil court. Court decisions are not always enforced.

*f. Arbitrary Interference with Privacy Family Home or Correspondence.*—The Constitution and the law prohibit such actions; however, the Government did not respect these prohibitions in practice. The law requires that authorities obtain a warrant before conducting searches on private property, but the Government did not always respect the law in practice. According to government opponents, the Government monitored their communications and sometimes cut telephone or electricity service.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution and the law provide for freedom of speech and of the press; however, the Government did not respect these rights in practice. There were few media outlets, and as a result of the application of media and slander laws, journalists practiced self-censorship.

The law prohibits dissemination of false information and regulates publication of newspapers. The Government owns the principal newspaper *La Nation* which is published three times a week. Each registered political party is permitted to publish a public journal or newspaper. There were several opposition-run weekly and monthly publications that circulated freely and openly criticized the Government.

The Government also owned the radio and television stations. The official media generally did not criticize government leaders and government policy. Radio Television Djibouti, the official government station, broadcast 24 hours a day in four languages on the radio. Foreign media also broadcast throughout the country, and cable news and other programming were available.

The Government has used several tactics to intimidate journalists including surveillance and the removal from newsstands of publications that criticized the Government. On February 1, police seized printing equipment from the opposition polit-

ical party Movement for Democratic Revival, publisher of the newsletter *Le Renouveau*. Houssein Ahmed Farah, the acting director of the newsletter, and three of his editorial staff were arrested and charged with defamation of character for publishing a report of a sex scandal, detained for 2 days, and released. A court ordered *Le Renouveau* to halt production for 3 months.

In May 2006 the Government suspended Kaltoum Ali, a journalist for Radio-Television Djibouti and a correspondent of the BBC Somali service, for broadcasting a report that the Ministry of Health falsely claimed a case of avian flu to obtain foreign aid. Kaltoum Ali resumed work after a 3-month suspension.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. In January 2006 government authorities reportedly blocked the website of the Association for Respect of Human Rights in Djibouti (ARDHD), an association that is often critical of the Government. ARDHD claimed access to its website was blocked by the local Internet provider, although surfers with satellite connections were able to enter the site. The Government denied it was blocking the site, although at the end of the year the site was not available from local Internet connections.

*Academic Freedom and Cultural Events.*—The Government generally did not restrict academic freedom, and teachers could speak and conduct research without restriction provided that they did not violate sedition laws.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—Although the Constitution and the law provide for freedom of assembly, the Government limited this right in practice. The Ministry of Interior requires permits for peaceful assembly and monitors opposition activities. Some opposition leaders reportedly refrained from organizing popular demonstrations for fear of reprisal.

Police dispersed several demonstrations during the year including protests against widespread electricity shortages, tuition hikes, and the trial of nongovernmental organization (NGO) leader Jean Paul Noel.

*Freedom of Association.*—The law provides for freedom of association provided that certain legal requirements are met; however, the Government restricted this right in practice. Opponents claimed that the Government continued to harass and intimidate members of opposition groups.

*c. Freedom of Religion.*—The Constitution, while declaring Islam to be the state religion, provides for freedom of religion, and the Government generally respected this right in practice. The Government did not sanction those who ignored Islamic teachings or practiced other faiths. More than 99 percent of the population was Sunni Muslim.

There is no legal prohibition against proselytizing, and while the Government did not discourage it, cultural norms effectively discouraged public proselytizing.

*Societal Abuses and Discrimination.*—There was no known Jewish community and there were no reports of anti-Semitic acts.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution and other laws provide for freedom of movement within the country, foreign travel, emigration, and repatriation; however, the Government at times limited these rights in practice.

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

*Protection of Refugees.*—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol. In practice, the Government provided some protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution.

The Government did not routinely grant refugee or asylum status and the Government did not accept refugees for resettlement during the year. Cooperation between the Government and the Office of the U.N. High Commissioner for Refugees improved during the year in providing assistance to refugees and asylum seekers and in organizing the repatriation of refugees from Somalia. Refugees reported that while they could not obtain work permits, many, especially women, worked on the open economy to find additional means of support. With the lack of work permits, however, they were unable to challenge poor working conditions or ensure fair payment for services rendered.

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

The Constitution and the law provide citizens with the right to change their government peacefully; citizens could exercise this right through periodic elections based upon universal suffrage. A multiparty system exists, and citizens are free to align themselves with the party of their choice.

*Elections and Political Participation.*—In March and April 2006 the country held its first regional elections. While opposition parties boycotted the two-round election citing problems with electoral lists, independent candidates took part and won in Djibouti City and in several regions. In Djibouti City one opposition list of independent civic leaders won a plurality of the first round vote, and several of its candidates were elected.

In 2005 President Guelleh won reelection unopposed as the candidate of the Union for a Presidential Majority (UPM) a multiparty coalition that included Guelleh's own Rally for Progress (RFP) and the Front for the Restoration of Unity and Democracy, the minority Afar-dominated party that had been the leading opposition party before it joined the governing coalition. The RFP and now the UPM have ruled the country since independence in 1977 and hold all seats in the national legislature. Opposition parties boycotted the election charging that the Government ignored their demands for electoral reform. International observers considered the election generally free and fair; however, there were irregularities including double voting, the presence of campaigners in and around polling stations, and the absence of blank ballots for those who did not want to vote for President Guelleh.

There were seven women in the 65-seat legislature; these seats were reserved for women by presidential decree. There were also two women in cabinet or subcabinet posts, and the president of the Supreme Court was a woman.

The legislature includes members of all clans with nine minority group representatives. Elected as a single list, the legislature's composition reflects the governing coalition's intent to ensure balance. The president's own subclan, the Issa Mamassan, was disproportionately represented. Five members of minorities in the cabinet were Afars and included the prime minister, the defense minister, the foreign minister, the minister of agriculture, and the labor minister; however, Afars were not as well represented at lower levels. Somali clans other than the Issa clan, and citizens of Yemeni origin were limited unofficially to one ministerial post each. There also were informal limits on the number of seats in Parliament for each group to preserve balance.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption; however, despite increased efforts, the Government did not implement such laws effectively, and officials sometimes engaged in corrupt practices with impunity. According to the World Bank's Worldwide Governance Indicators, government corruption was a serious problem.

The Government continued to take steps to combat corruption. In June two magistrates were dismissed for corruption following investigations by the Government's accounting office. In 2006 the head of the Office of Social Security was charged with corruption, detained in prison, and dismissed. Privatization of port, airport, and customs operations resulted in substantially increased transparency and rising government revenues in the most important sector of the economy. The Chamber of Public Accounts and Fiscal Discipline conducted public expenditure audits in an effort to fight corruption and promote transparency.

There were no laws to provide public access to government information, and it was unclear whether persons would be granted such access if requested.

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

A few domestic human rights groups generally operated without government restriction, conducting limited investigations and sometimes publishing findings on human rights cases. Government officials generally disregarded their views.

The leader of the local human rights group Ligue Djiboutienne des Droits de l'Homme (LDDH) was tried for libel during the year, and that had a chilling effect on his activities, as well as those of other human rights groups. On March 9, Jean-Paul Abdi Noel, president of the LDDH, was arrested and charged with dissemination of false information. Noel had written a report that a member of the Republican Guard raped a young girl, and he also reported what he called a mass grave for victims of extrajudicial killings during the 1992–2000 civil war. The court found Abdi Noel guilty after the girl's family denied the rape had taken place, and after former combatants and others concluded the grave was not that of extrajudicial victims of the civil war. On April 11, the court sentenced Noel to imprisonment for a



year and to a fine of \$1130 (200,000 DF). Citing Abdi Noel's poor health, the Government released him after 2 months and permitted him to leave for medical attention in Europe.

Although there were more than 900 civil society organizations, many, if not most, had links with the Government.

The ICRC maintained a small office staffed with locally hired personnel. The ICRC regional representative based in Nairobi visited the country monthly.

There was a government ombudsman who also served as a legislator in the Parliament and whose specific responsibilities included mediation between the Government and nongovernmental organizations.

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

The Constitution and the law prohibit discrimination on the basis of language, race, or gender; however, government enforcement of such laws was ineffective. The Government took steps during the year to increase protection of women, including establishment of a center to assist female victims of violence and ongoing campaigns against FGM, but discrimination against women and ethnic minorities persisted.

*Women.*—The law includes sentences of up to 20 years for rapists. The number of such cases prosecuted during the year was unknown. There is no law against spousal rape. Domestic violence against women existed but few cases were reported. The law prohibits “torture and barbaric acts” against a spouse. Violations are punishable by 20 years’ imprisonment. Violence against women generally was addressed within the family or clan structure rather than in the courts. Police rarely intervened in domestic violence incidents, and the media reported only the most extreme examples such as murder.

An estimated 98 percent of females in the country have undergone FGM, which traditionally was performed on girls between the ages of 7 and 10. During the year the Government increased efforts to end this practice with continued high-profile publicity campaigns in health centers around the country, in public statements by the president and first lady, and by enlisting the support of Muslim religious leaders to speak out against the practice. These actions built on efforts begun in 2005, when the Government ratified the Maputo Protocol outlawing FGM. The efforts of the Union of Djiboutian Women and other groups to educate women against the practice were having some effect in the capital where reported rates of FGM among young women declined. However, infibulation, the most extreme form of FGM, continued to be widely practiced, especially in rural areas, despite the Government anti-FGM campaign efforts there. The law states that violence causing genital mutilation is punishable by 5 years’ imprisonment and a fine of \$5,650 (1 million DF); the Government had not yet convicted anyone under this statute.

Prostitution is illegal, but it was a significant problem. In general there were two categories of prostitutes: Those with apartments and those on the streets. The first group was largely tolerated and catered to the foreign (particularly military) community. In 2006, there were reports that police vice officers beat prostitutes found on the streets and even raped them as a condition of their release. Police officials said such actions would not be tolerated and agreed to work with NGOs to improve protection of persons detained on suspicion of being prostitutes. Refugees and girls from poor families were at greater risk of becoming street prostitutes.

The law does not prohibit sexual harassment, and it was a problem.

Women legally possess full civil rights; however custom and traditional societal discrimination in education resulted in a secondary role for women in public life and fewer employment opportunities. The increased presence of women in the Government, the legislature, and business has had a significant positive effect. The Family Code governs the majority of family and personal matters but inequities still exist. Male children inherited larger percentages of estates than did female children. Educated women increasingly turned to the regular courts to defend their interests.

*Children.*—The Government devoted almost a fourth of its budget to education, particularly primary education, and to increased spending on rural health care, particularly for mothers and infants. It relied on a few charitable organizations to support children and encouraged others to join the effort. In June the president inaugurated a large new orphanage in Djibouti City funded by Kuwaiti charities.

The Government, in cooperation with international NGOs, has been working to implement a new comprehensive birth registration program.

Primary education was compulsory, and the Government provided tuition-free public education, but extra expenses could be prohibitive to poor families. As part of a nationwide initiative during the year, the Government increased access to primary school and urged attendance. The overall gross enrollment rate increased from 57 to 67 percent between 2006 and this year. Enrollment in first grade increased 19 percent. Attendance of girls also increased significantly. The highest level of edu-

cation reached by most students was completion of primary school. The educational system did not discriminate against girls, but societal attitudes resulted in differences in the attendance and treatment of girls in school. The Government provided a satchel of essential school supplies to children in poor areas, paid salary arrears for teachers, and authorized a premium for teaching in rural areas. The Government also established parent-teacher associations in every school system.

Boys and girls had equal access to state medical care. Medical care in rural areas remained poor but improved because of a new network of rural clinics and significant increases in hiring and training of nurses and doctors.

Child abuse existed but was not frequently reported or prosecuted. In 2006 the Government arrested and tried Christian George, a French national, for child abuse; he fled the jurisdiction while on bail. During the year, he returned, was re-arrested, and was in prison at year's end.

FGM was performed on as many as 98 percent of young girls.

Child marriage occurred in rural areas and among some tribal groups; however, it was not considered a significant problem. The Government worked together with several NGOs to increase school enrollment for girls in part to reduce the likelihood that parents would force young girls into marriage. The Ministry for the Promotion of Women, Family, Well-Being/Welfare, and Social Affairs also worked actively with women's groups throughout the country to protect the rights of girls, including the right to decide when and whom to marry.

There were credible reports of child prostitution on the streets and in brothels despite increased government efforts to stop it, including keeping children at risk off the streets and warning businesses against permitting children to enter bars and clubs.

Child labor existed.

*Trafficking in Persons.*—The law prohibits trafficking in persons. On December 8, the National Assembly passed a law on combating trafficking in persons that includes provisions on prevention, prosecution, and protection of victims. The penal code states that increased penalties apply in cases of trafficking with respect to a person who is enticed to engage in prostitution either outside the country or upon the person's arrival within the territory.

Despite the prohibition there were credible reports of child prostitution during the year, and some of those involved reportedly came from neighboring countries. Although there were no other known reports of persons being trafficked to, from, or within the country, there was continued speculation that the country was a destination and transit country for small numbers of individuals trafficked from Ethiopia and Somalia to the Middle East.

In connection with the new antitrafficking law, the Government enacted a public awareness campaign, and government officials, police, and NGOs met to consider means to improve protection for victims.

*Persons with Disabilities.*—Although persons with disabilities have access to education and public health facilities, there is no specific law that addresses the needs of persons with disabilities, and there are no laws or regulations that prevent job discrimination against persons with disabilities. During the year, government and NGOs organized a series of seminars and awareness campaigns aimed at public officials to improve legal protections and workplace conditions for the persons with disabilities. There was societal discrimination against persons with disabilities. The Government did not mandate accessibility to buildings or government services for persons with disabilities.

*National/Racial/Ethnic Minorities.*—The governing coalition is a coalition of the country's clan and ethnic groups with minority groups represented in senior positions. Nonetheless there continued to be discrimination on the basis of ethnicity in employment and job advancement. Somali Issas were the majority ethnic group; they controlled the ruling party and dominated the civil service and security services. Discrimination based on ethnicity and clan affiliation declined, but affiliation remained a factor in business, government, and politics.

*Other Societal Abuses and Discrimination.*—There was no known societal violence or discrimination based on sexual orientation or against persons with HIV/AIDS.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law and the Constitution provide for the right to form and join unions; however, the Government restricted these rights in practice. Under the Labor Code a union must have the approval of three government ministries as well as the labor inspectorate and the public prosecutor to exist. Unlike in the previous year, there were no reports that the Government suppressed independent representative unions by firing their leaders, preventing them from

holding congresses, or creating government-sponsored shadow unions to replace them.

In February 2006 Mohamed Ahmed Mohamed and Djibril Ismail Egueh were charged with sharing classified information with a foreign government during their January-February 2006 visit to Israel. They participated in a conference sponsored by the Center for International Cooperation of the Israeli Ministry of Foreign Affairs. After their return they were sentenced to 1 month in prison and released in April 2006. The Government confiscated their passports and required that they report to the police weekly. That same month the Government also refused to allow entry to three International Labor Organization representatives who tried to visit the country to investigate the incident. In March 2006 Aden Mohamed Abdou and Hassan Cher Hared, president and vice-president respectively of the Djiboutian Workers Union, were arrested for facilitating the departure for Israel of their colleagues. At year's end, both Abdou and Hared were still under court order to report weekly to the court; however, Hared departed the country and authorities did not object.

The law prohibits antiunion discrimination, and employers found guilty of discrimination were required to reinstate workers fired for union activities; however, the Government neither enforced nor complied with the law.

*b. The Right to Organize and Bargain Collectively.*—Although the law allows unions to conduct activities without interference, the Government did not protect this right in practice. Collective bargaining did not occur.

Relations between employers and workers were informal and paternalistic. Employers generally established wage rates based on labor ministry guidelines. In disputes over wages or health and safety problems, the Ministry of Labor encouraged direct resolution by labor representatives, who could be and were chosen by the Government, and employers. Workers or employers could request formal administrative hearings before the ministry's inspection service. Critics claimed that inspection and dispute settlement suffered from poor enforcement due to their low priority and inadequate funding.

The law provides for the right to strike and requires representatives of employees who plan to strike to notify the Ministry of Interior 48 hours in advance; workers exercised this right in practice.

The law confers upon the president broad powers to requisition public servants who are considered indispensable to the operation of essential public services.

A special labor law which is more flexible applies in the Duty Free Zone, an export processing area.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor including by children, and there were no reports that such practices occurred.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The law prohibits all labor by children under the age of 16, but the Government did not always enforce this prohibition effectively, and child labor existed. Children were involved in the sale of drugs and prostitution. Family-owned businesses such as restaurants and small shops employed children at all hours. Children were also involved in activities such as shining shoes, washing and guarding cars, selling items, working as domestic servants, working in agriculture and with livestock, and other activities in the informal sector. The Ministry of Labor is responsible for monitoring work places and preventing child labor, but a shortage of labor inspectors reduced the likelihood that reports of child labor would be investigated. There is no program undertaken by the Government to enforce the work of inspectors.

*e. Acceptable Conditions of Work.*—Only a small minority of the population was engaged in wage employment. The 2006 Labor Code canceled minimum wage rates for occupational categories and provided that wages be set after common agreement between employers and employees. The former national minimum wage did not provide a decent standard of living for a worker and family, and it was unlikely that such common agreements would provide a minimum standard of living.

By law, the workweek has been augmented to 48 hours, normally spread over 6 days. The law mandates a weekly rest period of 24 consecutive hours and the provision of overtime pay. The Ministry of Labor is responsible for enforcing occupational health and safety standards, wages, and work hours. Because enforcement was ineffective, workers sometimes faced hazardous working conditions. Workers rarely protested due to fear that others willing to accept the risks would replace them. There were no laws or regulations permitting workers to refuse to carry out dangerous work assignments without jeopardizing their continued employment.

## EQUATORIAL GUINEA

Equatorial Guinea, with a population estimated to be between 500,000 and 1 million, is nominally a multiparty constitutional republic. All branches of government were dominated by President Teodoro Obiang Nguema Mbasogo and his clan from the majority Fang ethnic group. The international community judged the most recent elections, in 2002 (presidential) and 2004 (parliamentary), to be seriously flawed. Government authorities generally maintained effective control of security forces.

The following human rights problems were reported: Abridgement of citizens' right to change their government; instances of physical abuse of prisoners and detainees by security forces; poor conditions in prisons and detention facilities; impunity; arbitrary arrest, detention, and incommunicado detention; harassment and deportation of foreign residents with limited due process; judicial corruption and lack of due process; restrictions on the right to privacy; restrictions on freedom of speech and of the press; restrictions on the right of assembly, association, and movement; government corruption; violence and discrimination against women; suspected trafficking in persons; discrimination against ethnic minorities; and restrictions on labor rights.

### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—The Government or its agents did not commit any politically motivated killings; however, one detainee died while in police custody during the year.

On October 6, Salvador Ndong Nguema died as a result of injuries inflicted during torture in a jail in Evinayong several days earlier, according to members of the opposition party Convergence for Social Democracy (CPDS), who testified during sessions conducted by the Parliamentary Commission on Complaints (see Section 1.c.).

There were no developments in the February 2006 abduction and killing by unknown assailants of Laesa Atanasio Bitá Rope in Cote d'Ivoire. Rope was leader of the Movement for the Self-Determination of Bioko Island.

*b. Disappearance.*—There were no reports of politically motivated disappearances during the year.

There were no developments in the early 2005 disappearances of Juan Ondo Abaga, Florencio Ela Bibang, Antimo Edu Nchama, and Felipe Esono Ntutumu. They reportedly had been forcibly repatriated from Benin and Nigeria, incarcerated without charge in Black Beach prison and severely tortured, and not allowed a lawyer, outside communication, or family notification. There was no government confirmation of their presence, even during the visit of a U.N. investigatory team during the year.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits such practices; however, there were reports that security officials abused and tortured persons during the year. Late in the year four members of the security forces, including Juan Engonga (see below), were arrested and charged with abuse of prisoners.

Abuse and mistreatment of prisoners during or immediately after arrest remained persistent problems in some police precincts. Beatings were most frequently reported.

In late September national television broadcast sessions of the Parliamentary Commission on Complaints, during which CPDS members criticized the Government for failing to prevent torture by police officials and allowing impunity of police officials involved in specific torture cases. The CPDS reported numerous cases in which they alleged that security forces tortured persons during the year.

On April 1, security officials allegedly arrested Joaquin Okue Mba, a CPDS member, and accused him of complicity with his cousin in the theft of \$5,000 (10 million CFA) from the company Dalian China. Police Commissioner Juan Engonga, chief of Bomudi precinct in the mainland city of Bata, reportedly then tortured Okue Mba, who was later paid \$2,500 (5 million CFA) to drop charges against the police. Photos reportedly existed that supported Okue Mba's allegations.

During their detention from August 16 to 21, Emilio Mbana Moyong and Alberto Mbira Etung were allegedly tortured at the Bomudi police station by Commissioner Juan Engonga. Moyong and Etung reportedly had argued with Lieutenant Colonel Hugo Nguema, who the report claims was a son of President Obiang.

On October 14, security forces arrested Jaime Ndong Edu, a CPDS member, who was subsequently detained and tortured by Deputy Police Commission Donato Abogo Menden.

Following complaints regarding the Bomudi precinct, the Government arrested four police officers including the precinct captain. At year's end the criminal cases were ongoing.

Foreigners, especially illegal immigrants from other African countries, continued to experience harassment, intimidation, and arbitrary arrest. Police occasionally raided immigrant ghettos and the resulting detentions frequently gave rise to conflicting claims of excessive force, including beatings.

*Prison and Detention Center Conditions.*—After major construction and renovation projects, conditions in the country's three main prisons improved significantly. Reports of insufficient food, water, and sanitary conditions decreased sharply. The country's program of prison construction and renovation, which included thorough changes at the once-notorious Black Beach prison in Malabo, was accompanied by improved food, clothing, medical care, and recreation. Use of shackles was restricted to extraordinary punishment for offenses while in detention.

Other than the cases cited above, there were no reports that jail or prison authorities tortured prisoners. The improvement can be attributed at least in part to the fact that the law against torture had been in effect for a full year, and to increased access to the prisons by U.N. and other international observers.

Medical attention and other services for prisoners in local precinct holding areas remained limited in some cases.

Conditions in detention centers for illegal immigrants were also substandard. Poor food, overcrowding, and inadequate sanitary facilities were the most prominent problems.

Male and female prisoners were not held in separate facilities, while juveniles were prohibited by law from being held with adult prisoners. Juvenile offenders generally were not sent to prisons; rather, they were usually detained for short periods in local precinct facilities, and then sent home with warnings.

The Government permitted independent monitoring of conditions in the three prisons and approximately 12 jails and holding cells in smaller localities. The International Committee of the Red Cross (ICRC) was permitted to make periodic visits to all jails and prisons and met privately with prisoners. ICRC visits during the year were conducted according to standard ICRC procedures. A separate U.N. investigatory group was also given extensive access during the year, as were representatives of national and international media. Foreign visitors, including foreign press, were allowed to visit prisons.

*d. Arbitrary Arrest or Detention.*—The law prohibits arbitrary arrest and detention, but the Government did not enforce these prohibitions adequately. There were nominal procedural safeguards for the protection of citizens' rights, including provisions concerning detention and the requirement for search warrants; however, security forces frequently ignored these safeguards and arrested or detained persons arbitrarily and without due legal process. Security forces occasionally detained individuals "on orders from superiors" without any further formality. Unlike in previous years, there were no new reports government officials and their business partners arranged for the detention of competitors to gain commercial advantage, or that they enjoyed impunity for such actions.

*Role of the Police and Security Apparatus.*—The police were responsible for security in the cities, and the gendarmes were responsible outside the cities and for special events. Both reported to the civilian minister of national security.

Police were underfunded, poorly trained, and corrupt. Security forces continued the practice of extorting money and small bribes from citizens, and impunity remained a problem. Mechanisms to investigate allegations of abuse were poorly developed.

The Government recognized the need for professional improvement of the police and continued a training program. A contracted private foreign group trained the first cohort of over 400 mid-level police officers on professional subjects including human rights of citizens, prevention of trafficking in persons, and proper treatment—including training on minimum use of force—of those arrested.

*Arrest and Detention.*—Arrest warrants are not required, and many persons were taken into custody on the verbal orders of officials. A detainee has the right to a judicial determination of the legality of the detention within 72 hours after arrest, excluding weekends and holidays. In practice the length of such detentions was occasionally longer. Although in principle a bail system and public defenders were available upon request, this was not generally known by the public, and these systems did not operate effectively in practice. Defense lawyers sometimes did not re-

ceive a full list of indictments against their clients. Some detainees were not promptly informed of charges against them. Limited visitation by family members was permitted at all jails and prisons.

Reliable files were not kept on those imprisoned.

The cases of 39 persons detained prior to 2005 for “crimes against the state” were resolved through the judicial process. However, 58 persons reported to be held on political grounds remained incarcerated. President Obiang publicly stated that these prisoners were being held because they were convicted of crimes.

Arbitrary arrest and detention were serious problems. Local authorities singled out West African illegal immigrants for document checks, arbitrary detention, and deportation.

Unlike in the previous year, there were no reports that the Government arbitrarily arrested opposition party officials and members, although opposition party members reported in some cases that they were beaten while in detention.

During the year members of the foreign press and others visited four South African prisoners convicted of a 2004 coup attempt. The conditions of their imprisonment had improved from the previous year; they were not forced to wear ankle shackles.

An estimated 80 percent of those incarcerated were pretrial detainees. Inefficient judicial procedures, corruption, lack of monitoring, and inadequate staffing contributed to the problem.

*e. Denial of Fair Public Trial.*—The Constitution and law provide for an independent judiciary; however, the Government did not respect this provision in practice. Judges served at the pleasure of the president, and were appointed, transferred, and dismissed for political as well as competency reasons. Judicial corruption was widely reported, and cases were sometimes decided on political grounds.

In 2006 the Government codified laws for the first time and taught them as part of an ongoing judicial reform effort.

The court system is composed of lower provincial courts, two appeals courts, a military tribunal, and the Supreme Court. The president appoints members of the Supreme Court, who reportedly took instructions from him. The Supreme Council of the Judicial Power appoints and controls judges. President Obiang is president of that entity, and the president of the Supreme Court is its vice president.

*Trial Procedures.*—Many trials for ordinary crimes are public, but juries are not used. The law remains largely based on the Spanish system existing at independence from Franco-era Spain. Defendants have the right to be present at their trials but rarely were able to consult promptly with attorneys. An accused who cannot afford a lawyer is entitled to ask the Government to provide one, but defendants were not routinely advised of this right. The country’s bar association was available to defend indigent clients. Defendants may confront and question witnesses and may present their own witnesses and evidence, although in practice this was seldom done. There was limited access to evidence. By law the accused has the presumption of innocence and the right to appeal; however, legal appeals were not common. By law the above-listed rights are universal. Experience at defense was limited, and defense lawyers did not necessarily represent the wishes of defendants.

The code of military justice states that persons who disobey a military authority, or are alleged to have committed an offense considered to be a “crime against the state,” should be judged by a military tribunal, with limited due process and procedural safeguards, regardless of whether the defendant is civilian or military. Some military cases were essentially political in nature. A defendant may be tried without being present, and the defense does not have a guaranteed right to cross-examine an accuser. Such proceedings are not public.

Tribal elders adjudicated civil claims and minor criminal matters in traditional courts in the countryside.

*Political Prisoners and Detainees.*—Some 58 identified “prisoners of conscience,” or political prisoners, remained detained at year’s end, at least four of whom had not been tried; others had been convicted of “crimes against the state” without adequate representation. The right to appeal was seldom exercised and even more rarely successful. These prisoners were all members of opposition parties or persons the Government accused of involvement in coup attempts. Access to these prisoners increased significantly during the year.

In August Diego Ekuia Obiang, a political detainee arrested in 2003, died shortly after being released from prison in August. He became ill in prison, and was released to his family when his illness became critical.

*Civil Judicial Procedures and Remedies.*—Matters can be settled out of court, but other than in the cases of tribal elder adjudication noted above, there is no known official arbitration or mediation. Civil cases rarely came to trial, reportedly because

of lack of faith that judgment would be fair and transparent, and because the general population had a limited understanding of the process.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution and law prohibit such actions, but the Government did not respect these prohibitions in practice. Security forces violated homes and arrested suspected dissidents, criminals, foreign nationals, and others, often without judicial orders, and confiscated their property with impunity.

Informers reportedly monitored opposition members, nongovernmental organizations (NGOs), journalists, and foreign diplomats. Most residents and journalists believed that the Government monitored telephone calls and Internet use.

The Government pressured public employees to join the ruling Democratic Party of Equatorial Guinea (PDGE). Reportedly they were required to allow automatic deductions from their paychecks with proceeds going to the party whether or not they were members. Opposition party members were discriminated against in hiring, job retention, scholarships, and obtaining business licenses. A business found to have hired someone on a political blacklist had to dismiss the person or face the threat of closure.

The law provides for restitution or compensation for the taking of private property, but in practice persons forced from their homes or land seldom received equitable compensation, if any. The civil code states that all land ultimately belongs to the state; thus the Government could take possession when it determined it was “in the state’s interest.” Individuals may hold property title to pieces of land, but the state has full power of eminent domain. The Government offered payment to those who proved title and expenses of purchase or construction. In some cases written title was nonexistent, although land had been in the hands of a family for generations.

Cases of slum areas being leveled decreased significantly during the year, and the Government undertook a multi-million dollar campaign to build low-cost housing. In the few 2007 cases of slum demolition, officials held community meetings to discuss proposed actions and means of restitution. The residents most often affected are squatters, and the shanty-towns were replaced in at least two cases by “social” low-cost housing available to the displaced. With regard to restitution, those who could prove title generally received fair payment. For others who had built on land they did not own, the Government paid restitution equal to the amount of documented investment.

However, in the more numerous cases of displacement in 2006, many unresolved issues remained despite ongoing government programs to address them. According to Amnesty International, prior to 2007 the Government typically allowed no consultation with the communities affected, provided little or no prior notice, and allowed no right to contest the evictions. Hundreds of homes and businesses were destroyed in 2006; many were solid structures in well-established neighborhoods, and residents had no other place to go and no money to relocate. For example, more than 600 persons were made homeless in Malabo’s Atepa district in July 2006, when the Government leveled a slum area without warning. The next day homes were similarly demolished in Malabo’s Camaremy district. In both cases soldiers allegedly mistreated residents who protested.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution and law provide for freedom of speech and press; however, the Government limited these rights in practice. During the year some journalists covered topics previously considered to be off limits, but the country’s tiny media remained under government influence and most journalists practiced self-censorship.

The law authorizes government censorship of all publications. Eight periodicals with varying degrees of government involvement were published irregularly. International newspapers or news magazines could not be sold or distributed without government permission. Political party publications could not be distributed to the general public. News kiosks did not exist, and the only bookstores were affiliated with religious organizations. Starting a new publication required a complicated process governed by an ambiguous law and was often inhibited by bureaucracy.

International media did not try to operate in the country; only one international news agency had a regular stringer present. Unlike in previous years, there were no known cases of foreign journalists deported or directly harassed during the year.

The president’s eldest son owned the only private broadcast media. Satellite broadcasts increasingly were available. Foreign channels were not censored.

International electronic media were available and included Radio France International, which broadcast from Malabo, BBC, and Radio Exterior, the international short-wave service from Spain.

The Government generally gave opposition parties little access to domestic media, but during the year the opposition was allowed to participate in legislative debates, talk shows, and meetings with the president. In late September national television broadcast legislative sessions in which CPDS members criticized the Government for its use of torture.

*Internet Freedom.*—There were no government restrictions on access to the Internet or verifiable reports that the Government monitored e-mail or Internet chat rooms. Residents, however, believed that the Government monitored Internet use, including e-mail, which was channeled through the parastatal telephone company or a wireless connector. Most overt criticism of the Government came from the country's community in exile, and the Internet had replaced broadcast media as the primary way opposition views were expressed and disseminated. Exiled citizens' sites were not blocked. Internet use grew significantly, but cost was beyond the means of some citizens. Nonetheless, the dozens of Internet cafes in the cities of Bata and Malabo were constantly filled with customers.

*Academic Freedom and Cultural Events.*—There were no official restrictions on academic freedom or cultural events; however, in past years some qualified professionals were moved out of teaching positions because of their political affiliation or critical statements reported to government officials by students in their classes. Therefore, most professors practiced self-censorship to avoid problems. Infrequent cultural events took place, and all required approval from the Ministry of Information, Culture, and Tourism.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The Constitution and law provide for the right of assembly; however, the Government restricted this right. Government authorization must be obtained for private home meetings of more than 10 persons. Although the Government formally abolished permit requirements for political party meetings within party buildings, in practice opposition parties were expected to inform authorities if they wished to hold gatherings of any kind, regardless of location. The Government required notification for public events such as meetings or marches. Unlike in the previous year, there were no incidents of detention or beatings of opposition party activists.

*Freedom of Association.*—The Constitution and law provide for freedom of association, but the Government restricted this right in practice. The law establishes what types of NGOs can register, and human rights associations were added to the list in 2005; since then human rights NGOs have been registered to address issues of the aged and disabled, HIV/AIDS, conservation, and environment. The law prohibits the formation of political parties along ethnic lines and prohibits coalitions between political parties; however, six opposition groups continued to be part of what was effectively a coalition with the ruling party. Unlike in past years, opposition party members were able to advance agendas in public meetings with little successful interference from the ruling party.

*c. Freedom of Religion.*—The Constitution and law provide for freedom of religion, and the Government generally respected this right. Unlike in the previous year, there were no reports that government officials monitored religious services.

The law gives official preference to the Catholic Church and the Reform Church of Equatorial Guinea, because of their traditional roots and historical influence in social and cultural life. A Roman Catholic Mass was normally part of any major ceremonial function or holiday. Long-established Catholic schools received the same benefits from the state as public schools.

A religious organization must be formally registered with the Ministry of Justice, Religion, and Penal Institutions to operate. New groups were regularly added; for example, a Baha'i temple was established during the year. Approval could take several years, due primarily to bureaucratic slowness rather than policy; however, the lack of clearly defined registration procedures remained an issue. Traditional African religions were practiced, even by many who belonged to other religious groups.

Religious study was required in public and parochial schools and was usually, but not exclusively, Catholic.

*Societal Abuses and Discrimination.*—Non-Catholics occasionally faced discrimination in school enrollment or for expression of personal beliefs within religion classes.

The Jewish community was extremely small; there were no reports of anti-Semitic acts.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The law provides for freedom of movement within the country,



foreign travel, emigration, and repatriation. However, the Government restricted these rights in practice.

Police at roadblocks routinely subjected citizens to searches, harassment, and petty extortion. The Government justified roadblocks as controls to prevent illegal immigration, mercenary activities, or attempted coups. However, the checkpoints effectively restricted freedom of movement for all travelers.

Unlike in previous years, there were no credible reports of military harassment or intimidation of members of the Bubi ethnic group on Bioko Island.

The law prohibits forced internal or external exile, and the Government generally respected this in practice. Unlike in the previous year, there were no reports of forced exile during the year.

Citizens traveling or living in other countries occasionally reported on movements and activities of travelers or other expatriates from the country, and may be compensated for these reports.

*Protection of Refugees.*—The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol; however, the Government has not established a system for providing protection to refugees. In practice the Government provided some protection against “refoulement,” the return of persons to a country where there is reason to believe they feared persecution. The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol.

There were no recent cases of the Government cooperating with the U.N. High Commissioner for Refugees (UNHCR) or other humanitarian organizations in assisting refugees and asylum seekers. There was no local UNHCR office.

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

The Constitution and law provide citizens the right to change their government peacefully; however, there have been no free, fair, and transparent elections since independence.

*Elections and Political Participation.*—The country gained independence from Spain in 1968, and in 1979, after years of disastrous and cruel rule, the military, led by then-Lieutenant Colonel Teodoro Obiang Nguema Mbasago, overthrew its first president. In 1989, as the sole candidate, Obiang was elected to a 7-year term and has been reelected and remained in power since. In 1986 he founded the PDGE, for years the only legal party, which established an overwhelming dominance before other parties were permitted. The party rules through a complex arrangement built around family, clan, and ethnic loyalties. There is no presidential term limit.

The international community criticized the most recent parliamentary elections in 2004 as seriously flawed. Opposition candidates were subjected to harassment, arbitrary detention, restrictions on movement, and denial of equal access to the media. All state events were publicized in connection with the ruling PDGE party. Because of quasi-mandatory collection of dues and other contributions, the ruling party had greatly disproportionate funding available, including for gifts to potential voters.

The president exercised strong powers as head of state, commander of the armed forces, and founder and head of the ruling party. In general leadership positions within government were restricted to the president’s party or the coalition of “loyal opposition” parties. Because the ruling party overwhelmingly dominated the commissions established to review electoral practices and recommend reforms, no changes were made. The minister of the interior acted as president of the national electoral board. There was no independent electoral commission.

The process to register a political party was not transparent. Some political parties that had been popular prior to the 1992 law that established procedures for political parties to become legal, remained banned, generally under the pretext that they were “supporting terrorism” or had been linked to attempts to overthrow the Government.

There were 13 registered political parties, 12 of which the Government called “opposition parties”; however, six of these aligned themselves with the PDGE, and others (e.g. CPDS) were called “radical” by the Government, meaning confrontational and willing to vote against the president’s position. The Government claimed that these putative opposition parties were examples of “multiparty democracy”; however, the Government inhibited real debates between parties or public criticism of government policies and practices, except within the Parliament.

There were 20 women in the 100-member Parliament, and six women, including two ministers (labor, and women’s issues) in the cabinet.

The Government did not overtly limit participation of minorities in politics; however, the near monopolization of political and economic power by the Fang ethnic

group, particularly its Mongomo subclan, continued. Of 59 persons appointed to cabinet and sub-cabinet positions, 49 were Fang, seven were Bubi, two were Bisio, and one was Ndowe.

*Government Corruption and Transparency.*—According to the World Bank's Worldwide Governance Indicators, government corruption was a severe problem.

Officials by law must declare their assets, but there were no reports that they ever complied. There was no requirement for an official to divest himself of business interests that were in areas that his agency oversaw. When that was ostensibly done, under international pressure, the divestment generally was only a facade; another family member or associate nominally took over, or a business group was formed that falsely appeared to have no connection to the official.

In September 2006 the prime minister established a hot line, ostensibly for oil companies to use if they had evidence of corruption or were asked to participate in something they viewed as corrupt. It was reportedly used a number of times; the number of formal investigations that may have resulted was not known.

During the year the Government made some progress toward meeting the transparency objectives required to join the Extractive Industries Transparency Initiative (EITI), a multinational civil society initiative to encourage transparency and accountability in extractive industries. The Government issued a decree ratifying the participation of civil society in the EITI process, and conducted several meetings with NGOs and oil industry representatives. The Government established an EITI national coordinator. At year's end, the Government continued to pursue its candidacy for full EITI membership.

The law did not provide for public access to government information, and citizens and non-citizens, including foreign media, were generally unable to access government information. A lack of organized recordkeeping, archiving, and public libraries also limited access. However, government officials were more forthcoming with information in the course of the year; for example, using televised public events to convey data on tax and revenue receipts, as well as expenditures.

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

There were few domestic human rights NGOs. The law restricts NGOs and identifies specific areas in which they may operate; human rights was added in 2005 to those types of NGOs that may organize.

The primary organization with some responsibility for human rights, the National Commission for Human Rights (CNDH), was controlled by the Government and suffered serious funding, staff, and institutional limitations. It did not investigate human rights complaints or keep statistics on them. The president appointed the members of the CNDH.

The Center for Human Rights and Democracy, although organized as a quasi-independent body, had no independent source of funding or authority other than that given by the Government. It received minimal support and at the end of 2005 lost its office space and was relocated inside the Ministry of Justice building. Its role had been primarily advocacy and public sensitization, not investigation or reporting of violations, and its performance remained weak.

Neither the CNDH nor the Center for Human Rights and Democracy were considered effective. Their mandates were not clear, except that the center previously prepared the annual report to the U.N. High Commissioner for Human Rights presented in Geneva and conducted workshops on human rights and trafficking.

No international human rights NGOs were resident in the country. Unlike in previous years, there were no reports from visiting international NGO representatives that their movements or communications were monitored.

#### *Section 5. Discrimination, Societal Abuses, and Trafficking in persons*

The Constitution and law prohibit discrimination based on race, gender, religion, disability, language, or social status; however, the Government did not enforce these provisions effectively. Violence and discrimination against women, trafficking in persons, discrimination against ethnic minorities, and discrimination against HIV/AIDS victims were problems.

During the year the Government staged public campaigns to combat child labor and discrimination and violence against women and persons with HIV/AIDS. Discrimination was based more on ethnicity and party affiliation than other factors.

*Women.*—Rape is illegal, but spousal rape is not specified in the law. The Government did not enforce the law effectively. Reporting rape was considered shameful to families involved. The number of prosecutions during the year was not known.

Violence against women, including spousal abuse, is illegal, but the Government did not enforce the law effectively. In conjunction with international organizations,

the Government conducted public awareness campaigns on women's rights and domestic violence. Spousal abuse is illegal; however, violence within the home remained a problem. The police and judiciary were reluctant to prosecute domestic violence cases. During the year, however, there was an acceleration of public outreach efforts to increase awareness of the issue; the president's wife played a leadership role in those efforts. In addition, the Government scheduled construction to begin in 2008 on victims shelters in Malabo and Bata.

Prostitution is illegal. During the second half of the year, the Government initiated a major crackdown against prostitution, as part of an effort to improve its performance regarding trafficking in persons. Several prostitutes were detained, and a number of bars and locales in which prostitution was being conducted were fined and closed. Curfews were imposed to thwart such activities, and children were not permitted on the streets in the evening hours unless supervised by a parent.

Sexual harassment is illegal; its extent was unknown. There were no known cases brought before the courts.

The law provides for equal rights for women and men, including rights under family law, property law, and in the judicial system; however, rights of women were limited in practice.

A foreign development fund, as part of its program to support civil society, dedicated one of its forums to the rights of women. The dominant topics were polygyny and traditional attitudes that make women vulnerable. Polygyny, which was widespread, contributed to women's secondary status, as did limited educational opportunities.

In rural areas, women largely were confined by custom to traditional roles, particularly in agriculture. Women sometimes experienced discrimination in access to employment, credit, pay for substantially similar work, and business ownership or management. Despite this, the number of successful women entrepreneurs continued to increase during the year.

*Children.*—The Government's commitment to children's rights and welfare improved. The Government initiated a national vaccination campaign during the year and conducted numerous public outreach campaigns to raise awareness of the importance of education, health, and the rights of children. The first lady established a foundation for women and children and actively participated in these campaigns.

By law education is compulsory, free, and universal through primary school, and the overwhelming majority of children attended school at least through primary grades. Boys were generally expected by their families either to complete an additional 7 years of secondary school or to finish a program of vocational study after primary education. For many girls in rural settings, however, early pregnancy or the need to assist at home limited educational opportunities, and women generally attained lower educational levels than men.

In September 2006, in cooperation with an extractive industry company, the Government began setting up programs for teacher training; it identified a foreign NGO to implement the programs, relocated experts to Malabo and Bata, and imported educational materials. Under the program each party was committed to contribute \$20 million (10 billion CFA francs) to the program over a 5-year period; projects were to be implemented beginning January 2008.

Boys and girls had equal access to state medical care that was offered.

Abuse of minors is illegal; however, the Government did not enforce the law effectively, and child abuse occurred. Physical punishment was the culturally accepted method of discipline. No prosecutions for child abuse were reported.

There were no statistics on child prostitution and there was little evidence it occurred.

*Trafficking in Persons.*—The law prohibits trafficking in persons; however, some trafficking through and to the country was suspected. There were no reliable figures on the number of trafficking victims, but anecdotal evidence indicated the numbers were small. The country was a possible transit point and destination for trafficked persons, including children.

Children, mostly from Benin and Nigeria, were trafficked in the past into the commercial sectors in Malabo and Bata. However, officials have taken measures to remove economic incentives for such trafficking by prohibiting minors from working in markets or other sectors. There was little remaining evidence of trafficking of minors for labor or sexual purposes.

In the past the country was both a destination and a transit point for trafficked girls and boys, mostly from Cameroon, Benin, and Nigeria. Women were reportedly trafficked for sexual exploitation, especially to Malabo. Some Nigerian girls were reportedly trafficked onward to Spain for prostitution.

In the past traffickers generally crossed the border with false documents and children they falsely claimed were their own. However, removal of economic incentives for such activity appears to have been effective in reducing trafficking to a small number of cases.

The Government cooperated with other governments and with international organizations and NGOs to aid trafficking victims and assist in their repatriation.

The Ministry of Justice was responsible for combating trafficking in persons, and the minister of justice was president of the inter-institutional commission on illegal trafficking of migrants and trafficking of persons.

The penalties for trafficking in persons for sexual exploitation or other exploitation are imprisonment for 10 to 15 years and a fine of not less than approximately \$100,000 (50 million CFA francs). There were no reported prosecutions for trafficking during the year.

The Government provided limited protection or assistance to victims or witnesses. Embassies of victims' countries of origin, if present, were invited to assume care of victims until they were returned to their home countries. There were few NGOs in the country to assist victims. The only victims identified were repatriated.

The Government, through the National Action Plan to Fight Against Trafficking in Persons and Child Labor, funded a program to educate the public against these practices, assist victims, and punish offenders.

*Persons with Disabilities.*—The law does not provide protection for persons with disabilities from discrimination in employment, education, or the provision of other state services, nor does the law mandate access to buildings for persons with disabilities.

Educational services for the mentally or physically handicapped were minimal. They were usually provided, if at all, by churches or NGOs. However, the country's school for deaf children, managed by the local Red Cross, was judged by the ICRC to be the best in the region. The country also provided care for the mentally handicapped in the 2-year-old Virgin Madre Maria Africa facility. However, there was societal discrimination against such persons.

The ministries of education and health had primary responsibility for protecting the rights of persons with disabilities. Public service announcements regarding rights of the disabled continued to be broadcast.

*National/Racial/Ethnic Minorities.*—Discrimination against ethnic or racial minorities was illegal; however, societal discrimination, security force harassment, and political marginalization of minorities was a problem. The number of illegal residents from Nigeria, Ghana, Cameroon, Mali, Togo, and other African countries grew, despite police attempts to enforce immigration rules. Foreign workers from West Africa and elsewhere were attracted to the country by its growing economy, stimulated by its oil industry.

Differences among subclans of the Fang, especially resentment of the political dominance of the Mongomo subclan, were sources of political jockeying and potential friction. In practice some members of ethnic minorities, particularly of the Bubi ethnic group, faced discrimination, especially when they were not members of the dominant political party.

*Other Societal Abuses and Discrimination.*—Societal stigmatization and discrimination against homosexuals was strong, and the Government made no effort to combat it.

Despite frequent public statements and radio campaigns advocating non-discrimination toward them, persons with HIV/AIDS continued to be victims of societal stigmatization, which led them to keep their illness hidden. The Government promulgated a decree that provides for free HIV/AIDS testing and treatment, and supported public information campaigns to increase awareness.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law provides workers the right to establish unions and affiliate with unions of their choice, without previous authorization or excessive requirements; however, the Government placed practical obstacles before groups wishing to organize. Most often, those seeking to organize were co-opted into existing party structures by means of pressure and incentives. The Union Organization of Small Farmers continued to be the only legal operational labor union. According to the International Trade Union Confederation, the authorities continued to refuse to register the Equatorial Guinea Trade Union. The law stipulates that a union must have at least 50 members from a specific workplace to register; this rule effectively blocked union formation. Authorities refused to legalize the Independent Syndicated Services, a public sector union, despite its having met the requirements of the law.

There is no law prohibiting antiunion discrimination but there were no reports that it occurred.

*b. The Right to Organize and Bargain Collectively.*—The law allows unions to conduct activities without interference, but the Government did not protect this right in practice. Workers were effectively prohibited from striking. On rare occasions workers engaged in temporary protests or “go slows” (work slowdowns and planned absences).

The Government and employers set wages with little or no participation by workers, though booming market conditions have driven wages to some of the highest levels in the region. There were no reports of collective bargaining by any group; however, the Ministry of Labor sometimes mediated labor disputes. Dismissed workers, for example, could appeal to the ministry, first through their regional delegate; however, there was little trust in the fairness of the system. Citizens had a right to appeal labor ministry decisions to a special standing committee of Parliament established to hear citizen complaints regarding decisions by any government agency.

Workers rarely exercised their right to strike in part because they feared losing their jobs and possible harm to themselves or their families.

There were no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor and slavery, including by children. There were no reports that such practices occurred.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—While no comprehensive child labor law has been passed, in practice a series of decrees and resolutions forms the basis for effective government action. The 2004 law against trafficking provides that persons found guilty of illegally forcing a minor to work may be punished with a fine from approximately \$100 to \$500 (50,000 to 250,000 CFA francs); however, child labor sometimes occurred, generally the selling of small items on the street or in markets. Radio news reported that some parents of working children were forced to pay this fine as examples.

The legal minimum age for employment is 14 years. In most cases children also went to school, girls through primary school and boys through middle school. The employment of children is prohibited in street vending, car-washing, or in bars and restaurants.

The Ministry of Labor was responsible for enforcing child labor laws.

*e. Acceptable Conditions of Work.*—Enforcement of labor laws and ratified international labor agreements was not effective, resulting in poor working conditions. Construction safety codes, for example, were not enforced. Most petroleum companies, on the other hand, exceeded international safety minimum standards.

By law employers must pay the minimum wage set by the Government. Minimum wage in the country is set by statute and varies from sector to sector. Minimum wages were set for all sectors of the formal economy; however, the minimum wage did not provide a decent standard of living for a worker and family in Malabo or Bata. In the rest of the country, the minimum wage would provide a minimally adequate income. Many formal sector companies paid more than this, but many workers (e.g. farmers) were not covered under the minimum wage law. By law, hydrocarbon industry workers received salaries many times higher than those in other sectors, creating disparities within society and fueling inflation for some goods and services. The Ministry of Labor was responsible for enforcing minimum wage rules.

The law prescribes a standard 35-hour workweek and a 48-hour weekly rest period, requirements that generally were observed in practice in the formal economy. Exceptions were made for some jobs, such as those in offshore oil industry work. Premium pay for overtime was required, but the requirement was not enforced.

The law provides for protection for workers from occupational hazards, but the Government did not enforce this. The Government had an insufficient number of labor inspectors to oversee industry. The law does not provide workers with the right to remove themselves from situations that endangered health or safety without jeopardizing their continued employment.

---

## ERITREA

Eritrea, with a population of approximately 3.6 million, is a one-party state that became independent in 1993 when citizens voted for independence from Ethiopia. The People's Front for Democracy and Justice (PFDJ), previously known as the Eritrean People's Liberation Front, is the sole political party and has controlled the country since 1991. The country's president, Isaias Afwerki, who heads the PFDJ

and the armed forces, dominated the country, and the Government continued to postpone presidential and legislative elections; the latter have never been held. The border dispute with Ethiopia continued, despite international efforts at demarcation, to the detriment of the country's international trade and external relations. The situation was used by the Government to justify severe restrictions on civil liberties. Civilian authorities generally maintained effective control of the security forces.

The Government's human rights record remained poor, and authorities continued to commit numerous serious abuses. They included: Abridgement of citizens' right to change their government through a democratic process; unlawful killings by security forces; torture and beating of prisoners, sometimes resulting in death; arrest and torture of national service evaders, some of whom reportedly died of abuses while in detention; harsh and life threatening prison conditions; arbitrary arrest and detention, including of family members of national service evaders; executive interference in the judiciary and the use of a special court system to limit due process; infringement on privacy rights; and roundups of young men and women for national service. They also included: Severe restrictions of basic civil liberties, including the freedoms of speech, press, assembly, association, and religion, particularly for religious groups not approved by the Government; restriction of freedom of movement and travel for diplomats, the personnel of humanitarian and development agencies, and the U.N. Mission to Eritrea and Ethiopia (UNMEE); and restriction of the activities of nongovernmental organizations (NGOs). There was societal abuse and discrimination against women; widespread practice of female genital mutilation (FGM); governmental and societal discrimination against members of the Kunama ethnic group; widespread societal discrimination based on sexual orientation, and reports of discrimination against those with HIV/AIDS. There were limitations on workers' rights.

The Government acted as a principal source and conduit for arms to antigovernment, extremist, and insurgent groups in Somalia, according to a June report issued by the U.N. Munitions Monitoring Group.

#### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—There were no reports that the Government or its agents committed any politically motivated killings; however, the Government continued to authorize the use of lethal force against anyone resisting or attempting to flee during military searches for deserters and draft evaders, and the practice reportedly resulted in deaths during the year. Several persons detained for evading national service died after harsh treatment by security forces. There were reports that individuals were severely beaten and killed during roundups of young men and women for national service.

There were reports of summary executions and of individuals shot on sight near the Ethiopian and Sudanese borders, allegedly for attempting to cross the border illegally. For example, on September 17, security forces reportedly shot and killed a member of the al-Rashaydeh tribe for refusing to comply with security authorities and trying to escape. The victim sustained bullet wounds to the face and head, according to the family.

Late in the year, a businessman died in detention under circumstances that suggested the involvement of government officials.

There were reports that some persons who were detained because of their religious affiliation died from security force abuses.

At least 13 deaths and 41 injuries resulted from landmine explosions during the year. According to the Government Commission for Coordination with the U.N. Peacekeeping Mission, an estimated 3 million landmines and unexploded ordnance remained from the 30-year war of independence and the 1998–2000 conflict with Ethiopia. The Eritrean Islamic Party for Justice and Development (formerly known as the Eritrean Islamic Jihad Movement), and other opposition groups reportedly laid new mines during the year. The Eritrean Demining Authority, in cooperation with the U.N. Mine Action Committee, continued demining activities in the Temporary Security Zone (TSZ) between Eritrea and Ethiopia.

*b. Disappearance.*—There were no reports of politically motivated disappearances during the year; however, there were unresolved disappearances from previous years.

At year's end, the whereabouts of 11 senior PFDJ and National Assembly members and several journalists and employees of diplomatic missions arrested by the Government in 2001 remained unknown; however, there were unconfirmed reports during the year that one of the 11 had died in detention in previous years and that the rest were being held in solitary confinement. There were also unconfirmed re-

ports that a journalist, Fessahaye “Joshua” Yohannes, held since 2001, died in detention from unknown causes.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law and ratified but unimplemented Constitution prohibit torture; however, there were numerous reports that security forces resorted to torture and physical beatings of prisoners, particularly during interrogations. There were credible reports that several military conscripts died following such treatment. Security forces severely mistreated and beat army deserters, draft evaders, persons attempting to flee the country without travel documents and exit permits, and members of certain religious groups. Security forces subjected deserters and draft evaders to such disciplinary actions as prolonged sun exposure in temperatures of up to 120 degrees Fahrenheit and the binding of hands, elbows, and feet for extended periods. No known action was taken during the year to punish perpetrators of torture and abuse.

There were reliable reports that torture was widespread in an unknown number of detention facilities, corroborated by prison escapees. For example, authorities suspended prisoners from trees with their arms tied behind their backs, a technique known as “almaz” (diamond). Authorities also placed prisoners face down with their hands tied to their feet, a technique known as the “helicopter.”

Reports continued that some female conscripts were subjected to sexual harassment and abuse. There were continued reports that instructors raped female conscripts at Sawa High School. There were also unconfirmed reports that during the year the Government implemented a “code of conduct” that would forbid a female student to be alone with male cadre.

*Prison and Detention Center Conditions.*—Conditions for the general prison population were harsh and life threatening. There were reports that prisoners were held in underground cells or in shipping containers with little or no ventilation in extreme temperatures. The shipping containers were reportedly not large enough to allow all of those incarcerated together to lie down at the same time.

There were credible reports that detention center conditions for persons temporarily held for evading military service were also harsh and life threatening. Unconfirmed reports suggested there may be hundreds of such detainees. Draft evaders were reportedly sent to the Wia military camp, where typically they were beaten. Some were held for as long as 2 years before being reassigned to their units. At one detention facility outside Asmara, authorities continued to hold detainees in an underground hall with no access to light or ventilation and sometimes in very crowded conditions. Some detainees reportedly suffered from severe mental and physical stress due to these conditions. There were also reports of multiple deaths at the Wia military camp due to widespread disease and lack of medical care.

There was reportedly a juvenile detention center in Asmara; however, juvenile offenders often were incarcerated with adults. In contrast to the previous year, there were no reports that juvenile offenders were sexually abused. Pretrial detainees generally were not held separately from convicted prisoners.

No visits were conducted by local human rights organizations, which the Government prevented from operating during the year. The Government permitted the International Committee of the Red Cross (ICRC) to visit several Ethiopian soldiers, who the Government claimed were deserters from the Ethiopian army, and to visit and register Ethiopian civilian detainees in police stations and prisons. However, the Government did not permit the ICRC to visit other detainees or prisoners.

Authorities generally permitted three visits per week by family members, except for detainees arrested for reasons of national security or for evading national service.

*d. Arbitrary Arrest or Detention.*—The law and unimplemented Constitution prohibit arbitrary arrest and detention; however, arbitrary arrest and detention were serious problems.

*Role of the Police and Security Apparatus.*—Police are officially responsible for maintaining internal security, and the army is responsible for external security; however, the Government can call on the armed forces, the reserves, and demobilized soldiers to meet either domestic or external security requirements. Agents of the National Security Office, which reports to the Office of the president, are responsible for detaining persons suspected of threatening national security. The military has the authority to arrest and detain civilians. Generally, police did not have a role in cases involving national security, but beginning in 2005 the police became involved in rounding up individuals who were evading national service.

Police, who often were conscripted, were poorly paid, and corruption was a problem. Police typically used their influence as government officials to assist friends and family. There were reports that police demanded bribes to release detainees and that military forces accepted money to smuggle citizens out of the country.

During the year the police, military, and internal security forces engaged in arrests and detentions without due process. Police and security forces frequently used violent tactics. Police forcibly arrested individuals on the street who were unable to present identification documents. Those in government national service were required to present "movement papers" issued by their offices or departments authorizing their presence in a particular location.

There were no mechanisms to address allegations of abuse by the police, internal security, or military forces.

*Arrest and Detention.*—The law stipulates that detainees must be brought before a judge within 48 hours of their arrest and may not be held more than 28 days without being charged with a crime. In practice authorities often detained persons suspected of crimes for much longer periods. The law stipulates that unless there is a "crime-in-progress," police must conduct an investigation and obtain a warrant prior to an arrest. In cases involving national security, this process may be waived. In practice very few individuals were arrested with a warrant. Authorities often did not promptly inform detainees of the charges against them. Often detainees did not have access to counsel or appear before a judge, and incommunicado detention was widespread. Authorities provided indigent detainees with counsel on an irregular basis. There was a functioning bail system, except for cases involving national security or crimes that could carry the death penalty.

Security forces conducted arrest campaigns during the year.

They continued the practice, begun in 2005, of detaining and arresting parents and spouses of individuals who had evaded national service duties or fled the country, although there is nothing in the legal code to authorize such arrests. Numerous family members arrested during security force operations in December 2006 remained in detention at year's end, reportedly under harsh conditions. There were reports of family members being fined in lieu of imprisonment.

There were reports that police arbitrarily arrested individuals patronizing Asmara nightclubs. It was unknown whether nightclub patrons arrested in 2006 for escaping the draft or posing threats to national security remained in detention.

The Government does not recognize dual nationality, and security forces arbitrarily arrested Eritrean citizens with other nationalities during the year, on national security charges. The Government also detained one foreign diplomat without charge during the year. There were reports that plainclothes agents of the National Security Office entered homes without warrants and arrested occupants. There also were reports that security force personnel detained individuals for reasons ranging from evading national service to unspecified national security charges. Reports also indicated that persons with connections to high-level government officials instigated the arrest of individuals with whom they had personal vendettas.

Security forces detained, generally for fewer than 3 days, many persons during their searches for evaders of national service, even if the detainees had valid papers showing that they had completed, or were exempt from, national service.

The Government continued to arbitrarily arrest and detain journalists, persons who spoke out against the Government, and members of nonregistered religious groups.

In contrast to 2006, there were no reports during the year that authorities singled out Ethiopian nationals for arrest because they were unable to pay the necessary fees to renew their residency permits every 12 months.

There also were no reports that union leaders were arrested. The three union leaders arrested in March 2005 were released during the year.

There were no developments in the 2002 arrests of individuals associated with the 11 PFDJ National Assembly members who were detained in 2001 or of Eritrean diplomats who were recalled from their posts. At least four Eritrean diplomats arrested in previous years, including former ambassador to China Ermias Debassai (Papayo) remained in detention as did Aster Yohannes, wife of former foreign minister Petros Solomon. Two citizens who worked for a foreign Embassy have remained in detention without charge since 2001. One of two citizens who worked for another foreign Embassy and were arrested in 2005 and 2006 was released during the year; the other remained in detention. Two citizen employees of a diplomatic mission were arrested during the year while performing their official duties but released at year's end without charge. One foreign holder of a diplomatic passport was denied permission to leave the country for over 1 week.

There were reports that the Government continued to hold without charge numerous members of the Eritrean Liberation Front, an armed opposition group that fought against Ethiopia during the struggle for independence.

The Government held numerous other detainees; however, there were widespread reports that it released many of them without bringing them to trial. The detainees included an unknown number of persons suspected of antigovernment speech or of



association with the 11 former PFDJ members arrested in 2001. Suspected Islamic radicals or suspected terrorists also remained in detention without charge. Some have been detained for more than 10 years. These detainees reportedly did not have access to legal counsel and were not brought before a judge.

*e. Denial of Fair Public Trial.*—The law and unimplemented Constitution provide for an independent judiciary; however, the judiciary was weak and subject to executive control. Judicial corruption remained a problem. The judicial process was influenced by patronage of former fighters who in many cases were judges themselves. Executive control of the judiciary continued; the Office of the president served as a clearinghouse for citizens' petitions to the courts or acting in their stead as arbitrators or facilitators in civil matters. The judiciary suffered from a lack of trained personnel, inadequate funding, and poor infrastructure that limited the Government's ability to grant accused persons a speedy and fair trial. Public trials were held, but virtually no cases involving individuals detained for national security or political reasons were brought to trial. The drafting into national service of many civilian court administrators, defendants, judges, lawyers, and others involved in the legal system continued to have a significant negative impact on the judiciary. The Government has not issued licenses to lawyers wishing to enter private practice for 8 years.

The text of the Eritrean Constitution was completed in 1997 and ratified by the National Assembly later that year. It contains provisions intended to promote fair trials; however, the Constitution has not been implemented. The judicial system consists of civilian courts and "special courts." The civilian court system consists of community courts, regional courts, and the High Court, which also serves as an appellate court. Appeals can be made in the civilian courts up to the High Court. Minor infractions involving sums of less than approximately \$7,300 (110,000 nakfa) are brought to community courts. More serious offenses are argued before regional courts, but a significant proportion of cases involving murder, rape, and other felonies are heard by the High Court as court of first instance. A single judge hears all cases except those argued before the High Court, where panels of three judges hear cases. A panel of five judges hears cases in which the High Court serves as the court of final appeal.

The executive-controlled special courts issue directives to other courts regarding administrative matters, although their domain was supposed to be restricted to criminal cases involving capital offenses, theft, embezzlement, and corruption. The Office of the Attorney General decides which cases are to be tried by a special court. No lawyers practice in the special courts. The judges serve as the prosecutors and may request that individuals involved in the cases present their positions. The special courts, which do not permit defense counsel or the right of appeal, allowed the executive branch to mete out punishment without regard for due process. Most trials in special courts were not open to the public.

Judges of courts in both branches included former senior military officers with no formal legal training. They generally based their decisions on "conscience," without reference to the law. There was no limitation on punishment, although the special courts did not hand down capital punishment sentences during the year. The attorney general also allowed special courts to retry civilian court cases, including those decided by the High Court, thereby subjecting defendants to double jeopardy. In rare instances appeals made to the Office of the president reportedly resulted in special courts rehearing certain cases.

Most citizens' only contact with the legal system was with the traditional community courts. In these courts judges heard civil cases, while magistrates versed in criminal law heard criminal cases. Customary tribunals were sometimes used to adjudicate local civil and criminal cases. The Ministry of Justice offered training in alternative dispute resolution to handle some civil and criminal cases.

Shari'a law for family and succession cases could be applied when both litigants in civil cases were Muslims. In these cases, the sentences imposed cannot involve physical punishment.

*Trial Procedures.*—The law and unimplemented Constitution provide specific rights to defendants in the regular court system. Defendants have the right to be present and to consult with an attorney; however, many defendants lacked the resources to retain a lawyer, and government legal aid was limited to defendants accused of serious crimes punishable by more than 10 years in prison. In the High Court, defendants have the right to confront and question witnesses, present evidence, gain access to government-held evidence, appeal a decision and are presumed innocent; these rights were upheld in practice. These safeguards do not apply in the special courts.

*Political Prisoners and Detainees.*—There were no confirmed reports of new political prisoners; however, there were numerous reports of political detainees. No information was available on the circumstances of several hundred individuals detained beginning in 2001 for political reasons. Many were perceived to have ties to political dissidents or were believed to have spoken against government actions. Most of these detainees had not been tried and did not have access to legal counsel. The ICRC was not authorized to visit these detainees.

*Civil Judicial Procedures and Remedies.*—There are no civil judicial procedures for individuals claiming human rights violations by the Government. Some persons who were critical of the Government were detained without due process. For the majority of citizens there were few remedies available for enforcing domestic court orders; however, persons affiliated with the executive branch, former fighters, and persons with wealth could use their influence with the court to secure civil remedies before the law.

*Property Restitution.*—There were unconfirmed reports that the Government seized property without restitution. For example, on September 19, government agents forcibly removed residents from former rehabilitated property in Um Hajer and Golj areas—Gash Barka region—and transferred it to other settlers. The Government failed to compensate foreigners for property taken by preindependence governments or to restore the property to them. After the forced closure of several NGOs in 2005 and 2006, the Government required that all property be turned over to it, including such items as computers, printers, and vehicles. There were also reports that properties belonging to registered religious organizations were confiscated.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law and unimplemented Constitution prohibit such actions; however, the Government infringed upon the right to privacy.

The Government deployed military and police throughout the country, using roadblocks, street sweeps, and house-to-house searches, to find deserters and draft evaders as well as parents of deserters and draft evaders. Security forces continued to detain and arrest parents of individuals who evaded national service duties or fled the country. Parents were fined up to \$3,300 (50,000 nakfa) per child and required to bring their children back. Families could pay the fine in installments or offer property in lieu of payment. During the year the Government also detained spouses of individuals who had evaded national service or fled the country, and the Government prevented spouses of such individuals from departing the country.

There were reports that security forces targeted gatherings of unregistered religious groups; however, unlike in the previous year there were no reports that authorities searched the homes of foreigners.

The Government monitored mail, e-mail, and telephone calls without obtaining warrants as required by law. Government informers were believed to be present throughout the country.

There were reports that military officials and government officials seized residences and businesses belonging to private citizens and religious organizations and subsequently housed the families of senior military officers or government officials in the properties, used the properties for government or military functions, or reassigned ownership of the properties to government and military officials.

In 2006 there were reports that the Government forced the resettlement of individuals residing in Massawa based on professed concerns for the security of the president. Individual houses and businesses were demolished without adequate compensation.

During the year the Government denied parents permission to visit their minor children in Sawa Academy, an isolated and remote government-run school for all 12th grade students.

While membership in the PFDJ, the Government's only sanctioned political party, was not mandatory for all citizens, the Government coerced membership for certain categories of individuals, particularly those occupying government positions or assigned through national service to serve in government institutions. Private citizens were forced to attend PFDJ indoctrination meetings, and there were reports of threats to withhold the ration cards of those who did not attend. There are reports that the Government also oppressed individuals belonging to parties that were pro-Ethiopian prior to independence.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The law and unimplemented Constitution provide for freedom of speech and of the press; however, the Government severely restricted these rights in practice. Citizens did not have the right to criticize their gov-

ernment in public or in private, and some who did so were arrested or detained. The private press remained banned, and most independent journalists remained in detention or had fled the country, which effectively prevented any public criticism of the Government. The Government intimidated the remaining journalists into self-censorship.

The Government controlled all media, which included three newspapers, two magazines, one radio station, and one television station. The law does not allow private ownership of broadcast or other media. The Government banned the import of foreign publications; however, individuals were permitted to purchase satellite dishes and subscribe to international media. The Government had to approve publications distributed by religious or international organizations before their release, and the Government continued to restrict the right of the religious media to comment on politics or government policies. The press law forbids reprinting of articles from banned publications. The Government also required diplomatic missions to submit all press releases for approval before their publication in the Government media.

The Government permitted two of the three reporters representing foreign news organizations to operate in the country; however, it frequently prevented them from filing stories with their news organizations. A third reporter was told not to report and was expelled from the country after refusing to reveal sources. The Swedish reporter who was held by the Government for nearly 4 years, released for medical treatment in November 2005 and then detained again a few days later, remained in detention without charge at year's end.

Security forces arrested numerous journalists during the year. For example, on June 6, journalist Eyob Kessete was detained for trying to illegally depart the country. Paulos Kidane, a journalist with Eri-TV and radio Dimtsi Hafash, who was arrested earlier in the year, died during a June attempt to flee on foot across the border into Sudan.

At least 15 local journalists who were arrested in 2001 remained in government custody at year's end. There were reports in February that former journalist Fessehaye "Joshua" Yohannes, who had been detained since 2001 for publishing an open letter critical of the president, died in detention.

According to Reporters Without Borders, journalists who remained in detention at year's end included: Eri-TV journalists Ahmed "Bahja" Idris, Johnny Hisabu, Senait Tesfay, Fathia Khaled, and Amir Ibrahim; Radio Dimtsi Hafash employees Daniel Mussie and Temesghen Abay; and Yemane Haile of the Eritrean News Agency. All those detained, except Hisabu, who was held in a detention center in Barentu, were reportedly held in a police-run complex in Asmara known as Agip.

Some of the nine ministry of information journalists arrested in November 2006 were released during the year; others remained in detention.

Unlike in the previous year, there were no reports that the Government denied exit visas to expatriate journalists, although other expatriates permission to leave was delayed.

*Internet Freedom.*—There were no official government restrictions on the use of the Internet; however, all Internet service providers were required to use government-controlled Internet infrastructure to provide service. The Government owned, either directly or through high-ranking PFDJ party members, the three Internet service providers. In urban areas, individuals were able to access the Internet through Internet cafes for a fee or through an at-home service provider. There were reports that the Government monitored Internet communications.

No information was available on the Internet service provider closed by the Government in September 2006.

*Academic Freedom and Cultural Events.*—The Government restricted academic freedom; in the academic context it did not respect freedom of speech, students' freedom of movement, or the right to assemble.

The Government issued a directive in 2002 reconfiguring the University of Asmara, which effectively shut down the university's undergraduate programs. As a result, prospective students have not been allowed to enroll in the university and instead were directed by the Government to attend the Mai Nafhi Technical Institute. Students finishing high school were not permitted to choose their next course of study and were assigned to specific vocational programs based on their performance on the matriculation exam, but only those students completing military training at Sawa or receiving a medical waiver were allowed to sit for the exam. A few graduate-level programs remained at the university; however, the law school was effectively closed, as new students were not permitted to enroll.

The Government denied exit visas to many students who wanted to study abroad. University academics who wished to travel abroad for further study or training were

required to seek permission in advance from the university president and the Government.

The Government monitored and controlled which films were shown at the cinema. International film festivals were closely monitored, and all films had to be approved by the Government.

*b. Freedom of Peaceful Assembly and Association.*—The law and unimplemented Constitution provide for freedom of assembly and association; however, the Government did not permit freedom of assembly or association. For gatherings of more than three persons, the Government requires those assembling to obtain a permit, although this requirement has been enforced sporadically.

No information was available on the 40 women and elders who were arrested in May 2006 when they gathered at the presidential palace of Asmara to ask for information about their husbands, who had been detained in retribution for their children fleeing the country to evade national service; security forces arrested the women and elders for not having a permit to assemble.

The Government did not allow the formation of any political parties other than the PFDJ.

*c. Freedom of Religion.*—The law and unimplemented Constitution provide for freedom of religion; however, the Government restricted this right in practice. Only the four religious groups whose registrations had been approved by the Government were allowed to meet legally during the year. These were: Orthodox Christians, Muslims, Catholics, and members of the Evangelical Lutheran Church of Eritrea, an umbrella group of several Protestant churches affiliated with the Lutheran World Federation. Security forces continued to abuse, arrest, detain, and torture members of nonregistered churches; at times such abuse resulted in death.

During the year there continued to be reports that security forces used extreme physical abuse such as bondage, heat exposure, and beatings to punish those detained for their religious beliefs. Numerous detainees were reportedly required to sign statements repudiating their faith or agreeing not to practice it as a condition for release. There also continued to be reports that relatives were asked to sign for detainees who refused to sign such documents. In 2006 two men died from injuries and severe dehydration in a military camp outside the town of Adi-Quala, where they were held for conducting a religious service in a private home.

In February there were unconfirmed reports that government officials tortured to death a man at a military center outside of Assab for worshipping at a banned Protestant church. In September government officials reportedly tortured to death a woman who had been detained for more than 18 months at Wi'a Military Training Center because of her refusal to sign a letter renouncing her faith.

During the year there were reports that hundreds of followers of various unregistered churches (mostly Protestant) were detained, harassed, and abused. Many of those detained were held in military prisons for not having performed required national military service. Several pastors and dozens of women were among the imprisoned. Several were released after recanting their faith; however, many refused to recant their faith and continued to be detained in civilian and military detention facilities across the country. While some were detained for short periods of time and released, approximately 2,000 individuals remained in detention at year's end because of their religious affiliation, according to the NGO Compass Direct.

In May government officials arrested over 80 members of a nonregistered church; all were released in June.

In the spring, following a November 2006 decree removing the exemption of the clergy from military service, the Government requested the four state-sanctioned religious organizations to provide a list of priests, seminarians, and religious workers to be conscripted into military service. Three of the organizations complied, but the Catholic church requested that ordained priests be provided with an alternative to military service and that the duration of military service be limited for other religious workers.

In August the Government demanded that the Catholic Church comply with a 1995 proclamation that strictly limited the activities of religious organizations to conduct services and other religious duties. On November 20, the Government refused to renew residence and work permits for 12 foreign Catholic sisters and priests and ordered them to leave the country. An official characterized the order as a routine immigration issue not related to the freedom and independence of the Catholic Church. There were also reports of Catholic church property being confiscated by the Government.

The Government effectively remained in charge of the Eritrean Orthodox Church. In January 2006 the Holy Synod, under government pressure, deposed Patriarch Abune Antonios of the Eritrean Orthodox Church on charges that he had committed

heresy and was no longer following church doctrine. The synod selected a new patriarch, Dioscoros. Deposed Patriarch Antonios remained under house arrest and continued to challenge the circumstances of Patriarch Dioscoros's selection at year's end. The lay administrator appointed by the Government in August 2005 remained the de facto head of the church; the administrator was neither a member of the clergy nor an appointee of the patriarch, as required by the Constitution of the Eritrean Orthodox Church.

In December 2006 the Government established the practice of taking possession of the weekly offerings given by parishioners to the Orthodox Church. The government-appointed lay administrator of the Orthodox Church claimed that the Government used the money from the offerings to pay priests and provide alms for the poor.

The Government also continued to monitor, harass, threaten, and arrest members of the Orthodox Medhane Alem group, whose religious services it had not approved. The three ministers who led Medhane Alem and who were arrested in October 2004 remained imprisoned without charge at year's end.

There were reports that the Government in September 2006 ordered the Kale Hiwot church to surrender all of its property to the Government.

The Government prohibited political activity by religious groups and faith-based NGOs. The Government's Office of Religious Affairs monitored religious compliance with this proscription.

The Government continued to harass, detain, and discriminate against the small community of members of Jehovah's Witnesses because of their refusal, on religious grounds, to vote in the independence referendum and the refusal of some to perform national service. Although members of several religious groups, including Muslims, reportedly have been imprisoned in past years for failure to participate in national military service, the Government singled out Jehovah's Witnesses for harsher treatment than that received by followers of other faiths for similar actions. In the past the Government dismissed members of Jehovah's Witnesses from the civil service, and many were evicted from, or not allowed to occupy, government-owned housing. Members of Jehovah's Witnesses frequently were denied passports and exit visas, and some had their identity cards revoked or were not issued them at all.

According to the Office of General Counsel for the Jehovah's Witnesses, 22 Jehovah's Witnesses remained imprisoned without charge. Although the maximum penalty for refusing to perform national service is 3 years' imprisonment, several members had been detained for more than 14 years. Of the members of Jehovah's Witnesses detained, 15 were reportedly held at Sawa Military Camp for refusing military service and seven were held in other prisons.

*Societal Abuses and Discrimination.*—There were negative societal attitudes toward members of some religious denominations other than the four sanctioned ones. Some citizens approved of the strict measures levied against unsanctioned churches, especially Pentecostal groups and Jehovah's Witnesses.

There was a very small Jewish population in the country; there were no reports of anti-Semitic acts.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection or Refugees, and Stateless Persons.*—The law and unimplemented Constitution provide for freedom of movement, foreign travel, emigration, and repatriation; however, the Government restricted some of these rights in practice. While citizens could generally travel freely within the country and change their place of residence, the Government restricted travel to some areas within the country, particularly along the borders with Sudan and Ethiopia. Military police periodically set up roadblocks in Asmara and on roads between other cities to find draft evaders and deserters. Police also stopped persons on the street and forcibly detained those who were unable to present identification documents or movement papers showing they had permission to be in a certain location.

In 2005 the Government ordered the grounding of all U.N. helicopters. The order continued to constrain UNMEE's ability to supply troops in the field, monitor the temporary security zone, and support medical evacuations. In March 2006 an UNMEE soldier died from heart failure; the ban on helicopter flights was believed to have contributed to his death as his access to medical treatment was significantly delayed.

Travel restrictions imposed in June 2006 on noncitizens remained in effect. All diplomats, humanitarian organization and U.N. staff, and foreign tourists were required to obtain advance permission from the Government in order to leave Asmara. Travel restrictions were enforced by military checkpoints. Travel permission was not

a transparent process. While some foreign nationals obtained permission to travel to certain locations, the Government refused to issue travel permits to others traveling to the same place. The Government often failed to respond to requests for travel authorization.

Unlike in the previous year, there were no reports that Ethiopians who remained in the country were prohibited from living in the Dehub Province bordering Ethiopia. Citizens and foreign nationals were required to obtain exit visas to depart the country. There were numerous cases where foreign nationals were delayed in leaving for up to 2 months or initially denied permission to leave when they applied for an exit visa. Persons routinely denied exit visas included men up to the age of 54, regardless of whether they had completed national service, women under the age of 47, members of Jehovah's Witnesses, and other persons out of favor with, or seen as critical of, the Government. In 2006 the Government began refusing to issue exit visas to children 11 years and older. The Government also refused to issue exit visas to children, some as young as 5 years of age, either on the grounds that they were approaching the age of eligibility for national service or because their expatriate parents had not paid the 2 percent income tax required of all citizens residing abroad. Some citizens were given exit visas only after posting bonds of approximately \$10,000 (150,000 nakfa).

The law has no provisions concerning exile, and the Government generally did not use exile.

In general citizens had the right to return; however, citizens had to show proof that they paid the 2 percent tax on their income to the Government while living abroad to be eligible for some government services, including exit visas, upon their return to the country. Applications to return filed by citizens living abroad who had broken the law, contracted a serious contagious disease, or had been declared ineligible for political asylum by other governments were considered on a case-by-case basis.

During the year, in conjunction with the ICRC, the Government repatriated approximately 2,585 Ethiopians to Ethiopia; 112 Eritreans were repatriated from Ethiopia during the year.

*Internally Displaced Persons (IDPs).*—Approximately 19,000 IDPs from the conflict with Ethiopia were permanently resettled during the year. Approximately 6,625 IDPs remained in two camps in the Dehub zone, and approximately 1,250 refugees remained in an IDP camp in the Southern Red Sea Zone. Camp facilities were rudimentary, but conditions generally were adequate. There also was a large but unknown number of IDPs residing outside camps during the year. The Government allowed U.N. organizations to provide assistance to IDPs. The ICRC provided assistance to approximately 54,000 citizens through projects improving water supply, health structure, rehabilitation, and housing. The country made rapid progress in resettling the remaining 12,000 IDPs.

*Protection of Refugees.*—The law and unimplemented Constitution do not provide for the granting of asylum or refugee status in accordance with the definition in the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government did not establish a system for providing protection to refugees. As a result the Government cannot provide legal refugee or asylum status. However, in practice the Government provided some protection against "refoulement," the return of persons to a country where there is reason to believe they feared persecution, and provided temporary protection to approximately 135 persons from Sudan and 4,789 persons from Somalia on a prima facie basis. The Government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) in assisting refugees who were not from Ethiopia.

The Government requires noncitizens to pay an annual fee for a residency card; there was no discrimination regarding nationality. The fee was \$34 (500 Nakfa), which was used to demonstrate that a foreigner was not indigent. If the foreigner could not pay the fee he was first referred to the ICRC for repatriation, but if he refused repatriation, he was incarcerated for 60 days, at which point the cycle began again.

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

The law and unimplemented Constitution provide citizens with the right to change their government peacefully; however, citizens were not allowed to exercise this right in practice.

*Elections and Political Participation.*—The Government came to power in a 1993 popular referendum in which voters chose to have an independent country managed by a transitional government; however the "transitional government" has not per-

mitted the formation of a democratic system. The Government twice scheduled elections in accordance with the Constitution but cancelled them without explanation. An official declaration on January 1, 2003, claimed that “in accordance with the prevailing wish of the people it is not the time to establish political parties, and discussion of the establishment has been postponed.” Government officials also assert that implementation of the Constitution is not possible until the border demarcation with Ethiopia is finalized. Eritrea is a one-party state. Power rests with the PFDJ and its institutions. At times the Government coerced membership in the PFDJ.

Three women, including the ministers of justice, and of tourism, labor, and welfare, served on the PFDJ’s 19-member Executive Council, and 11 women served on the 75-member Central Council. Women participated in the constitutional commission that completed its work in 1997, occupying almost half of the positions on the 50-person committee. Women also serve in other senior government positions such as mayors and regional administrators.

There was no information on whether members of ethnic minorities were on the PFDJ’s 19-member Executive Council, served on the 75-member Central Council, or participated in the constitutional commission. Some senior government and party officials are members of minority groups such as the Tigray.

*Government Corruption and Transparency.*—The World Bank’s 2006 governance indicators perceived corruption in the country as a problem. There were reports of petty corruption within the executive branch, largely based on family connections. There were unconfirmed reports of more serious corruption among military leaders involving illicit trade and the appropriation of houses. There were reports that individuals requesting exit visas or passports had to pay bribes.

In the past the Government has seized successful private companies and turned them over to the party or to the Government.

Although the law and unimplemented Constitution provide for public access to government information, the Government did not provide information to either citizens or noncitizens.

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

The Government allowed one domestic human rights NGO—Citizens for Peace in Eritrea (CPE)—to operate, although the NGO was generally inactive during the year.

The Government permitted only one international human rights organization, the ICRC, to operate, and limited it strictly to operations such as repatriation, providing shelter to approximately 500 families who were displaced by the conflict with Ethiopia, visiting prisons and detention centers where Ethiopians were held, and providing assistance to IDPs.

All NGOs, regardless of their scope of work, were required to register with the Ministry of Labor and Human Welfare. In 2005 the Government issued a law requiring NGOs to reregister under new guidelines in order to continue operating. The new guidelines require international NGOs to maintain \$2 million in the local bank. Many failed to receive government approval under the registration process and were required to leave the country. As of year’s end, there were 11 registered NGOs. During 2006 the Government asked five NGOs—Mercy Corps, ACCORD, Samaritan’s Purse, International Rescue Committee (IRC), and Concern—to close operations and depart the country, which they did.

In April 2006 authorities announced that all food assistance would henceforth be provided through a cash-for-work program. Simultaneously, the Government redirected over 80,000 metric tons of food belonging to the World Food Program (WFP) and other donors to its own programs. An accounting of the distribution of this food was not provided by year’s end. In keeping with the new policy, the Government did not permit general humanitarian food distribution by NGOs or by the WFP, although it allowed the U.N. Children’s Fund (UNICEF) to continue its supplemental feeding programs, and supplemental feeding and hospital feeding programs continued under the supervision of the Ministry of Health. By requiring NGOs and U.N. organizations to obtain permission to travel outside the capital, the Government effectively controlled access by relief organizations to the rural areas. The status of school feeding programs was unknown at year’s end.

The Government allowed U.N. organizations to provide assistance to IDPs. By year’s end the Government had not returned the 45 vehicles it had seized in 2005 from the UNHCR.

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

The law and unimplemented Constitution prohibit discrimination against women and persons with disabilities; while the Government generally enforced these provi-

sions, violence against women and discrimination against minority ethnic groups continued.

*Women.*—Rape is a crime; however, it was unclear whether spousal rape is illegal. There was no specific information available on the prevalence of rape. Authorities often responded to reports of rape by encouraging the perpetrator to marry the victim.

Violence against women was pervasive. Domestic violence is a crime; however, domestic violence, especially wife beating, was widespread, and the Government did not effectively enforce the law. Women seldom openly discussed domestic violence because of societal pressures. Such incidents were more commonly addressed, if at all, within families or by clergy. Authorities' response to domestic violence was hindered by a lack of trained personnel, inadequate funding, and unsupportive societal attitudes.

Prostitution is illegal but was a serious problem. Security forces occasionally followed women engaged in prostitution and arrested those who had spent the night with a foreigner.

Sexual harassment is illegal; however, cultural norms prevented women from reporting these types of incidents, and no one was charged or prosecuted for sexual harassment.

Women have a legal right to equal educational opportunities, equal pay for equal work, and equal property rights; however, in practice men retained privileged access to education, employment, and control of economic resources, particularly in rural areas. Women generally did not enjoy a social status equal to men.

The law requires that women from 18 to 47 years of age participate in national service. During the year the Government continued efforts to detain female draft evaders and deserters. According to reports, some women drafted for national service were subject to sexual harassment and abuse.

The National Union of Eritrean Women (NUEWs), Ministry of Labor and Human Welfare, and Ministry of Health are the primary government offices responsible for ensuring legal rights of women. Economic discrimination against women was not a problem.

*Children.*—Although the Government was generally committed to children's rights and welfare, its programs were limited by resource constraints. The Ministry of Labor and Human Welfare is responsible for policies concerning children rights and welfare. The Children's Affairs Division in the Ministry of Labor and Human Welfare covered childcare, counseling, and probation.

Education through grade seven is compulsory and tuition-free; however, students were responsible for uniforms, supplies, and transportation, which was prohibitively expensive for many families. Education above grade seven requires a nominal fee and is not compulsory. There was a shortage of schools and teachers at all levels, remedied in part by holding morning and afternoon shifts at schools. According to estimates by the Ministry of Education, the net enrollment rate of school-age children in the 2003–04 school year was approximately 43 percent; the gross elementary (grades one to five) enrollment rate was 71.7 percent. As of 2001, 86 percent of children who started primary school were likely to reach grade five. Approximately 75 percent of the population was illiterate. In rural areas young girls usually left school early to work at home.

The Government required that all students attend their final year of secondary school at a location adjacent to the Sawa military training facility in the western section of the country. Students who did not attend this final year did not graduate and could not sit for examinations that determined eligibility for advanced education. The remote location of this boarding school, security concerns, and societal attitudes reportedly resulted in many female students not enrolling for their final year; however, women could earn an alternative secondary school certificate by attending night school after completing national service. Many students elected to repeat grades or dropped out of high school after the 11th grade to avoid being forced to go to Sawa.

In 2002 the Government issued a directive which effectively shut down the University of Asmara. Since then, students who scored well on university exams were admitted to Mai Nafhi Technical Institute, which was operated by the Government.

Although the Government did not provide medical care for children, it operated an extensive vaccination program, and girls and boys had equal access to it.

There are no laws against child abuse and no government programs to combat the problem. Physical punishment, including harsh punishment, was widespread and socially accepted.

An estimated 89 percent of girls had undergone FGM. Almost all ethnic and religious groups in the country practiced FGM. In the lowlands, infibulation—the most



severe form of FGM—was practiced. In March the Government issued a proclamation declaring FGM a crime and prohibiting its practice. The Government and other organizations, including the National Union of Eritrean Women and the National Union of Eritrean Youth and Students, sponsored education programs during the year that discouraged the practice.

The legal minimum age for marriage for both men and women is 18, although religious entities may bless marriages at younger ages. UNICEF reported that child marriage occurred in the west and in coastal areas. According to a 2002 Demographic and Health Survey, 28.2 percent of the female population between 15 and 19 were married, and 1.5 percent of the male population between 15 and 19 were married.

The law criminalizes child prostitution, pornography, and sexual exploitation; however, some children were involved in prostitution.

There are a few uncorroborated stories of street children being taken to camps for skills training, but it is likely that only children approaching 17 years of age were actually conscripted. The number of street children was small but growing.

*Trafficking in Persons.*—The law and unimplemented Constitution prohibit trafficking in persons, and there were no reports that persons were trafficked to, from, or within the country.

*Persons with Disabilities.*—The law and unimplemented Constitution prohibit discrimination against persons with disabilities in employment, education, or in the provision of other state services, and there were no reports of discrimination in practice. The Government dedicated substantial resources to support and train the thousands of men and women with physical disabilities that resulted from the war for independence and the conflict with Ethiopia. There are no laws mandating access for persons with disabilities to public thoroughfares or public or private buildings, but many newly constructed buildings provided such access.

*National/Racial/Ethnic Minorities.*—There were reports of government and societal discrimination against the Kunama, one of nine ethnic groups residing primarily in the west. Societal abuse of Ethiopians occurred, but there were fewer reports of such abuse than in the previous year.

*Other Societal Abuses and Discrimination.*—Homosexuality is illegal, and homosexuals faced severe societal discrimination.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law provides workers with the legal right to form unions to protect their interests; however, some government policies restricted free association or prevented the formation of some unions, including within the civil service, military, police, and other organizations providing essential services. The Ministry of Labor and Human Welfare must grant special approval for groups of 20 or more persons seeking to form a union. There were no reports that the Government opposed the formation of labor associations during the year; however, the Government did not approve the formation of any unions. All unions, including the Teacher's Union, Women's Union, Youth's Union, and Worker's Union, were run by the Government. Membership in these unions was required. Since most businesses were also government-owned, these unions did not experience antiunion discrimination. The Government did not encourage the formation of independent unions by employees of private businesses. Union leaders were typically government employees, and union activities were generally government sanctioned.

The three trade union activists arrested without charge in March 2005, and reportedly held in a secret detention center controlled by security forces, were released at year's end.

*b. The Right to Organize and Bargain Collectively.*—The law allows unions to conduct their activities without interference, and collective bargaining is allowed. In practice all unions are subservient to the Government, which sets wages for union workers, employees of PFDJ owned enterprises, and government employees. However, wages are set independently in the small private sector, although workers are not allowed to organize independently.

The law allows strikes; however, since union leaders are accountable to the Government, workers did not exercise this right in practice. Free zones, authorized in January 2006 to attract foreign and local investors, did not begin operating during the year.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children; however, there were unconfirmed reports that it occurred during the year. The Government required all men between the ages of 18 and 54 and women between the ages of 18 and 47 to participate in the national service program, which included military training and civilian work programs. Some citizens were reportedly enlisted in the national service for many years with no pro-

spective end date. The Government justifies its open-ended draft on the basis of the undemarcated border with Ethiopia. Some national service members were assigned to return to their civilian jobs while nominally kept in the military because their skills were deemed critical to the functioning of the Government or the economy. These individuals continued to receive only their national service salary. The Government required them to forfeit to the Government any money they earned above and beyond that salary. Government employees generally were unable to leave their jobs or take new employment. Draft evaders often were used as laborers on government development projects.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—Although the Government has a national plan of action to protect children from exploitation in the workplace, it was not enforced effectively, and child labor occurred. The legal minimum age for employment is 18 years, although apprentices may be hired at age 14. The law prohibits children, young workers, and apprentices under age 18 from performing certain dangerous or unhealthy labor, including working in transport industries, working in jobs involving toxic chemicals or dangerous machines, and working underground, such as in mines and sewers. It was common for rural children who did not attend school to work on family farms, fetching firewood and water and herding livestock, among other activities. In urban areas, some children worked as street vendors of cigarettes, newspapers, or chewing gum.

Labor inspectors from the Ministry of Labor and Human Welfare are responsible for enforcing child labor laws, but inspections were infrequent.

Some of the major programs implemented to prevent child labor include government preschool services in rural and urban areas and academic and vocational training.

*e. Acceptable Conditions of Work.*—The minimum wage in the civil service sector of \$24 (360 nakfa) per month did not provide a decent standard of living for a worker and family. Most persons in national service and the service industry made less than the minimum wage. The Government did not enforce the minimum wage law. There is no legally mandated minimum wage in the private sector.

The standard workweek is 44½ hours, but many persons worked fewer hours. Workers are entitled to 1 rest day per week; most workers were allowed 1 to 1½ days off per week. There are no prohibitions against excessive overtime. The Government has instituted occupational health and safety standards, but inspection and enforcement varied widely among factories. In practice some workers were permitted to remove themselves from dangerous work sites without retaliation.

## ETHIOPIA

Ethiopia is a Federal republic under the leadership of Prime Minister Meles Zenawi and the ruling Ethiopian People's Revolutionary Democratic Front (EPRDF) coalition. The population was approximately 77 million. In the May 2005 parliamentary elections, the EPRDF won a third consecutive 5-year term. Domestic and international observers reported that polling throughout the country was generally credible, although irregularities and intimidation of voters and election observers marred polling in many areas. Political parties were predominantly ethnically based, but opposition parties engaged in a steady process of consolidation. During the year fighting between government forces and the Ogaden National Liberation Front (ONLF), an ethnically-based, nationalist insurgent movement operating in the Somali Region, resulted in widespread human rights abuses. While civilian authorities generally maintained effective control of the security forces, there were instances in which elements within those forces acted independently of government authority.

Human rights abuses reported during the year included: Limitation on citizens' right to change their government during the most recent elections; unlawful killings, and beating, abuse, and mistreatment of detainees and opposition supporters by security forces; poor prison conditions; arbitrary arrest and detention, particularly of those suspected of sympathizing with or being members of the opposition or insurgent groups; detention of thousands without charge and lengthy pretrial detention; infringement on citizens' privacy rights and frequent refusal to follow the law regarding search warrants; use of excessive force by security services in an internal conflict and counter-insurgency operations; restrictions on freedom of the press; arrest, detention, and harassment of journalists for publishing articles critical of the Government; restrictions on freedom of assembly; limitations on freedom of association; violence and societal discrimination against women and abuse of children; female genital mutilation (FGM); exploitation of children for economic and sexual pur-

poses; trafficking in persons; societal discrimination against persons with disabilities and religious and ethnic minorities; and government interference in union activities, including killing and harassment of union leaders.

ONLF forces in the Somali region were responsible for widespread human rights abuses, including killings and the diversion of food supplies resulting in the displacement of thousands of persons.

#### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—Government forces and armed elements of the ONLF were responsible for numerous targeted killings in the Somali Region during the year (see Section 1.g.).

Security forces committed politically motivated killings during the year. Security forces committed arbitrary killings during the year. For example, on January 16, two police officers beat, shot, and killed Tesfaye Taddese, who was an organizer for the opposition Coalition for Unity and Democracy (CUD) during the 2005 parliamentary elections. An autopsy later revealed that the victim had lost several teeth and one eye from the beating before being shot. The police officers were arrested and an investigation was ongoing at year's end.

On March 2, the opposition United Ethiopian Democratic Forces (UEDF) party reported that Degaga Gebissa, a party member from Meta-Robi District, Oromiya Region, was taken from his house by police and shot and killed. Police allegedly refused to allow an autopsy or to provide any information to UEDF party officials.

On March 5, Tsegaye Ayele Yigzaw of Debre Markos town, Gondar Region, died as a result of prolonged beatings and torture while in police custody. Tsegaye, a member of the opposition Ethiopian Democratic Party (EDP), was arrested and interrogated initially in late 2006. Reports indicate that he was kept in custody beyond the legal limit, denied food and water, and severely beaten to extract a confession. On March 5, the court ordered that Yigzaw be released for lack of evidence; however, he died before being set free. The victim's family was not given a copy of the autopsy report.

Local police or kebele militia reportedly killed activists working on a sugar cane project in the Afar regional government (see Section 6.a.).

No investigation was conducted into the August 2006 political killing by army troops of Elias Molago, of Gibe District. After Molago was killed, his body was publicly displayed in the town of Hosana, the district capital. Molago, an election observer in the 2000 parliamentary elections, had disputed the official results that gave the ruling party victory in the area.

There were no developments in numerous other 2005 political killings.

For example, on January 3, police shot and killed two students during a raid on Gue Secondary School, Gue town, Oromiya Region. Police stormed the school in response to suspicions that supporters of the outlawed Oromo Liberation Front (OLF) were active in the school. Several other students were beaten and arrested. Some of the students were released, but others remained in detention at year's end.

On January 5, police shot and killed Belachew Endale Bitew of Arbaminch town, Southern Nations, Nationalities and Peoples' Region, according to reports from the Ethiopian Human Rights Council (EHRCO). A suspect was arrested and at year's end the case was being investigated.

On May 26, police fired on the vehicle of Manaye Alamrew of West Gojam Zone, Amhara Region; Alamrew died from his injuries. Police fired on the vehicle reportedly on suspicion that it was transporting weapons. No investigation had been initiated by year's end.

During the year Alemu Deriba, an off-duty Federal police officer who in February 2006, shot and killed four youths in Gondar, was tried and sentenced to death.

There were no developments in the May 2006 shooting by police in Nazret, Oromiya Region of Alemu Tesfaye, Tariku Yakiso, and Mensur Musema.

Five persons were killed and two were injured from landmines during the year. The Government demining unit continued to make limited progress in its survey and demining of border areas. United Nations Mission in Eritrea and Ethiopia (UNMEE) officials reported that new landmines were planted on both sides of the border with Eritrea during the year and disseminated information on the whereabouts of suspected mined areas to local residents.

At year's end there were approximately 2 million landmines in the country, many dating from the 1998–2000 war with Eritrea.

In 2006 several bomb explosions were reported in Addis Ababa and other parts of the country. During the year four supporters of the opposition Oromo National Congress (ONC) were arrested in relation to the April 2006 blast in the central mar-

ket in the town of Gedo, Oromiya Region that killed 15 persons and injured 37 others. There were no developments in any of the other bombings that occurred in 2006.

Violent clashes between different ethnic clans during the year resulted in hundreds of deaths. There were no developments in the following 2006 attacks: The September bus attack by armed men; the hand grenade incident in the town of Jijiga; and the explosion in Addis Ababa.

There were no further developments in the 2005 hand grenade attacks on four hotels and a residence in Jijiga, which resulted in five deaths and 31 injuries.

The Federal high court in Addis Ababa continued to arraign and prosecute those formally charged with committing genocide and other war crimes, including extrajudicial killings, under the 1975–91 Derg regime (see Section 1.e.).

*b. Disappearance.*—There were reports of politically motivated disappearances. On January 10, Yohannes Woldu, who was a CUD observer during the 2005 elections, disappeared, according to EHRCO. Following the elections, Yohannes had reported repeated harassment and threats from security services.

On July 11, small business owner Girma Tesfaye Ayana was arrested for allegedly possessing illegal weapons and has not been seen since. On July 18, Befekadu Bulti Merri, a professor at Jima University, Oromiya Region, was arrested on the same charge and his whereabouts also remained unknown.

A few of the thousands of civilian protestors who were detained and held incommunicado in 2005 remained in prison; however, most had been released by the end of 2006 (see Section 1.d.).

On January 12, Mulatu Gebremichel, a UEDF member who ran for the Federal Parliament in 2005, was released after reportedly being held in solitary confinement for over 3 months. However, on January 21, Mulatu disappeared, and his whereabouts remained unknown at year's end.

On September 20, the UEDF reported that Ismail Blatta, another member who ran for Federal Parliament, disappeared. Prior to his disappearance he had reported repeated harassment and threats from security services. Blatta was arrested several times following the 2005 elections.

During the year Tadesse Zelelam, Ayana Chindessa, and Legesse Tolera were released, according to EHRCO. The three had disappeared in January 2006, along with Lt. Abebe Alemu, Heletework Zewdu, and Wondimagegene Gedefaw.

During the year EHRCO reported that Daniel Worku, who had been abducted in 2005, was killed while in police custody.

There were no developments in the 2005 abduction by security forces of Ashenafi Berhanu, Tsegaye Neguse, Adem Hussien, Jelalu Temam, Girum Seifu, Mekonnen Seifu, Endeshaw Terefe, Daniel Abera, Tesfaye Bacha, Tesfaye Jemena, Bona Beyene, Getu Begi, Solomon Bekele, Amanuel Asrat, Mesfin Mergia, or Dawit Demerew.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—Although the Constitution and law prohibit the use of torture and mistreatment, there were numerous credible reports that security officials tortured, beat, or mistreated detainees. Opposition political parties reported frequent and systematic abuse of their supporters by police and regional militias. In Makelawi, the central police investigation headquarters in Addis Ababa, police investigators reportedly commonly used illegal interrogation methods to extract confessions.

For example, in May police arrested and reportedly tortured 37 CUD members suspected of having links with the outlawed Ethiopian Patriotic Front (EPF). Meqcha Mengistu, Anteneh Getnet, and Woldie Dana of the Ethiopian Teachers Association (ETA) were among the 37; the three had been repeatedly arrested beginning in late 2006. The trial of the 37 was ongoing at year's end.

On September 13, police beat regional parliamentarian Wegayehu Dejene of Mea District, Oromiya Region, and his family members. Police began harassing the parliamentarian after a February 2006 regional council meeting. Wegayehu filed several complaints with local authorities, but no action had been taken by year's end.

During the year two soldiers were arrested and convicted for the January 2006 rape of seven female residents of Guduru District, Oromiya Region. The two soldiers received sentences of 7 and 14 years respectively.

There were no developments in the July 2006 incident in which security forces detained and beat one regional parliamentarian from the Oromo Federal Democratic Movement (OFDM) and five from the ONC after their attendance in a court case.

There were no developments in the 2005 beating and subsequent suicide of Abdeta Dita Entele, a member of the opposition coalition Oromo National Congress/United Ethiopian Democratic Forces of Siraro District in the Oromo Region.

There were no developments in the 2005 reported attack on Daniel Bekele, a policy advocate for the NGO ActionAid Ethiopia and a member of the executive committee of the Network of Ethiopian Nongovernmental Organizations and Civil Society Organizations, which monitored the May 2005 elections. At year's end Bekele remained in police detention on trial for "outrages against the Constitution."

Security forces beat persons during demonstrations (see Section 2.b.).

*Prison and Detention Center Conditions.*—Prison and pretrial detention center conditions remained harsh and life threatening. Severe overcrowding was a problem, and prisoners were often allocated fewer than 21.5 square feet of sleeping space in a room that could contain up to 200 persons. The daily meal budget was approximately \$0.50 (4.5 birr) per prisoner, and many prisoners had family members deliver food daily, or used personal funds to purchase food from local vendors. Prison conditions were unsanitary, and access to medical care was unreliable. There was no budget for prison maintenance.

In detention centers, police often physically abused detainees. Authorities generally permitted visitors but sometimes arbitrarily denied them access to detainees.

While statistics were unavailable, there were some deaths in prison due to illness and poor health care. Prison officials were not forthcoming with reports of such deaths.

Authorities sometimes incarcerated juveniles with adults if they could not be accommodated at the juvenile remand home.

A few of the 10,000 to 18,000 individuals (mostly youths) detained in Dedessa military camp since 2005 remained; almost all were released in 2006.

During the year the International Committee of the Red Cross (ICRC) visited regional prisons, civilian detention facilities, and police stations throughout the country and conducted hundreds of visits involving thousands of detainees. However, they were prevented from visiting Federal prisons, including those where senior opposition, civil society, and media leaders were being held. Regional authorities allowed the ICRC to meet regularly with prisoners without third parties being present. The ICRC also received permission to visit military detention facilities where the Government detained suspected OLF fighters. The ICRC also continued to visit civilian Eritrean nationals and local citizens of Eritrean origin detained on alleged national security grounds. The local NGO Prison Fellowship Ethiopia (JFA-PFE) was granted access to various prison and detention facilities, including Federal prisons. The Government also periodically granted diplomatic missions access to regional prisons and prison officials, subject to advanced notification.

The Government limited access by representatives of the international community to leaders of the CUD opposition party, members of civil society groups, and journalists detained in 2005 for alleged involvement in antigovernment demonstrations in Addis Ababa, two of whom who remained in Federal police custody at Addis Ababa's Kaliti prison at year's end. However, the Government permitted JFA-PFE and local civic and religious leaders to visit these detainees.

*d. Arbitrary Arrest or Detention.*—Although the Constitution and law prohibit arbitrary arrest and detention, the Government frequently did not observe these provisions in practice.

*Role of the Police and Security Apparatus.*—The Federal Police Commission reports to the Ministry of Federal Affairs, which in turn is subordinate to the Parliament. Local government militias also operated as local security forces largely independent of the police and the military. Corruption remained a problem, particularly among traffic policemen who solicited bribes. Impunity also remained a serious problem. The Government rarely publicly disclosed the results of investigations into such types of abuses. The Federal police acknowledged that many of its members as well as regional police lacked professionalism.

The Government continued its efforts to train police and army recruits in human rights. During the year the Government continued to seek assistance from the ICRC, JFA-PFE, and the Ethiopian Human Rights Commission (EHRC) to improve and professionalize its human rights training and curriculum by including more material on the Constitution and international human rights treaties and conventions.

*Arrest and Detention.*—Authorities regularly detained persons without warrants and denied access to counsel and family members, particularly in outlying regions. Although the law requires detainees to be informed of the charges against them within 48 hours, this generally was not respected in practice. While there was a functioning bail system, it was not available in murder, treason, and corruption cases. In most cases authorities set bail between \$55 and \$1,100 (500 to 10,000 birr), which was too costly for most citizens. Police officials did not always respect court orders to release suspects on bail. With court approval persons suspected of serious offenses can be detained for 14 days while police investigate and for addi-

tional 14-day periods while the investigation continues. The law prohibits detention in any facilities other than an official detention center; however, there were dozens of unofficial local detention centers used by local government militia and other formal and informal law enforcement entities. The Government provided public defenders for detainees unable to afford private legal counsel, but only when their cases went to court. While in pretrial detention, authorities allowed such detainees little or no contact with legal counsel.

Security forces arrested without warrant hundreds of persons during the year, particularly prior to the Ethiopian New Year on September 11. Security forces began arresting individuals throughout the Oromiya Region on the grounds that they were involved with the OLF and possibly planning terrorist activity. Many of those arrested were members of the opposition UEDF or OFDM parties. Approximately 450 cases of arrest were reported to opposition party offices in Addis Ababa. Three of these cases were executive committee members of EHRCO's Nekempt office. Nearly all those held were not charged with any crime or brought to court. At year's end 148 remained in jail.

There were many reports from opposition party members that in small towns, authorities detained persons in police stations for long periods without charges or access to a judge, and that sometimes these persons' whereabouts were unknown for several months. Opposition parties registered many complaints during the year that government militias beat and detained their supporters without charge for participating in opposition political rallies (see Sections 1.c. and 1.e.).

Police continued to enter private residences and arrest individuals without warrants (see Section 1.f.).

There were no developments in the 2006 arrest by security forces of 180 persons in the town of Nazret, Oromiya Region, following clashes between local police and store owners. Initial charges included inciting an uprising and destruction of property, but most of those arrested had charges dismissed and were released by the end of 2006. However, there was no information available on those still detained.

During the year the 250 persons arrested in 2006 in the town of Tikur Inchini, Oromiya Region, following an uprising by local ONC activists were released.

In January 2006 the international media reported that more than 11,000 persons detained in November 2005 following large-scale antigovernment demonstrations had been released. However, the commission of inquiry into post-election political violence found that over 30,000 individuals had been detained, while other reports placed the number at over 50,000. Most of the prisoners were released without charge. The exact number of persons who remained in custody at year's end was not known.

In February 2006 Amnesty International alleged that the Government was still holding thousands of students under arrest in Oromiya Region. The Government denied the accusation, and claimed that only 86 students were under arrest for offenses including violence, property destruction, and "disrupting the teaching and learning process." Most of the 86 had reportedly been released by year's end.

At year's end, most of the CUD leaders and independent journalists detained in 2005 were released from prison.

During and following the December 2006 fighting inside Somalia, authorities in Somalia arrested and detained numerous persons accused of terrorism and support for the former Islamic Courts. Authorities in Kenya subsequently arrested other suspected terrorists after they fled Somalia for Kenya. Some of those detained were released, while others were transferred without judicial process to Ethiopia. In May Ethiopian authorities acknowledged that 41 suspected international terrorists were being held and investigated. Most of the 41 detainees, including all women and children, were released during the year; some were sent back to their respective countries for possible prosecution. Those whose countries refused to take them back were sent to third countries and released.

*Amnesty.*—On September 10, the Government granted amnesty to 17,765 prisoners from throughout the country; this represented 22 percent of the prison population. All but 383 Federal prisoners were from regional prisons. Convicted murderers, rapists, and those jailed for corruption were not included in the amnesty.

In July and August, 71 political detainees—the leadership of the CUD and several journalists—were pardoned for crimes for which they had been convicted and sentenced to punishments ranging from a few years to life in prison (see Section 1.e.).

*e. Denial of Fair Public Trial.*—The law provides for an independent judiciary. Although the civil courts operated with independence, the criminal courts remained weak, overburdened, and subject to significant political intervention.

The Government continued to decentralize and restructure the judiciary along Federal lines with the establishment of courts at the district, zonal, and regional

levels. The Federal high court and the Federal Supreme Court heard and adjudicated original and appeal cases involving Federal law, transregional issues, and national security. The regional judiciary was increasingly autonomous and often heard regional cases.

Regional offices of the Federal Ministry of Justice monitored local judicial developments. Some regional courts had jurisdiction over both local and Federal matters, as the Federal courts in those jurisdictions had not begun operation; overall, the Federal judicial presence in the regions was limited. Anecdotal evidence suggested that some local officials believed they were not accountable to a higher authority.

To remedy the severe lack of experienced staff in the judicial system, the Government continued to identify and train lower court judges and prosecutors, although officials acknowledged that salaries did not attract the desired number of competent professionals.

*Trial Procedures.*—According to the law, accused persons have the right to a fair public trial by a court of law within a “reasonable time,” the right to a presumption of innocence, the right to be represented by legal counsel of their choice, and the right to appeal. Despite these protections, closed proceedings occurred, at times authorities allowed detainees little or no contact with their legal counsel, and detainees usually were not presumed innocent. Judicial inefficiency, lengthy trial delays, and lack of qualified staff often resulted in serious delays in trial proceedings.

The Public Defender’s Office provides legal counsel to indigent defendants, although its scope remained severely limited. Although the law explicitly stipulates that persons charged with corruption are to be shown the body of evidence against them prior to their trials, authorities routinely denied defense counsel access to such evidence before trial.

In the country’s Federal system, Federal and regional criminal courts worked side-by-side. There are Federal first instance courts, high courts, and the Supreme Court. There are also regional first instance courts and high courts. The Supreme Court maintains appellate authority over all courts.

The law provides legal standing to some pre-existing religious and customary courts and allows Federal and regional legislatures to recognize other courts. By law, all parties to a dispute must agree that a customary or religious court would be used before such a court may hear a case. Shari’a (Islamic) courts may hear religious and family cases involving Muslims. In addition other traditional systems of justice, such as councils of elders, continued to function. Although not sanctioned by law, these traditional courts resolved disputes for the majority of citizens who lived in rural areas and generally had little access to formal judicial systems.

The Federal first instance court’s seventh criminal branch handled cases of sexual abuse against women and children. Three Federal judges sat on one bench to hear all cases involving juvenile offenses. There was a large backlog of juvenile cases, and accused children often remained in detention with adults until officials heard their cases.

Criminal matters related to the military are handled by military tribunals. Civilians are not permitted to be tried by military tribunals. The military justice system lacked adequately trained staff to handle a growing caseload.

During the year Ethiopian forces serving in Somalia arrested and detained civilians suspected of being affiliated with foreign fighters in Somalia, including nine women and five children. Some of the civilians were released after questioning; however, two international NGOs reported that some were transferred from Somalia through Kenya to Ethiopia, where some were tried by military tribunal. Others were held without charge or due process. There were reports that some were held incommunicado and that others were tortured or sexually assaulted by Ethiopian security personnel. At year’s end the status of many of those detained remained unknown.

In 2006 the 57 top officials from the former Derg (Mengistu) regime, including former communist dictator Colonel Mengistu Hailemariam, who were found guilty of genocide, treason, and murder for crimes committed during their 17 years of rule were sentenced. On January 11, they were given sentences ranging from 23 years to life in prison. Courts have convicted 1,018 persons involved with the Derg regime of crimes related to their role in atrocities, while 5,000 to 6,000 others remained on trial in other cases.

*Political Prisoners and Detainees.*—The total number of political prisoners and detainees during the year was estimated to be in the hundreds.

In May police arrested and reportedly tortured 37 CUD members suspected of having links with EPF (see Section 1.c.).

The trial of most of the CUD leadership, civil society members, human rights defenders, and journalists arrested following the demonstrations in November 2005 concluded after nearly 2 years of proceedings. In April 71 of the original 131 defend-

ants were found guilty of “outrages against the Constitution,” “obstruction of the exercise of constitutional powers,” and other crimes. Several of the defendants were sentenced to life in prison. The court ruled against the death penalty, noting that the crimes had been attempted, rather than actually carried out. One defendant was acquitted, and 25 were released for insufficient evidence.

Immediately following the court’s finding of guilt in July and August, the Government agreed to pardon the 71 after negotiations led by a group of prominent civic leaders. The pardon cleared all charges but was conditional on a pledge by the defendants to “abide by the constitutional order.” The pardon also permitted the defendants’ future political participation. Some of those pardoned had been held at Kerchele prison under harsh conditions. In 2006 CUD Secretary General Muluheh Eyoel and CUD member Andualem Arage, along with journalists Sisay Agena and Eskinder Nega, were placed in solitary confinement.

Two civil society leaders, Daniel Bekele and Netsanet Demissie, reportedly declined to sign an admission of guilt which would have made them eligible for pardon. They instead chose to present a full defense of their case. Following numerous delays on the part of the courts, their case concluded on December 26, when the Federal High Court convicted them of incitement and sentenced both to 30 months’ imprisonment. Since Bekele and Demissie had already served two-thirds of their sentences, they were eligible for parole; however, neither had been released by year’s end.

At year’s end, many other political detainees, including approximately 100 other CUD members, remained in prison on trial on charges related to activity in the November 2005 demonstrations.

Several of the pardoned detainees were journalists, some of whom fled following alleged threats from security officials (see Section 2.a.). They later reported on detention conditions for political prisoners, noting that although they themselves had not been tortured, they had seen many others beaten and tortured. Family visits to political prisoners were restricted to a few a year in some cases, and the ICRC was not permitted access. Prisoners were frequently denied proper light, mattresses, and adequate bathroom facilities. Several of the pardoned political prisoners had serious health problems in detention, and some received no treatment.

Prominent ETA members Tilahun Ayalew, Anteneh Getnet and Meqcha Mengistu, arrested in 2006 for allegedly being members of the Ethiopian Patriotic Front, an outlawed, allegedly armed front operating in the Amhara Region, and rearrested in 2007 remained in jail awaiting trial, along with 52 other detainees charged similarly (see Section 1.c.). Many observers maintained that the detentions were politically motivated.

Two NGO members active in civic education remained in prison.

The ONC reported that 138 of their members who were arrested in 2005, including three elected regional parliamentarians, remained in Kaliti Prison awaiting trial at year’s end.

The three Ethiopian Air Force personnel who landed a military helicopter and requested asylum in Djibouti in 2005 remained incommunicado detention in the country. No further information was available.

*Civil Judicial Procedures and Remedies.*—Civil courts, which provided judicial remedy for alleged wrongs, were generally viewed as independent and impartial. The law provides citizens the right to appeal human rights violations in civil court; however, no such cases were filed during the year.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law requires authorities to obtain judicial search warrants to search private property; however, in practice, particularly outside Addis Ababa, police often searched property without obtaining warrants. Opposition party representatives claimed that police sometimes used fraudulent warrants to enter homes and commit criminal acts, including extorting money. There were reports that members of the Federal police robbed persons during the year, including through the use of false warrants.

There continued to be reports of police forcibly entering civilian homes. During and following antigovernment demonstrations in June and November 2005, security forces entered homes and searched premises without warrants, took thousands of persons from their homes in the middle of the night without warrants, and often detained family members or other residents.

All electronic communications facilities were state-owned. Political party leaders reported incidents of telephoning tapping and other electronic eavesdropping.

The Government used a widespread system of paid informants to report on the activities of particular individuals.

There were reports during the year of the forced displacement of families in the Somali Region (see Section 1.g.); however, unlike in the previous year, no families



were moved as a result of the Government's resettlement program. In 2006 the Government claimed its program to move families from drought-prone areas to more fertile lands was voluntary, but opposition parties accused local authorities of targeting opposition supporters for resettlement by manipulating resettlement rosters.

There were reports that local officials used threats of land redistribution and withholding of food aid and fertilizer to garner support for the ruling coalition. There were many reports of ruling party or government harassment intended to prevent individuals from joining opposition parties or from renting property to them. There were numerous reports of more serious forms of harassment and violence directed against members of opposition parties in many areas of the country, including beatings, arrests, and killings.

There were credible reports that teachers and other government workers had their employment terminated if they belonged to opposition political parties. According to opposition groups OFDM and ONC, the Oromiya Regional government continued to dismiss members—particularly teachers—from their jobs.

The law imposes a 6-month waiting period on anyone seeking to remarry following a divorce or the death of one's spouse (see Section 5).

Security forces continued to detain family members of persons sought for questioning by the Government.

*g. Use of Excessive Force and Other Abuses in Internal Conflicts.*—During the year fighting between government forces and the ONLF, an ethnically-based, nationalist insurgent movement operating in the Somali Region resulted in widespread human rights abuses, including targeted killings, torture, rape, abductions, arbitrary arrest, burning of villages, the displacement of thousands of civilians, and a restricted supply of food and medicine. Since it was outlawed in 1994, there have been numerous violent conflicts between the ONLF, which seeks greater autonomy for the Ogadeni people and the Somali Region, and the Ethiopian National Defense Forces (ENDF) and security services. The regional conflict in Somalia that began in late 2006 spread to the Somali Region and, fueled by support from the Eritrean Government, resulted in greatly increased armed activity by the ONLF, whose members share ethnic ties with Somalis. International NGOs and other aid organizations operating in the region have reported that both the ENDF and the ONLF were responsible for abuses and harsh techniques to intimidate the civilian population. There have been no reports of authorities identifying or punishing the perpetrators of systematic human rights abuses in the Somali Region.

On April 24, in the largest offensive conducted in several years, the ONLF attacked a Chinese-run oil facility in the Degehabur zone of the Somali Region; 65 civilians and nine Chinese nationals were killed in the attack. Another seven Chinese were taken hostage by the ONLF, but later released. The ONLF acknowledged responsibility for the attack, which they said was in response to government-permitted exploration for resources in the Somali Region. The April 24 attack resulted in a dramatic increase in the conflict, which triggered widespread criticism of human rights abuses perpetrated by government forces.

On May 28, several individuals attacked a crowd with automatic weapons and hand grenades during an official public holiday celebration in Jijiga town, Somali Region; six persons were killed and several wounded, including the regional administrator, Abdullahi Hassan. The ONLF denied responsibility for the attack, but coming on the heels of the April 24 attack, the ENDF responded with a massive counterinsurgency campaign.

The Government and rebel forces restricted delivery of necessary food aid from donor organizations into the five zones in which military activity was the most intense. Flow of commercial traffic into these zones was also prevented, thereby creating food and supply shortages, a doubling of grain prices, and a 30 percent reduction in the price of livestock, a principal source of revenue. By year's end, the flow of humanitarian aid had resumed. Substantial improvements in food aid deliveries allowed relief to reach primary destination points, but distribution to secondary towns, rural areas, and to final beneficiaries remained limited.

The Government restricted access by NGO workers and journalists to affected areas. International journalists who entered the Somali Region without permission of the Government were arrested or asked to leave the country. The ICRC and Medecins Sans Frontieres (MSF) were expelled from the region for alleged cooperation with the ONLF; MSF had reported on alleged human rights violations and expressed concern about a possible looming humanitarian crisis.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—While the Constitution and law provide for freedom of speech and press, the Government did not respect these rights in practice. The Government continued to arrest, harass, and prosecute journalists, publishers,

and editors. The Government continued to control all broadcast media. Private and government journalists routinely practiced self-censorship.

Government-controlled media reflected mostly the views of the Government and the ruling EPRDF coalition. However, live radio and television broadcasts at times included televised parliamentary debates and broadcast the views of opposition parliamentarians, as did government newspapers.

Although some new, small circulation newspapers were published during the year, the number of private newspapers available in Addis Ababa remained small. Eight newspapers remained closed. Two were banned after their publishers and editors-in-chief were arrested in 2005, and six others that ceased publication as a result of the Government's crackdown or government-owned printing presses' refusal to print newspapers. Three publishing houses owned by journalists who were detained and later released were ordered dissolved and fined during the year. Only 18 private Amharic-language and English-language newspapers with political and business focus were in publication with a combined weekly circulation of 100,000. The closed newspapers had a combined total weekly circulation of approximately 400,000.

The Government operated the sole television station and tightly controlled news broadcasts. The broadcasting law prohibits political and religious organizations from owning broadcast stations. The law also prohibits foreign ownership.

Foreign journalists at times published articles critical of the Government but were subjected to government pressure to self-censor their coverage. During the year some reporters were subjected to intimidation, harassment, and expulsion from the country for publishing articles critical of the Government.

For example, on May 16, in the town of Degehabur, soldiers detained three New York Times journalists for 5 days. Nairobi Bureau Chief Jeffrey Gettleman, photographer Vanessa Vick, and videographer Courtenay Morris were reporting on the conflict between the Government and separatist rebels in the Ogaden Region bordering Somalia. They had not received proper press credentials or formal approval from the Government to travel to the region. Authorities repeatedly threatened the journalists, questioned them at gunpoint, refused to notify their Embassy, confiscated their equipment, and, in one instance, kicked Vick in the back. The journalists were moved among three different jails before being released on May 21. Their Embassy secured their release and departure from the country.

On July 18, Will Conners, a freelance writer in the country for over 2 years, was denied press accreditation by the Ministry of Information; Conners had been working with Jeffrey Gettleman and was investigating human rights abuses in the Ogaden area of Somali Region.

During the year the Government convicted and sentenced journalists for articles or actions in 2005.

For example, on July 16, six journalists and three publishers received criminal penalties for "actions against the state" charges stemming from 2005. Editors Andualem Ayele of Ethop, Zelalem Gebre of Menelik, Mesfin Tesfaye of Abay, and Abiy Gizaw of Netsanet were sentenced to life in prison and stripped of all civic rights. The prosecution requested the death penalty for Mesfin Tesfaye and Andualem Ayele. Zelalem Gebre and Abiy Gizaw were sentenced in absentia. Wenakseged Zeleke of Asqual was sentenced to 3 years in prison, and deputy editor Dawit Fasil of Satenaw to 18 months in prison.

The Government also pardoned and/or released other journalists who had been convicted of treason or "outrages against the constitutional order" stemming from the 2005 civil unrest.

For example, on April 9, the Federal High Court acquitted and set free eight editors and publishers of Amharic-language newspapers who were arrested in 2005 along with opposition leaders and accused of treason and attempted genocide along with the top opposition leaders. Those released were Serkalem Fasil, co-owner and publisher of The Asqual, Menelik, and Satenaw newspapers (who gave birth while in custody); her husband, Eskinder Nega, columnist in the same newspaper; publisher Sisay Agena of Ethop and Abay; editor-in-chief Nardos Meaza of Satenaw; publisher Zekarias Tesfaye and deputy editor Dereje Habtewold of Netsanet; deputy editor Feleke Tibebe of Hadar; and publisher Fasil Yenealem of Addis Zena. They were acquitted of three criminal charges and were released from Kaliti prison. The publications have been banned since the crackdown. Eskinder Nega was also acquitted on three additional charges connected to his alleged political activism.

On May 17, the court fined and released two journalists, Abdissa Aberra Deressa, editor-in-chief of the defunct Dagim Wonchif, and Abraham Tezera Feleke, deputy editor-in-chief of the same newspaper. The two journalists were arrested in May and charged with spreading false information against the ENDF and inciting violence as a result of a 2005 report on the defection of Ethiopian Air Force officials who had criticized government officials.

On June 11, four editors and three publishers of now-defunct weeklies were convicted of anti-state charges linked to their coverage of the Government's handling of disputed parliamentary elections in 2005. Two of the editors were convicted of charges carrying sentences of life imprisonment or death. Editors Andualem Ayele Legesse of Ethop and Mesfin Tesfaye Gobena of Abay were convicted along with 34 opposition activists of "outrages against the constitutional order," which can carry a sentence of life imprisonment or the death penalty. Editor Wenakseged Zeleke Tessema of Asqual was convicted of similar charges. Deputy editor Dawit Fassil Woldeeslassie of Satenaw, who was released on bail in April after 16 months in prison, was returned to Kaliti prison on June 11 and charged with "inciting the public through false rumors."

On July 20, deputy editor Dawit Fasil of Satenaw and editors Andualem Ayele of Ethop, Mesfin Tesfaye of Abay, and Wenakseged Zeleke of Asqual were granted a conditional pardon and released from Kaliti prison after they accepted responsibility for postelection unrest in 2005. The four—who were among 71 opposition members and journalists pardoned—had requested clemency in a document in which they stated that they had attempted to change the Constitution outside of the legal framework (see Section 1.e.).

On August 18, another four imprisoned journalists of closed Amharic-language weeklies were pardoned and released along with 30 other opposition members; all were among the 71 opposition members and journalists pardoned during the year. Editors Wosonseged Gebrekidan of Addis Zena, Dawit Kebede of Hadar, Goshu Moges of Lisane Hizb, and freelance columnist Tadios Tantu had received prison terms ranging from 4 to 15 years after waiving their defense and pleading guilty in anticipation of a pardon. Wosonseged Gebrekidan and Dawit Kebede, who had been in prison since 2005, were convicted on July 30 of "conspiring to incite disruption of constitutional rule," while Goshu, who was arrested in February 2006, was convicted of belonging to an illegal political organization.

During the year publishers and publishing houses were charged and convicted of libel, sometimes for incidents dating back to 2005.

For example, on July 16, Serkalem Publishing House was fined \$13,500 (120,000 birr) and Sisay Publishing and Advertising Enterprise was fined \$11,000 (100,000 birr) for "committing or supporting outrages to the constitutional order" in 2005. Fasil Publishing and Advertising was fined \$1,700 (15,000 birr). All three publishing companies were ordered dissolved.

On April 19, Tilahun Bekele, editor-in-chief of the defunct Maebel private newspaper, was fined \$330 (3,000 birr) for libel; Bekele had published a report 10 years ago alleging corruption in the administration of the Addis Ababa Kirkos Church. Bekele, who had 17 press charges against him during his journalism career, has been acquitted of all the other 16 charges.

During the year Eyob Gebre Egziabher Bayissa, editor-in-chief of the defunct Seife Nebelbal, was released on bail after paying \$110 (1,000 birr) for each of two charges. He was accused of reporting in a 2005 issue of Seife Nebelbal that the OLF destroyed a military vehicle and killed 18 soldiers "without verifying the story and in violation of the proclamation on upholding legality." Gebre Egziabher, who subsequently left the country, was charged with libel and publishing false information.

The case of Getachew Sime, former editor-in-chief of the defunct Amharic language weekly, Agere, whose appeal to the Federal Supreme Court against his 2005 defamation conviction and 3-month prison sentence was rejected, remained pending.

Several journalists arrested in 2005 remained in prison. For example, Shiferaw Insermu, a journalist with Ethiopian Television (ETV), who was arrested in 2005, remained in detention on several charges, including passing government information to the OLF leadership.

During the year the Government passed laws to expand government control of the media.

On June 7, the Government passed a law that prohibits broadcast organizations that were established and have financial or management assistance from outside the country from owning broadcasting companies.

In June the Government issued a proclamation that empowers the Ministry of Information to direct and coordinate government information and communication activities and also to serve as the main source of government information; formerly these functions were handled by the Ethiopian News Agency (ENA), which was accountable to Parliament. The ministry is also empowered to "issue permits to non-commercial press and monitor their activities," giving further regulatory powers to the ministry. Under the new bill, media organizations that publish private newspapers are obliged to obtain a certificate of competence from the Ministry of Information.

The Ministry of Information requires that newspapers maintain a bank balance of \$1,150 (10,000 birr) when annually registering for a publishing license. This sum effectively precluded some smaller publications from registering. Authorities also required permanent residency for publishers to establish and operate a newspaper. The Government did not require residency for other business owners, and some independent journalists maintained that the Government used the residency requirement as a form of intimidation. The press law requires all publishers to provide free copies of their publications to the Ministry of Information on the day of publication.

The Ethiopian Free Press Journalists Association (EFJA) remained in disarray following the 2005 crackdown on the private press. Several journalists remained in exile, including EFJA President Kifle Mulat, who was acquitted on April 9 of outrages against the Constitution and constitutional order.

*Internet Freedom.*—The Government restricted access to the Internet and blocked opposition Web sites, including the site of the Oromo Liberation Front and several news blogs and sites run by opposition diaspora groups, such as the Ethiopian Review, CyberEthiopia.com, Quatero Amharic Magazine, Tensae Ethiopia, and the Ethiopian Media Forum. On May 1, Reuters reported that an Internet watchdog accused the country of blocking “scores of anti-government websites and millions of weblogs.”

The Ethiopian Telecommunication Corporation, which has 23,887 Internet subscribers, remained the only Internet provider. Citizens in urban areas had ready access to Internet cafes; however, rural access was still extremely limited.

Mobile telephone text messaging, which was blocked by the state telecommunications monopoly following claims that the CUD had used text messaging to coordinate antigovernment actions, restarted on September 12.

*Academic Freedom and Cultural Events.*—The Government restricted academic freedom during the year, maintaining that professors could not espouse political sentiments. Authorities did not permit teachers at any level to deviate from official lesson plans and discouraged political activity and association of any kind on university campuses. Reports continued throughout the year of both uniformed and plainclothes police officers being present on and around university and high school campuses. The Government arrested students and teachers during the year. Professors and students were discouraged from taking positions not in accordance with government beliefs or practices. There was a lack of transparency in academic staffing decisions, with numerous complaints from individuals in the academic community of bias based on ethnicity and/or religion. The freedoms of speech, expression, and assembly were frequently restricted on university and high school campuses.

Unlike in the previous year, there were no reports that the Ministry of Culture and Tourism banned performances.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The Constitution and law provide for freedom of assembly; however, the Government restricted this right. Organizers of large public meetings or demonstrations must notify the Government 72 hours in advance and obtain a permit; however, the Government has issued no such permits since May 2005.

Opposition political parties reported that during the year their supporters were targets of frequent and systematic harassment and violence by government security forces, often after leaving meetings. EHRCO reported that regional governments, including the Addis Ababa regional administration, refused to grant permits or provide security for large meetings.

There were few attacks by police, the army, and militia against demonstrators, largely due to the fact that no public assembly permits were issued and illegal demonstrations were limited; however, police killed demonstrators during the year.

For example, on April 24, the police chief in Damot Weyde District shot and killed Meredo Mega and Alkal Dabso Dingo. The victims were part of a demonstration against the regional administration’s decision to merge the victim’s district with another district. At year’s end there had been no investigation into the shootings. The victims’ families reported continued harassment and threats from the police chief.

There was no investigation into the 2006 killing by Federal police of 15 demonstrators in the East Wallega zone, Guduru District.

There were no new developments reported in numerous 2005 police killings of demonstrators.

The Independent Inquiry Commission, established in late 2006 by the Government to investigate the alleged use of excessive force by security forces in violent 2005 antigovernment demonstrations, found that security forces did not use excessive force, given demonstration violence. However, prior to the release of the report, the chairman and deputy chairman of the commission fled the country, allegedly in

response to threats made against them by government forces. After fleeing, both stated publicly and showed video evidence that at an official meeting in 2006, the commission had originally decided, by a vote of eight to two, that excessive force was used and that the total number of killed and injured was the same as eventually reported. Following this vote, government officials allegedly urged commission members to change their votes to indicate that excessive force was not used.

The OFDM reported that ruling party cadres seized and destroyed membership cards of OFDM supporters, disrupted OFDM political meetings, and detained OFDM members in police stations and army camps.

*Freedom of Association.*—Although the law provides for freedom of association and the right to engage in unrestricted peaceful political activity, the Government in practice limited this right. The Ministry of Justice registers and licenses NGOs, and there was some improvement in transparency of the NGO registration process.

As provided by law, the Government required political parties to register with the National Election Board (NEB), which continued to limit political activity by the ONC. For example, during the year the NEB forced the ONC to rename itself by granting the ONC name to a renegade ONC member.

During the year the UEDF, CUDP, OFDM, and ONC reported arrests of members and the forced closure of nearly all political party offices throughout the country (see Section 1.d.) and intimidation of landlords to force their eviction. There were credible reports that the Government used legal means to harass leadership from an influential opposition political party, utilizing government agencies to restrict party control and membership.

During the year some political leaders, including members of Federal and regional parliaments, were prevented from traveling to their constituencies and meeting with supporters.

The ETA continued to encounter government restrictions when attempting to hold meetings. On August 2, police raided a meeting of the Addis Ababa chapter of the ETA without warrant on allegations that the meeting was being held illegally. The police arrested General Secretary Tesfaye Tirga after finding Education International postcards calling for the release of detained ETA members on trial (see Section 1.e.). He was allegedly beaten and interrogated before being released.

The ETA has operated since 1967, but in 1993, after the EPRDF took power, an alternate, pro-EPRDF ETA was established. In 1993 the original ETA and the government-supported ETA began prolonged legal battles over the organization's name and property rights. Although the original ETA received favorable judgments in lower courts, the newly formed ETA appealed to the Supreme Court; the appeal remained pending at year's end.

*c. Freedom of Religion.*—The Constitution and law provide for freedom of religion, and the Government generally respected this right in practice; however, local authorities occasionally infringed on this right. The Ethiopian Orthodox Church (EOC) and Sufi Islam are the dominant religions; nearly 90 percent of the population adhered to one or the other faith.

While the Government required that religious institutions annually register with the Ministry of Justice, there were no reports of government action against institutions that chose not to register. Under the law, a religious organization that undertakes development activities must register its development wing separately as an NGO. The Government did not issue work visas to foreign religious workers unless they were associated with the development wing of a religious organization.

Some religious property confiscated under the Mengistu (Derg) regime had not been returned by year's end.

Minority religious groups reported discrimination in the allocation of government land for religious sites. Authorities banned a traditional animist Oromo religious group because it suspected that the group's leaders had close links to the OLF. Protestant groups occasionally reported that local officials discriminated against them when they sought land for churches and cemeteries. Evangelical leaders stated that because authorities perceived them as "newcomers," they were at a disadvantage compared with the EOC and the Ethiopian Islamic Affairs Supreme Council (EIASC) in the allocation of land. The EIASC reported that it faced more difficulty obtaining land from the Government than did the EOC, while others believed that the Government favored the EIASC.

*Societal Abuses and Discrimination.*—On March 26, an evangelist was killed by a group of Muslim youth near a mosque in the town of Jima, Oromiya Region. At year's end there were no arrests in the incident.

Unlike in the previous year, there were no reports of deaths resulting from clashes between Muslims and Ethiopian Orthodox Christians.

The Jewish community numbered approximately 2,000, and there were no reports of anti-Semitic acts.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—Although the law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, the Government restricted some of these rights in practice.

Throughout the year in the Gambella Region, the Government continued to monitor and sometimes control the passage of relief supplies and access by humanitarian organizations, explaining that it was doing so as a matter of security for those traveling in the region. Between April and year's end, the Government severely restricted the movement of persons into and within the Ogaden Region, arguing that the counterinsurgency operation against the ONLF posed a security threat. Travel by members of the press was particularly restricted (see Section 1.g.).

The law prohibits forced exile; and the Government did not force any citizens into exile. A number of persons remained abroad in self-imposed exile, including 54 journalists (see Section 2.a.).

During the year the ICRC repatriated 1,379 Ethiopians from Eritrea and repatriated 62 Eritreans. Most Eritreans and Ethiopians of Eritrean origin registered with the Government and received identity cards and 6-month renewable residence permits that allowed them to gain access to hospitals and other public services. However, there were anecdotal reports that local government officials denied indigent Eritreans the right to free medical services.

During the year the UNHCR processed 97 cases for resettlement in foreign countries.

*Internally Displaced Persons (IDPs).*—The conflict between government and rebel forces in the Somali Region resulted in the displacement of thousands of persons (see Section 1.g.). Violent clashes between different ethnic groups during the year displaced persons and resulted in deaths and injuries.

The 1998–2000 war with Eritrea produced approximately 350,000 IDPs. Of these, humanitarian agencies resettled an estimated 225,000. The UNHCR estimated there were approximately 200,000 IDPs in the country, including approximately 62,000 in Tigray Region, 44,700 in Gambella Region, 30,000 in the Borena area of the Oromiya Region, and 50,000 on the border of the Oromiya and Somali regions.

During the year the Government cooperated with the Government of Sudan in the forcible repatriation of Ethiopian refugees. The status of those repatriated in unknown.

*Protection of Refugees.*—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against “refoulement,” the return of persons to a country where there is reason to believe they feared persecution, and granted refugee status and asylum. The Government generally cooperated with the UNHCR and other humanitarian organizations in assisting refugees and returning citizens.

The Government, in cooperation with UNHCR, also continued to provide temporary protection to individuals from Sudan, Eritrea, and Somalia who may not qualify as refugees under the 1951 convention and the 1967 protocol.

During the year the Government opened a new refugee camp at Teferi Ber, northeast of the town of Jijiga, to accommodate approximately 8,500 new Somali refugees.

The conflict between ethnic groups in the Gambella Region continued to complicate UNHCR refugee protection efforts (see Section 1.g.). Food deliveries to refugees continued in spite of the crisis in the West; however, humanitarian organizations at times were unable to adequately monitor deliveries due to travel restrictions.

The Government required that all refugees reside and remain in designated camps, most of which were located near the Eritrean, Somaliland, and Sudanese borders, unless granted permission to live elsewhere in the country. Such permission was given primarily to attend higher education institutions, undergo medical treatment, or avoid security threats at the camps.

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

The Constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right in practice through generally free and fair elections held on the basis of universal suffrage; however, violence and intimidat-

tion of voters and election observers marred polling in many areas in the 2005 election. In practice the EPRDF ruling party dominated the Government.

The Government policy of ethnic federalism led to the creation of individual constituencies to ensure representation of all major ethnic groups in the House of Peoples' Representatives. Nevertheless, small ethnic groups lacked representation in the legislature. There were 23 nationality groups in six regional states that did not have a sufficient population to qualify for constituency seats; however, in the May 2005 elections, individuals from these nationality groups competed for 23 special seats in the 547-seat House of Peoples' Representatives. Additionally, these 23 nationality groups have one seat each in the 112-seat House of Federation, the upper house of Parliament.

*Elections and Political Participation.*—According to domestic and international observers, the May 2005 national elections, in which the EPRDF coalition won 372 of 547 seats, generally reflected the will of the people. Opposition parties made an unexpectedly strong showing, increasing their parliamentary representation from 12 to 172 seats.

Irregularities, including intimidation of voters and election observers, marred polling in many areas. The Government and EPRDF also announced the “final” election results before the NEB released them. Observers reported killings, disappearances, voter intimidation and harassment, and unlawful detentions of opposition party supporters, particularly in the Amhara, Oromiya, and Southern Nations, Nationalities, and Peoples regions. The Carter Center expressed concern over reports of improper vote counting and tabulation, stating that its observer teams had “found evidence that ballot boxes have been moved improperly, were improperly secured, or that party agents were barred from polling stations or were not allowed to observe the entire count.” It also reported “election day and postelection intimidation and harassment.” The head of the European Union’s Electoral Observation Mission issued a preliminary report stating that the postelection complaint review process “did not live up to international standards,” citing irregularities in key areas. In spite of these criticisms, international observers noted that the elections, and particularly the preelection campaign season, were an important step forward in the country’s democratization efforts.

Following the election, opposition parties accused the NEB of being an instrument of the ruling party and of failing to act when informed of electoral irregularities, including ballot stuffing, vote count fraud, bribery, killings, beatings, and widespread intimidation and harassment by ruling party supporters during the national elections.

In June 2005, negotiations between the ruling and major opposition parties over election complaints resulted in an agreement to adopt an ad hoc complaints resolution process to deal with the large number of unresolved electoral complaints. According to the Carter Center, 44 different complaints investigation panels conducted formal investigations and hearings in 178 constituencies across the country, resulting in a decision by the NEB to hold new elections in 31 constituencies. New elections were held in those constituencies in August 2005, but were boycotted by opposition parties due to complaints regarding the election review process.

In 2005 the Government and opposition leaders participated in discussions on the opposition’s participation in the House of People’s Representatives. While most UEDF members decided to take their seats in the house, some CUD leaders announced they would boycott the Federal Parliament, as well as regional parliaments and the Addis Ababa City Council. However, by year’s end most elected CUD members had joined Parliament. In 2005 the CUD called for civil disobedience measures, such as horn-honking, boycotting EPRDF-owned businesses, and ostracizing alleged government supporters, which the Government publicly declared illegal.

Beginning on November 2005, violent antigovernment protests allegedly organized by the opposition were held in Addis Ababa, and the Government arrested several dozen opposition leaders, as well as members of the independent media and civil society groups, for alleged participation in unlawful activities. Security forces also detained between 30,000 and 50,000 demonstrators for up to 3 months without charge. Military intervention led to widespread abuses such as arbitrary detention and killings. Security forces arrested at least 12 of the 20 CUD party executive committee members, including party President Hailu Shawel, vice chairman Bertukan Mideksa, secretary-general Muluneh Eyoel, and Addis Ababa mayor-elect Dr. Berhanu Nega, on charges of treason and genocide, among others (see Section 1.e.).

During the year a new NEB was elected and a new electoral law was passed by Parliament. The law was drafted by a group of ruling and opposition party representatives after several rounds of interparty negotiations. These negotiations, which were also charged with selecting several nominees for the new NEB, initially included the EPRDF and all major opposition parties. However, when the EPRDF

refused to consider many proposals from opposition members, several parties walked out of the talks, thereby giving the EPRDF control over drafting of the law and nomination of NEB members.

The EPRDF, its affiliates, and EPRDF supporters controlled all seats in the 112-member House of Federation, whose members were appointed by regional governments and by the Federal Government. Membership in the EPRDF conferred advantages upon its members, and the party owned many businesses and awarded jobs and business contracts to loyal supporters.

The largest opposition party in the House of Peoples' Representatives was the CUDP, composed of most of the former CUD coalition members, which held 61 seats.

Registered political parties must receive permission from regional governments to open local offices. Opposition parties, such as the CUDP, UEDF, and OFDM, claimed that the pattern of widespread intimidation and violence directed against members of opposition political parties by local government officials continued throughout the year. Opposition parties and the press reported hundreds of such cases, including killings, beatings, arrests, and property confiscation.

Authorities often disrupted or unlawfully banned opposition party meetings.

Unlike in the previous year, there were no reports that authorities told opposition members to renounce their party membership if they wanted access to fertilizer, agricultural services, health care, and other benefits controlled by the Government.

Of the 19 members of the Council of Ministers, two were women, and a number of women held senior positions. There were 116 women in the 547-seat House of Peoples' Representatives, a gain from 14 in the previous Parliament, and 21 women in the 112-member House of Federation. Of the 14 members of the Supreme Court, three were women. During the 2005 national elections women constituted nearly half of the community observers, party workers, and election officials at polling stations.

Parliamentarians in the House of Peoples' Representatives are elected from every "woreda" (county) in the country and thereby represent the various ethnic minorities present. The House of Federation is made up of one member per approximately 1 million population, one representative for each region, as well as 20 seats reserved for ethnic minorities that are underrepresented.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption; however, the Government did not implement these laws effectively. The World Bank's worldwide governance indicators reflected that corruption was a serious problem.

The Ministry of Justice has primary responsibility for combating corruption. A combination of social pressure, cultural norms, and legal restrictions limited corruption. However, government officials appeared to manipulate the privatization process, as state and party-owned businesses received preferential access to land leases and credit. The Government's decision to grant MIDROC, the country's largest foreign investor, an exclusive license to import cement was perceived as favoritism toward a government ally.

There were no arrests of high-level government officials, although numerous low-level officials were arrested for corruption during the year.

The law provides for public access to government information, but access was largely restricted in practice.

The Government publishes its laws and regulations in the national gazette prior to their taking effect. The Ministry of Information managed contacts between the Government, the press, and the public; however, the Government routinely refused to respond to queries from the private press (see Section 2.a.).

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

A number of domestic and international human rights groups generally operated with limited government restriction, investigating and publishing their findings on human rights cases. The Government generally was distrustful and wary of domestic human rights groups and international observers.

Two of the most prominent domestic human rights organizations were EHRCO and the Ethiopian Women Lawyers Association (EWLA). The Government routinely discounted EHRCO's reports and labeled it a political organization.

The EWLA's primary function was to legally represent women. These and numerous other groups primarily engaged in civic and human rights education, advocacy, legal assistance, and trial monitoring. However, the Government neither shared information nor acknowledged the existence of human rights abuses with members of the domestic NGO community.



The Government sometimes cooperated with international organizations such as the U.N. However, in July the ICRC was ordered to cease its operations in the Somali Region. In September the Government restricted international workers for MSF from continuing work in the region. Both the ICRC and MSF had expressed concern about the Government's counterinsurgency campaign against the ONLF (see Section 1.g.).

Two NGO members active in civic education remained in prison (see Section 1.e.).

The ICRC was denied access to Federal prisons and to political prisoners.

In 2005 the Government expelled representatives of several foreign-based NGOs conducting electoral work and by year's end had not allowed them to return.

Security officials continued to intimidate or detain local individuals to prevent them from meeting with NGOs and foreign government officials investigating abuse allegations.

The Government is required by law to establish a human rights commission and an Office of the Ombudsman with the authority to receive and investigate complaints with respect to misadministration by executive branch offices. Both of these entities began work during the year. Each began accepting complaints and performed investigations during the year.

The Ministry of Justice continued to implement a 3-year program of human rights training workshops for judges, prosecutors, police, and community members around the country.

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

The law prohibits discrimination based on race, color, gender, language, national origin, political or other opinion, or social status; however, in practice the Government did not effectively enforce these prohibitions.

*Women.*—The law criminalizes rape; however, the Government did not fully enforce the law, in part due to widespread underreporting. Most women were unaware of the law, and social mores also discouraged women from reporting rape. Observers estimated that at least 1,000 rapes occurred annually in Addis Ababa, but data based on official police reports counted only approximately 400 cases per year. The press continued to report regularly on rape cases, particularly when injury to minors resulted. Courts sentenced convicted rapists to 10 to 15 years' imprisonment, as prescribed by law.

Domestic violence, including spousal abuse and rape, was a pervasive social problem. A 2005 World Bank study concluded that 88 percent of rural women and 69 percent of urban women believed their husbands had the right to beat them. While women had recourse to the police and the courts, societal norms and limited infrastructure prevented many women from seeking legal redress, particularly in rural areas. The Government prosecuted offenders on a limited scale.

The combination of pregnancy at an early age, limited birth space, chronic maternal malnutrition, and a lack of skilled care at delivery often led to obstetric fistulae and permanent incontinence. Approximately 8,700 women developed obstetric fistulae annually, and 27,000 women with untreated fistulae were estimated to be living in rural areas. Treatment for fistulae was available at only one hospital, the Addis Ababa Fistula Hospital, which annually performed over 1,000 fistula operations. It estimated that for every successful operation performed, 10 other young women needed the treatment but did not receive it. The maternal mortality rate was extremely high, partly due to food taboos for pregnant women, poverty, early marriage, and birth complications related to FGM, particularly infibulation.

Prostitution was legal for persons over age 18 and was commonly practiced around the country; however, the law prohibits pimping and benefiting from prostitution. Persons exploited in prostitution routinely reported that poverty was the principal underlying cause.

Sexual harassment was widespread. The penal code prescribes 18 to 24 months imprisonment; however, sexual harassment-related laws were not enforced.

The law sets the legal marriage age for girls and boys at 18, elevates civil law above customary and religious law; allows for the legal sharing of property by unmarried couples who live together for at least 5 years, eliminates family arbitrators as a means of settling marital disputes in lieu of the court system, allows for the joint administration of common marital property, requires the courts to take into account the situation of children or the weakest member of the family in the event of divorce or separation, and imposes a 6-month waiting period on women seeking to remarry following divorce or the death of a spouse. However, the law was not always enforced, and regional councils had authority to determine family law for their respective regions. Four regions maintained their own family law: Amhara, Tigray, Oromiya, and Addis Ababa; however, regional laws were not uniformly en-

forced. By law, such regional regulations could not conflict with the national Constitution.

Discrimination against women was most acute in rural areas, where 85 percent of the population was located. The law contains discriminatory regulations, such as the recognition of the husband as the legal head of the family and the sole guardian of children over 5 years old. Authorities did not consider domestic violence a serious justification for granting a divorce. There was limited legal recognition of common law marriage. Irrespective of the number of years the marriage existed, the number of children raised, and joint property, the law entitled women to only 3 months' financial support if the common law relationship ended. A husband had no obligation to provide financial assistance to his family and, as a result, women and children sometimes faced abandonment. The law states that any property owned before marriage belongs to the spouse that previously owned it. Any property gained during marriage is shared equally, although a wife does not have the right to inherit her deceased husband's share. Even with stronger formal laws, most rural residents continued to apply customary law in economic and social relationships.

All land belongs to the Government. Although women could obtain government leases to land, and the Government had an explicit policy to provide equal access for women to land, rural communities rarely enforced this policy. In nearly all regions women did not have access to land, except through marriage. In practice, when a husband died, other family members often took the land from his widow.

In urban areas, women had fewer employment opportunities than men, and the jobs available did not provide equal pay for equal work.

*Children.*—The Government supported efforts by domestic and international NGOs that focused on children's social, health, and legal issues, despite its limited ability to provide improved health care, basic education, or child protection.

As a policy, primary education was universal and tuition-free, but not compulsory; however, there were not enough schools to accommodate the country's youth, particularly in rural areas, and the cost of school supplies was prohibitive for many families. In 2005 73.2 percent of male primary-school-age children and 63.6 percent of female primary-school-age children attended school; in Addis Ababa girls' attendance was significantly higher. Government reports indicated that 22.4 percent of the children who attended school left the system before they reached the second grade, and only 34.9 percent of children who began first grade completed eighth grade.

Child abuse was widespread. Members of an NGO staffed 10 child protection units in Addis Ababa's police stations to protect the rights of juvenile delinquents and juvenile victims of crime. Some police officers received training during the year on procedures for handling cases of child abuse.

Societal abuse of young girls continued to be a problem. Harmful traditional practices included FGM, early marriage, marriage by abduction, and food and work prohibitions.

In the Afar Region older men continued to marry young girls, but media accounts suggested that this traditional practice continued to face greater scrutiny and criticism. Local NGOs, such as the Kembatta Women's Self-Help Center and the Tigray Women's Association, also influenced societal attitudes toward harmful traditional practices and early marriage in their areas. During the year regional governments in Amhara and Tigray instituted programs to educate young women on the issues of early marriage.

The majority of girls and women in the country had undergone some form of FGM. Girls typically experienced clitoridectomies 7 days after birth (consisting of an excision of the clitoris, often with partial labial excision, and faced infibulation (the most extreme and dangerous form of FGM) at the onset of puberty. According to a Ministry of Health Demographic and Health survey released in 2005, the practice of FGM among all women had decreased from 80 to 74 percent, while support for the practice among women had dropped from 60 to 29 percent. The penal code criminalizes the circumcision of any female by imprisonment of not less than 3 months or a fine of not less than \$58 (500 birr). Likewise, infibulation of the genitals is punishable with imprisonment of 5 to 10 years. However, no criminal prosecutions have ever been brought for FGM. The Government discouraged the practice of FGM through education in public schools and broader mass media campaigns.

Although illegal, the abduction of women and girls as a form of marriage continued to be widespread in several regions, including the Amhara, Oromiya, and Southern Nations, Nationalities, and Peoples regions, despite the Government's attempts to combat the practice. Forced sexual relationships accompanied most marriages by abduction, and women often experienced physical abuse during the abduction. Abductions led to conflicts among families, communities, and ethnic groups. In cases of marriage by abduction, the perpetrator did not face punishment if the victim agreed to marry him (unless authorities annulled the marriage); even after the con-

viction of a perpetrator, authorities often commuted the sentence if the victim married him. Child marriage was also a problem, particularly in Amhara and Tigray regions, where girls were routinely married as early as age 7, despite the legal minimum age of 18 for marriage. There were some signs of growing public awareness of the problem of abuse of women and girls, including early marriage.

The Government estimated the number of street children totaled 150,000 to 200,000, with approximately 50,000 to 60,000 street children in Addis Ababa. The U.N. Children's Fund (UNICEF) estimated there were 600,000 street children in the country and more than 100,000 in the capital. UNICEF stated the problem was exacerbated because of families' inability to support children due to parental illness and decreased household income. These children begged, sometimes as part of a gang, or worked in the informal sector. Government and privately run orphanages were unable to handle the number of street children, and older children often abused younger ones. Due to severe resource constraints, hospitals and orphanages often overlooked or neglected abandoned infants. "Handlers" sometimes maimed or blinded children to raise their earnings from begging.

*Trafficking in Persons.*—The law prohibits trafficking in persons; however, there were reports that persons were trafficked from and within the country. The country was a source country for men, women, and children trafficked for forced labor and sexual exploitation. NGOs estimated that international trafficking annually involved between 25,000 and 30,000 victims.

According to the International Organization for Migration (IOM) there were a total of more than 130,000 Ethiopian migrant workers (legal and illegal) in the Middle East, predominantly women. NGOs and Ethiopia's Ministry of Labor and Social Affairs (MOLSA) estimated that the majority of illegal Ethiopian workers in Middle Eastern countries were trafficked rather than smuggled for employment purposes. According to data from MOLSA and IOM, 13,498 Ethiopian workers migrated to the Middle East between September 2005 and August 2006; and 12,016 Ethiopian workers migrated to the Middle East between September 2006 and January 2007.

Young women were trafficked to Djibouti and the Middle East, particularly Lebanon, the United Arab Emirates, Saudi Arabia, and Bahrain for involuntary domestic labor. Some women were trafficked for sexual exploitation to Europe (specifically Turkey and Greece) via Lebanon.

Small numbers of men were trafficked to Saudi Arabia and the Gulf states for exploitation as low-skilled laborers. Both children and adults were trafficked internally from rural to urban areas for domestic labor and, to a lesser extent, for commercial sexual exploitation and forced labor, such as street vending and weaving.

Trafficked Ethiopians transited Egypt, Yemen, Djibouti, Kenya, and Tanzania to perform domestic labor in Lebanon and other Gulf states. They also transited Sudan and Libya as part of irregular migration to Europe and North America. Ethiopians were trafficked to Djibouti for domestic labor and the sex industry, and to South Africa to perform labor associated with hosting the World Cup.

Local NGOs reported that internal trafficking of children and adults within the country continued to be a serious problem. Vulnerable individuals (such as young adults from rural areas and children) who transited the Addis Ababa bus terminal were sometimes identified and targeted by agents (or traffickers) who approached them offering jobs, food, guidance, or shelter. NGO representatives reported that some traffickers focused on rural villages to recruit specific types of laborers.

According to international NGOs, child prostitution was a growing problem, particularly in urban areas. Approximately 60 percent of persons exploited in prostitution were between the ages of 16 and 25, according to one NGO report. Underage girls worked as hotel workers, barmaids, and prostitutes in resort towns and at rural truck stops. Pervasive poverty, migration to urban centers, early marriage, HIV/AIDS and other sexually transmitted diseases, and limited educational and job opportunities aggravated the sexual exploitation of children.

NGOs reported that houses of prostitution recruited impoverished girls as young as age 11 and kept them uninformed of the risks of HIV/AIDS infection and other sexually transmitted diseases. IOM officials reported some linkages between internal and international trafficking, specifically noting that children internally trafficked from Dire Dawa, Bahir Dar, and Dessie, were frequently sent to the Middle East, transiting through Dire Dawa, Jijiga, Bosasso (in Somalia), and then Djibouti.

The law provides penalties from 5 to 20 years' imprisonment and a fine not to exceed \$5,656 (50,000 birr) for trafficking women and children. For particularly egregious cases involving bodily harm, the penalty can be up to 10 to 20 years of rigorous imprisonment. Organizations found in violation of Article 599 face a \$11,312 (100,000 birr) fine and dissolution.

Approximately 925 cases of trafficked children were reported to police in 2006, and 67 of those cases were referred to the prosecutors office, according to an NGO.

Of the 67, one resulted in a conviction in 2006, 23 were under investigation, and 43 had been closed due to lack of evidence or absconded defendants. Low conviction rates resulted from an understaffed and overburdened judiciary, lack of cooperation from destination country governments, and alleged corruption on the part of responsible local authorities. Traffickers often destroyed evidence, making convictions difficult.

In 2006 and 2007 the Government closed illegal international employment agencies suspected of trafficking persons. The Government also supervised the work of the legal international labor migration firms, which included antitrafficking training in their initial screening and predeparture counseling programs. Predeparture counseling was designed to inform potential migrants of the risk of being trafficked. During the year the Government also provided antitrafficking training to police, judges, and prosecutors.

A few NGOs aided child victims, including the Forum on Street Children-Ethiopia, which provided children forced into prostitution or sexual exploitation with shelter, protection, and return to their families.

*Persons with Disabilities.*—The law does not mandate equal rights for persons with disabilities, and the Government devoted few resources to rehabilitate or assist persons with disabilities. Persons with disabilities sometimes complained of job discrimination. The Government did not mandate access to buildings or provide services for persons with disabilities. There were approximately 7 million persons with disabilities, according to the Ethiopian Federation of Persons with Disabilities. There was one mental hospital and an estimated 10 psychiatrists in the country. The Ministry of Labor and Social Affairs, which was responsible for protecting the rights of persons with disabilities, funded prosthetic and orthopedic centers in five of the nine regional states over the past 3 years as part of its “National Program of Action for Rehabilitation of Persons with Disabilities.”

*National/Racial/Ethnic Minorities.*—There were more than 80 ethnic groups living in the country, of which the Oromo, at 40 percent of the population, was the largest. Although many groups influenced the political and cultural life of the country, Amharas and Tigrayans from the northern highlands played a dominant role. The Federal system drew boundaries roughly along major ethnic group lines, and regional states had much greater control over their affairs than previously. Most political parties remained primarily ethnically based.

The military remained an ethnically diverse organization; however, Tigrayans increasingly dominated the senior officer corps. During the May 2005 elections and subsequent demonstrations, there were many reports of Tigrayan or Gambellan troops being used in Addis Ababa and other urban centers where the opposition was strong and where officials did not consider Amhara members of the armed forces sufficiently reliable.

There were occasional reports that officials terminated the employment of teachers and other government workers if they were not of the dominant ethnic group in the region.

Government and ONLF forces were responsible for widespread human rights abuses in the Somali Region (see Section 1.g.).

Ethnic conflict in the western, southern, and eastern areas resulted in killings and injuries; however, there were far fewer such cases than in 2006, when hundreds of persons were killed and tens of thousands were displaced. There also were clashes among ethnic groups in the Oromiya, Benishangul-Gumuz, and Southern Nations, Nationalities, and Peoples regions.

On February 27, an ethnic conflict between the Guji and Burji groups in the Arero district of Oromiya Region resulted in two deaths and several injuries.

On May 19, a conflict over land rights between the Oromo and Gumuz ethnic groups in the Haro Limu district of Oromiya Region resulted in five deaths and an unknown number of injuries.

*Other Societal Abuses and Discrimination.*—Homosexuality is illegal and punishable by imprisonment. Instances of homosexual activity determined to be cruel, involving coercion, or involving a minor (age 13 to 16) are punishable by not less than 3 months or more than 5 years in prison. Where children under 13 years of age are involved, the law provides for imprisonment of 5 to 25 years. While society did not widely accept homosexuality, there were no reports of violence against homosexuals.

Societal discrimination against persons with HIV/AIDS continued during the year.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law provides most workers with the right to form and join unions, and the Government allowed this in practice. However, the law specifically excludes teachers and civil servants (including judges, prosecutors,

and security service workers) from organizing unions. There was government interference in trade union activities during the year.

A minimum of 10 workers were required to form a union. While the law provides all unions with the right to register, the Government may refuse to register trade unions that do not meet its registration requirements. The Government retained the authority to cancel the registration of a union after consulting the appropriate courts. There were no reports that the Government used this authority during the year. The law stipulates that a trade organization may not act in an overtly political manner. Approximately 300,000 workers were union members.

Seasonal and part-time agricultural workers did not organize into labor unions. Compensation, benefits, and working conditions of seasonal workers were far below those of unionized permanent plantation employees.

Despite government recognition of the independent ETA, authorities required all public school teachers to subsidize a separate government-created and controlled teacher's union (also called ETA) through mandatory withholding of \$0.23 (2 birr) from their monthly salaries. A 2003 ruling by the Federal high court that authorities should return the assets of the independent ETA and allow its offices to reopen was appealed to the Supreme Court by the government-controlled ETA; the appeal continued at year's end, and the high court's decision to recognize the independent ETA had not been implemented.

During the year the National Workers Federation for Crops, Fishery and Agro Industry reported that union leaders in the Oromiya Region were harassed, intimidated, and imprisoned by regional police in collaboration with employers. The federation also reported that kebele militia or local police killed activists working in a sugar cane project in the Afar Regional government, in Sabure Woreda, Awara Melka. The federation has submitted a formal letter requesting the Government to investigate, but no investigation had been conducted by year's end.

Although the law prohibits antiunion discrimination by employers against union members and organizers, unions reported that employers frequently fired union activists. Lawsuits alleging unlawful dismissal often took years to resolve because of case backlogs in the labor courts. According to labor leaders, a number of court cases in which workers were terminated for union activities were pending after 4 or 5 years. Employers found guilty of antiunion discrimination were required to reinstate workers fired for union activities and generally did so in practice.

*b. The Right to Organize and Bargain Collectively.*—The law protects the right of collective bargaining for most workers, and in practice the Government allowed citizens to exercise this right freely. Labor experts estimated that collective bargaining agreements covered more than 90 percent of unionized workers. Representatives negotiated wages at the plant level. Unions in the formal industrial sector made some efforts to enforce labor regulations. There are no export processing zones.

Although the Constitution and law provide workers with the right to strike to protect their interests, it contains detailed provisions that make legal strike actions difficult to carry out, such as a minimum of 30 days' advance notice before striking. The law requires aggrieved workers to attempt reconciliation with employers before striking and includes a lengthy dispute settlement process. These applied equally to an employer's right to lock out workers. A majority of the workers involved must support a strike for it to occur.

Workers nonetheless retained the right to strike without resorting to either of these options, provided they give at least 10 days' notice to the other party and to the Ministry of Labor and Social Affairs, make efforts at reconciliation, and provide at least a 30-day warning in cases already before a court or labor relations board.

The law also prohibits strikes by workers who provide essential services, including air transport and urban bus service workers, electric power suppliers, gas station personnel, hospital and pharmacy personnel, firefighters, telecommunications personnel, and urban sanitary workers.

The law prohibits retribution against strikers, but labor leaders stated that most workers were not convinced that the Government would enforce this protection. Labor officials reported that, due to high unemployment and long delays in the hearing of labor cases, some workers were afraid to participate in strikes or other labor actions.

The labor law allows one or more permanent labor relations boards in the regional states to decide on cases involving enterprises owned by the Federal Government. The amendment also allows ad hoc labor relations boards in the regions to fulfill the same purpose.

In June 2006 the Government further amended the labor law to provide severance pay for workers on additional grounds that were not previously provided for, such as discrimination against persons with HIV/AIDS and payment of severance to those without a pension plan.

*c. Prohibition of Forced or Compulsory Labor.*—While the law prohibits forced or compulsory labor, including by children, such practices occurred (see Sections 5 and 6.d.). Courts could order forced labor as a punitive measure.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—There were laws against child labor; however, the Government did not effectively implement these laws in practice, and child labor remained a serious problem, both in urban and rural areas. Under the law, the minimum age for wage or salary employment is 14 years; however, the minimum age for employment was not effectively enforced. Special provisions cover children between the ages of 14 and 18, including the prohibition of hazardous or night work. By law, children between the ages of 14 and 18 were not permitted to work more than 7 hours per day, work between the hours of 10 p.m. and 6 a.m., work on public holidays or rest days, or perform overtime work. The Government defined hazardous work as work in factories or involving machinery with moving parts, or any work that could jeopardize a child's health.

In 2005 approximately 58 percent of boys and 42 percent of girls ages 5 to 14 were working. The majority of working children were found in the agricultural sector, followed by services, manufacturing, and other sectors. According to the Ministry of Social and Labor Affairs (MOLSA), many children work for their families without pay. In both rural and urban areas, children often begin working at young ages, with many starting work at age 5. In rural areas, children work in agriculture on commercial and family farms, and in domestic service. Children in rural areas, especially boys, engage in activities such as cattle herding, petty trading, plowing, harvesting and weeding, while other children, mostly girls, collect firewood and water. In urban areas, many children, including orphans, work in domestic service, often working long hours which may prevent them from attending school regularly. Many believe they were unable to quit their jobs and fear physical, verbal, and sexual abuse from their employers while performing their work. Children in urban areas also work in construction, manufacturing, shining shoes, making clothes, portering, directing customers into taxis, petty trading, and herding animals. Estimates of the population of street children vary, with the Government estimating it to be between 150,000 and 200,000 for the whole country, and UNICEF estimating it to be 600,000 children. In the capital city of Addis Ababa alone, there are an estimated 50,000 to 60,000 street children according to the Government, and 100,000 according to UNICEF.

The commercial sexual exploitation of children increased during the year, particularly in urban areas. Girls as young as 11 reportedly were recruited to work in brothels, they often were sought by customers who believed them to be free of sexually transmitted infections. Girls are also exploited as prostitutes in hotels, bars, resort towns, and rural truck stops. Reports indicate that some young girls have been forced into prostitution by their family members. The Government's definition of worst forms of child labor included prostitution and bonded labor. During the year there were reports of forced or bonded labor of children who had been trafficked from the Oromiya Region and the Southern Nations, Nationalities, and Peoples Region to other regions of the country to work as domestic servants. Family members reportedly forced young girls into prostitution.

*e. Acceptable Conditions of Work.*—There is no national minimum wage. However, some government institutions and public enterprises set their own minimum wages. Public sector employees, the largest group of wage earners, earned a monthly minimum wage of approximately \$35 (320 birr); employees in the banking and insurance sector had a minimum monthly wage of \$37 (336 birr). According to the Office for the Study of Wages and Other Remuneration, these wages did not provide a decent standard of living for a worker and family. Consequently, most families in the wage sector required at least two wage earners to survive, which forced many children to leave school early. Only a small percentage of the population was involved in wage labor employment, which was concentrated largely in urban areas.

The law provides for a 48-hour legal workweek (with a 24-hour rest period), premium pay for overtime, and prohibition of excessive, compulsory overtime. Although the Government did little to enforce the law, in practice most employees in the formal sector worked a 40-hour workweek.

The Government, industry, and unions negotiated occupational health and safety standards; however, the inspection department of the Ministry of Labor and Social Affairs did not effectively enforce these standards, due to a lack of resources. A lack of detailed, sector-specific health and safety guidelines also inhibited enforcement. Workers had the right to remove themselves from dangerous situations without jeopardizing their employment; however, most workers feared losing their jobs if they were to do so.

## GABON

Gabon is a republic dominated by a strong presidency and the Gabonese Democratic Party (PDG), which has remained in power since 1968. The population was approximately 1.4 million. Legislative elections in December 2006 resulted in continued dominance by President El Hadj Omar Bongo Ondimba's PDG, which won more than two-thirds of the seats in a generally free and fair election. All parties participated in the election after the Government met several opposition electoral reform demands. In 2005 PDG leader Bongo, president since 1967, was reelected for a 7-year term in an election marred by irregularities. Civilian authorities generally maintained effective control of the security forces.

The country's human rights record remained poor, although there were improvements in several areas. The following human rights problems were reported: Limited ability of citizens to change their government; use of excessive force, including torture, on prisoners and detainees; harsh prison conditions; arbitrary arrest and detention; an inefficient judiciary susceptible to government influence; restrictions on the right to privacy; restrictions on freedom of speech, press, association, and movement; harassment of refugees by security forces; widespread government corruption; violence and societal discrimination against women, persons with HIV/AIDS, and noncitizen Africans; trafficking in persons, particularly children; and forced labor and child labor.

## RESPECT FOR HUMAN RIGHTS

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

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

Ritualistic killings occurred. In April the body of 3-year-old Richepin Eyogo Edzang, bearing signs of ritual mutilations, was found near his home. One of the three perpetrators of the crime was killed by the boy's neighbors; the other two were arrested but not prosecuted. Authorities condemned the killing but urged the population not to take justice into its own hands.

No action was taken against members of a private security force who were responsible for the 2006 killing of a Nigerian market vendor.

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—Although the Constitution and law prohibit such practices, security forces sometimes beat prisoners and detainees to extract confessions. For example, in April police in Mouanda detained a Cameroonian woman on charges of robbery and beat her so severely that she was hospitalized. It was later discovered she was innocent. The authorities reportedly took no action against the police involved in the beatings.

There were reports of police officers beating, robbing, and raping prostitutes.

Unconfirmed reports from the African immigrant community asserted that police and soldiers occasionally beat noncitizen Africans during operations to round up and deport illegal immigrants. Refugees continued to complain of harassment and extortion by security forces.

There were isolated reports that practitioners of certain indigenous religions inflicted bodily harm and sometimes death on other persons. In April several women allegedly sexually assaulted a 14-year-old boy to collect bodily fluids and hair for apparent ritualistic purposes.

*Prison and Detention Center Conditions.*—Prisons were overcrowded, and conditions were harsh. Food, sanitation, and ventilation were poor, and medical care was almost nonexistent, although nongovernmental organizations (NGOs) and private citizens occasionally made contributions to augment prisoners' food rations. Juveniles were held with adults, and pretrial detainees were held with convicted prisoners.

There were no known visits by human rights monitors to prisons; however, there also were no reports that the Government impeded such visits.

*d. Arbitrary Arrest or Detention.*—The Constitution and law prohibit arbitrary arrest and detention, but the Government did not always observe these prohibitions.

*Role of the Police and Security Apparatus.*—The national police, under the Ministry of the Interior, and the gendarmerie, under the Ministry of Defense, were responsible for domestic law enforcement and public security; the gendarmerie was also responsible for manning checkpoints. Elements of the armed forces and the Republican Guard, a heavily armed unit that protects the president, sometimes performed internal security functions. The police were inefficient, and corruption was

a serious problem. Security forces often sought bribes at checkpoints to supplement their salaries. The inspector general's office was responsible for investigating police abuse; however, impunity was a problem.

In July a police officer was arrested for employing young girls in a bar for prostitution. However, after paying unspecified fines, he was released, even though the maximum penalty for his offense usually entails 2 to 5 years in prison, in addition to a fine of \$1,111 to \$2,222 (500,000 to 1 million CFA francs).

*Arrest and Detention.*—The law requires arrest warrants based on sufficient evidence and issued by a duly authorized official; however, security forces frequently disregarded this provision. The law provides up to 48 hours for initial detention, during which police must charge a detainee before a judge, but police rarely respected this timetable. Charges often were not filed expeditiously, and persons were detained arbitrarily, sometimes for long periods. Bail could be set after charges had been announced if further investigation was required. Detainees were allowed prompt access to a lawyer and, if indigent, to one provided by the state.

Members of the security forces continued to detain individuals at roadblocks under the guise of checking vehicle registration and identity papers. Security forces frequently used such operations to extort money.

Pretrial detention, limited to 6 months for a misdemeanor and 1 year for a felony charge, may be extended for 6 months by the examining magistrate. Pretrial detainees have the right of free access to their attorneys, and this right was generally respected. Detainees also have the right to an expeditious trial, but overburdened dockets resulted in prolonged pretrial detention. In 2006 approximately 40 percent of persons in custody were pretrial detainees, and authorities had not taken steps to correct this issue.

A February 2006 census of Libreville's prison population, conducted by the country's justice ministry, revealed that 277 of 1,100 prisoners in pretrial detention had been held more than 2 years. Also in 2006 journalists uncovered 16 cases of prisoners held more than 5 years without trial, including one who had been in prison for 11 years because the magistrate lost his file. Following public disclosure of the situation, the lower court in Libreville reviewed the cases of long-stay detainees and released 40 prisoners. Most of them had been held for as long as their potential terms would have been if they had been tried and convicted.

*e. Denial of Fair Public Trial.*—Although the law provides for an independent judiciary, the judiciary was inefficient and remained susceptible to government influence. The president appoints and can dismiss judges through the Ministry of Justice, to which the judiciary is responsible. Corruption was a problem.

The judicial system includes regular courts, a military tribunal, and a civilian High Court of Justice. The regular court system includes trial courts, appellate courts, and the Supreme Court. The Constitutional Court is a separate body charged with examining constitutional questions, including the certification of elections. The High Court of Justice is constituted by the Government as required to consider matters of security.

Systemic resource and personnel shortages in the judiciary often contributed to prolonged pretrial detention.

*Trial Procedures.*—The Constitution provides the right to a public trial and to legal counsel, and the Government generally respected these rights. Nevertheless, a judge may deliver an immediate verdict of guilty at the initial hearing in a state security trial if the Government presents sufficient evidence. Defendants are presumed innocent and have the right to be present, to confront witnesses against them, to present witnesses or evidence on their behalf, and to appeal; the Government generally respected these rights.

Minor disputes may be taken to a local chief, particularly in rural areas, but the Government did not always recognize such decisions.

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

*Civil Judicial Procedures and Remedies.*—There was an independent civil judiciary, but it was susceptible to government influence and corruption. Corruption was also a problem in the enforcement of domestic court orders. Administrative remedies were not generally available.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution and law prohibit such actions; however, the Government did not respect these prohibitions in practice. As part of criminal investigations, police may request search warrants from judges, which they obtained easily, sometimes after the fact.



Security forces conducted warrantless searches for illegal immigrants and criminals, using street stops and identity checks.

Authorities reportedly routinely monitored private telephone conversations, personal mail, and the movement of citizens.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution and law provide for freedom of speech and of the press; however, the Government generally did not respect these rights in practice. Few citizens criticized the Government for fear of losing their jobs, and only a few opposition legislators in the National Assembly openly criticized the Government. Local journalists generally practiced self-censorship.

The only daily newspaper was the government-affiliated L'Union. Approximately nine privately owned weekly or monthly newspapers represented independent views and those of various political parties, but most appeared irregularly due to financial constraints, or in some cases, government suspension of their publication licenses. All newspapers, including L'Union, criticized the Government and political leaders of all parties, but not the president. There is a fine line between what the Government considers acceptable and unacceptable criticism. Most journalists understand these limits and publish accordingly but occasionally cross the line as in the case of the weekly independent newspaper L'espoir.

Foreign newspapers and magazines were widely available.

The Government owned and operated two radio stations that broadcast throughout the country. Much of their news coverage concerned the activities of government officials, although editorials sometimes criticized specific government policies or ministers. Seven privately owned radio stations were operating at year's end; most were apolitical. International radio stations broadcast locally.

The Government owned and operated two television stations. Four privately owned television stations transmitted 24 hours per day. Satellite television reception was available.

The National Communication Council (CNC) suspended several newspapers that criticized the Government. For example, "L'espoir" was suspended for offending the state when it ran an article entitled "The Last Days of Bongo." The director of the newspaper, also a government official, was arrested for violating a law that prohibits civil servants from controlling a newspaper. He was sentenced to 6 months' imprisonment but was released a month later after going on a hunger strike; he was not allowed to leave the country.

Another newspaper, the Gri-Gri International, published an article critical of Bongo's management of a mining contract and was suspended indefinitely by the CNC on grounds that the newspaper was not authorized to sell in the country as it was licensed in France. The law, however, was not enforced until the newspaper published the aforementioned article.

The law stipulates that penalties for libel and other offenses include a 1- to 3-month publishing suspension for a first offense and a 3- to 6-month suspension for repeat offenses. Editors and authors of libelous articles can be jailed for 2 to 6 months and fined \$1,111 to \$11,111 (500,000 to 5 million CFA francs). Libel can be either a criminal offense or a civil matter. The law authorizes the Government to initiate criminal libel prosecution against persons for libeling elected government officials; it also authorizes the state to criminalize civil libel suits.

The CNC suspended the newspaper "La Nation" for 1 month on charges of libel after it published an article critical of the minister of culture.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Approximately 7 percent of the population used the Internet. This number would likely increase since the leading provider reduced connection fees by 50 percent in August.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The Constitution and law provide for freedom of assembly, and the Government generally respected this right. The law requires that groups obtain permits for public gatherings in advance.

*Freedom of Association.*—The Constitution and law provide for freedom of association, and the Government generally respected this right.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respected this right.

The Ministry of Interior maintained an official registry of religious groups and refused to register approximately 10 small indigenous groups. Nevertheless, in practice the Government allows members of these groups to assemble, practice their religion, and to proselytize.

In recent years, some Protestant denominations have alleged that the Government television station accorded free broadcast time to the Catholic Church but not to minority religious groups. Others alleged that the armed forces favored Roman Catholics and Muslims in hiring and promotion.

*Societal Abuses and Discrimination.*—There was no significant Jewish community in the country, and there were no reports of anti-Semitic acts.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—Although the Constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, the Government frequently restricted these rights in practice. There were no legally mandated restrictions on internal movement, but police and gendarmes continued to stop travelers frequently to check identity, residence, registration documents, or to demand bribes. Members of the security forces harassed expatriate Africans working legally as merchants, service sector employees, and manual laborers. Some members of the security forces extorted bribes with threats of confiscation of residency documents or imprisonment. Residency permits cost \$222 (100,000 CFA francs) per year, and first-time applicants were required to provide the cost of a one-way air ticket to their country of origin. In principle, but usually not in practice, the Government refunded the cost of the air ticket when the individual departed the country permanently.

There were reports that, without explanation, authorities denied passport applications for travel abroad. There also were reports of unreasonable delays in obtaining passports, despite a government commitment to process passport applications within 3 days. The Government intermittently enforced a regulation requiring married women to obtain their husbands' permission to travel abroad.

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

*Protection of Refugees.*—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government generally provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. The Government granted refugee status or asylum and cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers. However, refugees complained about widespread harassment, extortion, and detentions by security forces.

To reduce mistreatment of refugees, the Government started replacing UNHCR-issued identity cards with those issued by the Government. By year's end, only refugees in one region of the country had been issued new cards. However, the cards, in conjunction with a UNHCR-led information campaign, helped reduce discrimination against refugees.

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

The Constitution and law provide citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic elections.

*Elections and Political Participation.*—In December 2006 elections were held to fill the 120 seats of the National Assembly. President Bongo's party, the PDG, and other parties in the ruling coalition won the majority of the seats. Several seats were contested and nullified by the Constitutional Court; however, in the runoff elections, the PDG still held the majority with 83 seats. Other parties allied with the PDG won 19 seats. Opposition parties won 10 seats, while the remaining seats went to independents or unaligned parties.

In 2005 President Bongo Ondimba was reelected for another 7-year term in an election marred by irregularities.

The Government was dominated by a strong presidency. When the legislature is not in session the president can veto legislation, dissolve the national legislature, call new elections, and issue decrees that have the force of law. The legislature generally approved legislation presented to it by the president. The president appoints ministers of government and heads of parastatals.

A single party, the PDG, has remained in power since its creation by President Bongo in 1968.

There were 15 women in the 120-member National Assembly and 13 women in the 49-member cabinet.

Members of all major ethnic groups continued to occupy prominent government positions; however, members of the president's Bateke ethnic group and other southerners held a disproportionately large number of key positions in the security forces. The chief of general staff, the minister of defense, and the chief of the republican guard were from the same region or ethnic group as the president.

Indigenous Pygmies rarely participated in the political process, and the Government made only limited efforts to include them.

*Government Corruption and Transparency.*—Official corruption was widespread, and there was extensive media coverage of police abuses, particularly at checkpoints; however, the Anticorruption Commission issued no reports and took no action against corrupt officials during the year.

The Anticorruption Commission required civil servants to disclose their financial assets before assuming office; however, this requirement was not always followed in practice.

The World Bank's Worldwide Governance Indicators reflected that corruption was a severe problem. The country joined the Extractive Industries Transparency Initiative process and submitted required reports in both 2006 and 2007.

The law does not provide for public access to government information, and the Government did not allow such access in practice.

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

A few local human rights NGOs and activists operated without government restriction, investigating and publishing their findings. Government officials took no actions on their recommendations.

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

Although the Constitution and law prohibit discrimination based on national origin, race, gender, or opinion, the Government did not enforce these provisions uniformly.

*Women.*—Rape is against the law and carries a penalty of between 5 and 10 years' imprisonment; however, rape cases were seldom prosecuted and often were perpetrated by law enforcement officials on female noncitizens and prostitutes. The problem was widespread and reportedly increased from the previous year. Only limited medical and legal assistance for rape victims was available.

The law prohibits domestic violence; however, it was believed to be common, especially in rural areas. Police rarely intervened in such incidents, and women virtually never filed complaints with civil authorities.

Although illegal, female genital mutilation (FGM) was believed to occur among the resident population of noncitizen Africans; however, there were no specific reports of such practices during the year.

Although the law prohibits prostitution, it was a problem. There were reports of police officers beating, robbing, and raping prostitutes.

There is no law that prohibits sexual harassment, and it was a problem. The Government and NGOs reported cases of female domestic workers (often victims of child trafficking) who were sexually molested by employers.

The law provides that women have rights to equal access in education, business, and investment, but women continued to face considerable societal and legal discrimination, especially in rural areas. While poor women frequently suffered discrimination, women among the educated urban population were treated more equally. Women owned businesses and property, participated in politics, and worked throughout the Government and in the private sector.

By law, couples must stipulate at the time of marriage whether they intend to adhere to a monogamous or a polygynous relationship; polygynous marriages were more common. For monogamous married couples, a common property law provides for the equal distribution of assets after divorce. In a polygynous marriage, a husband is obligated to give all wives the same level of financial support, although he may marry additional wives without permission from his existing wives. Wives who leave polygynous husbands receive a one-time payment.

In inheritance cases, the husband's family must issue a written authorization before his widow can inherit property. Common law marriage, which was accepted socially and practiced widely, afforded women no property rights.

Regulation requires that a woman obtain her husband's permission to travel abroad; however, this requirement was not enforced consistently.

*Children.*—Citizenship is not conferred automatically through birth on Gabonese soil. Citizenship was rarely conferred on children born to two non-Gabonese parents and these children were not able to receive the full benefits normally conferred to citizens. All births are normally registered.

The Government publicly expressed its commitment to youth, provided 4,000 academic scholarships during the year, and used oil revenues to build schools, pay teacher salaries, and promote education, including in rural areas. However, there were numerous reports of shortages of classrooms and teachers in public schools. Education is compulsory until age 16 and was generally available through sixth grade. Approximately 78 percent of primary school-age children, and about half of secondary school-age children, attended school. Secondary school attendance rates for immigrant children were lower, although public schools accepted immigrant children and the Government encouraged them to attend. The Government provided a family allowance to the parents of schoolchildren; however, students were required to pay for books, uniforms, and other school supplies, which precluded numerous children from attending school. The U.N. Educational, Scientific and Cultural Organization estimated that 80 percent of women and 88 percent of men were literate. Boys and girls had equal attendance rates in primary school, but more boys than girls were enrolled in secondary school.

Boys and girls had equal access to medical care.

There was little evidence of physical abuse of children, although there were occasional reports that family members sexually abused girls who had passed puberty. When such reports surfaced, the accused abusers were arrested and tried.

FGM was believed to occur among the resident population of noncitizen Africans.

Child marriage was a problem and there was no government effort to combat the practice.

Trafficking in children and child labor were problems.

Concerns about the problems faced by the large community of children of noncitizen Africans persisted. Some were victims of child trafficking and abuses.

*Trafficking in Persons.*—The law prohibits trafficking in persons; however, there were reports that persons, particularly women and children, were trafficked to the country.

The police and an interministerial committee composed of representatives from the labor, justice, foreign affairs, and family ministries, were responsible for combating trafficking. The Government also cooperated with the U.N. Children's Fund (UNICEF) and the International Labor Organization.

Children (especially girls), primarily from Benin and Togo, worked as domestic servants or in the informal commercial sector. Boys were trafficked for street hawking and forced labor in small workshops. Nigerian children, also victims of trafficking, worked in the informal commercial sector as mechanics. Trafficked children generally worked long hours, were subjected to physical abuse, received inadequate food, and received no wages or schooling. No statistics were available on the number of trafficking victims in the country, but estimates ranged from 3,000 to 25,000 per year.

There continued to be unconfirmed reports that some government officials employed trafficked foreign children as domestic workers, and that individual police and immigration officers were involved in facilitating child trafficking.

The law provides for prison sentences for traffickers of 5 to 15 years' imprisonment and fines from \$22,222 to \$44,444 (10 million to 20 million CFA francs).

The Government demonstrated weak antitrafficking law enforcement efforts and did not report any trafficking convictions during the year.

There were reports that frustration over lack of prosecutorial action led police to conduct fewer raids this year.

Government agencies, in cooperation with UNICEF, provided care for victims, in some cases through NGOs.

UNICEF and the Government sponsored a toll-free assistance hotline for child trafficking victims that provided 24-hour response assistance and arranged free transport to a victims' shelter. A government-funded reception center offered protection for trafficking victims, including food, education, medical care, and repatriation assistance. A second center, run by Carmelite nuns, provided similar services for older girls and young women.

*Persons with Disabilities.*—There are no laws that prohibit discrimination against persons with disabilities or provide for access to buildings or services; however, there were no reports of official discrimination against persons with disabilities. There was some societal discrimination against persons with disabilities, and employment opportunities and treatment facilities were limited.

*Indigenous People.*—The Baka (Pygmies) are the earliest known inhabitants of the country. Small numbers of Pygmies continued to live in large tracts of rain forest in the northeast. Most Pygmies, however, were relocated to communities along the major roads during the late colonial and early post-independence period, together with other residents of remote communities. The law grants them the same civil rights as other citizens, but Pygmies remained largely outside of formal authority, keeping their own traditions, independent communities, and local decision-making structures. Pygmies suffered societal discrimination, often lived in extreme poverty, and did not have easy access to public services. Their Bantu neighbors often exploited their labor, paying much less than minimum wage. Despite their equal status under the law, Pygmies generally felt they had little recourse if mistreated by Bantu. There were no specific government programs or policies to assist Pygmies.

*Other Societal Abuses and Discrimination.*—There was considerable discrimination against women and persons with HIV/AIDS. One local NGO worked closely with the Minister of Health to combat both the associated stigma and the spread of the disease. The same organization also worked to combat the stigma associated with homosexuality but did not receive any assistance from the Government for these activities.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law places no restrictions on the right of association and recognizes the right of citizens to form trade and labor unions; workers exercised this right in practice. The small private sector workforce was generally unionized. Unions must register with the Government to be recognized officially, and registration was granted routinely.

Discrimination on the basis of union membership is illegal. Employers who are found guilty by civil courts of having engaged in such discrimination may be required to compensate employees. Trade unions in both the public and private sectors were often discriminated against. Their demands and/or requests for negotiations were often ignored or denied.

*b. The Right to Organize and Bargain Collectively.*—The law allows unions to conduct their activities without government interference, and the Government protected this right. The law provides for collective bargaining by industry, not by firm, and collectively bargained agreements set wages for whole industries. Labor and management met to negotiate differences, with observers from the Ministry of Labor. Agreements negotiated by unions also applied to nonunion workers.

The law provides workers the right to strike; however, they may do so only after 8 days advance notification and also only after arbitration fails. Public sector employees' right to strike is limited if a strike could jeopardize public safety. The law prohibits government action against individual strikers who abide by the notification and arbitration provisions.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor; however, there were reports that such practices occurred, including by children.

Some Pygmies reportedly were employed under conditions tantamount to slavery and without effective recourse to the judicial system.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—Although children below the age of 16 may not work without the express consent of the ministries of labor, education, and public health, child labor was a serious problem. The law stipulates fines and prison sentences for violations of the minimum age for work. The ministries rigorously enforced this law in urban areas with respect to citizen children, and few citizens under the age of 18 worked in the formal wage sector; however, child labor occurred in rural areas, where the law was seldom enforced.

An unknown number of children—primarily foreign—worked in marketplaces or performed domestic duties; many of these children were reportedly the victims of child trafficking. Such children generally did not attend school, received only limited medical attention, and often were exploited by employers or foster families. Laws forbidding child labor theoretically extended protection to these children, but abuses often were not reported.

The Constitution and labor code protect children against exploitation. The Ministry of Justice is responsible for implementing and enforcing child labor laws and regulations. Inspectors from the Ministry of Labor are responsible for receiving, investigating, and addressing child labor complaints. However, violations were not systematically addressed because the inspection force was inadequate, and complaints were not investigated routinely. The Government viewed child labor and

child trafficking as closely linked; the only available survey of children in the labor force found that 97 percent were noncitizens.

*e. Acceptable Conditions of Work.*—In September 2006 the president announced an increase in the monthly minimum wage from \$98 to \$178 (44,000 to 80,000 CFA francs); government workers received an additional monthly allowance of \$44 (20,000 CFA francs) per child. Government workers also received transportation, housing, and family benefits. The law does not mandate housing or family benefits for private sector workers. The minimum wage did not provide a decent standard of living for a worker and family.

The labor code governs working conditions and benefits for all formal sectors and theoretically provides a broad range of protection to workers; however, the Government sometimes did not respect these protections. According to the law, representatives of labor, management, and the Government are required to meet annually to examine economic and labor conditions and to recommend a minimum wage rate to the president, who then issues an annual decree. This procedure has not been followed since 1994, in part because the Government was following a policy of wage austerity recommended by international financial institutions.

The labor code stipulates a 40-hour workweek with a minimum rest period of 48 consecutive hours. Employers must compensate workers for overtime work. Companies in the formal sector generally paid competitive wages and granted the fringe benefits required by law, including maternity leave and 6 weeks annual paid vacation.

The Ministry of Health established occupational health and safety standards but did not enforce or regulate them. The application of labor standards varied from company to company and between industries. In the formal sector, workers may remove themselves from dangerous work situations without fear of retribution.

The Government reportedly did not enforce labor code provisions in sectors where the majority of the labor force was foreign. Foreign workers, both documented and undocumented, were obliged to work under substandard conditions; were dismissed without notice or recourse; or were mistreated physically, especially in the case of illegal immigrants. Employers frequently paid noncitizens less and required them to work longer hours, often hiring them on a short-term, casual basis to avoid paying taxes, social security contributions, and other benefits.

## THE GAMBIA

The Gambia is a multiparty, democratic republic with a population of 1.5 million. In September 2006 President Alhaji Yahya Jammeh was reelected for a third 5-year term in an election considered partially free and fair. President Jammeh's party, the Alliance for Patriotic Reorientation and Construction (APRC), continued to dominate after the National Assembly elections held on January 25, which were considered partially free and fair. In March 2006 a coup attempt was uncovered, and approximately 50 suspects were detained, one of whom remained in detention without charge awaiting trial at year's end. The trial of a second suspect began on December 5 and was ongoing at year's end. While civilian authorities generally maintained effective control of the security forces, there were some instances where security forces acted independently of government authority.

The Government's respect for the human rights of its citizens did not improve during the year. Although the Constitution and law provide for protection of most human rights, there were problems in many areas. Prison conditions remained poor. Arbitrary arrests and detentions continued. Security forces harassed and mistreated detainees, prisoners, opposition members, and journalists with impunity. Prisoners were held incommunicado, faced prolonged pretrial detention, and were denied due process. The Government restricted freedom of speech and press. Women experienced violence and discrimination, and female genital mutilation (FGM) remained a problem. Child labor and trafficking in persons also were problems.

### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—There were no confirmed reports that the Government or its agents committed arbitrary or unlawful killings. However, on May 9, police volunteer Dodou Janneh stabbed and killed Sheriff Minteh during a police raid in Serrekunda, where officers were searching for youths smoking cannabis. On May 16, Janneh was charged with murder, and the case was ongoing at year's end.

In the case of the March 2006 coup plot, there were no developments in the case of the five detainees earlier held in the case but who the Government claimed escaped while being transferred to a minimum security prison in April 2006. The Government did not respond to allegations by nongovernmental organizations (NGOs) and online newspapers that the prisoners had been executed.

On May 19, the NGO Commonwealth Human Rights Initiative called for an African Commission on Human and People's Rights investigation of the 2005 deaths of at least eight migrant workers from Ghana, Nigeria, and Togo found dead in Brufut, near Banjul. In January 2006 government authorities announced the launch of an investigation into the deaths after the Ghanaian Government and NGOs claimed that the Government ordered state security guards to kill the men. No developments were reported by year's end.

*b. Disappearance.*—There were no reports of politically motivated disappearances during the year.

Since the July 2006 disappearance of journalist Ebrima Manneh, the Government has denied holding him in custody, and on February 21, the police denied arresting him. On June 20, the Media Foundation for West Africa (MFWA) brought a lawsuit concerning Manneh's disappearance against the Government at the Economic Community of West African States Community (ECOWAS) Court. On July 26, Manneh was reportedly sighted seeking medical treatment under police supervision at a hospital in Banjul, but his whereabouts remained unknown at year's end. During the year the ECOWAS court hearing repeatedly was postponed due to lack of government representation at the proceedings; a hearing was pending at year's end.

On June 7, the defense lawyer in the case of United Democratic Party (UDP) supporter Kanyiba Kanyi filed a writ of habeas corpus at the high court in Banjul ordering the National Intelligence Agency (NIA) and police to release Kanyi. In September 2006 the courts ordered his release. The lawyer maintained that Kanyi was being held by the NIA, but his whereabouts remained unknown at year's end.

On October 12, Tamba Fofana was released without charge from police custody after being arrested in September 2006 on accusations of "anti state" activities. Police had denied knowledge of his whereabouts despite a court order in December 2006 to release him.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution and law prohibit such practices; however, there were reports that security forces beat and mistreated persons in custody. Throughout the year, defendants, including those held in connection with the March 2006 coup plot, made credible reports of being tortured while in detention. The torture claims included allegations of electrocution, cigarette burns, plastic bags held over people's heads, knife wounds, cold water treatments, and threats of being shot. The Government did not respond to these allegations.

The Indemnity Act continued to prevent victims from seeking redress in torture cases related to official actions taken by military personnel during the country's period of military rule from 1994–1996. The army requests that victims file formal complaints with the courts regarding alleged torture that occurred outside the official military rule. However, there were no known prosecutions in civil courts or military courts of security forces members accused of mistreating individuals during the year. On August 16, at the closing ceremony of a civil-military relations seminar, the military chief of staff publicly announced a zero-tolerance policy for military abuse of civilians, and some reports indicated such abuse may have declined.

On November 29, the MFWA filed a lawsuit against the Government at the ECOWAS court over the March 2006 illegal detention and torture of journalist Musa Saidu Khan, editor in chief of *The Independent* newspaper. Saidu Khan claimed electric shocks were administered to his naked body during his 22-day detention before he was released without charge. No government representative appeared at the ECOWAS hearing, and the Government did not respond to the torture allegations by year's end.

There were no developments in the 2005 case in which the Police Intervention Unit—a paramilitary wing of the police—severely beat workers at a hotel construction site for reportedly obstructing a police officer and helping to free a prisoner.

Unlike in the previous year, there were no claims by opposition members that the Government trained vigilante groups, known as "green boys," who were suspected of past human rights offenses.

*Prison and Detention Center Conditions.*—Prison conditions generally did not meet international standards, although detention center conditions generally did. The Government permitted some visits by independent human rights observers, but

they were not allowed to visit detainees and prisoners connected to matters considered politically sensitive.

Local jails were overcrowded, and inmates, including detainees awaiting trial, occasionally slept on the floor. Inmates complained of mistreatment by guards, poor sanitation, and inadequate nutrition, and often relied upon outside sources of food, which was allowed prior to conviction. Prison guards were reluctant to intervene in fights between prisoners, which resulted in injuries.

Although prison officials made attempts to improve prisoners' nutrition and well-being during the year, there were several unconfirmed reports of deaths of prisoners at the Mile 2 prison due to poor diet, health, and living conditions. Prison officials maintained that prisoners had access to round-the-clock medical care.

On July 9, police reported the death in custody of Musa Bah who had been arrested on July 3 on accusations of breaking and entering. A doctor reported that Bah had died of a heart attack. The police denied the Bah family's claim that the body was left in a police station for several days. There were no developments by year's end.

There were unconfirmed reports that women occasionally were held with men.

Pretrial detainees were held together with convicted prisoners.

The Government permitted restricted independent monitoring of prison conditions by some local and international human rights groups; neither the media nor the International Committee of the Red Cross (ICRC) was granted access to detainees or prisoners during the year.

*d. Arbitrary Arrest or Detention.*—The Constitution and law prohibit arbitrary arrest and detention; however, there were instances of police and security forces arbitrarily arresting and detaining citizens.

*Role of the Police and Security Apparatus.*—The armed forces are responsible for external defense and report to the secretary of state (minister) for defense, a position held by the president. The police, under the secretary of state for the interior, are responsible for public security. The NIA is responsible for protecting state security, collecting intelligence, and conducting covert investigations, and reports directly to the president. The NIA is not authorized to investigate police abuses, but during the year the NIA often assumed police functions such as detaining and questioning criminal suspects. Security forces generally were corrupt and ineffective. On occasion security forces acted with impunity and defied court orders.

The police's human rights and complaints unit receives and addresses complaints of human rights abuses committed by police officers from both civilians and other police officers. During the year the unit received several complaints, and some police officers faced disciplinary actions as a result.

On August 10, two women claimed they were raped by three men claiming to be police officers. Police denied the allegations, and there was no known investigation or prosecution during the year.

*Arrest and Detention.*—The law requires that authorities obtain a warrant before arresting a person; in practice individuals often were arrested without a warrant. Periods of detention generally ranged from a few hours to 72 hours, the legal limit after which detainees must be charged or released; however, there were several instances of detentions surpassing the limit. There was a functioning bail system; however, on occasion, the courts released accused offenders on bail, while the police or other law enforcement agencies rearrested offenders upon their leaving the court. Detainees generally were not promptly informed of charges against them, nor were they allowed prompt access to a lawyer, and if indigent, to one provided by the state. Detainees were not allowed prompt access to family members. However, unlike in the previous year, prisoners were generally permitted to meet privately with their attorneys.

Military decrees enacted prior to the Constitution give the NIA and the secretary of state for the interior broad power to detain individuals indefinitely without charge "in the interest of national security." These detention decrees are inconsistent with the Constitution, but they have not been subject to judicial challenge. The Government claimed that it no longer enforced the decrees; however, there were several cases during the year of detentions that exceeded the 72-hour limit. There were also reports that some government-employed detainees held at length without conviction were not paid their salaries, although the law provides that civil servants, including military officers, in detention or on trial for criminal offenses be paid half of their salary. The second half is paid to them in the case of acquittal.

Security forces arbitrarily arrested numerous persons for political reasons and the whereabouts of some political detainees, including a journalist and an opposition supporter detained in 2006, remained unknown at year's end.



Security officials arbitrarily harassed and arrested journalists during the year. On June 6, army sergeant Buba Jammeh was released unconditionally from detention after being arrested in May 2006 on accusations of being an informant for the online Freedom Newspaper. No charges were filed against him.

On October 6, the NIA arrested and questioned Gambian journalist Yaya Dampha of the pro-opposition newspaper Foroyaa and two Amnesty International (AI) researchers. On October 12, they were unconditionally released without charge.

During the year some detainees were held incommunicado for extended periods.

Two suspects in connection with the March 2006 coup attempt remained in detention at year's end. Security force member Yaya Bajinka remained in detention without charge since his arrest in July 2006 in connection to the March 2006 coup plot. Hamadi Sowe was charged with concealment of treason in March 2006. His trial began on December 6 and was ongoing at year's end.

On July 6 and 7, Lieutenant Colonel (retired) Vincent Jatta, Ngorr Secka, and Baba Saho were pardoned and released before their cases went to trial. In July 2006 they originally were charged with concealment of treason in connection with the failed March 2006 coup plot.

On July 8, former police commissioner Ebrima Camara and army sergeant Buba Mendy were released without charge after being arrested in April 2006 on suspicion of involvement with the coup plot.

On October 12, Ousman Jatta, who had been in detention since September 2006, was released from detention following a third high court order for his release on June 5. Jatta was rearrested twice in 2006 without charge for expressing views in disagreement with the Government.

On December 27, detainees Foday Barry and Abdoulie Kujabi, arrested in April 2006 in connection to the coup plot, were released unconditionally, and their charges were dropped without explanation.

The whereabouts of former chief of defense Colonel Ndure Cham, the alleged mastermind of the March 2006 coup plot, remained unknown at year's end.

Backlogs and inefficiency in the justice system resulted in lengthy pretrial detentions. Approximately 30 inmates in the prison system were in pretrial detention, and some had been incarcerated for several years while awaiting trial. Several long-term detainees were released without charge or pardoned during the year.

*e. Denial of Fair Public Trial.*—The Constitution and law provide for an independent judiciary, and the courts demonstrated independence on several occasions. However, in practice the courts, particularly at the lower levels, were corrupt and subject to executive pressure at times. There were instances of the Government and security forces disregarding court orders.

The Government continued to recruit judges and magistrates from other Commonwealth countries that have a similar legal system since foreign judges were generally less susceptible to corruption and executive branch pressure.

The judicial system is composed of the Supreme Court, the court of appeal, high courts, and eight magistrate courts. Cadi courts have jurisdiction over Islamic matters of marriage, divorce, land disputes, and inheritance where Muslim parties are involved. District chiefs preside over local tribunals that administer customary law at the district level. Cadi courts and district tribunals do not offer standard legal representation to the parties involved, since lawyers are not trained in Islamic or customary law. Military tribunals cannot try civilians.

On June 4, a judicial complaints board was established in the Office of the Chief Justice. The board is chaired by the chief justice and includes the attorney general and secretary of state for justice, the secretary of state for the interior, the inspector general of police, the director general of the NIA, the master of the high court, and the judicial secretary. The board reportedly was fully operational and heard several complaints during the year.

*Trial Procedures.*—The Constitution and law provide for a fair and public trial, and the judiciary generally enforced this right, although frequent delays and missing or unavailable witnesses, judges, and lawyers often impeded the process. Many cases were also delayed because of adjournments designed to allow the police or NIA time to continue their investigations. Both civilian trials and courts martial are held in public, but occasionally closed-court sessions were held to protect the identity of a witness. No juries are used in the civilian courts, but courts martial proceedings are presided over by a judge advocate assisted by a panel of senior military officers.

Indigent defendants charged with murder or manslaughter have a right to an attorney provided at public expense. The prosecution prepares a case file, including testimonies and evidence, and provides a copy for the defense. Defendants are presumed innocent, have the right to confront witnesses and evidence against them, present witnesses on their own behalf, have the right to an attorney, and appeal

judgment to a higher court. The law extends the above rights to all citizens, and there were no groups that were denied these rights.

The judicial system suffered from inefficiency at all levels. Cases continued to be delayed because the court system was overburdened. To alleviate the backlog, the Government continued to recruit judges and magistrates from other Commonwealth countries that have a similar legal system. The attorney general oversees the hiring of foreign judges on contract. The Government reserves the right not to renew a judge's contract.

The judicial system recognizes customary, Shari'a (Islamic law), and general law. Customary law covers marriage and divorce for non-Muslims, inheritance, land tenure, tribal and clan leadership, and other traditional and social relations. Shari'a was observed primarily in Muslim marriage and divorce matters; it favored men in its provisions. General law, following the British model, applied to felonies and misdemeanors in urban areas and to the formal business sector.

On April 19, the judge in the court martial proceedings of 10 military officers suspected in the March 2006 coup plot delivered the verdicts.

Captain Bunja Darboe, Captain Wassa Camara, and Second Lieutenant Pharing Sanyang were convicted on five counts: Counseling or procuring persons to commit mutiny; causing or conspiring with others to cause mutiny; mutiny; treason; and conspiracy to commit treason. Captain Yaya Darboe was charged with all five of the same counts, but was acquitted on the second charge and convicted on the remaining four. All four men were sentenced to life imprisonment.

Captain Pierre Mendy, Captain Abdoukarim Jah, Lieutenant Momodou Aliou Bah, Corporal Samba Bah, Lance Corporal Babou Janha, and Private Alhaji Nying were each convicted on three counts: Failure to report mutiny; treason; and concealment of treason. Captain Jah and Lieutenant Bah were both sentenced to 25 years in prison for each count, to run concurrently. The remaining four officers were sentenced to 10 years for each count, to run concurrently.

On August 9, the judge in the trial of four civilians suspected in the coup plot delivered the verdict.

Tamsir Jasseh, Omar Faal Keita, and Aliou Jobe were convicted on three charges: Treason; conspiracy to commit treason; and providing accessory to treason. They were sentenced to 20 years for the first count, 18 years for the second, and 2 years for the third, to run concurrently with hard labor. Demba Dem was acquitted on all charges.

*Political Prisoners and Detainees.*—During the year there were credible reports that the Government held civilians based on their political views or associations and that some were held incommunicado for prolonged periods. The Government also arrested and detained opposition members who publicly criticized or who expressed views in disagreement with the Government.

*Civil Judicial Procedures and Remedies.*—The high court has jurisdiction to hear cases for civil and human rights violations, although it may decline to exercise its powers if it is satisfied that adequate means of redress are available under other laws. The Indemnity Act continued to prevent victims from seeking redress in some cases.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution and law prohibit such actions, but the Government did not always respect these prohibitions in practice. Decree 45, which provides constitutional safeguards against arbitrary searches and the seizure of property without due process, remained in effect, and the Government generally enforced it.

Observers believed the Government monitored citizens engaged in activities that it deemed objectionable.

## *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution and law provide for freedom of speech and the press; however, the Government limited these rights by intimidation, detention, and restrictive legislation. Although the independent press practiced a degree of self-censorship, opposition views regularly appeared in the independent press, and there was frequent criticism of the Government in the private media.

The Government published one newspaper, *The Gambia Daily*. The privately owned *Daily Observer* favored the Government in its coverage. There were five other independent newspapers, including one published by an opposition political party that remained highly critical of the Government. There was one independent biweekly magazine. *The Independent*, shut down by the Government in March 2006, remained closed at year's end.

During the year one government-owned and four private radio stations broadcast throughout the country. During most of the year the government-owned Gambia

Radio and Television Services (GRTS) gave very limited coverage to opposition activities. Local television stations rebroadcast the BBC, Radio France Internationale, the Voice of America, and other foreign news reports, and all were available via shortwave radio. GRTS television, foreign cable, and satellite television channels broadcasting independent news coverage were available in many parts of the country, and the Government allowed unrestricted access to such networks.

The Senegalese-owned radio station SUD FM, whose license was revoked by the Government in 2005, remained closed during the year.

The deterioration of the country's media environment continued during the year. The Government harassed journalists who wrote articles it considered inaccurate or investigated cases it considered sensitive. Several journalists reportedly went into hiding out of fear of government retaliation.

On March 28, Fatou Jaw Manneh, a Gambian journalist and political activist living overseas, was detained upon arrival in the country. After being held for 6 days, beyond the 72-hour legal limit, she was charged on April 3 with three counts of sedition, based on remarks she made during a 2004 interview with an online newspaper. On April 4, she was released on bail, and, on June 19, she received a fourth charge of uttering seditious words. During the year the question of the proper jurisdiction for the case led to trial delays, as the case was transferred between three district courts. On December 7, a high court justice ruled the trial should be relocated to the Kanifing magistrate court, where initial hearings were held; the trial was ongoing at year's end.

On September 9, Malik Jones, a GRTS radio producer, and Mamsait Ceesay, a press officer at the Office of the President, were arrested and then charged on September 12 under the Official Secrecy Act for passing information deemed harmful to state security to a foreign journalist. Their arrest was reportedly linked to a September 6 story carried by The Daily Observer and retracted on September 8. The original story erroneously reported the replacement of a senior official at the Office of the President. On September 18, Ceesay was released on bail, and on September 21, Jones was released on bail; both were subsequently fired from their jobs. The presiding judge ordered a stay of prosecution pending directions from the attorney general's office to proceed with the case; the case remained suspended at year's end.

Journalist Yaya Dampha was arrested without charge on October 6 and released on October 12 along with two AI researchers. Dampha was reportedly questioned separately from and more frequently than the researchers. After his release, he and his family were reportedly harassed by security forces, and Dampha reportedly went into hiding in Senegal.

On June 5, Lamin Fatty, journalist for The Independent, was convicted of "willfully, negligently, or recklessly publishing false information" in March 2006. Fatty was sentenced to an optional fine of \$2,174 (50,000 dalasi) or a 1-year prison term. After a journalists' organization contributed a loan to pay the fine, Fatty was released on the same day, June 5. Several international NGOs criticized the verdict and trial, which began in June 2006 after he was originally arrested and held without charge for 63 days. Fatty's appeal of the verdict was pending at year's end.

In some cases journalists from certain independent newspapers were denied access to state-sponsored events and press conferences due to official disapproval of their editorial stance.

During the 3-week campaign period before the January 25 legislative election, opposition parties were allotted television time slots, but coverage of opposition rallies was limited. Contrary to the code of conduct adopted by the media for election coverage, the ruling APRC party received more coverage than the opposition, including on the "no campaigning" day prior to the election.

*Internet Freedom.*—Although there were no reports that the Government monitored e-mail or Internet chatrooms, the Government continued to block access to The Freedom newspaper Web site during the year. Individuals and groups could generally engage in the peaceful expression of views via the Internet, including by e-mail. Although many citizens are illiterate and most did not have computers or Internet connections at home, Internet cafes were popular in urban areas.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution and law provide for freedom of assembly and association, and the Government generally respected these rights in practice.

*c. Freedom of Religion.*—The Constitution and law provide for freedom of religion, and the Government generally respected this right in practice.

*Societal Abuses and Discrimination.*—In late April there was an altercation between a Catholic priest and a group of Muslims in the town of Brikama, reportedly

due to noise coming from the Catholic church during Muslim prayers at a nearby mosque. The Government reportedly ordered an investigation, and the Christian Council and Supreme Islamic Council met to work on reconciliation efforts, but no results were made public during the year.

On December 7, a group of evangelical Christians stated that they were harassed by Muslims who reportedly threw large rocks into the Christians' compound. The police ordered an investigation, but there were no further developments by year's end.

There was no known Jewish community, and there were no reports of anti-Semitic acts.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, but allow for “reasonable restrictions.” Restrictions were made on foreign travel for many people released from detention, often because their travel documents were temporarily confiscated at the time of their arrest or soon afterwards.

During the year Musa Dibba was obligated to report to the NIA every week. In April 2006 the Government confiscated Dibba's travel documents after he was briefly arrested for suspected involvement in the March 2006 coup plot attempt.

The Government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR), the World Food Program, and other humanitarian organizations in assisting refugees and asylum seekers with integration efforts. UNHCR coordinated government efforts with the International Organization for Migration, the Gambia Red Cross Society and other agencies to provide protection and assistance to refugees, returning refugees, and asylum seekers.

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

*Protection of Refugees.*—Neither the Constitution nor the law provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, but the Government has established a system for providing such protection to refugees. The Government granted refugee status during the year. In practice the Government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. Approximately 10,000 Senegalese refugees remained in the country during the year.

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

The Constitution and law provide citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic elections held on the basis of universal suffrage.

*Elections and Political Participation.*—On January 25, National Assembly elections were held. The two largest opposition political parties, the UDP and the National Reconciliation Party, continued to run as a separate alliance. The ruling APRC won 42 of the 48 elected seats, and President Jammeh appointed five nominated members, including the speaker. In September 2006 President Jammeh was reelected for a third term, winning approximately 67 percent of the vote. The main opposition political party, the UDP, challenged the election; however, in October 2006, the courts upheld the election results.

Individuals representing political parties or running as independents could freely declare their candidacy if their nomination was approved according to the rules of the Independent Electoral Commission.

International observers declared the presidential and National Assembly elections partially free and fair with shortcomings, noting under-age voting, voting by non-nationals, and biased media coverage in favor of President Jammeh. There were reports of security officers demonstrating partisan support while on duty in the days before the January 25 elections. However, observers agreed that both election results represented the will of the people. Opposition parties criticized these irregularities and stated that the APRC did not adhere to the code of conduct in the political memorandum of understanding brokered by The British Commonwealth in 2005.

The Government arrested members of the opposition and an opposition candidate during the year. On January 7, Nfamara Bojang, a UDP candidate in the National Assembly election, was reportedly arrested due to a 2005 case involving possession of faked Gambian currency notes amounting to \$1.52 (35 dalasi).

There were five women in the 53-seat National Assembly; two were elected and three were nominated by the president. At year's end there were four women in the 18-member cabinet, including the vice president.

There were no statistics available on the percentage of minorities who compose the legislature or the cabinet. President Jammeh and many members of his administration were from the previously marginalized minority Jola ethnic group.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption. The World Bank's worldwide governance indicators reflected that corruption was a serious problem, although there were some government efforts to curb it during the year. The president often spoke against corruption, and leading political and administrative figures faced harsh sentences on charges of corruption and wrongdoing. On March 12, the National Assembly adopted a code of conduct in an effort to allow for greater accountability and transparency in the legislature.

On October 24, former Mayor of Banjul Pa Sallah Jeng was acquitted and discharged by the High Court on six charges of abuse of office. In March 2006 Jeng was charged with the same allegations of corruption, abuse of office, and unauthorized spending for which he had been acquitted in 2005.

Public officials were not subject to financial disclosure laws, and no specific government agency was responsible for combating corruption.

The Constitution and law do not provide for public access to government information. Under the Official Secrets Act, civil servants are not allowed to divulge information about their department or to speak to the press without prior clearance with their head of department.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views. Some members of domestic human rights groups reportedly practiced self-censorship in matters related to the Government. Several groups expressed concern over the situation of detainees held incommunicado, but the Government did not respond. The Government allowed visits by the U.N. and other international governmental organizations, such as the Commonwealth Secretariat, but offered no response to reports issued after the visits.

The Office of the Ombudsman operated the National Human Rights Unit (NHRU) to promote and protect human rights and to support vulnerable groups. During the year the unit's reports focused on social and economic issues, such as gender, welfare, and child labor, and were not critical of the Government.

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

The Constitution prohibits discrimination based on race, religion, sex, disability, language, or social status, and the Government generally enforced these prohibitions.

*Women.*—The law prohibits rape, and the Government enforced it effectively, although rape remained a widespread problem. The penalty for rape of an adult is life in prison, and the maximum penalty for attempted rape is 7 years' imprisonment. The law against spousal rape was difficult to enforce effectively, as many did not consider spousal rape a crime and failed to report it. Domestic violence, including spousal abuse, was a problem although underreported due to the stigma surrounding such violence. Police considered reported incidents to be domestic issues outside of their jurisdiction. There was no law prohibiting domestic violence; however, cases of domestic violence could be prosecuted under laws prohibiting rape, spousal rape, and assault.

Prostitution is illegal, and it was a problem particularly in the tourist areas. Unlike in the previous year, there were no reports that the Government expelled foreign prostitutes. Suspected prostitutes were arrested in periodic raids; those who pled guilty to charges of being rogues and vagabonds were sentenced to fines or imprisonment for 7 to 30 days. The Tourism Offences Act deals with tourism-related offenses, including sex tourism, which were reportedly increasing. The act prohibits child prostitution, trafficking, and pornography. No known prosecutions or convictions were made under the act during the year.

There are no laws against sexual harassment, although it was reportedly widespread.

Traditional views of women's roles resulted in extensive societal discrimination in education and employment. Employment in the formal sector was open to women at the same salary rates as men. No statutory discrimination existed in other kinds

of employment; however, women generally were employed in such pursuits as food vending or subsistence farming.

Shari'a law is applied in divorce and inheritance matters for Muslims, who make up more than 90 percent of the population. Women normally received a lower proportion of assets distributed through inheritance than males. The appropriate church and the Office of the Attorney General settled Christian and civil marriage and divorce matters.

Marriages often were arranged and, depending on the ethnic group, polygyny was practiced. Women in polygynous unions had property and other rights arising from the marriage. They also had the option to divorce, but no legal right to approve or be notified in advance of subsequent marriages. The Women's Bureau, under the Office of the vice president, oversees programs to ensure the legal rights of women. Active women's rights groups existed.

During the year a reproductive health campaign funded by the World Health Organization, and conducted by the National Reproductive and Child Health Unit of the Department of State for Health and Social Welfare, was conducted to encourage men to become involved with sexual and reproductive health issues. On July 31, the president declared that all maternal health care services would be provided free of charge in government-run hospitals.

*Children.*—The Government was committed to children's welfare; however, budgetary constraints limited resources available to support education, health, and social services.

The Constitution and law mandate free, compulsory primary education up to 8 years of age, but the inadequate educational infrastructure prevented effective compulsory education, and children paid fees to attend school. During the year the Government estimated that 75 percent of children were enrolled in primary schools. Another 15 percent were enrolled in the Islamic schools called "madrassas." Girls constituted approximately 51 percent of primary school students and roughly one-third of high school students. The enrollment of girls was low, particularly in rural areas, where a combination of poverty and cultural factors influenced parents' decisions not to send girls to school. As part of the Government's ongoing initiative to get girls in school, the Government continued a countrywide program to pay basic school fees for all girls. However, in two urban regions, girls still were required to pay for books, school fund contributions, and exam fees.

The law protects and promotes the welfare of children, and curbs abuses against children, including trafficking in persons. In February 2006 the first of five regional children's courts was established. The courts have jurisdiction to hear all adoption, custody, maintenance, parentage, special, and most criminal cases affecting children.

The authorities generally enforced laws when cases of child abuse or mistreatment were brought to their attention. There was no societal pattern of abuse against children. Carnal knowledge of a girl under the age of 16 is a felony except in the case of marriage, which can be as early as 12 years of age. Incest also is illegal. Serious cases of abuse and violence against children were subject to criminal penalties. For example, on November 1, a foreign national was convicted and fined for offenses related to child pornography under the Tourism Offenses Act, and on November 16, a man was sentenced to 3 years' imprisonment under the Constitution for sexually abusing a child.

In July 2006 a government shelter for children, including victims of trafficking, began operating in the Banjul area. During the year the Department of Social Welfare indicated it was able to admit only 100 children to the shelter at a time, although the shelter only housed a few children at year's end.

On March 14, the Department of Social Welfare organized a national conference to adopt a national strategic plan of action on orphans and vulnerable children. The department adopted the plan during the year.

The law does not prohibit female genital mutilation (FGM), and the practice remained widespread and entrenched. Between 60 and 90 percent of women have undergone FGM, and seven of the nine major ethnic groups reportedly practiced FGM at ages varying from shortly after birth until age 16. FGM was less frequent among the educated and urban segments of those groups. Some religious leaders publicly defended the practice. There were unconfirmed reports of incidences of health-related complications, including deaths, associated with the practice of FGM; however, no accurate statistics were available. Several NGOs conducted public education programs to discourage the practice and spoke out against FGM and harmful traditional practices in the media. One NGO led a campaign to mobilize practitioners of FGM to abandon the practice, and approximately 50 had had done so by year's end. The Government publicly supported efforts to eradicate FGM and discouraged it through health education. During the year the National Assembly Select Committee

on Women and Children continued its campaign against FGM and other harmful traditional practices affecting women and children.

*Trafficking in Persons.*—Trafficking in persons occurred, and the Government considered it a serious problem. The Children's Act prohibits trafficking in children. On September 6, the National Assembly passed the Trafficking in Persons Act prohibiting all forms of trafficking in persons. On October 5, President Jammeh signed the act into law.

The penalty for trafficking in children under the age of 18 is life in prison and a substantial monetary fine. Enforcement of the Children's Act is primarily the responsibility of the Tourism Security Unit, a unit of the national army created specifically to enhance security in the tourism sector and keep minors out of the resort areas. There were no prosecutions under this law during the year. Under the new Trafficking in Persons Act, the minimum prison term for trafficking an adult is 15 years and a substantial monetary fine. No prosecutions were made under this law during the year.

The country was a source, transit point, and destination for trafficked persons. The number of persons, mostly children, trafficked for commercial sexual exploitation was small but significant.

Victims of trafficking were children of both sexes, normally under 18 years of age. Trafficking victims mostly came from conflict-ravaged countries, such as Liberia and Sierra Leone. Victims from Senegal, Guinea Bissau, and Sierra Leone told the NGO Child Protection Alliance (CPA) that foreign residents obtained permission from their families to employ them as bar waitresses or domestic maids. After their arrival in the country the local employers informed the victims that their duties entailed commercial sex work.

Some child prostitution victims stated they worked to support their families or because they were orphans and their guardian/procurer supported them.

There was no evidence of government involvement at any level in trafficking in persons.

While the Government had no established victim care and health facilities for trafficked persons, it provided temporary shelter and access to medical and psychological services to reported victims of trafficking.

The Government's multi-agency trafficking in persons taskforce, which also included representatives from UNICEF, the National Assembly, and the CPA, met once during the year. The new Trafficking in Persons Act provides for a national agency against trafficking to be established; however, it was not formed by year's end. A dedicated officer for trafficking issues continued to operate at the Department of State for Justice. NGOs were active in raising awareness about trafficking.

*Persons with Disabilities.*—Although the Constitution protects persons with disabilities against exploitation and discrimination, no government agency is directly responsible for protecting persons with disabilities. The Department of State for Health and Social Welfare dealt mainly with supplying some persons with disabilities with wheelchairs received from international donors. There is no legal discrimination against persons with physical disabilities existed in employment, education, or other state services; however, there was some societal discrimination. Persons with severe disabilities subsisted primarily through private charity. Persons with less severe disabilities were accepted fully in society, and they encountered little discrimination in employment for which they were physically capable. There were no laws to ensure access to buildings for persons with disabilities, and very few buildings in the country were specifically accessible to persons with disabilities.

During the year government removed many beggars with disabilities from the streets in an effort to end the problem of street begging, which it viewed as a public nuisance. The issue of the rights of persons with disabilities attracted press coverage throughout the year, and several NGOs sought to improve awareness of these rights, including encouraging the participation of persons with disabilities in sports and physical activities. The NHRU specifically sought to promote the rights of women with disabilities. Persons with disabilities were given priority access to polling booths on voting day.

*Other Societal Abuses and Discrimination.*—There was evidence of societal discrimination against persons infected with the HIV/AIDS virus. Stigma and discrimination hindered disclosure and led to rejection from partners and relatives. The Government took a multisectoral approach to fighting HIV/AIDS through its national strategic plan, which provides for care, treatment, and support to persons living with, or affected by, HIV/AIDS, and the protection of the rights of those at risk of infection. In April the National AIDS Secretariat collaborated with The Gambia Chamber of Commerce and Industry to develop a business coalition response to HIV/AIDS using workplace policies to destigmatize AIDS and allow workers to feel

comfortable asking for information. Public discourse about HIV/AIDS increased during the year, as President Jammeh launched an herbal treatment program for the virus. Throughout the year, the secretary of state for health urged persons to undergo voluntary HIV/AIDS counseling and testing.

There were no discriminatory laws based on sexual orientation; however, there was societal discrimination based on sexual orientation, which remained a social taboo. In an October 13 speech to commemorate the end of Ramadan, the president condemned homosexuality as un-Islamic.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—On September 3, the National Assembly passed a revised Labor Act, which the president authorized on October 17. The act incorporates principles set out in various ILO Conventions that deal with the abolition of forced labor, the minimum age for employment, the elimination of the worst forms of child labor, the right to organize and collective bargaining, and discrimination in employment and occupation. The act applies to all workers, including foreign or migrant workers and specifies that workers are free to form associations, including trade unions, and workers exercised this right in practice. However, the act specifically prohibits police officers and military personnel, as well as other civil service employees, from forming unions. Unions must register to be recognized, and there were no cases where registration was denied to a union that applied for it. Approximately 20 percent of the work force was employed in the modern wage sector, where unions were most active.

Employers may not fire or discriminate against members of registered unions for engaging in legal union activities, and the Government intervened to assist workers who were fired or discriminated against by employers.

*b. The Right to Organize and Bargain Collectively.*—The law permits unions to conduct their activities without interference; however, the Government interfered with unions' right to strike in practice. Unions were able to negotiate without government interference; however, in practice the unions lacked experience, organization, and professionalism and often turned to the Government for assistance in negotiations. The law allows workers to organize and bargain collectively, and although trade unions were small and fragmented, collective bargaining took place. Union members' wages, which generally exceeded legal minimums, were determined by collective bargaining, arbitration, or agreements reached between unions and management. The Labor Act also sets minimum contract standards for hiring, training, and terms of employment and provides that contracts may not prohibit union membership.

The law authorizes strikes but also places restrictions on strikes by requiring unions to give the commissioner of labor 14 days' written notice before beginning an industrial action (28 days for essential services); no strikes occurred during the year. The law specifically prohibits police officers and military personnel, as well as other civil service employees, from striking. The police and military had access to a complaints unit, and civil servants could take their complaints to the Public Service Commission or the Personnel Management Office.

Upon application by an employer to a court, the court may prohibit industrial action that is ruled to be in pursuit of a political objective. The court also may forbid action judged to be in breach of a collectively agreed procedure for settlement of industrial disputes. It prohibits retribution against strikers who comply with the law regulating strikes.

On April 11, the Gambia Dock and Maritime Workers Union claimed that the parastatal Gambia Ports Authority (GPA) was not providing dockworkers adequate compensation or access to protective clothing. On May 9, the GPA notified all dock workers of their imminent termination, noting a severance package was being negotiated. On June 21, the union protested and threatened to strike if the mass termination was not rescinded. On July 16, the Office of the President issued a press release warning against interference in the recruitment of replacement dockworkers or in the port services. On July 19, the GPA invited the union workers to a sensitization meeting to discuss the severance package. The GPA also informed workers that it would establish a new register on July 27 and take over recruitment of dock workers on August 1, despite union opposition. In early August the GPA reportedly dismissed 250 dockworkers without termination letters; the union subsequently informed the GPA that they would call a strike for September 1. On August 20, the NIA informed union leaders that their proposed strike was a threat to the peace and security of the country and would not be tolerated. The NIA gave the union a deadline of August 24 to call off the strike, which it did.



There is a government-established export-processing zone (EPZ) at the port of Banjul and the adjacent bonded warehouses. The labor code covers workers in the EPZs, and they were afforded the same rights as workers elsewhere in the economy.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution and law prohibit forced or compulsory labor, including by children; however, there were reports that women and children were trafficked for forced sexual exploitation.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—Child labor was a problem, although the Constitution protects children less than 16 years of age from economic exploitation, and the Children's Act protects children, defined as those under the age of 18, from exploitative labor or hazardous employment. The act also sets the minimum age of 16 years for light work and 12 years for engaging in apprenticeships in the informal sector. Due to limited secondary school openings and no effective compulsory education, most children completed formal education by the age of 14 and then began work. Child labor protection does not extend to youth performing customary chores on family farms or engaged in petty trading, as child labor in informal sectors is difficult to regulate and laws implicitly apply only to the formal sector. In urban areas many children worked as street vendors or taxi and bus assistants. There were a few instances of children begging on the street. The tourist industry stimulated a low level of child prostitution. Other sectors where children between the ages of 14 and 17 were known to work include carpentry, sewing, masonry, plumbing, tailoring and auto mechanics.

The Department of Labor was responsible for enforcing child labor laws and conventions on the worst forms of child labor. Employee labor cards, which include a person's age, were registered with the labor commissioner, who was authorized to enforce child labor laws; however, enforcement inspections rarely took place. The Tourism Offences Act incorporates the International Labor Organization provisions outlawing child prostitution and pornography; however, the Government was consistently ineffective in enforcing those provisions, and trafficking in children was a problem.

*e. Acceptable Conditions of Work.*—Minimum wages and working hours are established by law through six joint industrial councils, comprising representatives from labor, management, and the Government. The lowest minimum wage according to law was approximately \$0.85 (19.55 dalasi) per day for unskilled labor, but in practice the minimum wage was approximately \$2.17 (50 dalasi). The national minimum wage did not provide a decent standard of living for a worker and family. The minimum wage law covered only 20 percent of the labor force, essentially those workers in the formal economic sector, although most laborers were paid above the minimum wage. Minimum wage laws covered foreign or migrant workers. A majority of workers were employed privately or were self-employed, often in agriculture. Most citizens did not live on a single worker's earnings and shared resources within extended families. The Department of Labor is responsible for enforcing the minimum wage and it did so when cases of underpayment were brought to its attention.

The basic legal workweek is 48 hours within a period not to exceed 6 consecutive days. Nationwide, the workweek included four 8-hour workdays and two 4-hour workdays (Friday and Saturday). There are no limits on hours worked per week and no prohibition on excessive compulsory overtime. A 30-minute lunch break is mandated. Government employees are entitled to 1 month of paid annual leave after 1 year of service. Most government employees were not paid overtime. However, government workers holding temporary positions and private sector workers received overtime calculated per hour. Private sector employees received between 14 and 30 days of paid annual leave, depending on length of service.

The law specifies safety equipment that an employer must provide to employees working in designated occupations. The law also authorizes the Department of Labor to regulate factory health and safety, accident prevention, and dangerous trades, and to appoint inspectors to ensure compliance with safety standards. Enforcement was inconsistent due to insufficient and inadequately trained staff. Workers may demand protective equipment and clothing for hazardous workplaces and have recourse to the labor department. The law provides that workers may refuse to work in dangerous situations without risking loss of employment; however, in practice authorities did not effectively enforce this right.

The law protects foreign workers employed by the Government; however, it only provides protection for privately employed foreigners if they have a current valid work permit.

## GHANA

Ghana is a constitutional democracy with a strong presidency and a unicameral 230-seat Parliament. The country's population is approximately 21 million. In 2004 the ruling New Patriotic Party (NPP) candidate John Agyekum Kufuor was re-elected president with 52.45 percent of the vote. Despite a few incidents of intimidation and minor irregularities, domestic and international observers judged the elections generally free and fair. While civilian authorities generally maintained effective control over security forces, there were some instances in which elements of the security forces acted independently of government authorities.

The Government generally respected human rights and made significant improvements during the year; however, there were problems in several areas, including incidents of vigilante justice. Human rights problems included deaths resulting from the excessive use of force by police; vigilante justice; harsh and life-threatening prison conditions; police corruption and impunity; prolonged pretrial detention; forcible dispersal of demonstrations; corruption in all branches of government; violence against women and children; female genital mutilation (FGM); societal discrimination against women, persons with disabilities, homosexuals, and persons with HIV/AIDS; trafficking in women and children; ethnic discrimination and politically and ethnically motivated violence; and child labor, including forced child labor.

During the year the Government took significant steps to improve the protection of human rights, including amending the criminal code to criminalize the practice of FGM and passing legislation on domestic violence.

## RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—There were no reports that the Government or its agents committed political killings; however, the use of excessive force by security forces resulted in the deaths of several criminal suspects and other persons during the year.

For example, on March 26, a man in Wa was killed after police pushed his motorcycle into a gutter when he failed to stop at their request. The cyclist broke his neck in the accident, and his girlfriend, who was also riding on the motorcycle, was knocked unconscious. Investigators recommended that the two police officers directly responsible for the incident be suspended and that the six other officers also on duty face a service inquiry.

According to media reports, on August 26, agents of the Bureau of National Investigations who were searching for a car thief mistakenly shot and killed a 26-year-old man. The president ordered security agencies to conduct a thorough investigation of the case. At year's end, the case had been forwarded to the attorney general's office for review.

On August 3, a joint police-military patrol team reportedly beat and killed a minibus driver in Suhum after arresting him. The Ministry of Interior set up a fact-finding committee on August 15 to investigate the death. The committee's report recommended compensation for the victim's family and disciplinary action against the leader of the police-military patrol team for failing to exercise proper control. The four security personnel believed to be responsible faced further investigation at year's end.

During the year at least two police officers were charged, tried, and convicted in connection with the April 2006 police killings of four persons at Dansoman Estates in Accra.

There were no developments in the May 2006 case in which police shot and killed a 26-year-old man after mistaking him for one of the robbers they were seeking, even though the Government agreed in December 2006 to pay for the victim's funeral expenses and compensate the family of the victim.

Government forces continued to beat and forcibly evict hundreds of illegal residents, resulting in injuries and destruction of property. In May approximately 10,000 traders, carpenters, masons, traders, and farmers were evicted from areas alongside the Kumasi railway. Some of the squatters had lived in the areas for over 20 years. During the eviction, agents, servants, and officials of the railway authorities, destroyed property, beat inhabitants, and forced them to sleep without shelter. There were no reported deaths or injuries resulting from any forcible dispersal of demonstrators by security forces.

As in previous years, chieftaincy disputes resulted in deaths, injuries, and destruction of property. However, there were no reported killings resulting from disputes between indigenous locals and migrant herdsmen during the year.

On November 1, a chieftaincy conflict erupted in Anloga in the Volta Region, resulting in at least five deaths, including one police officer and two persons who died in police custody. Rooted in a decade-long chieftaincy dispute, the disturbances arose from opposition to the installation of a new chief in the Anlo traditional area. Media and NGO sources reported that police used excessive force, intimidation, and beatings in order to control the violence and to extract information. Police reportedly arrested over 75 suspects, including children and at least one elderly woman, immediately after the conflict erupted.

In November at least three persons were reportedly killed, and over 20 houses set ablaze, as a result of a chieftaincy dispute in Princes Town in the Western Region. A number of individuals were arrested and charged with rioting, causing harm, fighting with offensive weapons, and causing damage.

Numerous deaths resulted during the year from vigilante-style justice on suspected criminals by angry citizens and mobs. Security forces sometimes intervened to save the lives of the intended victims. In June the Deputy Inspector General of Police (IGP) issued a statement urging the public not to engage in vigilante justice, emphasizing that such actions were illegal and punishable by law. This sentiment was echoed throughout the year by the Commission on Human Rights and Justice (CHRAJ) and several religious leaders. In May the Minister of National Security warned of the negative consequences of mob justice for the country's legal process.

On October 18, Asaman District police arrested nine persons for allegedly killing a suspected thief in Pokuase by beating him and dragging him along the ground with his hands tied. The nine suspects remained in detention awaiting trial at year's end.

On April 10, a group of young men beat and killed the administrator of Goaso Government Hospital whom they suspected of participating in a gang responsible for multiple killings. Police charged 15 persons in connection with the killing. On December 10, four of these persons were granted bail while the remaining 11 were remanded in custody and ordered to reappear in January 2008. According to the police, at year's end authorities were processing documentation for the suspects' trial at the Sunyani High Court.

On May 7, a mob on the Kumasi-Techiman highway captured and set on fire a man suspected of having robbed a gas station that morning. Police investigations remained inconclusive and no arrests were made by year's end.

On August 14, three suspected armed robbers were lynched in Accra as they were allegedly attempting to escape after snatching a woman's bag. No suspects were arrested, and investigations remained inconclusive at year's end.

In December two alleged gang members suspected of burglary were beaten to death by neighbors of the homeowner. Police investigations remained inconclusive at year's end.

There were no developments in the April 2006 case in which a mob in Kumasi lynched a man mistakenly identified as a thief; in the May 2006 case in which a mob in Accra beat to death three men suspected of stealing goats; or in the September 2006 case in which a mob beat and killed a Kumasi man suspected of purse-snatching.

The trial of four men who in 2005 allegedly beat to death a 16-year-old student mistaken for a bag-snatcher was ongoing at year's end.

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution and law prohibit such practices; however, there were credible reports that police beat and abused suspects, prisoners, demonstrators, and other citizens. Severe beatings of suspects in police custody reportedly occurred throughout the country but largely went unreported in official channels. In many cases, police denied allegations or claimed that force was justified by the circumstances.

The many fatal cases of police brutality during the year led several nongovernmental organizations (NGOs), lawyers, and civil society organizations to publicly denounce the tendency of police to use excessive force and to call for the IGP to take action against those responsible. In August the IGP issued a directive to all regional, district, and unit commanders to take punitive action against personnel who used excessive force against suspects. This directive followed a case in which a taxi driver died in his cell, allegedly from severe beatings he received while being detained for traffic offences.

During the year a police officer detained a university student for making political comments. The student was beaten by another police officer and held overnight in Accra before being released the next day without charge.

There were no developments in the August 2006 case in which the police regional disciplinary board conducted the trial of a police officer in Sunyani who stood ac-

cused of shooting a bystander in 2005, or in the 2005 case in which the police officer who shot a taxi driver in 2004 for failing to stop was suspended from his job.

“Land guards” (private security enforcers hired by citizens to settle private disputes and vendettas) caused injury and property damage during the year. There were some allegations of police complicity with these extra-legal security agents, although police denied involvement. During the year the police Land and Property Fraud Unit arrested, prosecuted, and convicted a number of land guards in the Greater Accra Region.

Vigilante-style justice conducted by angry citizens and mobs against suspected criminals and witches resulted in deaths and injuries.

*Prison and Detention Center Conditions.*—Prison conditions in most cases were harsh and sometimes life-threatening, despite government efforts to improve them. Much of the prison population was held in buildings that were originally colonial forts or abandoned public or military buildings, with poor ventilation and sanitation, dilapidated construction, and limited space.

According to the 2006 Prisons Service Annual Report, 12,847 prisoners were held in prisons designed to hold approximately one-third of that number. It was common for as many as 55 inmates to share a cell meant for 12. Overcrowding contributed to a prevalence of communicable diseases, medical facilities were inadequate, and the prisons supplied only the most basic medicines. Prisoners relied on families or outside organizations for additional food, medicine, and other necessities. Shortages of food, bedding, and clothing for prisoners persisted.

In July the Parliamentary Select Committee on the Judiciary visited the Nsawam Medium Security Prison to determine whether inmates’ rights were being protected. Prisoners reportedly informed the delegation that some inmates had been incarcerated for years without a trial. As a result of the committee’s findings and other reports compiled by the prison service, the Government made some efforts to address the lengthy detention periods. In September the Attorney General’s office launched its “Justice for All” initiative under which a special court sat at the James Fort Prisons in Accra. The initiative was intended to accelerate the judicial process and ease overcrowding in the country’s prisons.

There were no developments in the September 2006 case in which an inmate at the Bibiani Prison was found hanging in his cell, allegedly killed by his cellmates.

In the Accra Central Police cells, female prisoners were kept in a small vestibule, separated from men by only a gate. In 2006 the minister for women and children’s affairs called on judges to avoid giving custodial sentences to pregnant women and proposed alternative sentences such as community work, suspended sentences, probation, and fines. Nevertheless, judges continued to impose custodial sentences for pregnant women, especially those not known to be pregnant at the time of sentencing. This was in part because officials did not consistently carry out pregnancy tests as required by law.

Some juveniles inflated their ages to avoid lengthy rehabilitation sentences in the Borstal Institute, a juvenile detention center that the Government operated like a prison. In response, the Department of Social Welfare and the Prison Service collaborated to transfer younger juveniles in adult prisons to juvenile correction centers and older juveniles back to the Borstal Institute.

Pretrial detainees were held with convicted prisoners.

The Government permitted CHRAJ to visit prisons freely during the year, but the access of NGOs was restricted.

*d. Arbitrary Arrest or Detention.*—The Constitution and law provide for protection against arbitrary arrest and detention; however, the Government did not always observe these prohibitions.

*Role of the Police and Security Apparatus.*—The police, under the jurisdiction of a 10-member Police Council, are responsible for maintaining law and order. The military continued to participate in law enforcement activities during the year. A separate entity, the Bureau of National Investigations, handles cases considered critical to state security and answers directly to the Ministry of National Security. The police maintained specialized units in Accra for homicide, forensics, domestic violence, visa fraud, narcotics, and cyber-crimes. However, there were significant barriers to extending such services nationwide, including a lack of office accommodation, police vehicles, and equipment outside of Accra.

The police service came under repeated criticism following incidents of police brutality, corruption, and negligence. Impunity remained a problem. Delays in prosecuting suspects, rumors of police collaboration with criminals, and the widespread perception of police ineptitude contributed to an increase in vigilante justice during the year. There were also credible reports that police extorted money by acting as

private debt collectors, by setting up illegal checkpoints, and by arresting citizens in exchange for bribes from detainees' disgruntled business associates.

Government officials publicly stated that the Government's policy of zero tolerance for corruption applied to police and other security officials.

The 33-person Police Intelligence and Professional Standards Unit (PIPS) investigated human rights abuses and police misconduct. During the year PIPS received 693 complaints and petitions, compared with 522 in 2006. There were 149 complaints related to harassment, unlawful arrest, and detention with human rights violations, compared with 70 in 2006 and 48 in 2005. There were 225 complaints of misconduct, compared with 98 in 2006. Of the total 693 complaints received, 78 had been completed and forwarded to the IGP, and 615 cases remained under investigation at year's end. Some of those forwarded to the IGP resulted in dismissals, reduction of rank, and transfers.

In August, as a result of PIPS investigations, 39 police officers were dismissed, and 26 were interdicted for offenses including murder, rape, extortion, stealing, and involvement in narcotics trafficking. The cases were at various stages of prosecution at year's end.

*Arrest and Detention.*—The Constitution provides that a detained individual should be informed immediately, in a language that the detained person understands, of the reasons for the detention and of his or her right to a lawyer and an interpreter at state expense. The law requires judicial warrants for arrest and provides for arraignment within 48 hours. The law requires that a detainee who has not been tried within a "reasonable time" as determined by the court be released either unconditionally or subject to conditions necessary to ensure that the person appear in court at a later date. The law also provides for bail. In practice, however, many abuses of these rights occurred, including detention without charge for periods longer than 48 hours, failure to obtain a warrant for arrest, and remand of prisoners into custody for indefinite periods while an investigation is conducted by renewing warrants or by simply allowing them to lapse.

The Government continued to conduct arbitrary arrests and detentions during the year.

Authorities routinely failed to notify prisoners' families of their incarceration; such information often was obtained only by chance. The court has unlimited discretion to set bail, which was often prohibitively high. The court may refuse to release prisoners on bail and instead remand them without charge for an indefinite period, subject to weekly review by judicial authorities. On occasion, police also demanded money from suspects as a precondition for their release on bail.

Lengthy pretrial detention remained a serious problem. According to the Prisons Service's 2006 Annual Report, 29.5 percent of the prison population was in pretrial status. Detainees sometimes served more time in detention awaiting trial than the sentence for the crime required.

*e. Denial of Fair Public Trial.*—The Constitution and law provide for an independent judiciary; however, the judiciary was inefficient and subject to influence and corruption.

The law establishes two basic levels of courts: The lower courts and the superior courts. The lower courts consist of the circuit and district courts, which serve as juvenile courts and family tribunals. These courts try civil cases involving \$5,241 (5,000 cedis) or less; and criminal cases for offenses punishable by a fine not exceeding \$1,048 (1,000 cedis), imprisonment for a term not exceeding 2 years, or both. The superior courts consist of the Supreme Court, the Appeals court, the High court, the Commercial court, regional tribunals, and fast-track courts. Fast-track courts hear cases to conclusion within 6 months. The majority of cases filed before the fast-track court involved banking and commercial matters, human rights, and defamation.

Members of the military are tried under the criminal code in a military court.

The Judicial Service has made efforts to mainstream alternate dispute resolution (ADR) procedures in order to decongest the courts and to address judicial inefficiency. Mediators have been trained throughout the country to implement ADR and mediation desks have been established in some district courts. An ADR secretariat was established within the Judicial Service. Commercial courts continued to use ADR as a compulsory step in the resolution of commercial disputes.

The Chieftaincy Act gives village and other traditional chiefs the power to mediate local matters and enforce customary tribal laws dealing with such matters as divorce, child custody, and property disputes. However, the authority of traditional rulers has steadily eroded because of a commensurate increase in the power of civil institutions, such as courts and district assemblies.

A judicial complaints unit, headed by a retired Supreme Court judge, addressed public complaints. During 2006 the unit received 632 complaints, of which 107 were resolved, 186 were under investigation, and 339 were pending.

*Trial Procedures.*—The Constitution and law provide for the right to a fair trial, and the judiciary generally enforced this right. Defendants are presumed innocent, trials are public, and defendants have a right to be present, to be represented by an attorney (at public expense if necessary), and to cross-examine witnesses. Defendants and their attorneys have access to government-held evidence relevant to their cases and have a right to appeal. Juries are used in murder trials. In practice, authorities generally respected these safeguards.

There were no developments in the trials of retired military personnel arrested in 2004 for allegedly plotting a coup against the Government or of two suspects accused of plotting a coup in 2005.

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

*Civil Judicial Procedures and Remedies.*—There is an independent and impartial judiciary in civil matters, and citizens had access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation.

Fast-track courts and automated commercial courts continued to operate in an effort to improve access to justice and to streamline resolution of disputes. A growing number of automated courts, whose proceedings were expedited throughout electronic data management, were established across the country.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution and law prohibit such actions; however, in practice the Government sometimes infringed on privacy rights. Although the law requires judicial search warrants, police seldom obtained them in practice.

Opposition party activists claimed the Government engaged in surveillance and harassment of those it perceived to be opposed to the ruling party. Some civil society organizations expressed concerns that the Government used surveillance, free of any oversight or regulation.

A government-commissioned report into the forced evictions of hundreds of persons from Dudzorme Island within Digya National Park on Lake Volta, and the reported drownings of at least 100 persons during the eviction by ferry, exonerated the Government of responsibility for the disaster and blamed the ferry crew for overloading the boats. The report also stated that the Government was not responsible for compensating the victims. During the year, the Government issued a white paper accepting some of the committee's findings, but it did not implement the committee's recommendations by year's end.

There were no developments in the 2006 case in which a 5-month-old baby was forced to spend the night in a Kumasi jail with her parents and aunt.

## *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution and law provide for freedom of speech and of the press, and the Government generally respected these rights in practice. Individuals criticized the Government publicly without reprisal. The independent media were active and expressed a wide variety of views without restriction.

There were reports that police arrested, detained, and used excessive force against members of the media.

The Accra police officer who in September 2006 physically attacked a radio journalist formally apologized to the reporter, but the Government took no legal action against the officer.

No investigations were conducted during the year into the November 2006 incident in which police officers from Tema, Ada, and Kisseih allegedly used excessive force to prevent members of the media from covering a press conference held at Kportsum, near Ada.

Journalists were occasionally subjected to physical and verbal harassment as a result of their reporting. For example, members of the two major political parties, NPP and the National Democratic Congress (NDC), verbally harassed journalists throughout the year for negative reporting on their respective parties.

There were no developments in the 2006 cases in which a photojournalist covering the proceedings of a narcotics smuggling trial was attacked by a group of persons supporting the defendants; supporters of the former Minister of Road Transportation attacked a photographer and two journalists working for the Enquirer newspaper who were covering the minister's indictment by CHRAJ for perjury and abuse of office; and two journalists were barred from a press conference, allegedly in retaliation for an article run by the journalists' newspaper.

The opposition claimed that government media denied it equal access and coverage on numerous occasions.

Government officials, including the president, called upon media to be more disciplined in their reporting but did not censor or abridge media output.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. The Internet was accessible in Accra and large cities, but there was limited access in other parts of the country.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The Constitution and law provide for freedom of peaceful assembly; however, at times the Government restricted this right. The Government does not require permits for demonstrations, but police can deny use of a particular route.

As in previous years, police arbitrarily and forcibly dispersed demonstrations during the year. On June 1, police forcibly dispersed students at Takoradi Polytechnic Institute who declared an indefinite boycott of academic work on May 31 to protest the principal's alleged incompetence. Sixty-four students were arrested in connection with the clashes and charged with rioting with weapons and engaging police in a confrontation. At year's end, prosecutions in some cases were progressing, and charges in others were dropped.

As a result of the April 2006 riots in which Legon University students protested the result of student government elections, the university convened a disciplinary committee to investigate the students involved in the riots. However, no action was taken at the national level to investigate the conduct of police in this incident.

There were no developments in the other 2006 cases in which police forcibly dispersed crowds of demonstrators.

The ban on campus demonstrations remained in effect during the year, although it was neither challenged nor enforced.

*Freedom of Association.*—The Constitution and law provide for freedom of association, and the Government generally respected this right in practice. Members of security forces are prohibited from joining political assemblies or groups within the security services, but they are allowed to participate outside police or military compounds.

*c. Freedom of Religion.*—The Constitution and law provide for freedom of religion, and the Government generally respected this right in practice.

Some Muslims continued to feel a sense of political and social exclusion because of the pervasiveness of Christianity in many aspects of society. Factors such as the frequency of Christian-oriented prayers in public settings and the ubiquity of Christian slogans contributed to this perception of marginalization and discrimination among some members of the Muslim community.

Muslim students generally experienced significant religious freedom in public schools. Despite official policies promoting free religious practice in schools, Muslim and Seventh-day Adventist students continued to complain that school administrators occasionally failed to accommodate students' religious obligations when regulating school attire or scheduling examinations on holy days, for example.

Trokosi, a practice indigenous to the southern Volta region, involves pledging family members, most commonly teenagers but sometimes children under the age of 10, to extended service at a shrine to atone for another family member's sins. Trokosis helped with the upkeep of these shrines and poured libations during prayers. Trokosis sometimes lived near shrines, often with extended family members, during their period of service, which lasted from a few months to 3 years. Government agencies, such as CHRAJ, have at times actively campaigned against Trokosi, although local officials portrayed it as a traditional practice that was not abusive. Some NGOs maintained that Trokosis were subject to sexual exploitation and forced labor, while supporters of traditional African religions, such as the Afrikania Renaissance Mission, have said these NGOs misrepresented their beliefs and regarded their campaigns against Trokosi as religious persecution.

At year's end, police were investigating the case of a 16-year-old boy who ran away from his father, a priest at a shrine. According to the boy, his father's intention was to make his son a trokosi.

*Societal Abuses and Discrimination.*—There were no reports of societal abuses or discrimination based on religious belief or practice; however, there were occasional reports of interreligious and intrareligious friction during the year.

There were no developments in the 2006 incident of physical confrontation between members of the Christ Apostolic Church (CAC) and the Ga traditional authority, a chieftaincy group for the ethnic Ga people in the Accra area. The CAC violated the annual 1-month-long ban on drumming imposed by the Ga Traditional Council in Accra, which is granted legal authority over traditional practices by the Chieftaincy Act.

The Jewish community had a few hundred members. There were no reports of anti-Semitic acts.

The Government often took steps to promote interfaith understanding during the year.

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

*d. Freedom of Movement Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

Security officers manned checkpoints nationwide to prevent smuggling, seize illegal weapons, and catch criminals; however, the police acknowledged that some officers occasionally erected illegal barriers to solicit bribes from motorists. In serious cases, these officers were disciplined with a reduction in rank and salary or dismissal from the police force. The police continued to erect security checkpoints and conduct highway patrols in response to a continuing upsurge in highway robberies. Police roadblocks and car searches were a normal part of nighttime travel in larger cities. The regional police commanders monitored the activities of police personnel working at the checkpoints.

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

*Protection of Refugees.*—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol. The Government has established a refugee board to adjudicate claims for refugee status and to ensure that refugees receive all appropriate protections. The Office of the U.N. High Commission for Refugees (UNHCR) participated as an observer on the refugee board. The Government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. The Government also granted refugee status or asylum. The country cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. The country generally had a liberal policy of accepting refugees from other West African countries, although this did not generally extend to granting work permits or permanent residence. The law accords the right of protection even to those refugees who entered the country without documentation.

Sexual and gender-based violence remained a problem among refugee populations. The physical insecurity of refugees living in camps contributed to their vulnerability. Of the three cases of sexual assault reported in 2006, one perpetrator was given a 6-month prison sentence. During the year the other two cases were concluded. A man convicted of defiling a 13-year-old girl (defined in national law as sexual intercourse with a person under the age of 16 years) received a 10-year prison sentence. The third case was discontinued for lack of evidence.

In the Budumburam refugee camp, approximately 16 sexual violence cases involving defilement, rape, and sodomy were reported to Women's Initiative for Self-Empowerment (WISE) and to the police during the year. A number of the cases were not prosecuted, however, because the victims were unwilling or unable to cooperate in the prosecution. At year's end six cases were being prosecuted in court, some involving juvenile offenders.

In the Krisan refugee camp, one reported rape was under police investigation at year's end. In the Volta Region, a rape case brought against a refugee was discontinued when the alleged victim did not appear in court.

In addition to the formal charges brought to the police and to court, some victims choosing not to make formal complaints sought counseling from WISE or other NGOs, or brought the matter to community leaders for traditional settlements. UNHCR also worked with other agencies in disseminating information on the new domestic violence law and conducted education campaigns and training on the prevention of and response to incidents of sexual and gender-based violence.

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

The Constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right through periodic, free, and fair elections held on the basis of universal suffrage.



*Elections and Political Participation.*—In 2004 presidential and parliamentary elections were held nationwide. John Agyekum Kufuor of the NPP was reelected with 52.45 percent of the vote. Despite some irregularities, domestic and international observers characterized the elections as generally free and fair. There were reports of a shortage of ballots at some polls and minor problems with the voter register, such as misspelled names or photos not matching names. In the parliamentary elections the NPP won 128 seats; the NDC won 94; the Convention People's Party won three; the Peoples' National Convention won four; and one independent candidate won a seat.

The country continued its transition from a one-party state to a multiparty constitutional system. The political system includes recognized opposition parties, which expressed their views freely. Registered political parties operated freely within the country; however, opposition parties and persons in private business continued to allege that government contracts were often awarded on the basis of ruling party membership.

Women held 25 of 230 parliamentary seats. Of the 44 ministers, seven were women. Of the 39 deputy ministers, 12 were women.

In addition to members of the country's six major ethnic groups and members of the Christian majority, the 230-seat Parliament included members of several smaller ethnic groups, Muslims, and followers of traditional African religions. The NPP strongly favored members of the Ashanti ethnic group for high-level appointed positions.

*Government Corruption and Transparency.*—Corruption in the executive and legislative branches continued to be a problem. The World Bank's worldwide governance indicators reflected that corruption was a problem. The opposition NDC accused the Government of using anticorruption investigations to intimidate and harass its members. Opposition parties charged that corruption continued unabated and that the Government failed to use the institutions and mechanisms at its disposal to address the problem. There were reports that government officials pressured businesses to steer contracts toward favored companies and individuals.

The case of Nana Konadu Rawlings, the wife of former President Jerry Rawlings, who was accused in 2006 of "willfully causing financial loss to the state" in connection with the purchase of a Ghana Industrial Holding Corporation cannery, was ongoing at year's end.

There were no developments in the ongoing trial of the former head of the Ghana National Petroleum Corporation on charges of causing financial loss to the state.

In November an Accra court convicted four persons for their involvement in a 2006 narcotics trafficking scandal. However, the Government did not follow the trial judge's recommendation to prosecute a leading police official for his alleged complicity in the scandal.

There were no developments in a separate case in which the Government declined to censure the IGP following allegations that a different senior police official requested a \$200,000 bribe to drop a case against a foreign cocaine trafficker.

At year's end CHRAJ was seeking a formal review of the Accra Fast Track High Court's March ruling that CHRAJ's investigations into allegations of corruption and conflict of interest by Richard Anane, the former minister of road transportation, were "null and void."

During the year CHRAJ received at least five cases under the 2006 whistleblower law: Two cases from the Office of Accountability, and one case from the Serious Fraud Office. The law establishes a procedure for individuals to disclose information on illegal conduct or practice and provides for legal protection, and in some cases compensation, for whistleblowers.

During the year CHRAJ received a number of cases following its issuance of conflict of interest guidelines in December 2006. The public and official response to the guidelines was generally positive. At year's end, the attorney general's office was considering whether to transform the guidelines into law.

Although the Constitution provides for public access to government information, Parliament did not pass implementing legislation by year's end. The freedom of information bill drafted in 2002 was still being considered at year's end.

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

At least 20 domestic and international human rights NGOs generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

The Government body CHRAJ was charged with investigating alleged violations of human rights, including corruption of public officials, and taking action to remedy

proven violations. It mediated and settled cases brought by individuals with grievances against government agencies or private companies.

CHRAJ operated with no overt interference from the Government; however, some critics questioned its ability to independently investigate high-level corruption within the Kufuor administration. Its biggest obstacle was a lack of adequate funding and resources, which resulted in low salaries, poor working conditions, and the loss of many of its staff to other government and nongovernmental agencies. Public confidence in CHRAJ was high, resulting in an increased workload for its staff, whose salaries were often delayed due to a chronic lack of resources and administrative issues.

In 2006 the Government began compensating victims of human rights abuses that occurred during the country's various periods of military rule between 1957 and 1993. The victims were identified by the National Reconciliation Commission, which was set up by the 2001 National Reconciliation Act to investigate and document cases of human rights violations during this specific period. The Government set aside \$1,362,000 (1.3 million cedis) to compensate 2,177 victims. By June the Government had compensated 1,268 persons over \$734,000 (700,000 cedis). An additional \$524,000 (500,000 cedis) was approved, from which 387 victims were paid by year's end, leaving 522 victims who had not yet been compensated \$105,000 (100,000 cedis).

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

The Constitution prohibits discrimination on the basis of race, sex, disability, language, or social status; however, enforcement by authorities was generally inadequate. Limited financial resources and a generally permissive societal attitude toward such discrimination contributed to its perpetuation. The courts were empowered to specifically order enforcement of these prohibitions.

*Women.*—The law criminalizes rape but not marital rape; however, rape remained a significant and underreported problem. When cases of rape were reported, perpetrators generally were arrested and prosecuted.

Violence against women, including domestic violence, remained a significant problem. In February Parliament passed a bill outlawing domestic violence. In November the Ministry of Women and Children's Affairs (MOWAC) held a review meeting for stakeholders on the draft policy document and national plan on the Domestic Violence Act. The police service's Domestic Violence Victim Support Unit (DOVVSU) handled cases of domestic violence and child abuse, as well as juvenile offenses. Through November DOVVSU investigated 16,036 cases, many of which (5,875) involved nonpayment of maintenance. There were also 1,459 defilement cases and 397 rape cases. DOVVSU worked closely with the Department of Social Welfare, the national chapter of the International Federation of Women Lawyers (FIDA), the Legal Aid Board, and several human rights NGOs to combat domestic violence.

Prosecution of domestic violence cases remained difficult. At year's end the Government continued to finalize a national plan of action and draft policy on domestic violence. Despite growing public awareness that domestic violence is a crime, government officials and NGOs did not have evidence that the new law had increased victims' willingness to report abuse or affected the number of arrests. Inadequate resources and logistical capacity in DOVVSU and other agencies, as well as only partial implementation of the Domestic Violence Act, hindered the full application of the new law during the year. In many cases, victims were discouraged from reporting abuse and from cooperating with prosecutors because of long delays in bringing such cases to trial. Victims frequently did not complete their formal complaints because they could not afford the fees that doctors charged to document the abuse in police medical forms. Although the new law waived these medical fees, doctors continued to require them in exchange for signing medical reports. There were credible reports that doctors sometimes charged more than the rate set by hospital administration to sign medical forms.

Unless specifically called upon by DOVVSU, police seldom intervened in cases of domestic violence, in part due to a lack of counseling skills, shelter, and other resources to assist victims.

In the Northern, Upper East, and Upper West regions of the country, where belief in witchcraft remained strong, rural women continued to be banished by traditional village authorities or their families for suspected witchcraft. Most accused witches were older women, often widows, who were identified by fellow villagers as the cause of difficulties, such as illness, crop failure, or financial misfortune. The banished women went to live in "witch camps," villages in the north of the country populated by suspected witches, some of whom were accompanied by their families. Various organizations, including Catholic Relief Services, provided food, medical care, and other support to residents of the witch camps. Government officials and

the regional office of CHRAJ claimed that the number of women in the witch camps in the Northern Region had decreased slowly in recent years.

Although there were no confirmed reports of witches being assaulted during the year, experts believed that discrimination and intolerance towards witches continued.

The Government, under the auspices of the DOVVSU, continued to charge and investigate persons who committed acts of violence against suspected witches and refrained from pursuing charges based solely on allegations of witchcraft.

There were no developments in the case of six pregnant girls forced to leave school in 2006. In contrast to the previous year, no such cases were reported.

There were no laws to specifically protect women from sexual harassment; however, some sexual harassment cases were prosecuted under the existing criminal code. Women's advocacy groups reported that sexual harassment was a problem.

Women continued to experience discrimination in access to employment. Women in urban centers and those with skills and training encountered little overt bias, but resistance to women entering nontraditional fields persisted. Women, especially in rural areas, remained subject to burdensome labor conditions and traditional male dominance. Traditional practices and social norms often denied women their statutory entitlements to inheritance and property, a legally registered marriage (and with it, certain legal rights), and the maintenance and custody of children. There were a number of female entrepreneurs, but poor access to credit remained a serious barrier for women who wanted to start or expand a business.

Women's rights groups were active in educational campaigns and in programs to provide vocational training, legal aid, and other support to women. The Government was active in educational programs, and many officials were active, outspoken advocates of women's rights.

*Children.*—Although a birth certificate is not a legal precondition to attend school, in practice some children were reportedly denied education because their births were not registered.

The Government was committed to protecting the rights and welfare of children, although its efforts were constrained by its limited financial and logistical resources.

Education is compulsory through primary and junior secondary school (the equivalent of grades one through nine). Despite the constitutional provision for "free compulsory and universal basic education," parents were required to purchase uniforms and writing materials. The Government provided textbooks.

According to the Ministry of Education, Science, and Sports, the gross enrollment rate during the year was 92.1 percent at the primary level with 95 girls enrolled for every 100 boys, an increase from 93 in the 2004–2005 school year. At the junior secondary school (JSS) level, 74.7 percent of eligible children were enrolled, with 90 girls enrolled for every 100 boys, an increase from 88 in the 2004–2005 school year. Some children did not attend school because they worked to supplement their family's income or lived far from the closest school. Many children, particularly in rural areas, were affected by insufficient teachers and other resources at local schools. The indirect economic cost associated with enrollment was a significant obstacle for many children's families. In addition authorities did not regularly enforce children's attendance at school, and parents were rarely sanctioned for keeping their children out of school.

The Government continued its Capitation Grant program, paying schools approximately \$3.20 (3 cedis) per child to cover cultural, sports, and other school fees. The national School Feeding Programme also helped alleviate the incidental costs associated with school attendance in certain parts of the country.

The Government strongly supported the UN's Education for All goals. During the year the Ghana Education Service (GES) actively campaigned to expand education for girls by providing scholarships at the JSS and Senior Secondary School levels and by offering financial incentives and free housing to female teachers to work in rural areas. The GES placed girls' education officers at regional and district levels, and there were community participation coordinators in every district office to mobilize communities to increase school enrollments for girls.

Children under 5 years of age, regardless of gender, had access to free health care at public hospitals and clinics.

The law prohibits defilement, incest, and sexual abuse against minors, but such abuse remained a serious problem. There were frequent reports that male teachers sexually assaulted and harassed female students. The girls often were reluctant to report these incidents to their parents, and social pressure often prevented parents from going to authorities. During the year there continued to be press reports of teachers and headmasters/headmistresses either arrested for sexual harassment of female students or dismissed for ignoring reported problems.

Through November, DOVVSU received 1,459 cases of child defilement and seven cases of attempted defilement.

Families continued to identify and isolate Trokosis, although the prevalence was unknown.

The law prohibits FGM, but it remained a serious problem in the northern regions of the country. Type II FGM—defined by the World Health Organization as the excision of the clitoris with partial or total excision of the labia minora—was more commonly performed than any other type. The typical age at which a girl was excised was 15, although it was often performed on younger girls. According to a 2005 study conducted by the Ministry of Health, approximately 15 percent of women between 12 and 19 in the three northern regions had undergone FGM, although some observers believed that NGO- and government-sponsored awareness campaigns regarding the illegality of FGM had driven the practice underground and that the actual rate in these regions was as high as 30 percent. Such intervention programs were somewhat successful in reducing the prevalence, although it was difficult to estimate their effectiveness precisely. Officials at all levels, including traditional chiefs, continued to speak out against the practice, and local NGOs continued their educational campaigns to encourage abandonment of FGM and to train practitioners in new skills so they could seek alternate sources of income. There were no prosecutions of practitioners during the year.

Forced child marriage, which is illegal, remained a problem. CHRAJ and NGOs reported that the problem had not improved during the year.

The migration of children to urban areas increased due to economic hardship in rural areas. Children were often forced to support themselves to survive, increasing both the occurrence of child labor and the school dropout rate. In 2005 MOWAC officials estimated that as many as 40,000 porters (children who carry loads on their heads), most of whom were girls under 18, lived on the streets in major cities. These girls were among the most vulnerable child laborers, as many also engaged in prostitution or were sexually exploited in exchange for protection while living on the streets.

Local and international NGOs worked with the Government to promote children's rights and were somewhat successful in sensitizing communities about protecting the welfare of children.

There were no developments in the November 2006 case in which an orphanage director in Accra denied media reports that young girls were being raped by older boys at the orphanage.

*Trafficking in Persons.*—The law prohibits trafficking in persons and provides for a minimum prison sentence of 5 years for convicted traffickers. There were three arrests under this law by year's end, one of which was successfully prosecuted. The other two cases were pending at year's end. The country was a source, transit, and destination country for women and children trafficked for the purpose of forced domestic and commercial labor and sexual exploitation.

There was no reliable estimate of the number of internally or externally trafficked victims, although NGOs estimated this number to be in the thousands. Through November DOVVSU received 10 cases of child trafficking throughout the country.

Trafficking was both internal and international, with the majority of trafficking in the country involving children from impoverished rural backgrounds. The most common forms of internal trafficking involved children, mostly boys, from the Northern Region going to work in the fishing communities along the Volta Lake or in small mines in the west, and girls from the north and east going to Accra and Kumasi to work as domestic helpers, porters, and assistants to local traders. Local and international NGOs reported these children were often subjected to dangerous working conditions and were sometimes injured or killed as a result of the labor they performed. Local authorities supported projects sponsored by the International Organization of Migration (IOM) and other organizations to decrease the incidence of such trafficking. IOM and various NGOs offered micro-credit assistance and education to families who agreed not to provide their children to traffickers and to those whose children had been trafficked.

Children between the ages of 7 and 17 also were trafficked to and from the neighboring countries of Cote d'Ivoire, Togo, the Gambia, Nigeria, and Equatorial Guinea to work as farm workers, laborers, divers, street hawkers, or domestics. Benin and Burkina Faso were also destination countries for trafficked children.

Much of the recruitment of children was done with the consent of the parents, who sometimes were given an advance payment or promised regular stipends from the recruiter and were told the children would receive food, shelter, and often some sort of training or education. Some parents sent their children to work for extended family members in urban areas. In other cases, children were given to professional recruiters, usually women, who placed the children with employers in cities. In

many cases the children never received the education or vocational training the recruiters promised.

Women also were trafficked to Western Europe, mostly to Italy, Germany, and the Netherlands. International traffickers promised the women legitimate jobs; however, the women often were forced into prostitution once they reached their destination. The women were sometimes sent directly to Europe while others were trafficked through third countries. Some young women were trafficked to the Middle East, particularly Lebanon, where they worked in menial jobs or as domestic help. There were also reports that women from Nigeria, Benin, Togo and Burkina Faso were trafficked through the country in transit to Western Europe or the Middle East to work in the commercial sex industry.

Under the anti-trafficking law, DOVVSU has responsibility for enforcement, and the Department of Social Welfare within the Ministry of Manpower, Youth and Employment (MMYE) has responsibility for victim assistance, including locating family members and providing temporary shelter, counseling, and job skills training. Local police and social welfare officials reported insufficient resources to implement the law, particularly in rural areas without police stations.

In June the Government established a 17-member Human Trafficking Board composed of all relevant ministries, the security services, the private sector, and other stakeholders. During the year the board met several times to discuss the national plan of action on human trafficking, which was not adopted by year's end.

There were no developments in the 2006 cases in which police intercepted children being trafficked internally and to Burkina Faso.

The Government, the International Labor Organization (ILO), and NGOs continued to train security forces, immigration authorities, customs officials, and police on the new trafficking law. In 2006 the Government established a Border Patrol Unit under the Immigration Service to monitor the flow of travelers in and out of the country, particularly along unapproved routes. By year's end officials of the Immigration Service, including the Border Patrol Unit, identified 26 traffickers who were transferred to the police. Various ministries worked with the ILO's International Program on the Elimination of Child Labor (ILO/IPEC), the IOM, and NGOs to address trafficking. The MMYE, in conjunction with ILO/IPEC, continued to implement a National Plan of Action for the Elimination of Child Labor. International and local NGOs and MOWAC worked to identify and return children trafficked to fishing villages, and to support the fishermen's transition to alternate forms of income generation.

Authorities made efforts to shelter and reintegrate trafficking victims from the country and other West African countries. The Government devoted little attention to rehabilitating child trafficking victims.

During the year the Government continued to conduct community meetings and workshops for media and police to raise awareness of the trafficking law.

*Persons with Disabilities.*—In 2006 Parliament passed legislation that specifically provides for the rights of persons with disabilities, including protection against exploitation and discrimination in employment, health care, and other domains. While the Government did not systematically or overtly discriminate against persons with disabilities, such persons often experienced societal discrimination in practice. The law provides persons with disabilities access to public buildings as far as is practical. The national council for the disabled, mandated by the law, was not established by year's end. Activists supporting the rights of persons with disabilities complained of the slow implementation of the Persons with Disability Act, especially the lack of legislative instruments which implement the new law. Despite the legal protection guaranteed in the law, discrimination against disabled persons in employment situations and the inaccessibility of public buildings continued to be a problem.

Persons with both mental and physical disabilities were frequently subjected to abuse and intolerance. Some religious groups believed that persons with mental disabilities were afflicted by demons and should be exorcised. The abuse of children with disabilities was common. There were reports that children with disabilities were tied to trees or under market stalls and caned regularly. There also were reports of family members killing children with disabilities. On October 4, the media reported the case of a mother who abandoned her 7-year-old disabled son, who could neither walk nor talk, at a hospital in Effiduase-Koforidua.

Human rights activists expressed concerns about camps in which individuals believed to be possessed by evil spirits were chained up for weeks, physically assaulted, and denied food and water. The camps targeted, in particular, persons with mental illnesses. Camp supervisors diagnosed mental illness as a "demonic affliction" and prevented patients from consuming food or water, often for 7 consecutive days, as a method of cleansing victims of their evil spirits. Some victims were esti-

mated to be as young as 6 years old. Families sent these victims to be exorcised of evil spirits or cured of their physical or mental illnesses. Victims were held at the camps until they were considered to be healed. Reports indicate that these practices occurred in the Greater Accra, Eastern, Central, Western, Ashanti, and Brong Ahafo regions. During 2006 visits to prayer camps, foreign Embassy observers witnessed over 100 persons who were forcibly chained to beds or posts and one windowless cell designed for persons with mental illness. The country's psychiatric community was aware of this issue and was pushing for an updated mental health law to protect the rights of the mentally ill. At year's end the mental health bill had not been passed.

There were multiple government agencies and NGOs involved in addressing discrimination against persons with disabilities, including the Ministry of Health, the Department of Social Welfare in the MMYE, the Ministry of Education, and the Center for Democratic Development.

*National/Racial/Ethnic Minorities.*—Although the Government deemphasized the relevance of ethnic differences, its opponents complained that appointed senior government positions were dominated by Ashantis and other Akans at the expense of Ewes and northerners. The president and some of his ministers and close advisors were Ashanti, but the vice president and many ministers were of other ethnic origins.

There were numerous small-scale conflicts within ethnic groups during the year, most of which related to chieftaincy and land use issues. Efforts by NGOs to encourage reconciliation continued during the year.

There were no developments in the killings by security forces of three youths who attempted to forcefully enter the former palace of the Ya Na, the paramount chief of the Dagomba ethnic group.

There were no developments in the April 2006 shooting deaths in Bortianor of two persons belonging to different chieftaincy factions. Police reported that the case remained open.

*Other Societal Abuses and Discrimination.*—The law criminalizes homosexuality, and lesbians and gays faced widespread discrimination, as well as police harassment and extortion attempts. There is a minimum misdemeanor charge for homosexual activity, and homosexual men in prison often were subjected to sexual and other physical abuse.

Discrimination against persons with HIV/AIDS was a problem, and the fear of being stigmatized continued to discourage persons from being tested for HIV infection.

The Government and NGOs subsidized many centers that provided free HIV testing to citizens, although there were reports that confidentiality was not consistently respected and preserved.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law allows workers, except for the armed forces, the police, the prison service, and some security and intelligence agency personnel, to form and join unions of their choice without previous authorization or excessive requirements, and workers exercised this right in practice. While unions no longer must seek government approval before registering, the 2003 Labor Act requires that trade unions or employers' organizations must register and be authorized by the Chief Labor Officer to attain a certificate of registration and be considered legal. The percentage of workers belonging to unions decreased in recent years, in part because of a relative lack of employment opportunities in the formal, unionized sectors that led many new entrants to the workforce to enter the informal sector. Moreover, some workers previously employed in the formal sector were forced to search for alternative employment in the informal sector.

The country's labor law does prohibit antiunion discrimination by employers; however, in practice some employers continued to fire employees for union activity contrary to the law.

*b. The Right to Organize and Bargain Collectively.*—The law allows unions to conduct their activities without interference, and the Government protected this right in practice. However, the armed forces, police, prison service, security and intelligence personnel, and workers with policy-making and managerial functions do not have any possibility of bargaining. The law provides a framework for collective bargaining, and trade unions engaged in collective bargaining for wages and benefits with both private and state-owned enterprises without government interference. However, only unions that represented the majority of workers in a given company can obtain a Collective Bargaining Certificate, which is required to engage in collective bargaining.

The law recognizes the right to strike but restricts that right for workers who provide essential services, including “areas in an establishment where an action could result in a particular or total loss of life or pose a danger to public health and safety and such other services as the minister may by legislative instrument determine.” During the year the Minister of Manpower, Youth and Employment formally designated the list of essential services. The list included services carried out by utility companies (water, electricity, etc) including the Volta River Authority, ports and harbors, medical centers, and the Bank of Ghana. In the case of these essential services, the parties to any labor disputes are required to resolve their differences within 72 hours; the deadline was meant to put pressure on employers and employees to operate efficiently with limited interruptions. The right to strike can also be restricted for workers in private enterprise whose services were deemed essential to the survival of the enterprise by a union and an employer. A union may call a legal strike if the parties fail to agree to refer the dispute to voluntary arbitration or if the dispute remains unresolved at the end of arbitration proceedings. No union had ever gone through the complete dispute resolution process, and there were numerous unsanctioned strike actions during the year. There had been no legal strikes since independence.

In April health workers, with the exception of medical doctors, called a nationwide strike over wages. The Government declared the strike illegal, in spite of the fact that the law did not yet stipulate medical services to be essential services. With two exceptions, the staffs of public hospitals were reduced to a skeleton crew or less, with little or no service provision. On May 9, the strike was called off when the Government agreed to a 30 percent wage increase. On July 3, the Government signed a Memorandum of Understanding outlining a new salary structure, but it had not been fully implemented by year’s end. Although some health workers threatened to go on strike again, they did not do so, and efforts to implement the Memorandum of Understanding and mediation efforts were ongoing at year’s end.

Existing labor law applies in export processing zones, including the right to organize.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred.

The law provides for employers found guilty of using forced labor to be fined no more than 250 penalty units (each unit of which was assigned a monetary value to adjust for the fluctuating exchange rate); however, limited resources inhibited the Government’s implementation of the law, and no fines were levied during the year. During the year the ILO continued to urge the Government to revise various legal provisions that permit imprisonment with an obligation to perform labor.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The law sets the minimum employment age at 15 years and 13 years for employment that is not likely to be harmful to the child and does not affect the child’s attendance or capacity to benefit from school. The law prohibits night work and certain types of hazardous labor for those under 18, and provides for fines and imprisonment for violators; however, child labor remained a serious problem in the informal sector. The law allows for children age 15 and above to have an apprenticeship under which craftsmen and employers have the obligation to provide a safe and healthy work environment along with training and tools. However, child labor laws were not enforced effectively or consistently, and law enforcement officials, including judges, police, and labor officials, were often unfamiliar with the provisions of the law that protected children. The 2006 Ghana Poverty Reduction Strategy II outlined a plan to intensify efforts to combat the worst forms of child labor. During the year, the 20 districts participating in the ILO/IPEC Timebound Programme mainstreamed activities to eliminate child labor into their medium-term development plans and budgetary allocations. During the year the MOWAC continued to conduct seminars on child labor to educate the media, police, civil servants, and the general public. Local custom and poverty encouraged children to work to help support their families and eroded societal observance of minimum age laws.

Children as young as 7 worked in agriculture and as domestic laborers, porters, hawkers, miners, quarry workers, and fare collectors. The fishing industry on Lake Volta had a particularly high number of child laborers engaged in potentially hazardous work, such as diving into deep waters to untangle fishing nets caught on submerged tree roots. Child laborers were poorly paid and physically abused; they received little or no health care and generally did not attend school. According to government labor officials and the Ghana Employers Association, child labor problems were infrequent in the formal labor sector.

The law prohibits forced and compulsory labor by children; however, during the year children were reportedly sold, leased, or given away by parents to work in agriculture, fishing villages, quarry mines, shops, or homes. It was difficult to determine the extent to which forced and bonded labor by children was practiced.

There were newspaper reports of children being sold into various forms of involuntary servitude for either sexual exploitation or labor, such as 10- to 12-year-old boys working for fisherman in exchange for a yearly remittance to their families. The practice often involved the consent of their generally impoverished parents.

The extent of child labor in the cocoa industry was not precisely known. The Government continued to implement its 2006 National Plan for the Elimination of the Worst Forms of Child Labor. In April the Ministry of Manpower announced the results of a pilot survey of child labor in the cocoa industry that was conducted in conjunction with foreign chocolate manufacturers. According to the survey, less than 5 percent of all children involved in cocoa production were involved in worst forms of child labor. At year's end the ministry was in the process of scaling up this survey to cover 60 percent of the country's cocoa-producing areas.

There were no developments in the April 2006 case in which two senior secondary school students were awaiting trial for attempting to sell three of their younger classmates for \$10,858 (10,000 cedis), or in the July 2006 case in which the family of a 14-year-old girl used her as collateral for a loan of \$597 (550 cedis).

Inspectors from the Labor Department of the MMYE are responsible for enforcement of child labor regulations, and district labor officers and the social services subcommittees of district assemblies are charged with seeing that the relevant provisions of the law are observed by annually visiting each workplace and making spot checks whenever they receive allegations of violations. Inspectors are required to provide employers with information about child labor violations and effective means to comply with provisions of the Labor Act. However, the Government did not provide sufficient resources to law enforcement and judicial authorities to conduct these efforts.

During the year there were no prosecutions for child labor resulting from these inspections. Officials only occasionally punished violators of regulations that prohibit heavy labor and night work for children. In addition the inspectors' efforts were concentrated primarily in the formal sector, rather than in the informal sector where most child labor was performed. However, DOVVSU received four cases on child labor exploitation through November.

During the year the MMYE conducted in major cities throughout the country a "Capacity Building Workshop for Child Labor Unit and Key Officers of the Labor Department on the Interagency Collaboration and Coordination of Child Labor Monitoring System in Ghana." Additional meetings have been held on interagency collaboration and information-sharing of focal persons working on child labor issues within various districts. The MMYE has also been involved in sensitizing district assemblies on child labor issues in the cocoa sector. The MMYE chairs a National Steering Committee for the elimination of child labor and a national subcommittee on child labor in the cocoa sector.

During the year the MOWAC carried out awareness-raising initiatives in five regions, disseminating results of a 2005 study of child labor practices in cocoa farming. MOWAC conducted seminars on child labor to educate the media, police, civil servants, and the general public.

ILO/IPEC, government representatives, the Trade Union Congress, the media, international organizations, and NGOs continued to build upon the 2006 National Plan of Action for the Elimination of Child Labor in Ghana by increasing institutional capacity to combat child labor. With the support of the Government, NGOs and foreign countries funded more recent programs to combat child labor. Education and sensitization workshops were conducted with police, labor inspectors, local governments, and communities. Forums were held throughout the country to develop and implement an ILO/IPEC Time-Bound Program, which aimed to eliminate all forms of child labor under specified time periods and benchmarks.

*e. Acceptable Conditions of Work.*—A National Tripartite Committee composed of representatives of the Government, labor, and employers set daily minimum wages. The daily minimum wage of \$1.66 (1.60 cedis) did not provide a decent standard of living for a worker and family. Furthermore, there was widespread violation of the minimum wage law in the formal sector, and the growing informal labor force remained unprotected. In most cases households had multiple wage earners, and family members engaged in some family farming or other family-based commercial activities. The MMYE was unable to credibly enforce this law.

On June 4, the president signed legislation creating a Fair Wages and Salaries Commission charged with ensuring fair, transparent, and systematic implementation of the Government public service pay policy; advising government on matters



related to salaries, wages, grading, classification, job analysis and job evaluation; and ensuring that decisions on those issues are implemented. By year's end the commission was not fully operational.

The law sets the maximum workweek at 40 hours, with a break of at least 48 consecutive hours every 7 days. The Government compensated extra duty hours only for overtime actually worked, in accordance with labor equity, rather than as an automatic salary supplement. Workers were also entitled to at least 15 working days' leave with full pay in a calendar year of continuous service or after having worked at least 200 days in a particular year. However, such provisions do not apply to task workers or domestic workers in private homes.

Occupational safety and health regulations exist, and the Factories Department within the MMYE was responsible for imposing sanctions on violators; employers who failed to comply were liable to a fine not exceeding 1,000 penalty units, to imprisonment for a term not exceeding 3 years, or to both. The law requires that employers report, no later than 7 days from the date of occurrence, occupational accidents and diseases which occur in the workplace. In practice, safety inspectors were few and poorly trained, and they lacked the resources to effectively respond to violations. Inspectors did not impose sanctions or otherwise respond to violations during the year.

---

## GUINEA

Guinea is a constitutional republic in which effective power is concentrated in a strong presidency. President Lansana Conte has ruled this country of approximately 9.9 million persons since 1984, first as head of a military junta and, since 1994, as a civilian president. President Conte won reelection in December 2003 in an election boycotted by the opposition and criticized by international observers as neither free nor fair. Following a national labor strike in January and February and a negotiated agreement, President Conte designated Lansana Kouyate as prime minister of the country in accordance with the Constitution which allows the president to delegate executive powers. President Conte remained head of state with limited powers, while Prime Minister Kouyate served as the head of government. The Government declared a state of siege as a result of widespread civil unrest during a general labor strike in January and February. The civilian authorities generally did not maintain effective control of the security forces.

Serious human rights abuses occurred during the year, particularly during the January-February general strike when security forces killed and injured people. Security forces tortured and abused detainees to extract confessions, and killed, beat, and abused civilians, especially during mass demonstrations. Prison conditions were inhumane and life-threatening. Impunity of alleged perpetrators of killings and abuse remained a problem. There were arbitrary arrests, prolonged pretrial detention, and incommunicado detention. The judiciary was subject to corruption and outside influence. The Government infringed on citizens' privacy rights and restricted freedoms of speech, press, assembly, association, and freedom of movement although these restrictions were less evident than in previous years. While the press is generally free and does openly criticize, there were instances of government infringement. Violence and societal discrimination against women, prostitution of young girls, and female genital mutilation (FGM) were problems. Trafficking in persons, ethnic discrimination, government targeting of labor leaders, forced labor, including by children, and child labor occurred.

### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—The Government or its agents did not commit any politically motivated killings; however there were numerous reports that the Government or its agents committed arbitrary or unlawful killings. Estimates of those killed by security forces during the civil unrest in January and February varied between 137 and 186; the injured numbered more than 1,700. In addition to firing on demonstrators, security forces entered private houses and assaulted or killed inhabitants, including women and children. The Government did not investigate any of these cases and took no legal or disciplinary action against security force members responsible for the killings.

On February 10, a soldier killed a young boy, Mamadou Salam Bah, in Kindia after the boy hid under a truck and pleaded with the soldier not to shoot, according to Amnesty International (AI).

On February 12, security forces killed 13-year-old Aissatou Bah when they entered her family's residential compound and fired repeatedly at numerous individuals, according to a nongovernmental organization (NGO) report. A bullet struck Bah in the head.

There were no developments in the investigations into the 2005 killings of three students during a demonstration in Telimele or in the killing of a 19-year-old student in Conakry.

Government authorities continued to block efforts by human rights groups and NGOs to investigate political killings that took place in the 1970s under then President Sekou Toure.

Many victims of crime feared that they might never receive justice because of judicial corruption and at times resorted to vigilante violence. In November in Kankan, a moto-taxi driver was reportedly murdered and found with his throat cut. In retaliation, a number of other moto-taxi drivers banded together and vandalized some local bars and restaurants, allegedly because they believed the perpetrators were under the influence of alcohol. They also threatened the local police and told them they would destroy the police station if officials refused to release the perpetrator, although no one had actually been arrested for the crime.

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution and law prohibit such practices; however, both civilian and military security forces beat and otherwise abused civilians, primarily during the January-February general strike and during various demonstrations throughout the year. There also were reports that security forces tortured and beat citizens to extract confessions and employed other forms of brutality. NGOs reported ongoing torture in Conakry's main prison.

In January and February security forces arrested dozens of persons, some of whom were allegedly tortured while held in custody, according to AI. Following its April and June 2006 visits, Human Rights Watch (HRW) reported that security forces routinely violated the inherent rights to life and freedom from torture, particularly in police stations, detention facilities, and prisons. AI reported that security forces arrested a member of the Union of Guinean Youth in Conakry. He was tortured and released 1 week later, without being charged.

Security forces beat and arrested demonstrators, and at least one journalist was assaulted during the year.

Security forces, sometimes described as masked men in military uniform, raped a number of women. One 32-year-old woman reported that two soldiers raped her in her home on February 13 while they were looking for demonstrators. Another man in Mamou reported to an NGO that masked men wearing military uniforms entered his home on February 13 and raped his wife and his 13- and 14-year-old daughters. When he attempted to file a complaint, the authorities reportedly refused to open a case.

No action was taken against security forces who raped women during the June 2006 general strike.

No action was taken against security forces responsible for abuses reported in 2006 and 2005.

*Prison and Detention Center Conditions.*—There are at least three types of prisons under three distinct, separate jurisdictions: The Ministry of Justice, the Ministry of Defense, and the Gendarmerie. As access to the military and gendarmerie prisons is strictly controlled with little to no international access permitted, very little is known about conditions in these facilities.

Prisons were overcrowded, and conditions remained inhumane and life threatening. Most of the country's prisons are now non-functional and the main prison in Conakry and the maximum security prison in Kindia in particular are severely overcrowded. Prisoners reported that guards threatened, beat, and harassed them, behavior that often stopped if prisoners offered bribes.

Despite a September 2006 circular from the Ministry of Security condemning torture and abuse, and announcing punitive measures against any persons found guilty of engaging in these practices, the Government took no action against alleged torturers. Prisoners, including children, bore similar wounds and shared common stories. According to a local prisoner advocacy NGO, prisoners were routinely tortured to extract confessions. Prison guards deliberately scarred many prisoners' faces, branding them as criminals.

There were credible reports from prisoners that guards harassed and sexually assaulted female inmates, and according to a local prisoner advocacy NGO, the practice was widespread. Toilets did not function, and prisoners slept and ate in the same space where they relieved themselves. Neglect, mismanagement, and lack of

resources were prevalent. The basic diet for prisoners was inadequate, and most inmates relied on supplemental assistance from families or friends to maintain their health. Guards often demanded bribes in exchange for delivering food to those incarcerated, and routinely confiscated food, which was seldom delivered to the intended beneficiary.

A new minister of justice was appointed in March and said that improving prison conditions would be a priority. However, no evidence of improved conditions was evident during the year.

There were at least two reports of sexual abuse towards female prisoners by prison directors in Kindia and Mamou. The Government did not investigate the cases, but both directors were moved to other jurisdictions, reportedly as punishment.

Neither of the prison administrators in Mamou and Kindia were punished for raping female inmates in 2006. During the year one of the women, who was impregnated by the prison director, escaped from prison with her baby. As in previous years, there were reports of female prisoners being sent to work at private homes of government officials where they were not paid and sometimes sexually exploited, although this occurred less frequently.

Standards of sanitation remained poor, which resulted in several deaths due to malnutrition, disease, lack of medical attention, and poor conditions. No estimates were available as to the nationwide mortality rate of prisoners, although a local prisoner advocacy NGO reported 19 deaths in Conakry's main prison. Another NGO reported that when a civilian prison in N'Zerekore was destroyed by angry citizens, security forces rounded up the fleeing prisoners and put more than 100 of them in what was already a severely crowded military prison, resulting in 20 deaths over the following few days. The decline in deaths compared to 2006 may be due to the large number of prisoners who escaped from the prisons during the January-February general strike.

Some prisoners exercised more power than the guards by controlling conditions and cell assignments, giving better conditions to prisoners who were able to pay.

The prisons remained severely overcrowded. Some prisoners reported sleeping on their knees because their cells were so small. The facility in downtown Conakry was built in 1950 to hold 200 prisoners but routinely held 1,000 prisoners or more. At year's end there were 989 prisoners in this facility.

Although the Ministry of Justice administers the prisons, the facilities were managed and staffed by military officers and guards. There were reports that some prison administrators followed directives from their military superiors, even when they were in conflict with orders from the Ministry of Justice. Due to limited funds and personnel shortages, prisons were largely staffed by untrained "volunteers" who hoped for permanent entry into the military. This system was difficult to manage and particularly vulnerable to corruption and abuse.

Prison escapes were widespread during the January-February general strike when most of the prisons were burned or destroyed. A majority of prisoners escaped and remained at large. However, no prisoners escaped from the main prison in Conakry or the maximum security prison in Kindia.

In most prisons, men and women were held separately, but juveniles generally were held with adults in prisons outside the capital. In 2006 an international NGO reported the prevalence rate of HIV/AIDS among incarcerated minor boys to be as high as 50 percent, suggesting sexual abuse. Due to the work of a local NGO, a separate facility was built in 2006 at the main prison in Conakry to house minors. Nationwide, the number of incarcerated children below the age of 18 declined by more than half to 150; one-third of them had not been formally charged or tried. Many have been imprisoned for more than 6 years. There were five children who either were born in prison and lived in the jails with their mothers or who had no alternative means of care, which also represented a significant decline from the previous year. A local NGO obtained legal representation for minors and its efforts resulted in a significant decrease in the number of those incarcerated. The Government did not make provisions for children's food, clothing, education, or medical care in prison.

First-time offenders were not separated from repeat offenders, pretrial detainees were not separated from convicted prisoners, and the prison system often was unable to track pretrial detainees after arrest. Prisoners of political importance usually were held in the main prison in Conakry with the general prison population but housed in separate cells.

In practice political detentions rarely exceeded a few days and these persons were generally extended more protections than other detainees due to NGO and media attention to their cases. In high profile cases, they were often held separately and access to them was restricted.

The Government permitted prison visits by the International Committee for the Red Cross (ICRC) and other local humanitarian and religious organizations, which offered medical care and food for those in severe need. The ICRC was allowed regular access to all 33 official detention facilities; however, no international organization was permitted access to the military detention facilities. The ICRC continued partnership programs with prison and security authorities to improve prison conditions.

The Government provided open access to prisoners and allowed interviews to be conducted outside the presence of prison guards or other government authorities.

*d. Arbitrary Arrest or Detention.*—The Constitution and law prohibit arbitrary arrest and detention; however, security forces regularly used arbitrary arrest and detention, particularly during the January-February general strike.

*Role of the Police and Security Apparatus.*—The gendarmerie, a part of the Ministry of Defense, and the national police, under the Ministry of Security, share responsibility for internal security. The army is responsible for external security but also plays a role in domestic security. A quasi-police unit called the Anticrime Brigade, created to fight criminal gangs and bandits, operated in Conakry and in most major regions and prefectures. The Code of Penal Procedure permits only the gendarmerie to make arrests, but the army, the presidential guard (Red Berets), and the state police often detained persons as well.

The police force was inadequately staffed and lacked training. Administrative controls over the police were ineffective, and security forces rarely followed the penal code. Corruption was widespread, and security forces were generally not held accountable for alleged abuses of power or criminal activities. Many citizens viewed the security force as corrupt, ineffective, and even dangerous. Police ignored legal procedures and extorted money from citizens at roadblocks. The Government did not take any action to train or reform security forces, although several NGOs conducted training programs.

During the January-February general strike, police forces were unable to effectively control crowds, which resulted in military intervention. The Government used all available security forces to maintain peace and order, which included authorizing additional powers during the state of siege between February 12 and 23.

*Arrest and Detention.*—The penal code stipulates that the arrest of persons in their home is illegal between 4:30 p.m. and 6:00 a.m.; nevertheless, night arrests took place. The penal code also requires that the Government issue a warrant before an arrest can be made and that detainees be charged before a magistrate within 72 hours; however, many detainees were incarcerated for longer periods before being charged. After being charged, the accused may be held until the conclusion of the case, including a period of appeal. Authorities frequently did not respect the provision of the law that provides for access by attorneys to their clients. Although the law proscribes incommunicado detention, it occurred in practice. Release on bail was at the discretion of the magistrate who had jurisdiction.

Security forces arrested demonstrators and labor leaders during the year. They were detained for about 8 hours and released.

On July 11, police arrested and detained Sidikiba Keita, the son of a cabinet-level official during the Sekou Toure regime, reportedly for plotting against the Government. No charges were filed, and he was released several weeks later.

On December 15, security forces arrested and detained university professor Lansana Komara, who is a member of the executive bureau of the opposition Rally for the Guinean People political party. At year's end, Komara remained in detention at PM3, a gendarmerie prison. Reportedly, Komara's lawyer had not been granted access to his client and prison officials did not provide him with an explanation of the charges, claiming that no file existed.

There were no further developments in the 2005 cases of the individuals who were suspected for involvement in the January 2005 assassination attempt on President Conte. Antoine G'Bokolon Soromou and Mohamed Lamine Diallo remained in self-imposed exile.

Seven military officers arrested in 2003 for suspected coup plotting were still in prison awaiting trial at year's end.

Gendarmes detained an unknown number of active and ex-military personnel for unspecified reasons. Credible human rights sources reported that the treatment of these detainees was not monitored by independent agents. One international NGO reported that at PM3, the main gendarmerie prison, gendarmes routinely arrested numerous civilians and detained them until they paid the gendarmes to be released. In violation of the law, an unknown number of prisoners were held on army bases where virtually all contact was forbidden.

Prolonged pretrial detention was a serious problem. A prisoner advocacy organization estimated that approximately 89 percent of the prisoners in Conakry were awaiting trial. According to this same NGO, only approximately 10 percent of the prisoners at Conakry Central Prison had been tried, while all others were in investigative detention. At times detainees remained in prison for more than 10 years without trial. For example, Abdoulaye Camara and Mohamed Diasy reportedly have served 11 years at the central prison without judgment or sentencing. At least one of them has suffered permanent paralysis as a result of prison conditions. Police arrested the men in March 1996 in connection with a burglary. Another prisoner, Thierno Barry, has been in the Conakry Central Prison without judgment or sentencing since his arrest in 1991.

*e. Denial of Fair Public Trial.*—The Constitution and law provide for an independent judiciary and while judicial authorities deferred to executive authorities in some cases, they did so less often than in previous years. The judicial system was endemically corrupt, and magistrates were civil servants with no assurance of tenure. Authorities routinely accepted bribes in exchange for specific outcomes. Budget shortfalls, a shortage of qualified lawyers and magistrates, and an outdated and restrictive penal code continued to limit the judiciary's effectiveness. With the installation of a consensus government in March and the appointment of a new minister of justice, instances of executive interference have reportedly declined.

The judiciary includes courts of first instance, two courts of appeal, and the Supreme Court, which is the court of final appeal. The law provides for a parallel structure for juveniles. A military tribunal prepares and adjudicates charges against accused military personnel, to whom the penal code does not apply. Civilians were not subject to military tribunals.

In practice the two appeals courts which handle serious crimes did not function, which contributed to lengthy pretrial detentions. By law, the courts of appeal must hold a session once every 4 months, but only two sessions were held in the last 7 years, one in 2003 and one in 2006. The juvenile appeals court convened in 2006 for the first time since 1998.

*Trial Procedures.*—Trials are public, and juries are used for criminal cases. Defendants have the right to be present and to consult with an attorney in a timely manner. Defendants have the right to confront and question prosecution witnesses and present witnesses on their behalf. The prosecution prepares a case file, including testimonies and evidence, and provides a copy for the defense.

The penal code provides for the presumption of innocence of accused persons, the independence of judges, the equality of citizens before the law, the right of the accused to counsel, and the right to appeal a judicial decision; however, these rights were not consistently observed in practice.

Although the Government is responsible for funding legal defense costs in serious criminal cases, in practice it rarely disbursed funds for this purpose. The attorney for the defense frequently received no payment.

Many citizens wary of judicial corruption preferred to rely on traditional systems of justice at the village or urban neighborhood level. Litigants presented their civil cases before a village chief, a neighborhood leader, or a council of "wise men." The dividing line between the formal and informal justice systems was vague, and authorities sometimes referred a case from the formal to the traditional system to ensure compliance by all parties. Similarly, if a case was not resolved to the satisfaction of all parties in the traditional system, it could be referred to the formal system for adjudication. The traditional system discriminated against women in that evidence given by women carried less weight.

The state security court is composed of magistrates directly appointed by the president, and the verdict is open to appeal only on a point of law, not for the re-examination of evidence.

No legal action was taken against Sekhounah Soumah, an elected official related to President Conte who in 2006 assaulted a judge during trial proceedings and ordered him to stop the trial that was in session.

*Political Prisoners and Detainees.*—There were no reports of political prisoners; however, police briefly detained dozens of members of politicized organizations and labor unions during the January-February general strike.

*Civil Judicial Procedures and Remedies.*—Under the law, there is a judicial procedure for civil matters. In practice the judiciary was neither independent nor impartial, and decisions were often influenced by bribes and based on political and social status. There were no lawsuits seeking damages for human rights violations. In practice domestic court orders were not enforced.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution and law provide for the inviolability of the home and require judicial

search warrants; however, police and paramilitary police often ignored legal procedures in the pursuit of criminals. For example, during the January-February general strike, security forces reportedly went to private residences throughout the country, searched homes and private vehicles, detained citizens on suspicion of involvement, raped women and girls, and physically abused or killed individuals. Between February 12 and 23, the Government declared a state of siege and authorized security forces to place people under house arrest for activities deemed a threat to public security.

Unlike in previous years, there were no reports that security forces monitored mail or public officials and authorities intimidated and harassed local businesses.

Unlike in previous years, the Government did not coerce membership in political parties. The January-February general strike resulted in the installation of a non-partisan consensus government. Cabinet officials and regional administrators were appointed to positions previously held by supporters of the ruling Party of Unity and Progress (PUP). Instances of preferential treatment relating to party membership were not evident during the year.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution and law provide for freedom of expression; however, the Government did not respect these rights in practice. The Government closed radio stations and harassed and intimidated journalists, particularly during the January-February general strike. Some radio journalists practiced self-censorship.

The law prohibits talk or chants in public that are perceived as seditious; establishes defamation and slander as criminal offenses; and prohibits communications that insult the president, incite violence, discrimination, or hatred, or disturb the public peace or security. Penalties include fines, revocation of press cards, imprisonment, and banishment.

Unlike in previous year, there were no reports that security forces destroyed the market stalls of people who insulted the president when his motorcade passed.

The Government published an official daily newspaper, the *Horoya*, and continued to operate official television and radio stations. The state-owned media provided extensive and mostly favorable coverage of the Government and ruling party. State-owned media provided minimal coverage of events during the state of siege, but provided extensive coverage of the legislative session that led to the appointment of the new prime minister.

Private newspapers openly criticized the president and the Government. There were 15 private newspapers published weekly in Conakry, and up to 10 other publications appeared sporadically, although technical difficulties and high operating costs impeded regular publication. One newspaper, *L'Espoir*, was affiliated with the governing political party, and several other newspapers openly supported opposition parties. Other newspapers offered news and criticism of both the Government and the opposition. Two private newspapers were published irregularly in the interior, in Labe and Kankan.

Foreign publications, some of which criticized the Government on a regular basis, were available both in print and electronic format.

The Government does not permit media ownership by political parties and religious institutions, but did not restrict programming on political and religious subjects.

In September 2006 the National Communications Council (CNC) announced financial subsidies of \$105,000 (400 million Guinea francs) to 37 of 58 registered private media organizations, purportedly to encourage private media. The Association of Independent Editors requested that the CNC double the amount of the grant in 2007 to extend benefits more widely, but the total subsidy amount remained \$105,000. More media organizations received benefits during the year, about 80 out of 350. Subsidy calculations are based on a number of factors including frequency of publication. Registration of independent media organizations is a fairly straightforward and inexpensive process. In addition electronic media was allowed to register this year for the first time, which may account for the significant jump in the total number registered. Not all of those new organizations who registered actually published news.

Despite the limited reach of the print media due to low literacy rates and high prices of newspapers, the Government continued to criticize and harass print journalists. For example, on August 13, a court convicted Thiernodjo Diallo and Abdoul Azziz Camara of the newspapers *La Vérité* and *La Libération*, of libel and sentenced them to 6-month prison terms and fined them \$13,158 (50 million Guinea francs). The journalists had accused the former Minister of Public Works, Bana Sidibé, of embezzlement.

Numerous newspapers were suspended in 2006 for printing articles that criticized prominent persons in business and politics. In October 2006 three journalists were indefinitely suspended, two for not publishing President Conte's picture alongside the copy of his independence day speech, and the third for failing to show images of key ministers engaging with the public. These journalists never regained their original positions, but obtained positions with other news agencies.

In August 2006 for the first time in the country's history, private radio stations began broadcasting. Four local private radio stations operated in the capital: Radio FM Liberté, Radio Nostalgie, Radio Soleil and Radio Familia FM. In addition Radio France International and the BBC also broadcast through licenses with Radio Television Guinean. Twelve rural and community radio stations operated in other parts of the country, and radio remained the most important source of information for the public. Many citizens listened regularly to foreign-origin short wave radio. The Government did not restrict access to or distribution of foreign television programming via satellite or cable; however, relatively few citizens could afford these services.

During the January-February general strike, the military harassed and intimidated the media, particularly private radio. On February 12, soldiers ransacked Radio FM Liberté and arrested and detained Editor Mohamed Tondon Camara and a staff member for more than 24 hours. Also in February, a military officer and 20 armed presidential guards advised Radio Familia FM to go off air; the station stopped broadcasting. All private, independent FM radio stations, including RFI, went off the air during the February state of siege. Broadcasting resumed several weeks after the strikes ended.

On March 20, Captain Ousmane Conte, a military officer and son of President Conte, physically assaulted a journalist in a night club. No charges were filed.

There is one private organization, Les Editions Gandhal, that publishes books. No restrictions on publishing freedom were reported.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. The Internet was available for use by all citizens, but only a small minority of the population used the technology. Cost, literacy, and availability remained major constraints to use by a broad range of citizens.

*Academic Freedom and Cultural Events.*—The Ministry of National Education and Scientific Research exercised limited control over academic freedom through its influence on faculty hiring and control over the curriculum; however, teachers generally were not subject to classroom censorship.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The law restricts freedom of assembly, and police use of excessive force during the year resulted in the deaths of numerous demonstrators, including women and children, as well as hundreds of injuries. The penal code bans any meeting that has an ethnic or racial character or any gathering "whose nature threatens national unity." The Government requires a 72-working-hour advance notification of public gatherings. The law permits local authorities to cancel a demonstration or meeting if they believe it poses a threat to public order. Authorities may also hold event organizers criminally liable if violence or destruction of property ensues. On September 21, Minister of Interior Mamadou Beau Keita announced that this law would be strictly enforced. HRW reported in 2006 that the Government routinely violated freedom of assembly.

Security forces used tear gas, physical force, and firearms to disperse crowds of demonstrators and arrested numerous other demonstrators. The Government took no punitive action against security force members.

On January 17, during a demonstration in Conakry, high-school student Abdoulaye Diallo was shot and killed when he tried to run to safety.

On January 22, security forces killed approximately 60 persons when they fired on unarmed demonstrators participating in a labor union strike in Conakry. An NGO reported that soldiers aimed at vital organs and shot a number of victims in the back as they attempted to flee. A witness told an NGO that one victim, 22-year-old Lamine Nabé, was shot in the foot. When he bent down to look at his wound, he was hit again by a bullet to the chest and killed instantly.

Demonstrators killed security forces. Some security forces were reportedly killed by private citizens during the January-February general strike. On February 10, a gendarme was lynched in Kankan after he fired on demonstrators, an international NGO reported.

On June 14, soldiers reportedly fired into the air and then arrested and beat approximately 60 students who were demonstrating at the University of Foulaya in

Kindia. The soldiers detained the students at the military base for 2 days. No charges were filed.

Police forcibly dispersed many strikes and demonstrations in 2006, resulting in arbitrary arrests, beatings and injuries, and numerous deaths. The June 2006 strike, for example, resulted in 21 deaths and at least 100 injuries. The Government promised thorough investigations into the killings; however, apart from a statement listing the victims, no information or investigation had been released by year's end. No security officers were arrested or charged for their actions in any of the 2006 incidents of forcible dispersions, and NGOs reported that during their independent investigations into the 2006 strike, witnesses refused to disclose information, fearing government reprisal. HRW emphasized the sense of impunity that exists, emboldening perpetrators and sustaining abuses.

There was no active investigation of the 2005 killings in Telimele, or several other cities during the 2005 local elections, or any of the other forcible dispersions that resulted in deaths or injuries.

*Freedom of Association.*—The Constitution and law provide for freedom of association; however, the Government infringed on this right in practice. The Government imposed cumbersome requirements to obtain official recognition for public, social, cultural, religious, or political associations. Most of the restrictions focused on political associations as opposed to nonpolitical associations. For example, political parties had to provide information on their founding members and produce internal statutes and political platforms consistent with the Constitution before the Government recognized them.

*c. Freedom of Religion.*—The Constitution and law provide for freedom of religion, and the Government generally respected this right in practice.

In March the Government abolished the National Islamic League and created the Ministry of Religious Affairs which is responsible for providing liaison with all active religions in the country. The Government also implemented a policy providing time spots on government-owned radio and television to all active religious denominations.

Approximately 85 percent of the population practiced Islam, and most of these adhered to Sunni teachings and practices. Non-Muslims were represented in the cabinet, administrative bureaucracy, and the armed forces. However, the Government continued to refrain from appointing non-Muslims to important administrative positions in certain parts of the country in deference to the particularly strong social dominance of Islam in these regions.

*Societal Abuses and Discrimination.*—Relations among the various religions were generally amicable; however, in some parts of the country, Islam's dominance created strong societal pressure that discouraged conversion from Islam or land acquisition for non-Islamic religious use.

There were few Jewish persons in the country, and there were no reports of anti-Semitic acts.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution and law provide for freedom of movement, foreign travel, emigration, and repatriation; however, authorities at times infringed on these rights. The Government requires all citizens to carry national identification cards, which they must present on demand at security checkpoints.

Police and security forces continued to detain persons at military roadblocks to extort money; however, there were fewer such reports than in previous years.

The law does not prohibit forced exile, but the Government did not use it.

*Internally Displaced Persons (IDPs).*—International NGOs and the Government reported that all IDPs had been reintegrated.

*Protection of Refugees.*—The law provides for the granting of asylum or refugee status to persons in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system of providing protection to refugees through an advisor on territorial issues within the Ministry of Territorial Administration. In practice the Government generally provided protection against "refoulement," the return of persons to a country where there is reason to believe they feared persecution. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers.

Many positive developments in the area of refugee repatriation continued during the year. The UNHCR accommodated all refugees desiring voluntary return to other



countries. The UNHCR continued to offer financial support for the rehabilitation of communities severely affected after 18 years of hosting refugees.

The country has been a place of refuge for asylum seekers from neighboring countries in conflict, including Liberia, Sierra Leone, Cote d'Ivoire, and Guinea Bissau. At year's end, UNHCR and the National Bureau for Refugee Coordination estimated that the total refugee population left in the country was 22,000, the majority of whom were Liberians. With the success of assisted and voluntary repatriation, refugee camps continued to close, leaving two operational camps at year's end. The Government, in coordination with UNHCR, continued to facilitate the integration of approximately 1,000 citizens of Sierra Leone who had chosen to remain in the country. UNHCR also started a program to integrate Liberian refugees into local communities.

During the year the Government continued to provide temporary protection to approximately 45 individuals of different African nationalities who may not qualify as refugees under the 1951 U.N. convention or its 1967 protocol.

While there were continued reports of rape, assaults, and forced prostitution in refugee camps, the number of cases reportedly declined significantly from previous years. Tension continued between host communities and refugee populations because of disparities in living standards and tribal conflicts, although these tensions were less apparent than in previous years. Economic decline in the country continued to exacerbate situations where refugees received basic services and opportunities unavailable to citizens.

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

The Constitution and law provide for a popularly elected president and National Assembly; however, the Government restricted citizens' ability to exercise this right. Political reforms—including passage of an electoral law that lifts restrictions on opposition parties—resulted in some improvements during the year.

*Elections and Political Participation.*—President Conte won reelection in December 2003. All major opposition parties boycotted the election, criticized by international observers as neither free nor fair. In December 2005 the Government held nationwide elections, and 16 of 46 registered political parties, including all the major opposition parties, participated. According to official results, President Conte's ruling PUP garnered approximately 80 percent of the vote with certified victories in 31 of 38 municipalities and 241 of 303 local councils. The PUP and associated parties held 91 of the 114 seats in the National Assembly.

The local electoral process was characterized by both improvements over past practice as well as serious flaws. Positive developments included freer campaigning, a single ballot listing all parties, transparent ballot boxes, political parties represented at the polling stations, media coverage of events, and free access for national observers. However, the turnout was low, and there were significant irregularities and bias by officials towards the ruling party before and during the vote. These included government revision of voter rolls with limited oversight, exclusion of up to 50 percent of the opposition candidate lists, unequal provision and distribution of voter registration cards and identity documents, and susceptibility to cheating in the district-level vote consolidations.

Past elections were closely controlled by the Government, which drew strong criticism from civil society and opposition parties, prompting demands for greater electoral independence. In April the National Assembly passed a law establishing an independent national electoral commission to co-manage national elections, in cooperation with the Government. This law also provides for a codified framework under which opposition parties can legally operate; in the past the Government could arbitrarily restrict opposition party activities. The law also provides a mechanism to distribute national financing to all political parties.

Under the law legislative elections are scheduled every 5 years. Elections were due in June 2007 but had not taken place by year's end.

Political parties generally operated without restrictions or outside influence. Since the installation of the consensus government in March, the majority PUP party exerted much less influence than in previous years and PUP membership no longer conferred formal advantages within the political system.

The president delegated power to the prime minister to appoint governors, prefects, and subprefects and to administer regions, prefectures, and subprefectures, respectively. In July the prime minister appointed new officials and, unlike in previous years, appointments were not made on the basis of party affiliation. The new prime minister was chosen specifically for his non-partisanship and he selected non-partisan officials to fill appointed positions.

There were 20 female deputies in the 114-member National Assembly and five women in the 26-member Supreme Court. Three women held seats in the 23-member cabinet appointed in March. There were few women at senior levels below minister, and there were no women in the senior ranks of the armed forces. The prime minister appointed the country's first female governor and two female prefects. Women generally played a minor role in the leadership of the major political parties; however, Assiatou Bah was vice president of the Union for Progress and Renewal (UPR). Rally for the Guinean People (RPG) named Fatou Bangoura to the post of political secretary.

Members of the three main ethnic groups (Soussou, Malinke, and Peuhl) as well as all smaller groups in the country (Gerze, Toma, Kisse, Koniake, and Mano) served in the National Assembly. The Supreme Court, cabinet, and armed forces leadership included representatives of all major ethnic groups. However, a disproportionate number of senior military officers were Soussou, the president's ethnic group.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. Corruption remained widespread throughout all branches of government. The World Bank's Worldwide Governance Indicators reflected that corruption was a severe problem. Unlike in previous years, the president did not overrule legislative decisions although government officials deferred to the president by waiting several months for his signature on new laws and other legislative documents before implementing them. Connection to the president or his powerful associates sometimes conferred exemptions from taxes and other fiscal obligations. Public funds were diverted for private use or for illegitimate public uses, such as buying expensive vehicles for government workers. Land sales and business contracts lacked transparency.

In 2006 a committee was established to follow-up on a 2005 World Bank report on corruption. Each ministry was tasked with creating an internal office to identify and address corruption as related to its duties. However, no action was taken by government ministries during the year on report recommendations.

During the year the National Agency for Anticorruption (housed within the Ministry of Financial and Economic Control, Ethics and Transparency) developed a national anticorruption plan to be implemented in coordination with all government institutions. The agency also organized seminars to disseminate information regarding the African Union Anticorruption Convention. Several of the new ministers made anticorruption a priority. In November a delegation of government, civil society, and media representatives attended Transparency International's annual anticorruption conference. The minister of education took steps to reduce corruption in the national university exam system and observers reported that the process was significantly more transparent than in previous years. However, in general there was much discussion of corruption during the year, but little action.

There were no developments in the case of prominent businessman Mamadou Sylla, who the Government briefly imprisoned in December 2006 on charges of embezzlement.

The annual budget approved in July included a line item for all expenditures and each ministry was required to submit justifications for projected spending. Most ministries complied with this requirement.

On July 2, the Ministry of Economic and Financial Control conducted a comprehensive audit of 18 government ministries and departments. Selected from private accounting firms, 76 professional auditors were hired to conduct the audit. Results were pending at year's end.

There is no law providing free access to government information. However, the Government disseminates some information through radio, national television, and government-owned print media. Throughout the year the Government publicized deliberations of the weekly cabinet meetings and the national television station broadcast the National Assembly's budgetary session for the first time. Most other government information was not available to the public, and there was no mechanism to request it formally.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views. Unlike in previous years, there were no reports of government officials attempting to intimidate local organizations investigating abuses or engaging in civil education.

Various government officials continued to block private efforts to memorialize victims of the Sekou Toure regime that ruled the country from independence until 1984. The Association of Victims of Camp Boiro was forbidden to establish a museum focusing on human rights in the former location of the prison where political detainees were tortured and killed. However, one of the Camp Boiro victims published a memoir detailing his experiences while incarcerated for several years.

The Government facilitated visits by a number of international human rights NGOs and generally cooperated with such organizations; however, none were permitted access to military prisons. AI published a report of human rights abuses committed during the January-February general strike while HRW reported on the exploitation of young girls as domestic workers (see Section 6.d.). The Government generally cooperated with other international bodies.

The Government has several mechanisms for addressing human rights issues, including a national directorate within the Ministry of Justice and offices within the ministries of defense and interior. However, these organizations remained inactive during the year.

In February the Government reached an agreement with civil society to establish a national commission to investigate alleged human rights abuses committed by security forces during the January-February general strike. The National Assembly passed a law establishing the commission, and in September the prime minister nominated 15 persons to serve on the commission. At year's end, the Commission had not formally started its investigations due to lack of funding.

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

The law states that all persons are equal before the law regardless of gender, race, ethnicity, language, beliefs, political opinions, philosophy, or creed; however, the Government did not enforce these provisions uniformly.

*Women.*—Rape is a criminal offense, but is rarely prosecuted. Spousal rape is neither punished nor regarded as a criminal offense. Social beliefs and fear of being ostracized prevented most victims from reporting incidents of rape. There were no reports of prosecutions against rapists. According to a 2003 study, victims of sexual assault constituted more than 20 percent of all cases presented by women in a local hospital. Experts reported that the situation has not changed significantly. Many of these assaults were perpetrated by a person the victim knew and often took place at school; more than half the victims were young girls. Several local NGOs worked to increase public awareness of the nature of these crimes and promote increased reporting. The authorities were reluctant to pursue criminal investigations of alleged sexual crimes.

Domestic violence against women was common, although estimates were unavailable as to the extent of the problem. Due to fear of stigmatization and reprisal, women rarely reported abuse except at the point of divorce. Wife beating is not addressed specifically within the law, although charges can be filed under general assault, which carries penalties ranging from 2 to 5 years in prison and fines ranging from \$13 to \$79 (50,000 to 300,000 Guinea francs). Assault constitutes grounds for divorce under civil law; however, police rarely intervened in domestic disputes, and there were no reports of perpetrators being punished.

Prostitution is illegal but is widely practiced and generally tolerated. Selling or managing minors for prostitution is a criminal offense. However, the Government did not take action when prostitution of minors was brought to its attention, and it did not actively monitor child or adult prostitution.

Although the Government made regular statements in the media against sexual harassment, it is not against the law. Women working in the formal sector in urban areas complained of frequent sexual harassment, and it was not penalized by employers.

The law provides for equal treatment of men and women. The Ministry of Social Affairs and Women's and Children's Issues worked to advance such equality; however, women faced discrimination throughout society, particularly in rural areas where opportunities were limited by custom and the demands of childrearing and subsistence farming. Women were not denied access to land, credit, or businesses, but inheritance laws favor male heirs over female heirs. Government officials acknowledged that polygamy was a common practice. Divorce laws generally tend to favor men in awarding custody and dividing communal assets. Legal evidence given by women carried less weight than testimony by men, in accordance with Islamic precepts and customary law. The Government affirmed the principle of equal pay for equal work, although in practice women received lower pay than men. No steps were taken to implement the 2007–11 action plan on women's empowerment.

*Children.*—The law provides that the Government should support children's rights and welfare, although in practice, the Government did not effectively protect

children. While access to primary education for both genders generally improved, government spending on education focused on higher learning with total spending declining by about 4 percent during the year.

While exact figures are not available, the Government does not systematically register births and issue birth certificates, leaving a significant number of children without official documentation, which impedes access to school and health care.

Government policy provides for tuition-free, compulsory primary school education for 6 years, and enrollment rates were significantly higher than in recent years, although generally low by international standards. Based on data from the 2005–2006 school year, 63 percent of children were enrolled in primary school. When considering girls only, the enrollment rate was 57 percent. In rural areas, 49 percent of all children and 42 percent of girls were enrolled in primary school. Several government programs resulted in an increase in girl's school enrollment, but enrollment rates for girls generally starts to decline at the middle school level. While girls legally have equal access to all levels of primary and secondary education, social norms and practices result in significantly lower attendance rates at the secondary level.

Child abuse, particularly sexual assault, was a problem. Girls between the ages of 11 and 15 years were most vulnerable and represented 55 percent of all rape victims.

In February a pastor in Conakry who reportedly raped at least eight girls in 2006 was imprisoned and awaiting trial at year's end. In 2006 he was arrested and charged with rape and assault, but found innocent amidst allegations of judicial interference. However, in a turnaround, the pastor was imprisoned in February and is awaiting trial at the court of appeal.

Female Genital Mutilation (FGM) was practiced widely in all regions and among all religious and ethnic groups. FGM is illegal and carries a penalty of 3 months in prison and a fine of approximately \$26 (100,000 Guinea francs), although there were no prosecutions during the year. Senior officials and both the official and private press spoke against the practice. FGM was performed on girls between the ages of 4 and 17. According to a 2005 Demographic and Health Survey (DHS), FGM prevalence was 96 percent nationwide, a slight decline from the 99 percent prevalence rate reported in the 1999 DHS. Infibulation, the most dangerous form of FGM, was rarely performed.

The Government continued efforts to eradicate FGM and to educate health workers on the dangers of the practice; however, there were no statistics evaluating the success of the program. The Government supported the efforts of the Coordinating Committee on Traditional Practices Affecting Women's and Children's Health (CPTAFE), a local NGO dedicated to eradicating FGM and ritual scarring. The CPTAFE reported high rates of infant mortality and maternal mortality due to FGM. Government ministers, health officials, and the media discussed FGM more frequently.

A growing number of men and women opposed FGM and urban, educated families increasingly opted to perform only a slight, symbolic incision on a girl's genitals rather than the complete procedure. Efforts by NGOs to persuade communities to abandon FGM resulted in thousands of families immediately ending the practice. The NGO TOSTAN was successful in bringing together communities that traditionally intermarry to combat FGM. Recognizing traditional practices that encouraged FGM, the NGO helped establish binding social contracts where families agreed that they would accept a woman who had not undergone this procedure as an acceptable wife for one of their sons. This coordinated approach made it possible for thousands of families to immediately end this practice. In June 150 communities publicly declared an end to FGM, underage and forced marriages, and other harmful traditional practices.

The legal age for marriage is 21 years for men and 17 years for women. Although there were no official reports of underage marriage, it allegedly was a problem. Parents contracted marriages for girls as young as 11 years of age in the Fouta and Forest regions. The CPTAFE, in conjunction with the Government, local journalists, and international NGOs, continued to run an education campaign to discourage underage marriage and reported lower rates than in previous years. According to CPTAFE, some families that sanctioned early marriages nevertheless kept their married daughters in the family home until they had at least completed secondary school.

There are no official statistics available on the number of street children.

*Trafficking in Persons.*—Although the law prohibits trafficking in persons, the country was a source, transit point, and destination point for trafficking. The law carries a penalty of 5 to 10 years' imprisonment and confiscation of any money or property received as a result of trafficking activities.

Some NGOs reported that women, men, and children were trafficked within the country, as well as internationally, for the sex trade and illegal labor. Trafficking in persons from rural areas, mainly from the poorest areas in upper Guinea, to urban centers was more common than international trafficking. NGOs claimed that the country was frequently a transit route for a West African trafficking network because fraudulent passports can be easily obtained and no visas are required for local nationals to travel to certain North African countries. From these nations, children were then sent to destinations in Europe. The ICRC reported that trafficking of children was a problem among repatriates from Sierra Leone and Liberia, some of whom hoped to gain advantage from reunification projects intended to reconstitute families separated through war. Accurate statistics were difficult to obtain because victims did not report the crime, but estimates were in the hundreds.

Some children were trafficked for forced labor in agriculture and diamond mining camps, begging, and for household work in Conakry. Children trafficked into Sierra Leone were reportedly sold to work in diamond mining camps or as domestics. Girls under the age of 14 were involved in prostitution.

In July local authorities in Forekariah arrested four women who attempted to traffic 10 young children over the border into Sierra Leone. They also arrested a young woman who attempted to traffic a 6-year-old girl. All five of these women were formally charged; at year's end, the Government was in the process of preparing for criminal trials.

In January a man living in the Macenta region was arrested for attempting to sell his 5-year-old daughter. He was sent to prison but escaped a few weeks later during a prison fire. He remained at large at year's end.

The perpetrator of the July 2006 kidnapping of a 7-year-old girl in Macenta Region was awaiting trial at year's end.

No arrests were made during the year in connection with the 2005 case of 14 Sierra Leonean women and their babies who were victims of a trafficking network in Conakry with plans to send them to Holland.

The Government continued a public outreach program to combat trafficking during the year, and the Interministerial Committee to Combat Trafficking in Persons was influential in moving trafficking cases through the judicial system, a significant achievement in a country unable to address impunity in most other areas. However, the Government made minimal progress on antitrafficking legislation and other counter-trafficking measures.

*Persons with Disabilities.*—The law does not prohibit discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services. In practice there were no official reports of societal or governmental discrimination against person with disabilities. The Government had not mandated accessibility for persons with disabilities, and buildings and vehicles remained inaccessible. Few persons with disabilities worked in the formal sector; some worked in the informal sector in small family-run businesses, and many lived by begging on the streets.

*National/Racial/Ethnic Minorities.*—The country's population was ethnically and regionally diverse with three main ethnic groups throughout the country and several smaller ethnic groups in the Forest Region. Each of the three major ethnicities identifies with a specific region and forms the majority of the population in that region: The Soussou in lower Guinea, the Peuhl in middle Guinea, and the Malinke in upper Guinea. Conakry and other large urban areas such as Kankan and the Forest Region were ethnically heterogeneous.

While the law prohibits racial or ethnic discrimination, ethnic identification was strong.

Mutual suspicion, both inside and outside the Government, affected relations across ethnic lines. Widespread societal ethnic discrimination by members of all major ethnic groups was evident in private sector hiring patterns, in the ethnic segregation of urban neighborhoods, and in the relatively low levels of interethnic marriage. The proportion of public sector positions occupied by Soussous, particularly at senior levels, was widely perceived as exceeding their share of the national population and resulted in local tensions that have erupted in violence in the past. Malinke migration into the traditional homelands of smaller ethnic groups has also resulted in tension and violence in the past.

The ruling PUP party, although generally supported by Soussous, transcended ethnic boundaries more effectively than the major opposition parties, which have readily identifiable ethnic and regional bases. The UPR's main base was the Peuhls, while the RPG's main base was the Malinke.

*Other Societal Abuses and Discrimination.*—Discrimination against homosexuals is not prohibited by law, but there are no discriminatory laws based on sexual ori-

entation. Although there were deep social, religious, and cultural taboos against homosexuality, there were no official reports of discrimination against homosexuals.

Unlike in the past, there were no reports that hospitals refused to treat patients with HIV/AIDS. There were no reports of workers being discriminated against based on HIV/AIDS status.

*Section 6. Worker Rights*

*a. The Right of Association.*—The law and Constitution provide for the right of employees, except for military and paramilitary personnel, to form and join independent labor unions, and this right was respected in practice. The labor code requires elected worker representatives for any enterprise employing 25 or more salaried workers. Although labor statistics were inadequate, at least 167,000 workers were reportedly unionized.

During the 2006 strike, unions won concessions for higher salaries and increased benefits for government employees, formalized teachers' contracts, and participation in government decisions on fiscal and monetary issues.

The January-February general strike was politically motivated and did not focus on specific goals explicit to union members. The strike was precipitated by an intense popular reaction to the release from prison of Mamadou Syllah and Fode Soumah by President Conte in December 2006, two individuals accused of embezzling millions of dollars. When the unions struck, they demanded that President Conte step down. During the course of the negotiations that followed, the unions agreed to accept a consensus government which was formed in March.

During the strike union leaders were arrested and detained on two separate occasions. On January 17, eight leaders were detained for 1 hour in Conakry. On January 22, 72 union leaders were detained for 8 hours, also in Conakry. In both cases, charges were eventually dropped. Among those arrested were Hadja Rabiou Serah Diallo and Dr. Ibrahima Fofana, co-chairs of the union-intersyndicale, an organization representing a coalition of labor unions responsible for the strikes.

The law and Constitution prohibit antiunion discrimination. While unionized labor at times faced strong opposition from government officials, this occurred much less frequently than in previous years. Individual workers threatened with dismissal or other sanctions have the right to a hearing before management with a union representative present and, if necessary, to take the complaint to the Conakry Labor Court. In practice this court did not convene during the year and any cases were referred to the Ministry of Labor for arbitration. In the interior, civil courts heard labor cases.

*b. The Right to Organize and Bargain Collectively.*—Under the labor code, representative workers' unions or union groups may organize in the workplace and negotiate with employers or employer organizations, and workers exercised this right in practice. The law protects the right to bargain collectively concerning wages and salaries without government interference, and employers established rules and hours of work in consultation with union delegates.

The law grants salaried workers, including public sector civilian employees, the right to strike 10 days after their representative union makes known its intention to strike, and workers exercised this right several times over the year. By law, arbitration is by consensus and is executed through the Office of the Inspector General of Work within the Ministry of Labor. In practice, however, employers can impose binding arbitration. The law prohibits strikes in essential services, including hospitals, police, the military, transport, radio and television, and communications.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—Although the law specifically prohibits forced or compulsory labor, including by children, there were reports that such practices occurred.

The law prohibits the exploitation of vulnerable persons for unpaid or underpaid labor. Violations carried a penalty of 6 months' to 5 years' imprisonment and a fine of approximately \$13 to \$100 (50,000 to 382,500 Guinea francs). The Government did not enforce this provision in practice.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The general labor code has specific provisions that pertain to child labor; however, child labor was a serious problem. By law the minimum age for employment is 16 years. Apprentices may start to work at 14 years of age. Workers and apprentices under the age of 18 are not permitted to work at night, for more than 10 consecutive hours, or on Sundays. The labor code also stipulates that the minister of labor maintain a list of occupations in which women and youth under the age of 18 cannot be employed. In practice enforcement by ministry inspectors was limited to large firms in the modern sector of the economy.

HRW reported that nearly all children engaged in some type of work, many in the worst forms of child labor. Many were exploited or enslaved as domestics, miners, or plantation workers. In June HRW reported that tens of thousands of girls worked as domestics, many of them for up to 18 hours a day with little or no compensation. It added that some may also have suffered beatings, sexual harassment, and rape. Many young children reportedly worked long hours in the country's diamond mines, removing gravel from deep pits, for minimal compensation and little food. Child labor in factories was not prevalent because of the low level of manufacturing. Working children were mostly in the informal sectors of subsistence farming, small-scale commerce, and mining.

Many young Muslim children sent to live with a Koranic master (marabout) for instruction in Arabic, Islam, and the Koran worked for the teacher as payment. Children often were sent from rural areas to Conakry to live with family members while they attended school. If the host family was unwilling or unable to pay school fees, the children sold water or shined shoes on the streets, and the host family took the money in exchange for their room and board or simply used the child as a cheap source of domestic labor.

The Government spoke out against child labor but lacked the resources, enforcement mechanisms, and legislative will to combat the problem. As a result child laborers did not have access to education or health care and suffered from chronic malnutrition, traumatic stress, and depression. The Ministry of Labor is responsible for enforcing child labor laws.

*e. Acceptable Conditions of Work.*—The labor code allows the Government to set a minimum hourly wage; however, the Government did not exercise this provision nor did it promote a standard wage. Prevailing wages often did not provide a decent standard of living for a worker and family. The Ministry of Labor is responsible for enforcing the minimum wage.

The labor code mandates that regular work should not exceed 10-hour days or 48-hour weeks, and it also mandates a period of at least 24 consecutive hours of rest each week, usually on Sunday. Every salaried worker has the legal right to an annual paid vacation, accumulated at the rate of at least 2 workdays per month of work. There also are provisions in the law for overtime and night wages, which are fixed percentages of the regular wage. In practice the authorities enforced these rules only in the relatively small, modern, urban sector. The Government rarely monitored employers' work practices or sanctioned them for failure to follow the law.

Working conditions were worse in the private sector, excluding banking, insurance, and other similar institutions. Employees often were fired if they joined a union.

Teachers' wages were extremely low and they could go several months without payment. In some cases teachers went 6 months or more without salaries. Salary arrears were not paid. Some teachers live in abject poverty, reporting to work without even the minimum requirements to do their jobs. Although President Conte signed an agreement in June 2006 on teachers' compensation, minimal progress had been made in implementing the agreement.

The labor code contains general provisions regarding occupational safety and health, but the Government has not elaborated a set of practical workplace health and safety standards. Moreover, it has not issued any orders laying out the specific requirements for certain occupations and for certain methods of work that are called for in the labor code. The Ministry of Labor is responsible for enforcing labor standards, and its inspectors are empowered to suspend work immediately in situations hazardous to health. Enforcement efforts were sporadic.

Under the labor code, workers have the right to refuse to work in unsafe conditions without penalty; however, many workers fear retaliation and did not exercise this right in practice.

---

## GUINEA-BISSAU

Guinea-Bissau<sup>1</sup> is a multiparty republic with a population of approximately 1.6 million. In 2005 Joao Bernardo "Nino" Vieira defeated the candidate of the ruling

<sup>1</sup>In June 1998, the U.S. Embassy suspended operations in the midst of heavy fighting in Guinea-Bissau, and all official personnel in the country were evacuated. This report is based on information obtained by U.S. Embassies in neighboring countries, especially Senegal, from other independent sources, and regular visits to Guinea-Bissau by U.S. officials assigned to the

African Party for the Independence of Guinea-Bissau and Cape Verde (PAIGC) to become president. The election was characterized as free and fair by international observers. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens; however, problems occurred in some areas, including the arbitrary killing of a demonstrator, poor prison conditions, and arbitrary arrest and detention. Restrictions on freedom of speech and press occurred. There were violent dispersals of demonstrations. Lack of judicial independence and official corruption and impunity were problems. Violence and discrimination against women occurred. Female genital mutilation (FGM) continued to be widespread. Child trafficking and child labor, including some forced labor, were problems.

#### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—The Government or its agents did not commit any politically motivated killings; however, security forces killed a demonstrator (see Section 2.b.).

On January 6, unknown persons killed former Commodore Lamine Sanha, who was fired in 2006 and remained a controversial figure due to his involvement with the leader of the 1998 coup, Ansumane Mane. Sanha was shot at close range with a single shot to the head. Rioters, who suspected government involvement in the execution-style killing, burned the houses of President Vieira and one of his advisers, Ibrahima Sow. Police use of excessive force sparked violent protests, which ended when the military used lethal force (see Section 2.b.). An investigation by the attorney general into Sanha's killing was ongoing at year's end. There was no investigation into police use of excessive force by year's end.

No arrests were made in the 2005 attack on the Interior Ministry in which approximately 20 soldiers, believed to be loyal to former President Kumba Yala, killed two security guards and injured a third.

On December 13, the National Assembly adopted a law that provides amnesty for political crimes committed between 1980 and 2004. Several civil society organizations charged that the law protects persons who committed political assassinations, including President Vieira and armed forces Chief of Staff, General Batista Tagm Na Wai.

Unlike in the previous year, no deaths resulted from landmines.

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution and law prohibit such practices, and there were no reports that government officials employed them. The Government rarely punished members of the security forces who committed abuses.

Unexploded ordinance resulted in some injuries during the year.

*Prison and Detention Center Conditions.*—Prison conditions remained poor. There are no formal prisons, and the Government detained most prisoners in makeshift detention facilities on military bases in Bissau and neighboring cities. Detention facilities generally lacked running water and adequate sanitation. Detainees' diets were poor, and medical care was virtually nonexistent. Pretrial detainees were not held separately from convicted prisoners. Juveniles were not held separately from adults.

The Government generally permitted independent monitoring of prison conditions by local and international human rights groups. During the year representatives from the International Committee of the Red Cross (ICRC) and the Office of the Representative of the U.N. Secretary General visited prisoners.

*d. Arbitrary Arrest or Detention.*—The Constitution and law prohibit arbitrary arrest and detention, and the Government generally observed these prohibitions; however, security forces reportedly detained persons for exercising their right to free speech and became involved in settling personal disputes, detaining persons upon request without due process.

*Role of the Police and Security Apparatus.*—The police, under the direction of the Ministry of the Interior, have primary responsibility for the country's internal security. The armed forces are responsible for external security and can be called upon to assist the police in internal emergencies.

---

U.S. Embassy in Dakar. The U.S. Ambassador to Senegal, resident in Dakar, is also accredited to Guinea-Bissau.



The country is divided into 37 police districts; there were an estimated 600 police in the country. Impunity and corruption were rampant, and police generally were ineffective. Transit police were particularly corrupt and demanded bribes from vehicle drivers, whether their documents and vehicles were in order or not. Police were poorly and irregularly paid, and there was a severe lack of resources and training. The attorney general was responsible for investigating police abuses, and three investigations were conducted during the year. Two of these investigations involved allegations of theft against the judicial police, while the third involved allegations against members of the military who had confiscated fishing equipment during a dispute. All three cases were dismissed by year's end.

*Arrest and Detention.*—The law requires arrest warrants and provides for the right to counsel and, if indigent, to counsel provided by the state. Pretrial detainees were allowed prompt access to family members. The law also provides for the right to release if no timely indictment is brought and for the right to a speedy trial. However, authorities did not always respect these rights in practice. There was a functioning bail system.

*e. Denial of Fair Public Trial.*—The Constitution and law provide for an independent judiciary; however, in practice, there was little independence. Judges were poorly trained and paid and sometimes were subject to corruption. The attorney general had little protection from political pressure since the president has sole authority to appoint or replace the attorney general.

Civilian courts conduct trials involving state security. Under the Code of Military Justice, military courts only try crimes committed by armed forces personnel. The Supreme Court is the final court of appeal for both military and civilian cases. The president has the authority to grant pardons and reduce sentences.

*Trial Procedures.*—The law provides for the right to a fair trial, and the judiciary generally enforced this right. There is no trial by jury. The law provides for a presumption of innocence, the right to have timely access to an attorney, to question witnesses, to have access to evidence held by the Government, and to appeal. Citizens who cannot afford an attorney have the right to a court-appointed lawyer.

Traditional practices still prevailed in most rural areas, and persons who lived in urban areas often brought judicial disputes to traditional counselors to avoid the costs and bureaucratic impediments of the official system. The police often resolved disputes.

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

*Civil Judicial Procedures and Remedies.*—The judiciary system handles civil and criminal matters; however, there is no administrative mechanism to address human rights violations.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution and law prohibit such actions, and the Government generally respected these prohibitions in practice. Unlike in the previous year, there were no reports that security forces cut the telephone lines of persons who criticized the Government.

## *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution and law provide for freedom of speech and of the press; however, the Government did not always respect these rights in practice. During the year security forces detained persons for exercising their right to free speech and threatened and harassed journalists. Some journalists practiced self-censorship.

In addition to the government-owned newspaper No Pintcha, several private newspapers published without restriction. All newspapers were published through the state-owned printing house. The national printing press often lacked raw materials, and salaries were not always paid, resulting in publication delays.

There were several independent radio stations, a national radio station, and a national television station. International radio broadcasts could be received.

Journalists were harassed, especially those who reported on drug trafficking.

On January 17, the Interior Ministry ordered Public Order Police Commissioner Antero Joao Correia to close Bombolom radio station after the station reported on the murder of former Commodore Lamine Sanha and on the ensuing riots and police use of excessive force after his death. Correia, who refused to close the station, was subsequently fired. Armed forces and state security personnel also attempted to shut down the station, but it remained open during the year.

On May 20, Fernando Jorge Pereira, a journalist for the newspaper Expresso, was briefly detained and threatened with imprisonment by state security forces after he

attempted to photograph a small airplane landing on the island of Bubaque, which was reputedly used to stage drug flights.

On June 1, Reuters journalist Alberto Dabo was detained and questioned by Interior Minister Baciro Dabo for over 3 hours for a misquote attributed to the minister. An erroneous translation had quoted Minister Dabo as accusing the military of involvement in drug trafficking instead of civil servants, as the minister had charged. Dabo was threatened with jail, but eventually was released when he agreed to publicly clarify that the infraction was a translator's error.

On July 16, Head of the Navy Jose Americo "Bubo" Na Tchuto attempted to have Alberto Dabo arrested for his translation of a statement for the British news service Independent Television News (ITN). The translation attributed a statement that soldiers were involved in drug trafficking to Na Tchuto. Even though ITN was not the organization that published the statement in question, Dabo was charged with four crimes: Defamation, abuse of freedom of the press, violating state secrets, and slander. Dabo's case was pending at year's end.

During the year Radio France International correspondent Allen Yoro Embalo fled to France after receiving death threats while he was working on an investigation into drug trafficking. Unknown persons broke into his home and stole his camera, video footage of a report on drug trafficking, and over \$1,200 (600,000 CFA).

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups engaged in the peaceful expression of views via the Internet, including by e-mail. Lack of infrastructure, equipment, and education severely limited access to the Internet.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The Constitution and law provide for freedom of assembly; however, the Government did not always respect this right in practice. Permits were required for all assemblies and demonstrations.

On January 6, security forces used force to break up riots resulting from the killing of former Commodore Lamine Sanha. One youth, Malam Dabo, was reportedly shot and killed at close range by a soldier. The Human Rights League received corroborating reports of the killing from eyewitnesses, but the attorney general stated the crime would not be investigated, maintaining that Dabo died of asphyxiation.

No action was taken against police who used clubs to break up a peaceful demonstration of health professionals in 2006.

*Freedom of Association.*—The Constitution and law provide for the right of association, and the Government generally respected this right in practice.

*c. Freedom of Religion.*—The Constitution and law provide for freedom of religion, and the Government generally respected this right in practice. However, the Government continued its 2005 ban on activity by the Islamic religious group Ahmadiyya, contending that some activities, including the group's practice of paying locals to attend services, were disruptive.

Although the Government must license religious groups, there were no reports that any applications were refused.

*Societal Abuses and Discrimination.*—There was no Jewish community, and there were no reports of anti-Semitic acts.

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

*d. Freedom of Movement, Internally Displaces Persons, Protection of Refugees, and Stateless Persons.*—The Constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

The law did not specifically prohibit forced exile; however, the Government did not use it.

*Internally Displaced Persons (IDPs).*—IDPs moved back and forth over the border with Senegal, depending on the status of the ongoing armed conflict in Senegal's Casamance region. With tribal and family ties on both sides of the poorly marked border, the nationality of IDPs was not always clear.

*Protection of Refugees.*—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees or its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against refoulement, the return of persons to a country where there is reason to be-

lieve they feared persecution. The Government did not grant refugee status or asylum during the year.

The Government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers. The UNHCR reported that the Government was tolerant of refugees and permitted them to engage in economic activities to support themselves.

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

The Constitution and law provide citizens with the right to change their government peacefully, and citizens exercised this right through free and fair elections in 2005 held on the basis of universal suffrage. In April the National Popular Assembly (ANP) followed constitutional order when it voted no confidence in the Government of Aristides Gomes. A coalition of opposition parties named a new prime minister and cabinet in consultation with President Vieira. The transfer of power was orderly and peaceful.

*Elections and Political Participation.*—In July 2005 Joao Bernardo Vieira, the country's former military ruler, defeated ruling PAIGC candidate Malam Bacai Sanha in a run-off presidential election. The elections were declared free and fair by international observers.

There were 14 women in the 100-seat ANP. The Supreme Court president, two of the country's 19 government ministers, and one of nine state secretaries also were women.

All ethnic groups were represented in the Government.

*Government Corruption and Transparency.*—Official corruption and lack of transparency were endemic at all levels of government. Customs officers frequently accepted bribes for not collecting import taxes, which greatly reduced government revenues. The World Bank's worldwide governance indicators reflect that corruption was a severe problem.

On December 28, the Government's Audit Office established a commission to investigate illegal acquisition of wealth by current and former government officials.

The law provides that "everyone has the right to information and judicial protection"; however, such access was seldom provided.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views. The Government permitted visits by U.N. representatives and the ICRC.

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

The law prohibits discrimination on the basis of sex and race; however, the Government did not enforce these provisions effectively.

*Women.*—The law prohibits rape, including spousal rape, but government enforcement was limited, in large part due to lack of resources.

Domestic violence, including wife beating, was an accepted means of settling domestic disputes. There is no law that prohibits domestic violence, and politicians were reportedly reluctant to address the subject for fear of alienating more traditional voters or particular ethnic groups. Although police intervened in domestic disputes if requested, the Government did not undertake specific measures to counter social pressure against reporting domestic violence, rape, incest, and other mistreatment of women.

The law prohibits prostitution, but enforcement was weak.

There is no law prohibiting sexual harassment, and sexual harassment was a problem.

The law treats men and women equally and prohibits discrimination; however, discrimination against women was a problem, particularly in rural areas where traditional and Islamic law were dominant. Women were responsible for most work on subsistence farms and had limited access to education, especially in rural areas. Women did not have equal access to employment. Among certain ethnic groups, women cannot manage land or inherit property.

*Children.*—The Government allocated limited resources for children's welfare and education. Public schooling was free and universal through high school, but not compulsory. Attendance and quality of education were low due to lack of resources. No statistics were available on the percentage of school-age children who attended school or the highest level achieved by most children. Teachers were poorly trained

and paid, sometimes not receiving salaries for months at a time. For economic reasons, children often were required to help their families in the fields, which often conflicted with schooling.

Boys and girls had equally poor access to rudimentary medical care provided by the state.

Certain ethnic groups, especially the Fulas and the Mandinkas, practiced FGM, not only on adolescent girls, but also on babies as young as 4 months old. The Government has not prohibited the practice.

Child marriage occurred among all ethnic groups, but no reliable data existed to quantify the problem. Girls who fled arranged marriages often were forced into prostitution to support themselves. Local NGOs worked to protect the rights of women and children and operated programs to fight child marriage and to protect the victims of child marriage. Observers noted during the year that NGO efforts to enroll more girls in school had a negative side effect on child marriages: More girls were forced to marry at a younger age because parents feared the social opportunities of school would increase the risk of their daughters losing their virginity before marriage.

The Child Protection Office of the Bissau Police Department estimated that approximately 1,000 children were living on the streets of Bissau, with a growing number of boys engaged in petty crime and forming gangs.

*Trafficking in Persons.*—The law does not prohibit trafficking in persons, and there were reports that children were trafficked from and within the country. Some boys sent from rural areas to attend Koranic schools in neighboring countries, primarily Senegal, were exploited, abused, and forced to beg to meet daily monetary quotas for their Koranic teachers known as “marabouts.” Girls were sometimes exploited as prostitutes; however, the extent of this problem was unknown.

The Ministry of Interior has responsibility for antitrafficking efforts; however, the Government had no national plan to combat trafficking or the capability to monitor, interdict, or prosecute traffickers. During the year one man was prosecuted in Bafata for selling his children into forced begging in Senegal; he was given a short jail sentence and ordered to look for his children in Senegal, where he did not find them.

The practice of buying and selling child brides also reportedly occurred on occasion.

There were reports that customs, border guards, immigration officials, labor inspectors, or local police may have been bribed to facilitate such trafficking; however, no specific information was available. Other government officials, including police and border guards, worked closely with the Association of the Friends of Children and the U.N. Children’s Fund to prevent trafficking, raise awareness, and repatriate victims.

*Persons with Disabilities.*—The law does not specifically prohibit discrimination against persons with disabilities, mandate building access for them, or provide for equal access to employment and education. However, there were no reports of overt societal discrimination. The Government made some efforts to assist military veterans with disabilities through pension programs, but these programs did not adequately address health, housing, or food needs.

*Other Societal Abuses and Discrimination.*—There was no open discussion of homosexuality or HIV/AIDS, and the Government did not address discrimination on either basis.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law provides all workers with the freedom to form and join independent trade unions without previous authorization or excessive requirements, and workers exercised this right in practice. A significant majority of the population worked in subsistence agriculture; only a small percentage of workers were in the wage sector and organized. Approximately 85 percent of union members were government or parastatal employees, and they primarily belonged to independent unions.

The law does not prohibit antiunion discrimination; however, no workers alleged antiunion discrimination, and the practice was not believed to be widespread.

*b. The Right to Organize and Bargain Collectively.*—The law allows unions to conduct their activities without interference, but the Government did not always protect this right.

The law does not provide for or protect the right to bargain collectively; however, the tripartite National Council for Social Consultation conducted collective consultations on salary issues. Most wages were established in bilateral negotiations between workers and employers.

The law provides for the right to strike, and workers exercised this right during the year. The only legal restriction on strike activity was a prior notice requirement. The law also prohibits retaliation against strikers.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children, but there were reports that such practices occurred.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—There are no specific laws that protect children from exploitation in the workplace, and child labor occurred. The legal minimum age is 14 years for general factory labor and 18 years for heavy or dangerous labor, including labor in mines. The small formal sector generally adhered to these minimum age requirements; however, the Ministry of Justice and the Ministry of Civil Service and Labor did not enforce these requirements in other sectors.

Most child labor occurred in the informal sector. The incidence of children working in street trading in cities increased during the year. In rural communities, children did domestic and field work without pay to support families or because of a lack of educational opportunities. Some children were partially or completely withdrawn from school to work in the fields during the annual cashew harvest. The Government had not taken action to combat such practices by year's end. The Institute of Women and Children and the ministries of labor and justice are responsible for protecting children from labor exploitation; however, there was no effective enforcement due to lack of a legal structure.

Children were trafficked for purposes of labor exploitation.

*e. Acceptable Conditions of Work.*—The Council of Ministers annually establishes minimum wage rates for all categories of work, but it did not enforce them. The lowest monthly wage was approximately \$38 (19,030 CFA) per month plus a bag of rice. This wage did not provide a decent standard of living for a worker and family, and workers had to supplement their incomes through other work, reliance on the extended family, and subsistence agriculture.

The Government, which relied heavily on support from international donors for basic budget support, regularly failed to pay some public servants, notably teachers, in a timely manner, often with delays of several months.

The law provides for a maximum 45-hour workweek, but the Government did not enforce this provision. The law also provides for overtime pay, provided that it does not exceed 200 hours per year, and a mandatory 12-hour rest period between workdays.

With the cooperation of the unions, the ministries of justice and labor establish legal health and safety standards for workers, which the ANP then adopts into law; however, these standards were not enforced, and many persons worked under conditions that endangered their health and safety. Workers, including foreign workers, do not have the right to remove themselves from unsafe working conditions without losing their jobs.

---

## KENYA

Kenya has a population of approximately 37 million. It is a republic dominated by a strong president who is both chief of state and head of government. There is a unicameral National Assembly. In December local, parliamentary, and presidential elections were held. Observers judged the parliamentary and local elections to be generally free and fair. In the presidential election, the incumbent, President Mwai Kibaki, was proclaimed the winner by a narrow margin under controversial circumstances. The main opposition candidate contested the result and violence erupted in sections of Nairobi and opposition strongholds in Nyanza, Rift Valley, and Coast provinces. Observers concluded that, while the voting and counting process generally met democratic standards in most areas of the country, there were serious irregularities in both opposition and progovernment strongholds and in the tallying of results by the Electoral Commission of Kenya (ECK) in Nairobi. These irregularities undermined the credibility of the presidential election result. While civilian authorities generally maintained effective control of the security forces, and security forces generally exercised restraint in dealing with protestors and rioters, there were instances in which the security forces, particularly the police, acted independently.

The Government in many areas respected the human rights of its citizens or attempted to institute reforms to address deficiencies; however, serious problems re-

mained. The following human rights problems were reported: Unlawful killings, torture, and use of excessive force by police; vigilante justice; police impunity; harsh and life-threatening prison conditions; arbitrary arrest and detention; arbitrary interference with the home; prolonged pretrial detention; executive influence on the judiciary; disrespect for freedom of speech and of the press; internally displaced persons, refugees, and stateless persons; government corruption; abuse of, and discrimination against, women; female genital mutilation (FGM); child prostitution and labor; trafficking in persons; interethnic violence; and lack of enforcement of workers' rights. The Government took limited steps to prosecute abusers.

#### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—There were no reports that the Government or its agents committed politically motivated killings during the year; however, security forces committed arbitrary or unlawful killings. The Government took only limited action in enforcing the law against security forces suspected of unlawfully killing citizens.

The Independent Medico Legal Unit (IMLU), a leading and credible human rights nongovernmental organization (NGO), reported that 125 extrajudicial killings occurred in the 9 months through September. The Kenya National Commission on Human Rights (KNCHR) estimated there were 700 extrajudicial killings during the year, including the extrajudicial killing of 454 suspected members of the Mungiki criminal organization. From January to May IMLU reported three deaths in police custody. In all cases IMLU documented, there were clear indications of misuse of firearms by police.

In March 2005 the minister of state for provincial administration and internal security issued a "shoot-to-kill" order against anyone possessing an illegal firearm. In September the justice and constitutional affairs minister claimed that police must shoot to kill to defend themselves when confronted by armed suspects; security forces continued to make similar claims because of the large number of firearms in the hands of criminals. In July the Kenya Times reported that approximately 20 police officers were killed in the first quarter of the year. Some NGOs reported that police were again issued shoot-to-kill orders as part of suppressing postelection violence in December, but the Government denied this.

Police killed numerous criminal suspects during the year. On January 20 alone, police shot and killed 13 robbery suspects around Nairobi, and in February police killed seven suspects in Nairobi and Nakuru. In May the Daily Nation reported that police shot an innocent vegetable trader while they were in pursuit of a suspected carjacker. Witnesses stated that police ordered the man to lie down and shot him in the head despite the man's pleas that he was innocent.

On June 4, unknown assailants killed two police officers in Nairobi's Mathare slum. In response the Government deployed hundreds of officers to the area the following night to search for suspected members of Mungiki, the country's largest criminal organization. Media reported that police shot and killed between 22 and 33 persons, but alleged that only one was a Mungiki member; police contended that they killed only 18 suspects after finding weapons in the area belonging to the dead officers. In July police again raided Mathare in a crackdown on Mungiki members. The Daily Nation reported that police killed more than 27 persons and destroyed property, but the police denied the claims.

The Oscar Foundation (OFFLACK), an NGO offering free legal aid, reported that on July 1, police raided the home of a man in Murang'a, believing that a Mungiki oath ceremony was taking place. The police ordered the youths present out of the house and then opened fire on them. Reportedly, the next day local residents recovered 23 bodies.

There was at least one media report that police killed civilians at checkpoints when they refused to pay bribes. Media reported that on August 18, a police officer stopped a matatu (public bus) at a roadblock and ordered the driver to offload the passengers. The policeman then shot through an open bus window, killing a woman still seated inside.

There were reports that persons died while in police custody or shortly thereafter, some as a result of torture. IMLU tracked 35 cases in which persons died in police custody during the year, but noted that the actual number of such deaths was likely higher. In January a court ordered the Government to pay approximately \$37,000 (2.4 million shillings) to the family of Peter Njenga Karanja, who had been beaten to death by police. On May 20, a man died in a hospital after he was beaten unconscious by police during his arrest, according to OFFLACK.

There were no reported developments in the following 2006 cases of death in police custody: Two men who were allegedly drowned by police in January in Mombasa; the January death in detention of Wycliffe Ngara Onyanacha; the January deaths of two robbery suspects; and the deaths of three persons at the Sultan Hamud police station in Machakos District.

During the year police at times used excessive force to disperse demonstrations, resulting in deaths. On December 31, in the wake of demonstrations protesting the announced results of the presidential election, police in Kisumu opened fire on crowds, killing 43 protesters, according to media reports. The media also reported that on December 31, police killed at least 40 persons in Nairobi while dispersing similar demonstrations. It remained unclear whether all of these killings constituted excessive use of force, or whether police in some cases were responding appropriately in life-threatening situations.

At year's end nine prison wardens were standing trial for murder in the suspicious deaths of seven death row inmates in 2000.

There were numerous instances of mob violence and vigilante action. The great majority of victims killed by mobs were suspected of criminal activities, including robbery, killings, cattle rustling, and membership in terrorist gangs. The Government rarely made arrests or prosecuted the perpetrators.

For example, in February the media reported that a mob beat to death a church leader for allegedly sexually assaulting a 12-year-old boy. On July 22, a mob in Rift Valley Province stoned to death two policemen who were trying to arrest a woman after mistaking them for armed criminals. Police stated they would investigate and bring murder charges against the assailants. At year's end no further information on the case was available.

There were no reports of official action in the following 2006 cases of death by mob violence: The beating death in January of two suspected carjackers in Nakuru; the January beating death of a suspected robber near Nyeri; and the March killings of two alleged robbers in Karatin by villagers who slit their throats.

Human rights observers attributed this vigilante violence to a lack of public confidence in police and the criminal justice system; assailants often bribed their way out of jail or were not arrested. The social acceptability of mob violence also provided cover for acts of personal vengeance including settling land disputes.

Mobs committed violence against persons suspected of witchcraft, particularly in Kisii District, and in Nyanza and Western provinces. Human rights NGOs noted public reluctance to report such cases due to fear of retribution.

Interethnic violence continued to cause numerous deaths. From October through December, interethnic violence between Kalenjin (including among Kalenjin subtribes), Kikuyu, and Kisii communities in Kuresoi and Molo resulted in the deaths of at least 20 persons. There was increased interethnic violence after the December 30 announcement of the presidential election results. Mobs and groups of traditional warriors in opposition strongholds violently targeted ethnic Kikuyu and others suspected of supporting the incumbent president. In Nairobi Kikuyu gangs targeted Luo or Luhya in retaliation. An unknown number of persons were killed and tens of thousands displaced in the December violence.

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution and law prohibit such practices, and the Government took some steps to eliminate prisoner abuse; however, police use of violence and torture during interrogations and as punishment of pretrial detainees and convicted prisoners continued. According to IMLU's 2005–06 annual report, common methods of torture included whipping, burning with cigarettes, and beating with gun butts and wooden clubs.

Human rights organizations, churches, and the press condemned numerous cases of torture and indiscriminate police beatings. From June 2006 to May 2007, the IMLU received 108 cases alleging torture—32 cases between January and May—by security officers, compared to 397 in 2005, although it noted that the real total of torture cases was likely higher.

In February the Legal Resource Foundation released a report which stated that torture in prisons was commonplace and inflicted openly. Of 948 prisoners from 29 prisons interviewed, 83 percent claimed they were beaten, and 59 percent witnessed wardens mistreating other prisoners. Police did not appear to target any particular ethnic, religious, or social group for torture. Authorities did not take action against those accused of torture.

Due to a lack of civilian state prosecutors in the legal system—63 civilian prosecutors compared to 300 police prosecutors—police were responsible for investigating and prosecuting most crimes. Police routinely ignored reports from the IMLU and

other human rights organizations that provided evidence of torture by security forces.

In July IMLU offered rehabilitation services to Zachariah Kabengu Gitau, who was tortured in police custody. On July 31, Ann Njogu, a civil society activist who was arrested with other persons for demonstrating against Parliament, was dragged down stairs by police and injured while in custody. The other arrested protesters were admitted to the hospital after police transporting them drove recklessly and collided with a matatu on their way to the police station. One of the arrested protesters stated that police tried to force them out of their hospital beds before doctors discharged them.

Police occasionally used excessive force to disperse demonstrators, which resulted in injuries.

Police sometimes abused street children. In 2006 a KNCHR report noted that street children formed "cooperatives" in which each member contributed regularly to a fund to bribe police in hopes of being spared abuse.

There were allegations of rape by security forces, including the rape of women in prisons and refugee camps. An activist with the National Executive Council heard complaints from persons in detention that police rounded up young women off the streets without pressing any charges and sexually assaulted them before releasing them the next morning.

There were numerous instances of mob violence and vigilante action leading to serious injury. After the announcement of the presidential voting results in late December, mob violence, including targeted looting and arson, struck Kisumu, Eldoret, Nairobi, Mombasa, and other cities.

*Prison and Detention Center Conditions.*—Prison and detention center conditions continued to be harsh and life threatening, although the Government attempted to make some improvements. Most prisons, particularly men's prisons, continued to be severely overcrowded. According to an OFFLACK study released during the year, Meru Prison held three times more inmates than its intended capacity and had only nine toilets for 1,405 prisoners, forcing many to use as toilets the same buckets they also used to bathe with. In Kamiti Maximum Security Prison, approximately 700 inmates shared a cell block designed for 300. Murang'a Prison, built to accommodate 150 inmates, held more than 600. Kin'ong'o Prison housed more than 2,000 in its 800-person capacity prison, according to The Standard newspaper. In February the Parliamentary Committee on Health visited Embu Prison and expressed concern about health conditions in prisons. A backlog of cases in the judicial system contributed to prison overcrowding.

Reforms improved conditions in some prisons. In September 2006 the prisons department established a health unit to improve delivery of health services. Some facilities offered access to academic classes, enabling a number of prisoners to sit for national exams, or vocational training, such as carpentry or tailoring. Charitable associations organized occasional medical clinics for inmates. In April the water filtration system at Kodiaga Prison in Kisumu, which dated from the colonial era, was replaced, leading to a decrease in water-borne disease among inmates.

Prisoners generally received three meals per day, but portions were inadequate, and prisoners were sometimes given half rations as punishment. Water shortages continued to be a problem.

Civil society organizations began visiting prisons in 2003, and these visits continued to reveal harsh conditions as well as allegations by prisoners of inhumane treatment including torture. Such treatment, perpetrated by police, prison guards, and inmates, at times resulted in death.

Prison personnel stated that the rape of male and female inmates, primarily by fellow inmates, continued. Media reports indicated that it was also common for prison officials to rape female inmates. Experts believed the prevalence of HIV infection was high among prisoners.

Hundreds of prisoners died annually from infectious diseases spread by overcrowding, unhygienic conditions, and inadequate medical treatment. OFFLACK reported that at least 600 prisoners have died since 2006 due to preventable diseases. In a 2-month period in 2007, eight inmates died of a suspected malaria outbreak at Kodiaga Prison in Kisumu.

Two civil society activists who were arrested during a July 31 protest described the conditions of their detention cells as harsh and unsafe. One went to the Muthangari jail in Nairobi, where he met a woman who had miscarried in a prison due to its deplorable conditions and overcrowding; she was never taken to a hospital. The activist stated that nearly 100 persons shared one small cell and one toilet. There were naked wires hanging down and poor ventilation. The activist reported similar conditions at the Central, Langata, and Uburu police stations.



Prisoners sometimes were kept in solitary confinement far longer than the legal maximum of 90 days. Prisoners and detainees sometimes were denied the right to contact relatives or lawyers. Family members who wanted to visit prisoners faced numerous bureaucratic and physical obstacles, each often requiring a bribe to overcome. An NGO reported that citizens were more likely to face extortion attempts by members of the prison service than by employees of any other agency. In May 2006 Vice President Moody Awori, who was responsible for the prison system in his capacity as minister for home affairs, acknowledged that bribery occurred throughout the country's jails and prisons. Vice President Awori spoke frequently throughout the year on the need for prison reform, although follow-up was limited.

There were no separate facilities for minors in pretrial detention. Civil society activists witnessed young children, women, and men sharing the same cells.

At year's end there were no known developments in the 2005 petition by 31 pretrial detainees in Embu Prison to separate young boys from their adult counterparts to protect them from sodomy in the cells. A 2005 media report noted that high court judges touring King'ong'o Maximum Security Prison discovered several minors, one only 15 years old, serving long sentences among adult prisoners. The judges ordered the prison to provide information on the minors' convictions and imprisonment in order to conduct a review, but there were no known developments in the review during the year.

In January 2006 a judiciary subcommittee report recommended that judges and magistrates visit prisons regularly to ensure that children were not confined with adult inmates. However, there were no reports that they conducted any prison visits.

Some children under the age of 4 lived with their mothers in the 14 prisons for women. Nationwide data were unavailable, but in 2006 two prisons, Nyeri and Thika, housed 27 and 12 such children, respectively.

The Government permitted visits to prisons by local human rights groups during the year.

*d. Arbitrary Arrest or Detention.*—The law prohibits arrest or detention without a court order unless there are reasonable grounds for believing a suspect has committed or is about to commit a criminal offense; however, police frequently arrested and detained citizens arbitrarily.

*Role of the Police and Security Apparatus.*—There was a large internal security apparatus that included the Kenyan national police Service (KNPS), including its Criminal Investigation Department (CID), responsible for criminal investigations, and Anti-Terrorism Prevention Unit (ATPU); Kenya Administration Police (KAP), responsible for border security; the paramilitary General Services Unit (GSU), responsible for countering uprisings and guarding high-security facilities; and the National Security Intelligence Service (NSIS), which collects intelligence. The KNPS, KAP, and GSU are under the authority of the Ministry of State for Provincial Administration and National Security. The NSIS is under the direct authority of the president. There was a public perception that police often were complicit in criminal activity.

OFFLACK noted that bribery in police recruitment was a problem. The police often recruited unqualified candidates who had political connections or who paid bribes, which led to poorly conducted investigations.

The absence of a witness protection law and the requirement that witnesses directly confront suspects in police line-ups severely inhibited the investigation and prosecution of major crimes.

Police, colluding with prosecutors, resorted to illegal confinement, extortion, torture, and fabricated charges as a cover-up for malpractice.

Impunity was a major problem. Police officers were rarely arrested and prosecuted for corruption or for using excessive force. Authorities sometimes attributed the absence of an investigation into corruption or an unlawful killing to the failure of citizens to file official complaints. However, the required complaint form was available only at police stations, and there was considerable public skepticism regarding a process that assigned the investigation of police abuse to the police themselves.

The Government took some steps to curb abuse of authority by police. In August 2006 the police commissioner deployed a special police squad that included undercover detectives whose mandate was to combat corruption involving police during traffic stops. The Government arrested and charged some officers with various offenses, including corruption. For example, on August 21, media reported that two police officers were charged with receiving a bribe. They were scheduled to be tried in December. At year's end no further information was available.

There were instances when police failed to respond to societal violence. In April the National Executive Council accused security forces of failing to respond to vio-

lence in the Mt. Elgon region which forced 10,000 persons to flee their homes. In October and November well-organized Kalenjin raiders targeted Kikuyu and Kisii communities, as well as some Kalenjin subtribes, burning their houses and forcing them to flee. Civil society organizations and victims reported that in some instances, police failed to respond. In December organized gangs targeted the Kikuyu community in Rift Valley Province, forcing tens of thousands to flee. Civil society organizations reported that police in many cases failed to respond to the violence.

*Arrest and Detention.*—Under the criminal procedure code, police have broad powers of arrest. Police may make arrests without a warrant if they suspect a crime has occurred, is happening, or is imminent. The law provides for prompt judicial determination of the legality of detention: In noncapital cases, detainees must be brought before a judge within 24 hours; in capital cases, detainees must be brought before a judge within 14 days. The penal code excludes weekends and holidays from this 14-day period. If a suspect cannot be brought before an appropriate judicial officer within 24 hours and the offense is not deemed to be “serious,” police are empowered to release the suspect on a reasonable bond, to appear later before a judicial officer.

The right to prompt judicial determination of the legality of detention frequently was not respected in practice. Human rights organizations reported that detainees were frequently detained for periods significantly longer than 24 hours before arraignment.

The law provides pretrial detainees the right of access to families and attorneys. When detainees could afford counsel, police generally permitted access; however, there were cases in which police refused access to lawyers. Family members of detainees frequently complained that access was only permitted on payment of bribes.

Police often arrested citizens to extort bribes. Since few could afford even a modest bribe, many languished in jail unless family or friends raised the bribe money demanded by police.

In June and July, after two policemen were murdered, allegedly by Mungiki members, the police cracked down on suspected Mungiki members. There were reports that police arbitrarily accused persons of belonging to Mungiki.

Muslim leaders claimed that police indiscriminately arrested Muslims on suspicion of terrorism, but the police denied this.

The Government had not reformed the bail system in decades. Individuals charged with offenses that were deemed serious or that involve major violence are not eligible for bail pending trial. Some detainees spend years incarcerated before their cases are adjudicated due to an overcrowded court docket and the absence of any law mandating a speedy or continuous trial.

The law does not state how long after charges are pressed a trial must begin. Police from the arresting location are responsible for serving court summonses and picking up detainees from the prison each time a court schedules a hearing on a case. A shortage of manpower and resources meant that police often failed to appear or lacked the means to transport detainees, who then were forced to await the next hearing of their cases.

Unlike in 2006, there were reports that police arbitrarily arrested persons demonstrating against the Parliament.

Lengthy pretrial detention continued to be a serious problem that contributed to overcrowding in prisons. According to the chief justice, as of August there was a judicial backlog of nearly 1 million cases, resulting in persons being detained for years before seeing a judge. In 2005 the backlog of judicial cases resulted in a daily average of 21,474 pretrial detainees, constituting nearly 45 percent of the prison population. The Government claimed the average time spent in pretrial detention on capital charges was 16 months; however, many detainees spent more than 3 years in prison before their trials were completed. Very few could afford attorneys.

During and following the December 2006 fighting inside Somalia, authorities in Somalia arrested and detained numerous persons accused of terrorism and support for the former Islamic Courts. Authorities in Kenya subsequently arrested other suspected terrorists after they fled Somalia for Kenya. According to media reports and human rights NGOs, some of those detained were released, while others were transferred without judicial process to Ethiopia, where they remained in secret detention at year's end. In May Ethiopian authorities acknowledged that 41 suspected international terrorists were being held and investigated, though most were released by year's end.

*Amnesty.*—The president releases petty offenders on December 12, which is Independence Day; however, the release is not automatic. In June the Prisons Staff Training College commandant told the media that there were plans to release 800 petty offenders in Nairobi to ease congestion in facilities. Local NGOs confirmed

that prisoners were amnestied during the year; however, data on the number was not available. In July 2006 the Government released nearly 8,000 prisoners to ease prison congestion.

*e. Denial of Fair Public Trial.*—The Constitution and law provide for an independent judiciary; however, the executive branch sometimes influenced the judiciary. In December 2006 the African Peer Review Mechanism, an African Union (AU) initiative which evaluates AU member states for conformance with commonly agreed political and economic standards, reported a “visible lack of independence of the judiciary.”

The president has extensive powers over appointments, including of the attorney general, chief justice, and appellate and high court judges. The president can dismiss judges and the attorney general upon recommendation of a special tribunal appointed by himself. Although judges have life tenure, except for a few foreign judges hired under contract, the president has authority over judicial transfers. In January a judiciary subcommittee recommended increasing transparency in selecting judges.

The court system consists of the Supreme Court, Court of Appeals, High Court, and two levels of magistrate courts, where most criminal and civil cases originate. The Supreme Court is the highest court; the chief justice is a member of both the Court of Appeals and the High Court. All judges on the Court of Appeals and the High Court are appointed by the president upon recommendation of the Judicial Service Commission; magistrates are hired by the commission. Criminal trials are conducted by magistrate courts, while the High Court and Court of Appeals hear appeals. Civil cases may be heard by any of the courts, depending on the nature of the case.

The Government tried to influence the judiciary. On April 20, the newspaper Daily Nation printed excerpts from a letter written by the Busia principal magistrate in which he accused the vice president of “derail[ing] the course of justice” and pleaded with the chief justice to protect judicial officers from the vice president’s interference. Allegedly, the vice president tried to secure the release of three suspects in a murder-robbery case heard by the magistrate.

In May the judiciary appointed a governance and ethics committee to assess judicial corruption and misappropriation of court fees. By year’s end there were no reports of committee actions.

In 2006 the Ministry of Justice announced it would establish a public complaints unit, noting that corruption had contributed to the judiciary’s inability to adequately protect human rights. By year’s end the unit was holding weekly sessions, during which the public could file complaints with the ministry’s director of human rights affairs. No data on the number of complaints registered were publicly available.

The Government occasionally used the legal system to harass critics; some civil society organizations reported that the anticorruption commission was used for this purpose.

*Trial Procedures.*—Civilians are tried publicly, although some testimony may be given in closed session. The law provides for a presumption of innocence, and defendants have the right to attend their trials, confront witnesses, and present witnesses and evidence in their defense. Defendants can appeal a verdict to the High Court and ultimately to the Court of Appeals. The legal system does not provide for trial by jury; judges try all cases.

In treason and murder cases the deputy registrar of the High Court can appoint three assessors to sit with a high court judge to offer interpretation or guidance on local customs and culture. Although assessors render verdicts, their judgments are not binding. Defendants’ lawyers can object to the appointment of individual assessors. A shortage of appropriate assessors frequently led to long delays in hearing cases.

A defendant’s right to consult with an attorney in a timely manner was generally respected. However, the vast majority of defendants could not afford representation and were tried without legal counsel. Indigent defendants do not have the right to government-provided legal counsel except in capital cases. The lack of a formal legal aid system seriously hampered the ability of many poor defendants to mount an adequate defense. Legal aid was available only in major cities where some human rights organizations, notably the Federation of Women Lawyers, provided it.

Discovery laws are not defined clearly, further handicapping defense lawyers. Often defense lawyers do not have access to government-held evidence before a trial. There have been occasions where the Government has invoked the State Security Secrets Law as a basis for withholding evidence.

The Constitution provides for Shari’a (Islamic) courts and states that the “jurisdiction of a Kadhi’s court shall extend to . . . questions of Muslim law relating to personal status, marriage, divorce, or inheritance in proceedings in which all the

parties profess the Muslim religion.” There are no other traditional courts. The national courts used the traditional law of an ethnic group as a guide in civil matters as long as it did not conflict with statutory law. This occurred most often in cases of marriage, death, and inheritance in which there was an original contract based on traditional law. Citizens may choose between national and traditional law when they enter into marriage or other contracts; however, the courts determine which kind of law governs the enforcement of the contract. Some women’s organizations sought to eliminate traditional law due to its bias in favor of men.

Military personnel are tried by courts-martial, and verdicts may be appealed through military court channels. The chief justice appoints attorneys for military personnel on a case-by-case basis. Military courts do not afford defendants all the rights that civilian courts provide. Military courts are not empowered to try civilians.

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

*Civil Judicial Procedures and Remedies.*—The KNCHR has the power of a court. It can issue summonses or order the release of a prisoner or detainee, payment of compensation, or other lawful remedy.

The civil court system can be used to seek damages for victims of human rights violations. However, corruption and political influence over the civil court system limited access of victims to this remedy.

Widespread corruption existed at all levels of the civil legal system. Bribes, extortion, and political considerations influenced the outcomes in large numbers of civil cases.

Court fees for filing and hearing cases—a daily rate of at least \$28 (2,040 shillings) for arguing a civil case before a judge—effectively barred many citizens from gaining access to the courts.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution and law prohibit such actions, except “to promote public benefit”; however, authorities sometimes infringed on citizens’ privacy rights. The law permits police to enter a home without a search warrant if the time required to obtain a warrant would prejudice an investigation. Although security officers generally obtained search warrants, they occasionally conducted searches without warrants to apprehend suspected criminals or to seize property believed stolen.

There were reports that security officers raided homes in Mt. Elgon District, destroying property and setting houses on fire, in their search for militia members. Police also raided homes in the Nairobi slums in search of suspected Mungiki members.

In May Amnesty International, the Centre on Housing Rights and Evictions, Kenya Land Alliance, Hakijamii Trust, and KNCHR jointly issued a report on forced evictions. The report noted that the Government had made no effort to resettle evicted families. On June 7, the Daily Nation reported that the district commissioner in Marakwet District ordered more than 8,000 squatters to vacate the Embobut forest. In January 2006 the Government completed the eviction from the Mau forest of an estimated 600 squatters who had returned after the Government evicted approximately 10,200 of them in 2005 for living illegally on protected lands.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, but the Government sometimes restricted these rights. During the year security forces harassed, beat, and arrested members of the media. Journalists practiced self-censorship. On December 30, following the announcement of presidential election results, the Government banned all live radio and television broadcasts.

The Government occasionally interpreted laws in such a way as to restrict freedom of expression. The prohibition on discussion of issues under court consideration and a parliamentary ruling against debate on certain aspects of presidential conduct limited deliberation on a number of political issues. The Government monitored many types of civil society meetings, and individuals were not always allowed to criticize the Government publicly without reprisal.

Generally the media remained independent despite attempts at intimidation by officials and security forces. The mainstream print media included four daily newspapers that reported on national politics and regularly criticized the Government. There also were numerous independent tabloid periodicals that appeared irregularly and were highly critical of the Government.

Of the several television stations operating in Nairobi, the government-owned Kenya Broadcasting Corporation (KBC) was the only station with a national net-

work of broadcast and cable television, AM and FM radio, and short-wave transmission. Although KBC coverage continued to become more balanced, its monopoly on national broadcasting continued to limit the ability of opposition leaders and other critics of government to communicate with the electorate. This disadvantage was particularly pronounced in the run-up to the December general elections. Stations owned by other media companies, including 12 radio stations, operated primarily along the country's central corridor and more densely populated adjacent regions.

The international media operated freely; 120 international correspondents worked in the country, and approximately 100 media organizations reported from Nairobi. There were four international FM broadcasters in Nairobi: Radio France International, Voice of America, the BBC, and China Radio International.

During the year officials repeatedly accused local media of being irresponsible and disseminating misinformation. Journalists continued to be susceptible to harassment, intimidation, and arrest. On January 7, security forces roughed up a Nation photographer trying to photograph the president and his wife at church. In March youths supporting the NARC-Kenya interim chairman allegedly threatened a Standard journalist for writing negative stories about him.

On April 16, the Criminal Investigations Division (CID) detained the directors and a senior editor with the Standard Group for questioning over an article published in the Standard. The article claimed that a minister approached the article's source and offered to pay the source to kidnap and possibly assassinate a sitting member of Parliament. The CID did not allow the detainees' lawyers to be present during questioning. The detainees were released after 6 hours of questioning.

In February 2006 police arrested three journalists with the Standard for writing an allegedly false story about a meeting between President Kibaki and opposition leader Kalonzo Musyoka. Two days later security forces raided the Standard and its sister television station, the Kenyan Television Network. The minister of state for provincial administration and internal security stated that the raid was warranted on security grounds and would be repeated if necessary. The Government held no one responsible for the raid, which sparked widespread criticism. In September 2006 a court dismissed the case against the three journalists.

There were no reported updates on the 11 persons associated with the Weekly Citizen who were charged with publishing an "alarming" story in 2006 or the April 2006 ban prohibiting Royal Media House from covering Parliament's proceedings.

The regulatory framework for broadcast media continued to allow abuse and manipulation in the issuance, withholding, and revoking of broadcast permits and frequencies.

Journalists occasionally practiced self-censorship due to pressure and bribes from officials and other influential persons wishing to prevent reporting on issues that could harm their interests or expose their wrongdoings. There also were credible reports that journalists accepted payments to report certain stories, some fabricated. On September 17, the People's Daily reported that journalists were likely to compromise their objectivity and engage in graft due to their low salaries.

Unlike in 2006, there were reports that individuals associated with officials used criminal libel laws to intimidate journalists and publications. On March 6, a court sentenced the Independent's editor to prison for 1 year and fined him approximately \$7,200 (500,000 shillings, or 25 times the maximum fine) for libeling the justice and constitutional affairs minister in a 2004 story. In June the editor was released pursuant to a presidential amnesty for petty offenders. According to Mars Kenya, an organization that tracks governance and corruption issues, very few private suits result in jail sentences. The attorney general tended to terminate most such cases, as he did with cases against the president's wife, a former vice president, and himself.

Sedition was not grounds for censorship of publications; however, the Prohibited Publications Review Board reviewed publication bans. A number of publications remained banned, including the Quotations of Chairman Mao Zedong and Salman Rushdie's Satanic Verses.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Internet service was limited in rural areas due to lack of infrastructure.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The Constitution and law provide for freedom of assembly, but reports that the Government restricted this right increased. Organizers must

notify local police in advance of public meetings. According to law, authorities may prohibit such gatherings only if there are simultaneous meetings previously scheduled for the same venue or if there is a perceived, specific security threat.

In February the minister of state for provincial administration and internal security banned all protests and demonstrations organized by civil organizations or political parties unless they had been approved by the district security committees. On December 31, the Government banned rallies by opposition parties to protest the results of the presidential election. A civil society leader stated that the police commissioner and internal security minister were trying to implement a licensing policy with powers that they did not possess. Additionally, he noted that the police only targeted protests against government corruption and having political content. For example, religious groups rarely gave notification, and there were no reports of police disruption of religious meetings.

There was an increase in incidents of police forcibly dispersing demonstrators.

On July 31, civil society activists demonstrated against a proposed hefty severance package for members of Parliament. Police claimed that the group did not obtain a permit and threw three tear gas canisters at them before arresting five activists. The activists stated that their group had given notice. The court dismissed their cases because their rights were violated when police detained them for more than 24 hours without pressing charges. On the same day police used tear gas on two other groups. During the same week police dispersed another group that had gathered outside of the CID, claiming that their protest was unlawful. In December police fired live ammunition and used tear gas to disperse demonstrators protesting the results of the presidential election.

Civil society activists also stated that groups supporting the Government were allowed to meet without notice. For example, the rally for President Kibaki's reelection speech on September 16 was announced only the night before, which would not have fulfilled the advance notification requirement.

*Freedom of Association.*—The Constitution and law provide for freedom of association, and the Government generally respected this right. The Societies Act requires that every association be registered or exempted from registration by the registrar of societies. In all, 138 political parties contested the December general elections, and parties reported little or no difficulty registering.

The 2002 ban on membership in the Mungiki criminal organization remained in effect. In previous years the Mungiki espoused political views and cultural practices that were controversial in mainstream society; later the group became a feared criminal organization, particularly in the public transportation sector, and harassed and intimidated residents. The Mungiki had a significant following among the poor and unemployed. Other prohibited criminal organizations with political or cultural trappings included the Kamjesh, Chinkororo, Baghdad Boys, Jeshi la Embakasi, Jeshi la Mzee, Amachuma, and the Taliban.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respected this right. There was considerable tolerance among religious groups; however, some Muslims believed they were treated like second-class citizens in the predominantly Christian country.

The Government requires new religious organizations to register with the registrar of societies. The Government allowed indigenous religious organizations to register, although many chose not to do so. Religious organizations generally received equal treatment from the Government; however, some small splinter groups found it difficult to register due to their inability to define their status as more than an offshoot of a larger religious organization.

According to Muslim leaders, authorities rigorously scrutinized the identification cards of persons with Muslim surnames, particularly ethnic Somalis, and sometimes required additional documentation of citizenship, such as birth certificates of parents and even grandparents. The Government stated that the heightened scrutiny was an attempt to deter illegal immigration rather than to discriminate against ethnic Somalis or their religion. However, there were reports that the Government arbitrarily arrested Muslim men as terrorist suspects.

Witchcraft was illegal but still practiced. On January 10, the Nation reported a trend in the killing of elderly residents in Kilifi District, Coast Province, on suspicion of witchcraft. For example, in mid-February a mob killed an 81-year-old man of the Mijikenda community in Kilifi District, alleging that he had cursed his three grandchildren who had died a few days earlier. One suspect was arrested.

*Societal Abuses and Discrimination.*—The Jewish community was very small, and there were no reports of anti-Semitic acts.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights.

Police routinely stopped vehicles throughout the country and often engaged in extortion at such checkpoints. Ethnic Somalis were required to provide additional identification. The NGO Human Rights Watch stated that the Government illegally detained and deported ethnic Somalis and Ethiopians on the assumption they were potential terrorists; the NGO believed that some of these deportees were Kenyan citizens and legal residents.

In 2005 the Government completed the issuance of identification documents to refugees in Kakuma. In July the Government began issuance of the same documents to urban refugee populations. The Government registered refugees in Dadaab; however, these refugees did not receive their identity documents.

Refugee freedom of movement was severely restricted and the Government intermittently imposed bans on travel outside of refugee camps.

Civil servants and members of Parliament must obtain government permission for international travel, which generally was granted.

The law prohibits forced exile, and the Government did not use it. However, John Githongo, who resigned in 2005 as the highest anticorruption official, remained in self-imposed exile out of fear for his safety.

*Internally Displaced Persons (IDPs).*—An unknown proportion of the several thousand persons displaced by ethnic clashes from the 1990s to the end of the reporting period had not returned to their homes due to fear of renewed violence. In December tens of thousands of people fled their homes in Rift Valley Province as a result of postelection interethnic violence. The Government provided shelter, food, and transport to IDPs, and coordinated support services with NGOs, particularly the Kenya Red Cross Society (KRCS), and church charities.

During the year there were many causes of displacement, from land disputes to flash floods. In May 2006 the U.N. Office for the Coordination of Humanitarian Affairs (OCHA) estimated there were 431,000 IDPs. In 2006 the Government established a task force to survey IDPs in Rift Valley and Coast provinces, but results were not published. Postelection violence in December created tens of thousands of additional IDPs, mainly in Rift Valley Province.

In May OCHA reported that cattle raids displaced 27 families in Marsabit. In October and November, ethnic violence displaced up to 18,000 in Kuresoi and Molo, according to the KRCS. Moreover, a long rainy season caused heavy floods, displacing over 3,600 persons in Western Province and over 3,000 persons in Coast Province, including 500 families in Kilifi. The KRCS provided food, medical supplies, and other nonfood items. Drought also forced pastoralists to leave their cattle and move into areas surrounding cities and towns.

OCHA estimated that more than 1,000 persons were displaced in July in West Pokot District due to cross-border raids by the Ugandan army to protect Ugandans; the Kenyan Government did not respond. Ugandan and Kenyan pastoralists frequently crossed the border in search of pasture; the two groups were armed and frequently clashed and raided each other's cattle.

KRCS estimated that by July there were 116,000 IDPs in the Mt. Elgon region, but the large number included landless persons affected by the clash who moved in with other family members, as well as people who crossed the Ugandan border. In December the district commissioner estimated the number of persons displaced by the conflict at 45,000. In August 2006 tensions over land between the Soy and Ndorobo clans intensified in Mt. Elgon District after the Government announced plans to implement phase three of the Chebyuk settlement scheme, initiated in 1971. The Soy took up arms and formed the Sabaot Land Defense Force (SLDF), a militia which terrorized and forcibly displaced local residents. In August 50 armed members killed seven persons at a market, and on August 3, a group of 30 men killed a former civic leader. The Standard reported that membership in the SLDF had become compulsory; each family was required to send at least two boys to the militia for training. The clashes affected approximately 4,400 students who were unable to report to school or sit for national examinations.

In response the Government deployed police from the General Service Unit. There were reports that police officers indiscriminately raided homes, beat, shot at, and raped community members, and burned down homes. OCHA confirmed two cases of rape by police officers in February, and there were numerous complaints of rape by police in Kopsiro and Cheptais. In the Standard, the member of Parliament for Mt. Elgon also accused police of killing innocent people.

In April the Government replaced all security officers in the Mt. Elgon region. OCHA reported that the situation calmed down by May, and some IDPs returned

home. However, in July clashes intensified, forcing the Government to impose a curfew. In mid-September the district commissioner brokered a cease-fire between the two sides, and tensions again lessened. However, besides the Soy-Ndorobo dispute, clashes occurred throughout the year, as many persons settled old scores.

In January police officers barred the KRCS from entering Mt. Elgon District with relief supplies, saying the area was a security operation zone. In April the Government allowed IDP access to humanitarian organizations and distributed food in conflict areas through the KRCS, but during the year periodically refused humanitarian access to the region.

The Government resettled some IDPs in Rift Valley and Coast provinces. According to OCHA, the Government announced plans during the year to resettle 32,000 families from conflict-affected areas in Rift Valley Province, but there was little progress by year's end. In 2006 KRCS provided emergency shelter to an estimated 7,000 persons fleeing the Turbi massacre in Marsabit.

In August the Government restricted the movement of IDPs in the Mt. Elgon area by imposing a curfew. By the end of August, police arrested more than 300 people for disobeying the curfew. Media reported that police used the curfew to extort money, especially from teachers and students.

*Protection of Refugees.*—In May the Government adopted a new refugee law that provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol. The Government provided general protection for registered refugees against refoulement, the return of persons to a country where there is reason to believe they feared persecution; however, on January 3, 414 Somali asylum seekers were forcibly returned to Somalia at the Liboi border crossing. It was reported that another 291 asylum seekers were forcibly returned at the Kiunga border town. After January 3, the Kenya-Somalia border remained officially closed to all asylum seekers. The Government permitted the Office of the U.N. High Commissioner for Refugees (UNHCR) to register and assist new arrivals that successfully crossed the porous border to the Dadaab refugee camps.

The Government had not provided temporary protection since 2004 to individuals who may not qualify as refugees under the 1951 convention and its 1967 protocol.

The Government required all refugees to remain at UNHCR camps, most of which were located near the Somali and Sudanese borders, unless granted permission to attend higher education institutions, receive specialized medical care outside the camp, or to leave to avoid security threats. The Government did not provide opportunities for local integration; however, it worked closely with the UNHCR in facilitating refugee resettlement in other countries.

Security concerns, including rape, banditry, and shooting, remained problems at both Dadaab and Kakuma refugee camps. Health and social workers at the camps reported that due to strong rape awareness programs, rape incidents were better reported by victims, resulting in improved access to counseling.

Other security and human rights problems affecting refugees included persecution of Muslim converts to Christianity, community pressure against opponents of female genital mutilation (FGM), forced marriage, particularly of young Sudanese and Somali girls, and family objections to out-of-clan marriage. At times these resulted in the kidnapping of spouses and children. The UNHCR requested increased police presence in the identified troubled areas, as well as increased patrolling within the refugee camps.

Fifteen relief agencies followed a code of conduct for humanitarian workers to further reduce incidents of sexual abuse by agency staff in refugee camps.

There were isolated incidents of interclan violence at the Dadaab refugee camps.

The Government introduced mobile courts, which are fully fledged judicial courts, and which proved to be instrumental in curbing violence and unlawfulness and providing a legal response to abuses.

*Stateless Persons.*—The UNHCR estimated that there were 100,000 stateless Sudanese Nubians in the country, reportedly the descendants of Sudanese forcibly conscripted by the British in the early 1900s. The UNHCR reported that the Nubians should have been granted Kenyan citizenship under prevailing nationality law. In 2003 they sought judicial relief from the Constitutional Court to be declared Kenyan citizens by birth. Kenyan citizenship is determined by *jus sanguinis* (based on parentage), but the law also provides citizenship for Africans brought to Kenya by colonial authorities. By year's end the court had not heard their case. In 2005 they filed a memorandum of admissibility with the African Commission on Human and Peoples' Rights (ACHPR) under the African Charter on Human Rights. In May the ACHPR heard arguments on the admissibility of the case. The Kenyan Government



was represented and presented its arguments and filed a brief on the merits of the case. By year's end the commission had not reached a decision.

According to the UNHCR, an unknown number of descendants of mixed Eritrean-Ethiopian marriages were also stateless. They were unable to obtain citizenship in either of those countries due to strong nationalist prejudices.

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

The Constitution and law provide citizens the right to change their government through free and fair multiparty elections, and citizens exercised this right through generally free and fair local and legislative elections held on the basis of universal suffrage. However, the manner in which the December presidential election results were tallied raised serious doubts as to whether this right was respected in practice on the presidential level.

*Elections and Political Participation.*—In December the country held local, parliamentary, and presidential elections. In all, 117 parties contested local elections, presenting 15,332 candidates. A total of 138 parties contested parliamentary elections, putting forth 2,548 candidates. Nine parties nominated presidential candidates.

To prepare for the December general elections, in March the Electoral Commission of Kenya (ECK) initiated nationwide voter registration. Registration was slow because many persons lacked national identification cards, especially in districts that border neighboring countries. The slow issuance of identification cards in these districts was due to lengthy vetting of applicants to ensure non-Kenyans were not issued the document, due to Kenyan security concerns. From January until the close of the preelection registration period in November, the ECK registered 1,831,686 voters. Altogether, nearly 14.3 million citizens were registered to vote.

The election campaign was generally free and fair, although there were instances of violence between supporters of rival parties, especially among progovernment parties. Police generally reacted professionally to instances of campaign violence. During the campaign, SMS messages, pamphlets, and Web logs were sometimes used to disseminate speech that was banned under the election code of conduct as prohibited hate speech. The KNCHR and other civil society organizations accused the Government of misusing state resources in the election campaign. In December four members of the Administration Police were arrested on charges of distributing hate literature in Rift Valley Province. In December an official car assigned to an assistant minister was stopped by police and found to contain weapons.

During the election campaign, the Government required parties to register planned political gatherings with the police in order to prevent clashes if rival parties held simultaneous rallies. Despite this measure, political parties were able to operate largely free of government interference. Political parties did at times face restrictions on their activities imposed by supporters of competing political parties or candidates.

Voter turnout was approximately 65 percent, the highest level in the country's history. Voting and counting at polling stations was generally conducted in accordance with democratic standards, although there were irregularities in strongholds of both the opposition and progovernment parties. The tallying of the presidential results by the ECK in Nairobi was marked by irregularities. International observers concluded that these irregularities undermined the credibility of the ECK. However, the ECK announced that President Kibaki won the election. After the ECK announcement of the presidential election results on December 30, violent protests ensued.

While the presidential results were marked by serious irregularities, the local and parliamentary results were generally credible. The opposition Orange Democratic Movement won 99 parliamentary seats, while the progovernment Party of National Unity won 43. Altogether 23 parties entered Parliament.

Women's participation in electoral politics remained low, but a record number of women candidates ran for Parliament and for local office. Nevertheless, only 10 percent of all parliamentary candidates were women. The percentage of women in Parliament and political party leadership remained low. Voters elected 15 women to Parliament in the December elections, up from eight in 2002. In the outgoing government women held two of 32 ministerial portfolios.

There were reports of harassment and attacks on female candidates for Parliament. In May a group of men with rifles and machetes attacked a female candidate in Central Province. On September 7, a group of men publicly warned a female candidate contesting the seat of the minister of environment against opposing him and then attacked her. The Daily Nation reported that on September 15, another female parliamentary aspirant was attacked, allegedly by supporters of her

opponents. In November the U.N. Development Fund for Women established a Gender Rapid Response Unit (GRRU) to monitor threats against female candidates and to provide assistance. According to GRRU, 252 female candidates reported threats or attacks. The most common threat was death threats, followed by threats of rape and threats against property.

While the Constitution does not specify representation for women, youth, or minorities, it emphasises gender equality. Moreover, the Constitution provides for 12 nominated parliamentary seats representing “special interests” to be appointed by the president. Because the Constitution does not define “special interests,” the interpretation of this provision is left to the nominating political parties and the ECK.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption; however, the Government did not implement these laws effectively, and officials often engaged in corrupt practices with impunity.

Frequent press reports of incidents of government corruption fueled a widespread public perception that large-scale corruption up to the highest levels of the Government and in Parliament persisted, and that little official action had been taken against the most corrupt. The World Bank’s Worldwide Governance Indicators reflected that corruption was a severe problem.

In July President Kibaki reappointed former finance minister David Mwiraria to a cabinet position. Mwiraria had resigned in February 2006 over allegations that he was involved in several of the so-called Anglo Leasing scandals in which the Treasury approved payments on suspect contracts. Former governance and ethics permanent secretary and “anticorruption czar,” John Githongo, had revealed details of the massive Anglo Leasing scandal in January 2006 and provided evidence that Mwiraria tried to persuade him to call off his investigation. In February 2006 details of the Goldenberg scandal, which occurred in the 1990s, also were published. Both reports implicated a number of former and current government officials, renewing public frustration over corruption. Three ministers resigned following their inclusion in the reports, but the High Court declared one minister immune from prosecution based on protection from double jeopardy. In 2005 President Kibaki eliminated the position of permanent secretary for ethics and governance during restructuring of the cabinet.

In 2003 the Government created the Kenya Anti-Corruption Commission (KACC) and in 2004 appointed a director and other staff. However, in August the NGO Name and Shame Corruption Network Campaign claimed that the KACC had accomplished little, despite the millions of shillings the Government provided. On August 19, the NGO and the Center for Law and Research International (Clarion) issued a report that claimed the KACC failed to investigate and prosecute influential persons and criticized its failure to address the Goldenberg and Anglo Leasing scandals. The KACC director told the media he had forwarded 284 cases to the attorney general for prosecution. During President Kibaki’s 5-year tenure no top officials have been charged with corruption, despite numerous scandals.

In September the findings of the Kroll Report were leaked. In 2003 the incoming Kibaki government had commissioned the Kroll Report, an investigation into stolen state assets. The report provided evidence indicating that former President Daniel arap Moi, his family, and his associates stole more than \$30 million (2 billion shillings) of state revenues. However, the Government indicated it would not attempt to recover the assets, claiming a lack of substantial evidence in the report. It also blamed developed countries for allowing stolen money to be deposited in their banks. The public and media questioned the Government’s motives in light of the endorsement by former President Moi of President Kibaki’s reelection bid.

The Kenya Times reported that in the past 3 years, the Government fired 12 senior officials of county councils for graft. In January the controller and auditor general in Kilifi issued an audit report accusing chief officers of working with revenue collectors to steal local funds. Also, in February all of the Senior Plan Record Office staff in the Ministry of Lands were suspended, and investigations were underway at year’s end into irregular transactions.

On February 16, police arrested three Constituency Development Fund (CDF) officials in Coast Province for receiving a bribe from contractors. Also in February police arrested a senior official of another county council for demanding a bribe.

In December 11 prison wardens were charged with aiding eight death row inmates to escape from Naivasha Prison earlier that month.

In October 2005 the Government enacted the Public Procurement and Disposal Act, which provides for a procurement oversight board. The board became fully operational during the year after the president approved the new act.

The Public Officers and Ethics Act requires that senior officials disclose their assets. However, the law does not require that disclosures be released to the media or that the public has a right to request disclosure of public officials’ assets.

There is no freedom of information law; however, access to government information, particularly through the Internet, improved. The Government spokesman's briefings were televised, and updates of many government Web sites were prompt.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. With the exception of the police, government officials were usually cooperative and responsive to the queries of these groups. However, there were reports that officials also intimidated NGOs and threatened to disrupt their activities, and that less-established NGOs (particularly in rural areas) were subjected to interference from provincial administrators and security forces.

Approximately 15 domestic organizations advocated for human rights in the country; 14 were independent of the Government. Several NGOs maintained comprehensive files on local human rights abuses. A number of attorneys represented the indigent and human rights advocates without compensation, although they could handle only a small percentage of those who needed assistance and were concentrated in Nairobi and other large cities. The Government sometimes allowed human rights organizations to witness autopsies of persons who died in police custody.

NGOs monitored the December general elections in cooperation with the electoral commission, the KNCHR, and foreign diplomatic missions.

A number of human rights organizations, including the Kenya Human Rights Commission (KHRC), the IMLU, and the KNCHR, produced reports cataloguing human rights abuses. The KNCHR has the status of an appeals court and can issue summonses, order the release of prisoners, and require compensation for human rights abuses. In September 2006 the organization's first human rights tribunal ordered the Government to pay journalist Peter Makori approximately \$70,200 (5,053,671 shillings) as a result of his torture and illegal detention by the police in 2003; however, it was not known whether payment was made.

In July police used force to disrupt a peaceful demonstration organized by civic leaders from various organizations, despite their having given notice to the police as required by the Public Order Act. Five civil society activists from various NGOs were arrested, but the court dismissed their cases.

The Government generally cooperated with international governmental organizations. However, in November the U.N. Special Rapporteur for Extrajudicial Killings requested permission to visit to investigate the killings of suspected Mungiki members. By year's end, the Government had not approved the request.

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

The Constitution and law prohibit discrimination based on race, tribe, place of origin or residence, or other local connection, political opinions, color, creed, or gender. However, government authorities did not enforce effectively many of these provisions. There was also evidence that some government and opposition officials tolerated, and in some instances instigated, ethnic violence. The law establishes limited rights for the disabled, but does not prohibit discrimination based on language or social status.

*Women.*—In 2006 the Government enacted the Sexual Offenses Act, which criminalized rape, defilement, sex tourism, and sexual harassment. In February the attorney general agreed to train the judiciary, prosecutors, desk police officers, CID investigators, and health workers on provisions of the new act, and in March he appointed a 27-member task force to implement the act. However, by year's end many law enforcement officers were not trained on, or ignored, the new law. Implementation remained limited, and sexual offenses remained largely underreported.

The new law maintains the existing maximum penalty of life imprisonment for rape, although sentences usually were no longer than the minimum of 10 years. The law established minimum sentences for both rape and defilement—defined as an act with a child involving penetration—with higher penalties for the latter. The new law defines a child as any person under 18 years of age, consistent with the children's act and thereby raising the age of consent to 18. No data were available on the number of prosecutions and convictions for rape during the year.

The rate of prosecution remained low because of cultural inhibitions against publicly discussing sex, victims' fear of retribution if they report crimes, the disinclination of police to intervene in domestic disputes, and the unavailability of doctors who otherwise might provide the evidence necessary for conviction. Moreover, traditional culture permitted a husband to discipline his wife by physical means. The law does not specifically prohibit spousal rape.

During the year the Nairobi Women's Hospital received 2,562 sexual assault and domestic violence cases. The youngest rape victim was 5 months old. According to police statistics, there were 2,736 reported rapes nationwide in 2006, compared with 2,867 reported in 2005. However, these statistics greatly underreported the problem, since social mores discouraged women from going outside their families or ethnic groups to report sexual abuse. Human rights groups estimated that over 16,000 rapes were perpetrated annually. In December NGOs reported an increase in rape during the postelection violence. Some NGOs reported that courts gave increasingly harsh sentences to those convicted of rape.

In May Coast General Hospital opened the first post-rape center in the country. Domestic violence against women was a serious and widespread problem. The penal code does not contain specific provisions against domestic violence, but treats it as assault. Police generally refrained from investigating cases of domestic violence, which they considered private family matters. The 2004 Kenya Demographic and Health Survey revealed that more than half of women had experienced domestic violence after the age of 15. Wife beating was prevalent and usually, but not always, condoned by society. For example, in April a court sentenced a man either to serve 6 months in jail or to pay a fine for beating his wife. In July a man went to jail for killing his wife with a machete when she attempted to leave him. NGOs, including the Law Society of Kenya, provided free legal assistance to some victims of domestic violence.

Prostitution is illegal but was perpetuated by poverty. Police arrested women in prostitution but not the men who solicited them. In 2005 a number of illegal immigrants were repatriated after police raided a nightclub where they were allegedly forced to engage in prostitution.

The law prohibits sexual harassment; however, sexual harassment was a problem. The Daily Nation reported that in May a member of Parliament accused the Ministry of Education of failing to respond to three female teachers who reported sexual harassment to the Teachers Service Commission. Rather than addressing their complaints, the ministry transferred the teachers to other schools.

The law provides equal rights to men and women and specifically prohibits discrimination on grounds of gender; however, women experienced a wide range of discriminatory practices in matrimonial rights, property ownership, and inheritance rights. They also face a justice system that often discriminates against women, and customary laws grounded in patriarchal traditions, limiting their political and economic rights and relegating them to second-class citizenship.

Women often faced discrimination in access to employment, received less pay than men for doing substantially similar work, and faced discrimination in access to credit.

In September the Government pledged to reserve one-third of civil service positions for women, but women continued to face both legal and de facto discrimination in other areas. According to the Government's 2007 Economic Survey, enrollment in primary and secondary schools was balanced, but only 39.1 percent of students in universities were women. Only 70 percent of women were literate, according to the U.N. Children's Fund (UNICEF).

The Law of Succession, which governs inheritance rights, provides for equal consideration of male and female children but terminates the inheritance rights of widows if they remarry. Moreover, a widow cannot be the sole administrator of her husband's estate unless she has her children's consent. The law also allows the Ministry of Justice to exempt certain communities from the law in deference to tradition, which in some cases, for example, provides for equal distribution of a man's property only among his sons. The law allows only males to transmit citizenship automatically to their spouses and children.

Certain communities commonly practice wife inheritance, in which a man inherits the widow of his brother or other close relative, regardless of her wishes. Other forced marriages were also common. Although poor and uneducated women were more likely to be inherited or suffer from property and inheritance discrimination, prominent and educated women sometimes were victims.

Women made up an estimated 75 percent of the agricultural work force and were active in urban small businesses. The average monthly income of women was approximately two-thirds that of men. Women held only 6 percent of land titles; under traditional law, in many ethnic groups women cannot own land. Women had difficulty moving into nontraditional fields, were promoted more slowly, and were more likely to be laid off. Societal discrimination was most apparent in rural areas.

*Children.*—The Government was generally committed to the rights and welfare of children. There were legislation and policies to promote education and protect children's rights; however, the Government did not implement its policies fully.

According to 2003 UNICEF data, only 81 percent of births in urban areas and 57 percent in rural areas were registered. This resulted in discrimination in delivery of public services such as education and health care.

According to the Economic Survey published during the year, primary school enrollment was 7.63 million in 2006. Education was tuition-free; however, classes were overcrowded due to insufficient teachers and an inadequate budget. The Government continued to support informal schools, particularly for children in urban slums; enrollment in these schools was an estimated 147,000, increasing the enrollment in both formal and informal primary schools to 7.78 million. Of enrolled children, 79.9 percent completed the 8 years of primary school in 2005, compared with 76.2 percent in 2004.

Enrollment in secondary schools increased by 11.1 percent from 2005 to 2006. Approximately 64 percent of primary school graduates went on to secondary school in 2005, up from less than 50 percent in 2004. The law mandates compulsory schooling for all children through grade 12, but in 2005 enrollment in secondary school was only 29.3 percent.

Enrollment of boys and girls was approximately equal at the primary level, but boys outnumbered girls in higher education by nearly 25,000 students. Rural families were more reluctant to invest in educating girls than boys, particularly at higher levels. According to the Federation of Women Lawyers, 8,000 to 13,000 girls annually dropped out of school due to pregnancy. UNICEF reported that nine out of 10 children from poor households fail to attain basic education.

The Government ordered provincial administrators to arrest parents who did not take or send their children to school. For example, in June police arrested a father who put his 12-year-old son to work in a quarry rather than enroll him in school. However, this law was not enforced uniformly.

The Government provided free primary health care for children who were 5 years old and younger. Boys and girls had equal access to state-provided medical care.

The Government banned corporal punishment in schools, but it occurred throughout the year, with caning the most frequent form of punishment.

The law prohibits FGM, but it was still practiced, particularly in rural areas. According to UNICEF, one-third of women between the ages of 15 and 49 had undergone FGM. Of the country's 42 ethnic groups, only four (the Luo, Luhya, Teso, and Turkana, constituting 25 percent of the population) did not traditionally practice FGM. According to the NGO Maendeleo Ya Wanawake (Development of Women), the percentage of girls undergoing the procedure was 80 to 90 percent in some districts of Eastern, Nyanza, and Rift Valley provinces. There were more public awareness programs intended to prevent the practice, in which government officials often participated.

FGM usually was performed at an early age. Some churches and NGOs provided shelter to girls who fled their homes to avoid becoming victims, but community elders frequently interfered with attempts to stop the practice.

Officials continued to attempt to stem FGM. In January three women were fined approximately \$1,550 (100,000 shillings) for having their daughters undergo FGM. In February two district commissioners for Loitokitok and Kajiado instructed police to arrest anyone perpetrating FGM. They noted that some older men were sneaking girls out of schools to take them away for FGM, and that more than 10,000 girls from Kajiado fled to rescue centers to avoid FGM.

Various communities and NGOs have instituted "no cut" initiation rites for girls as an alternative to FGM. According to the Family Planning Association of Kenya, its "no cut" program, called Ntanira na Kithomo (Initiate Me through Education), contributed to a 13 percent decline in the prevalence of FGM in Meru North District through 2005.

Child rape and molestation continued to be serious problems. Newspapers contained frequent reports of molestation or rape of children by relatives, neighbors, teachers, police, and clergy. During the year the Nairobi Women's Hospital handled 915 cases of child abuse; however, the stigma attached to sexual violence made many people reluctant to report such cases or seek assistance, and the true rate of occurrence was much higher.

On February 20, the NGOs The CRADLE and Care Kenya released their 2006 report entitled *Robbing the Cradle* which indicated that child sexual abuse had increased, while the age of the youngest victims had decreased. The most vulnerable victims were girls and boys aged 3 to 8. Most child abusers were neighbors, fathers, and other relatives. For example, in January a woman was sentenced to 8 years in prison for harming her 7-year-old niece, including engaging her in domestic labor. On June 7, a man defiled his 9-year-old daughter and burned her in an attempt to erase the evidence.

Teachers had the highest number of perpetrators in the professional category, with pastors and police officers following closely. For example, on June 8, a police officer was charged with defiling an 8-year-old girl at a police station. The Daily Nation cited a nominated member of Parliament who claimed that six students were impregnated by teachers in his constituency.

In July 2006 the president signed into law the Sexual Offenses Act. It states that the legal minimum age for consent is 18; however, most prosecutors, judicial officers, and police still referred to old law rather than rely on the new act, which defined minimum sentences for rape and defilement, with harsher penalties for defilement. NGO activists complained that a provision in the law making false claims of sexual assault a criminal offense, subject to punishment equal to that of the offense complained about, acts as a deterrent to reporting sexual offenses. In December the Government distributed copies of the act to every prosecutor, and the attorney general launched a reference manual for prosecuting sexual offenses.

In January police arrested two men for defiling two nursery school girls, aged 4 and 5. In March a court sentenced two men to 20 years in jail for defiling a 13-year-old girl and infecting her with a sexually-transmitted disease. In April an 18-year-old man went to jail for 15 years for defiling a 5-year-old girl. In August a court sentenced a man to 20 years in prison for defiling a 13-year-old girl and sentenced a female accomplice to 14 years in prison for permitting the act.

Media reported discrimination against uncircumcised boys. For example, in February the high school principal in Meru South District sent 20 boys home for being uncircumcised and refused to enroll them until they underwent the procedure.

Newspapers frequently highlighted the problem of child marriages, which was commonly practiced among certain ethnic groups. According to UNICEF, 25 percent of young women had been married as children. The Marriage Act forbids marriage under the age of 16, but the Mohammedan Marriage and Divorce Act (MMDA) allows Muslim girls to marry at puberty. If a marriage is entered into under the provisions of the MMDA, any court hearing matters related to the marriage will apply the provisions of the MMDA when deciding the case.

In May teachers rescued a 10-year-old girl from forced marriage to a 35-year-old man who had paid her parents a dowry. In August the police rescued a 14-year-old girl from forced marriage.

Trafficking in children and child prostitution were problems, although the new Sexual Offenses Bill outlaws both, as well as child pornography. The minimum sentence for child trafficking is 10 years in prison and a fine of approximately \$27,400 (2 million shillings). The director of children's services of the Ministry for Home Affairs stated that some persons used the guise of adoption to traffic children.

In June 2006 the director of children's services announced that, through a justice sector reform program, children's officers, probation officers, and provincial administrators had received training on children's rights, and 80 more chief children's officers had been appointed to the Department of Children's Services. In August 2006 the assistant education minister announced that the Government would build shelters throughout the country for sexually abused children; however, it was not known whether any shelters were built.

Child prostitution increased in recent years due to both poverty and the increase in the number of children orphaned by HIV/AIDS. Strong growth in the tourism industry led to a large increase in foreign and domestic tourists seeking sex with underage girls and boys.

The Daily Nation reported in March that there were 10,000 to 30,000 children engaged in prostitution, mostly in tourist areas. According to a December 2006 UNICEF report, 10,000 to 15,000 girls living in four main coastal resort areas were involved in prostitution.

Based on the 2005–06 household survey, approximately 1.2 million children were engaged in child labor.

Poverty and the spread of HIV/AIDS continued to intensify child homelessness. The Standard reported in May that the Government began a pilot program to place 2 million AIDS orphans with families in 20 districts. As of August the Government had placed 5,000. In 2006 the children's rights NGO, African Network for the Prevention and Protection Against Child Abuse and Neglect, estimated that 750,000 children lived on the streets. Street children faced harassment and physical and sexual abuse from police and others, and within the juvenile justice system.

The Government operated programs to place street children in shelters and assisted NGOs in providing education, skills training, counseling, legal advice, and shelter for girls abused by their employers, and provided shelter and medical care to street children exploited in the commercial sex industry.

There were reports of children joining gangs and militia, and of the Mungiki gang recruiting young boys from schools. On June 18, police ambushed a group admin-

istering oaths and providing military training to armed youths. The Mt. Elgon area district commissioner warned parents to turn in their children who had joined the Sabaot Land Defense Force or face prosecution.

*Trafficking in Persons.*—The law does not explicitly prohibit all forms of trafficking in persons, although the Sexual Offenses Act and the Children’s Act criminalize trafficking of children and trafficking in persons for the purpose of sexual exploitation. Persons were trafficked to, from, and within the country.

The country was a source, transit, and destination country for men, women, and children trafficked for forced labor and commercial sexual exploitation. Children were trafficked within the country for domestic servitude, street vending, agricultural labor, and commercial sexual exploitation, including in the coastal sex tourism industry. Men, women, and girls were trafficked to the Middle East, other African nations, Europe, and North America for domestic servitude, enslavement in massage parlors and brothels, and forced manual labor. Foreign employment agencies facilitated and profited from the trafficking of Kenyan nationals to Middle Eastern nations, notably Saudi Arabia, the United Arab Emirates, and Lebanon, as well as to Germany. Chinese, Indian, and Pakistani women reportedly transited Nairobi en route to exploitation in Europe’s commercial sex trade. Brothels and massage parlors in Nairobi employed foreign women, some of whom were likely trafficked. Asian nationals were trafficked into the country and coerced into bonded labor. Human trafficking in the country began to attract attention from the media, the public, and the Government, especially after the release of the joint UNICEF/Ministry of Home Affairs research report in December 2006. The report, *Extent and Effect of Sex Tourism and Sexual Exploitation of Children on the Kenyan Coast*, stated that 10,000 to 15,000 girls living in four main coastal resort areas were involved in prostitution—up to 30 percent of all 12- to 18-year-olds living in these areas. The Government recognized the Day of the African Child on June 16 and dedicated the day to the fight against child trafficking.

Police reportedly investigated trafficking cases in the coastal and Rift Valley regions; however, the Government was unable to provide statistics on trafficking-related investigations, arrests, and prosecutions during the year.

Victims trafficked abroad generally were recruited through employment agencies under false pretenses. Domestic trafficking victims were often lured by friends and relatives, who offered them false promises of good employment or access to education. Poor families were misled into believing that their child was gaining the opportunity for a better life. The NGO Behavioural Change Plus Care of Humanity reported that traffickers targeted poor and illiterate girls in slum areas to work for little or no pay.

Information on transnational trafficking in persons is limited. However, cases of trafficking of Asians indicated that trafficking generally occurred through recognized border crossing points, using both legitimate and forged travel documents. However, nationals of neighboring countries were often trafficked using forged travel documents and entered the country through unmonitored border crossing points.

The minimum penalty for trafficking for sexual exploitation is 15 years’ imprisonment, a fine of up to \$27,400 (1,918,000 shillings), or both. However, fines in practice were limited, and jail time was rarely imposed. Laws prohibiting the forcible detention of women for prostitution, child labor, transportation of children for sale, and the commercial sexual exploitation of children can also be used to prosecute trafficking-related offenses. On June 25, the National Steering Committee to Combat Human Trafficking, chaired by the vice president’s office and the Ministry of Home Affairs permanent secretary, selected a task force of government agencies, NGOs, and U.N. agencies to draft a national plan of action and a smaller group to serve as a secretariat.

During the year police assisted with international trafficking in persons investigations in other countries. The police assisted the International Criminal Police Organization (Interpol) in investigating the suspected trafficking to Ireland of four children ages 4 to 14 years. At year’s end police were continuing to work with Interpol to investigate the case of a 19-year-old woman allegedly trafficked to Holland. There were no reports that the Government had received any requests to extradite Kenyan citizens accused of trafficking in persons offenses in other countries.

The police antitrafficking unit, in conjunction with other police formations, has primary responsibility for combating trafficking. During the year, 14 community policing and child protection police units were established. In February one unit obtained indictments and made its first arrests. However, police had limited capacity to track data on trafficking arrests, and no year-end statistics were available.

During the year the Government did not systematically screen vulnerable population groups to identify trafficking victims.

Government collaboration with NGOs to combat human trafficking increased. Awareness among government departments grew during the year, largely due to NGOs' efforts to study the issue, educate the media, and inform the public about the problem. The media, especially the government-owned Kenya Broadcasting Corporation, reported cases of suspected human trafficking.

In July police arrested two female secondary school teachers in Kirinyaga district for alleged child trafficking. No further information was available on the case. In May a court sentenced a woman to 2 years in jail for trafficking a child to the United Kingdom. At year's end six persons were on trial for trafficking 14 children—age 6 months to 12 years—in Bomet and Nandi districts.

*Persons with Disabilities.*—The law prohibits discrimination against persons with physical or mental disabilities in employment, education, access to health care, or the provision of other state services; however, the Government did not effectively enforce these provisions. The Ministry of Health is the lead ministry responsible for implementing the law, but implementation has been slow as the Government worked to harmonize the law with existing laws. The Government has equipped some public buildings with wheelchair ramps, elevators, and sanitary facilities. The Government assigned each region a sign-language interpreter for court proceedings.

A study conducted by the KNCHR revealed that many students with disabilities were denied admission to regular schools, while in some cases the Government declined to fund special schools. The Education Ministry permanent secretary stated that only 35,000 of the 147,000 children with special needs were enrolled in school, while the KNCHR commissioner contended that fewer than 10 percent of children with special needs were enrolled in school. However, the number of special education teachers who have graduated from the Kenya Institute of Special Education increased to 9,000.

The KNCHR also stated that the Kenya National Examination Council (KNEC) failed to provide adequate testing facilities and resources for students with disabilities. The KNEC claimed that it provided special accommodations, such as exams in Braille and in large print for visually impaired candidates and extra time to complete exams. The Government was developing disability-specific curricula, but the process was slow due to lack of funding and staff.

*National/Racial/Ethnic Minorities.*—The population is divided into more than 40 ethnic groups, among whom discrimination and occasional violence were frequent. The 1999 census indicated that Bantu ethnic groups constituted approximately 67 percent of the population, of which the Kikuyu and closely related Embu and Meru accounted for 32 percent, the Luhya 16 percent, and the Kamba 10 percent; Nilotic groups constituted 30 percent, of which the Kalenjin accounted for 12 percent and the Luo 11 percent; and Cushitic groups—mainly Somalis—constituted 3 percent of the population. The Kikuyu and related groups dominated much of private commerce and industry and often purchased land outside their home province, which sometimes resulted in fierce resentment from other ethnic groups. The numerically small and shrinking South Asian community controlled a disproportionate share of commerce.

The conflict between two Cushitic groups in the far north continued, with each group accusing the other of maintaining militias and receiving armed support from their ethnic kinsmen across the border in Ethiopia to harass, intimidate, and kill members of the other group. The Government quickly sent a police force supported by the army to stop the attacks. In April it formed a peace committee involving local politicians and elders of the two communities to discuss problems and seek peaceful solutions to the conflict.

Leading up to the 2007 general elections, some political leaders made blatant appeals to traditional ethnic animosities for political purposes, resulting in intimidation of members of targeted ethnic groups and communal clashes. After the announcement of the disputed presidential election results in December, interethnic violence occurred in many areas of the country. In many cases, ethnic Kikuyu living outside their Central Province homeland were targeted with violence. Tens of thousands fled their homes in Rift Valley Province and, to a much lesser extent, elsewhere in the country. There were also reports that Kikuyu gangs forcibly circumcised Luo males in Nairobi.

Through the provincial administrations, the Government held public meetings in regions plagued by ethnic violence to promote dialogue and peaceful resolution of conflicts. The Government dispatched police and a paramilitary force to patrol affected areas to prevent a recurrence of violence. In June 2006 ethnic violence erupted in the region of Western Province bordering Uganda and continued for 6 months. Competition over land exacerbated by rivalries among political leaders representing contending ethnic communities were the cause. Other conflicts in 2006 took place



between the Maasai and Kuria in southern Rift Valley Province and between rival Kikuyu and Luo criminal gangs in a major slum in Nairobi. Both conflicts were quickly suppressed by security forces.

Many factors contributed to interethnic conflicts: The proliferation of guns, the commercialization of traditional cattle rustling, the growth of a modern warrior/bandit culture (distinct from traditional culture), unresponsive local political leadership, diminished economic prospects for groups affected by a severe regional drought, political rivalries, and the inability of security forces to adequately quell violence. Conflict between land owners and squatters was particularly severe in Rift Valley and Coast provinces, while competition for water and pasturage was especially serious in the northern districts of Eastern Province and in North Eastern Province.

In private business and in the public sector, members of nearly all ethnic groups commonly discriminated in favor of other members of the same group. Some neighborhoods, particularly in slum areas of the capital, tended to be segregated ethnically, although interethnic marriage had become fairly common in urban areas.

In 2006 members of coastal ethnic groups attempted to seize land they claimed had been given away unfairly decades earlier to persons from outside the province, allegedly in an attempt to change the region's demography for political purposes. The Government acknowledged that some illegal land deals had taken place, but insisted that persons seek redress through the courts and not simply squat on disputed land. During the year the Government distributed land titles in Coast Province to landless persons who had long challenged the legality of their dispossession.

*Other Societal Abuses and Discrimination.*—There was societal discrimination based on sexual orientation. The Council of Imams and Preachers of Kenya (CIPK) and other civic leaders condemned homosexuality and argued against legalizing gay marriages. A group in Mombasa created the Muslim Youth Pressure Group to oppose homosexuality.

There was societal discrimination against homosexuals and persons with HIV/AIDS. The common view of HIV/AIDS as a stigma made it difficult for many families to acknowledge that a member was HIV-positive, and to date no socially or politically prominent individual has admitted being HIV-positive. However, there were fewer reports of violence against persons with HIV/AIDS.

The Department of Defense arranged for uniformed personnel and their families and some local persons to have access to HIV counseling and testing, prevention programs, and antiretroviral treatment.

The Government worked in cooperation with international donors on programs for HIV/AIDS prevention and treatment. This enabled a rapid expansion of counseling and testing as well as care and treatment. During the year the number of people with knowledge of their HIV status and those able to achieve improved health if found to be infected more than doubled. These developments were seen as key to ultimately reducing stigma and discrimination.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law provides that all workers, including those in the export processing zones (EPZs), are free to form and join unions of their choice, and workers exercised this right. Workers numbering seven or more in an enterprise have the right to form a union by registering with the trade union registrar. If the registrar denies registration, a union may appeal to the courts. The armed forces, police, prisons service, and the administration police are explicitly prohibited from forming or joining unions.

There were 42 unions representing an estimated 500,000 workers, approximately one-third of the formal sector work force. All but five of these unions, representing an estimated 300,000 workers, were affiliated with the one approved national federation, the Central Organization of Trade Unions (COTU).

The Government voiced its support for union rights but did not protect them fully. Some unions complained that employers resisted efforts to establish unions in their factories, even where most workers indicated a desire for union membership, and that the Industrial Court and Ministry of Labor and Human Resource Development were ineffective in compelling employers to comply with the law.

The law prohibits employers from intimidating workers; however, some antiunion discrimination occurred, including in garment plants in the EPZs. The Industrial Court, a body of up to five judges appointed by the president, can order reinstatement and damages in the form of back pay for employees wrongfully dismissed for union activities. However, union leaders reported that employers often did not comply with reinstatement orders, and workers often accepted payment in lieu of reinstatement.

*b. The Right to Organize and Bargain Collectively.*—While not having the force of law, the Industrial Relations Charter (IRC), implemented by the Government,

COTU, and the Federation of Kenya Employers, gives workers the right to engage in legitimate trade union organizational activities, and the Government protected these rights. Both the Trade Disputes Act and the IRC authorize collective bargaining between unions and employers, and unions and management establish negotiated wages and conditions of employment.

The security forces cannot bargain collectively but have an internal board which reviews salaries. Other groups that cannot bargain collectively, such as health sector workers, have associations, not unions, which negotiate wages and conditions that match the Government's minimum wage guidelines; however, these agreements were not legally enforceable.

The law permits workers to strike, but workers found it difficult to exercise this right. Workers must notify the Ministry of Labor and Human Resource Development 21 days before a planned strike. The ministry always referred disputes to mediation, fact-finding, or binding arbitration at the Industrial Court; during that period any strike is illegal, thus removing legal prohibitions on employer retaliation against strikers. Members of the military, police, prison guards, and the National Youth Service are prohibited from striking. Other civil servants can strike following the 21-day notice period (28 days for essential service workers, such as water, health, education, or air traffic control workers).

Except for the Factories Act, all labor laws apply in the EPZs; however, the EPZ Authority and the Government granted many exemptions to applicable laws. For example, the Government waived a provision of the law that prevents women from working in industrial activities at night. The Tailors and Textiles Workers Union claimed that a number of garment producers in the EPZs have refused to recognize the union and resisted its efforts to organize their workers.

There were no reports of police using force to disperse strikers during the year.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits slavery, servitude, and forced and bonded labor, but there were reports of forced or compulsory labor by children, such as agricultural labor, prostitution, and domestic servitude sometimes initiated by their parents. Women, children, and men were trafficked for commercial sexual exploitation and labor.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The 2001 Children's Act prohibits all forms of child labor that are exploitative, hazardous, or would prevent children under age 16 from attending school. However, child labor was widespread, particularly in the informal sector, and children were trafficked for commercial sexual exploitation and labor. The Ministry of Labor and Human Resources Development nominally enforced the minimum age statute.

The law defines child labor, and the worst forms of child labor can be prosecuted, both under the Children's Act, which prohibits child sexual exploitation, and under the penal code. The penal code prohibits procurement of a girl under 21 for unlawful sexual relations and criminalizes child commercial sexual exploitation, child labor, and the transport of children for sale. Persons under 18 may not be employed in any industrial undertaking at night, employment should not cause children to reside away from parents without their approval, and permission to work in a bar, hotel, or restaurant requires annually-renewed consent from the labor commissioner. Children under 16 are prohibited from working and the employment of children in the industrial sector is illegal.

However, the law does not apply minimum age restrictions to the agricultural sector, where approximately 70 percent of the labor force was employed; to children serving as apprentices under the terms of the Industrial Training Act; or to household domestic service.

An estimated 1.9 million children between 5 and 17 years of age—most between 13 and 17 years old—worked. The employment of children in the formal industrial wage sector in violation of the Employment Act was rare. Children worked primarily in the informal sector, which was difficult to monitor and control. Many children worked on family plots or in family units on tea, coffee, sugar, and rice plantations. Children also worked in mining, including abandoned gold mines, and small quarries. Children often worked long hours as domestic servants in private homes for little or no pay, and there were reports of physical and sexual abuse of child domestics. In addition tens of thousands of children were exploited in the sex industry.

The Government worked closely with COTU and the ILO to eliminate child labor. In 2004 the Government prepared a practical guide to labor inspection and trained labor inspectors and occupational health and safety officers to report on child labor. In 2006 the Government renewed the 3-year mandate for the National Steering Committee on the Elimination of Child Labor, which includes the attorney general, eight ministries, representatives of child welfare organizations, other NGOs, unions,

and employers. An Interministerial Coordination Committee on Child Labor, chaired by the vice president, was responsible for setting general policy.

Many NGOs were active on child labor issues and assisted in the return to school of child laborers. During the year the Government implemented 73 programs for the elimination of child labor with 25 partner agencies. The partners placed the children in schools, vocational training institutions, and apprenticeships, and supported income-generating activities for an estimated 10,000 parents. Partners also provided support to schools for income-generating activities to help keep children from poor families in school.

UNICEF, the Ministry of Tourism and Wildlife, the World Tourism Organization, and NGOs continued to work with hotels and tour operators to increase their awareness of child prostitution and sex tourism. They encouraged all hospitality-sector businesses to adopt and implement the code of conduct developed by the NGO End Child Prostitution and Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT). In 2006, 30 hotels on the coast signed the ECPAT code of conduct. The Ministry of Tourism and Wildlife's campaign to register villas and cottages and impose the same requirements as on hotels resulted in an estimated 1,200 registrations. By year's end 25 more hotels had signed the code of conduct.

In 2006 the Government launched a national campaign to stop violence against children and address child labor and trafficking issues. The campaign was supported by UNICEF and NGOs, and groups held local events to raise awareness of child protection issues, including child labor. The Government increased the Ministry of Home Affairs' budget, enabling the Child Protection Department to hire an additional 160 children's officers. The Children's Department cash transfer program for orphans and vulnerable children (partially funded by UNICEF) expanded in 2006 to reach 10,500 children in 17 districts, providing approximately \$8-\$15 (500-1,000 shillings) per child per month to help fund basic needs, including school costs, so that the children would not have to work.

*e. Acceptable Conditions of Work.*—The legal minimum wage for blue-collar workers in the wage sector has 12 scales, varying by location, age, and skill level. In many industries the legal minimum wage equaled the maximum wage. In May 2006 the Government increased the legal minimum wages for industrial workers by 12 percent and for agricultural workers by 11 percent. The lowest urban minimum wage was approximately \$105 (7,578 shillings) per month, and the lowest agricultural minimum wage for unskilled employees was \$35 (2,536 shillings) per month, excluding housing allowance. In May the Productivity Center of Kenya, a tripartite institution including the Ministry of Labor, the Federation of Kenyan Employers, and COTU, set wage guidelines for various sectors based on productivity, inflation, and cost of living indices. The minimum wage did not provide a decent standard of living for a worker and family. Most workers relied on second jobs, subsistence farming, other informal work, or the extended family for additional support.

The law limits the normal workweek to 52 hours (60 hours for night workers); some categories of workers had lower limits. The law specifically excludes agricultural workers. An employee in the nonagricultural sector is entitled to 1 rest day per week, and there are provisions for 21 days of combined annual and sick leave. The law also requires that total hours worked (regular time plus overtime) in any 2-week period not exceed 120 hours (144 hours for night workers). The Ministry of Labor and Human Resources Development was responsible for enforcing these regulations. Violations were reported during the year. Workers in some enterprises, particularly in the EPZs and road construction, claimed that employers forced them to work extra hours without overtime pay to meet production targets. In addition employers often did not provide nighttime transport, leaving workers vulnerable to assault, robbery, and sexual harassment.

The law sets forth detailed environmental, health, and safety standards; however, the Government did not effectively enforce the law. Fines generally were too low to serve as a deterrent to unsafe practices. EPZs are excluded from the Factory Act's provisions. The Ministry of Labor's Directorate of Occupational Health and Safety Services (DOHSS) has the authority to inspect factories and work sites, except in the EPZs; however, it had only 52 inspectors instead of the 168 needed to adequately inspect factories and enforce its safety and health orders. Informal surveys found widespread hazards such as lack of basic safety equipment and emergency escape routes. According to DOHSS, the ministry took 11 companies to court in 2005 for not observing workplace safety and health guidelines and, including referrals from years prior to 2005, prosecuted 27 cases in 2005. In 2006 DOHSS carried out 1,985 inspections and took 38 companies to court. The department's occupational safety and health advisers made 402 safety audits in 2006. Labor unions and NGOs continued to criticize health and safety conditions in the EPZs and other sectors, such as small horticultural producers.

DOHSS health and safety inspectors can issue notices against employers for practices or activities that involve a risk of serious personal injury. Such notices can be appealed to the Factories Appeals Court, a body of four members, one of whom must be a high court judge. The law stipulates that factories employing 20 or more persons should have an internal health and safety committee with representation from workers. DOHSS developed a program to help factories establish the committees and trained them to conduct safety audits and submit compliance reports to DOHSS. However, according to the Government, fewer than half of the largest factories had instituted health and safety committees.

Workers, including foreigners and immigrants, theoretically have the right to remove themselves from situations that endanger health or safety without jeopardy to their employment; however, this right was not effectively enforced, and workers were reluctant to risk losing their jobs.

## LESOTHO

Lesotho is a constitutional monarchy with a population of 1.8 million. Under the Constitution, the king is head of state but does not actively participate in political activities. The prime minister is head of government and has executive authority. In February the governing Lesotho Congress for Democracy (LCD) party won reelection; domestic and international observers characterized the election as free and peaceful, but other observers felt it was not entirely fair due to the complicated manner of allocating parliamentary seats. While civilian authorities generally maintained effective control of the security forces, some members of those forces committed human rights abuses.

The Government generally respected the human rights of its citizens. However, the Government's human rights record deteriorated for a brief period mid-year due to the Government's response to violent attacks on senior government and political figures, during which security forces committed serious abuses, including unlawful deprivation of life, torture, and use of excessive force. Prison conditions were poor, security forces arbitrarily detained persons, and official impunity was a problem. Lengthy pretrial detention, long delays in trials, and restrictions on press freedom occurred. Widespread domestic violence, restrictions on women's rights, societal discrimination against women and persons with disabilities or HIV/AIDS, and child labor were problems.

### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—During the year the Government or its agents did not commit any politically motivated killings; however, security forces killed several persons, particularly during security operations in the wake of June attacks by unknown gunmen on the residences of prominent government and political leaders.

For example, on July 19, security forces shot and killed Setsoto Ranthimo during a security operation. Police claimed that Ranthimo was killed during a firefight with police officers; however, family members and witnesses charged that police lured Ranthimo into a trap, that he was unarmed, and that police were responsible for the multiple gunshot wounds he suffered. The family subsequently contracted a South African doctor to perform an autopsy, but police reportedly did not permit the autopsy and forced the physician to leave the country. The family threatened legal action after a government-retained private doctor performed an autopsy. No formal reports were issued. The family had not taken any legal action by year's end. A police spokesperson indicated the matter was still under investigation at year's end.

There were no further developments in the Sekhonyana killing case. In June 2006 unknown persons killed Bereng Sekhonyana, a member of Parliament from the opposition Basotho National Party (BNP).

According to the police commander for the Maseru Urban Region, the two Maseru city council security guards, charged with two counts of killing pedestrians in August 2006, remained in prison at year's end pending a hearing of their case.

Unlike in the previous year, there were no deaths in custody reported during the year.

The police reported that some deaths had taken place in traditional initiation schools. In one incident, a head teacher was killed by students, and in another a group of students beat another student to death. Police investigations were impeded due to the secret nature of initiation schools.

*b. Disappearance.*—There were no reports of politically motivated disappearances (see Section 1.c.).

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution and law expressly prohibit such practices; however, there were credible reports that security forces arbitrarily detained, tortured, and abused persons during security operations following the June attacks by unknown gunmen on official residences, from which military weapons also were stolen.

Between June 18 and 25, members of the Lesotho Defense Force (LDF) Special Forces Commando Unit, wearing ski masks, arbitrary arrested and detained Motlalentoa Kopo (a former LDF brigadier general), Elias Motlomelo (a businessman), Makotoko Lerotholi (a former LDF soldier), and Thabo Thantsi (another former soldier) following attacks on government ministers. On June 29, Thantsi informed private radio station Harvest FM in South Africa that he had escaped Makoanyane Military Hospital, following alleged torture by the LDF.

On July 2, Lerotholi, whose wife won a case in the High Court petitioning for his release, resurfaced at Makoanyane Military Hospital with severe injuries. On July 7, the LDF released Lerotholi and Motlomelo, who also claimed to have been tortured at the hospital. Kopo, who claimed no mistreatment, had been detained on June 18 and released the next day. All four men were held in secret and incommunicado. The men said they were interrogated about their connections to the opposition All Basotho Convention (ABC) party. Three other members of the LDF—Major Ramabele Mokhants'o, Captain Lehloa Ramots'o, and Corporal Paul Majalle—also claimed to have been tortured during the same time period at Makoanyane Military Hospital. Backing the charges of Lerotholi, Thantsi, and Motlomelo, the three LDF members asserted that security personnel beat and blindfolded them, handcuffed their hands and legs together, and regularly suffocated them with a rubber tube. Lerotholi and Motlomelo said security personnel pulled their genitals to inflict severe pain. On July 19, the local newspaper Public Eye printed pictures of injuries inflicted on the six men.

Lerotholi and Thantsi accused the following LDF officers of participation in their torture at Makoanyane Military Hospital: Lieutenant Colonel Kamoli, Lieutenant Colonel Mokaloba, Second Lieutenant Julius Ralets'ela, and retired soldier Salemane Petlane. Identified as complicit in their torture were Private Mokone, Private Koali, Sergeant Ramots'ekhoane, Sergeant Mahlala, Lieutenant Ramoepane, and Lieutenant Mochesane.

Lieutenant Colonel Tlali Kamoli, head of Military Intelligence, and Brigade Commander Brigadier Maaparankoe Mahao admitted in separate July interviews with the Public Eye that members of the LDF Special Forces Commando Unit had detained the four men, three of whom were subsequently charged with coup plotting, participation in the June attacks on ministerial residences, and treason. The LDF later recovered most of the military weapons stolen from bodyguards at ministerial residences, but had not officially linked the weapons to Lerotholi, Motlomelo, and Thantsi, who were scheduled to reappear in court on October 8; however, the three fled to South Africa where the South African Government granted them temporary political asylum.

In another case, on August 2, three men from Maseru District—Bohlajana Mokitimi of Ha Moruthani, Sekapa Potiane of Matsieng, and Thapelo Bulane of Qoaling—filed complaints against the Lesotho Mounted Police Service (LMPS), alleging assault, unlawful detention, and theft. The three men, who were street vendors accused by police of selling marijuana, alleged that on August 2, they were marched four kilometers (2.5 miles) to the Central Police Station, during which time police forced them to squat with their hands tied behind their backs and kicked them while forcing the men to perform “frog jumps.” The three also accused the policemen of stealing their money. A police spokesperson indicated that an investigation was underway and pledged disciplinary action should the police officers be found guilty of abuse. The matter was still under investigation at year's end.

Following the June 2006 assassination of opposition member of Parliament Bereng Sekhonyana, three female BNP members—Mapelesa Moseitse, Karabelo Ratlali, and Mafauli Fauli—reportedly claimed they were tortured and verbally abused by male policemen investigating the case. The BNP later repeated the charge at a press conference held by the party's leadership. Lawyers for the BNP filed charges against the police, and the case was pending in court at year's end.

According to the Human Rights Unit in the Ministry of Justice and Human Rights, 15 of the 17 complaints filed in 2005 by citizens against the police for human rights abuses were resolved; the other two cases were withdrawn and referred to the Police Complaints and Discipline Division.

*Prison and Detention Center Conditions.*—Prison conditions were poor, and facilities were overcrowded and in disrepair. Sanitation and nutrition were poor, although some recent improvements were made, and there was a lack of bedding. Prisoners received free medical care from government hospitals, and all prisons had a nurse to attend to minor illnesses. Some correctional facilities owned ambulances to transport inmates for emergency medical care.

On August 2, the Office of the Ombudsman, an independent governmental oversight body, presented to the Quthing district administrator's office a report on the district's correctional facilities. The ombudsman, Sekara Mafisa, noted that inmates accused 11 correctional officers of physical abuse including the use of harsh abrasives on their skin to remove tattoos. The report stated that the accused officers failed to demonstrate their innocence in the mistreatment of inmates. Ombudsman Mafisa urged the district administrator to take disciplinary action. No action was taken by year's end.

The law provides that pretrial detainees and convicted prisoners be held in separate facilities; however, pretrial detainees were held with convicted prisoners. Security and military prisoners were held in a separate facility.

Prison regulations provide for visiting committees made up of principal chiefs, church ministers, representatives of the business community, advocates of the High Court, and other citizens. These committees are authorized to visit any prison without the prior knowledge of the prison director, and generally were allowed to do so. The committees reported their findings to the prison director as well as the general public.

International human rights groups were permitted to monitor prison conditions. During the year an intersectoral committee composed of government officials and the Lesotho Red Cross visited a number of correctional facilities to evaluate the level of professional training and activities available for inmates. The committee concluded that the inmates received satisfactory professional training and guidance.

*d. Arbitrary Arrest or Detention.*—The Constitution and law prohibit arbitrary arrest and detention; however, the LDF, which only has the authority to detain military personnel, arbitrarily detained and tortured civilians and military personnel during the year in response to attacks in June on senior government and political figures (see Section 1.c.).

*Role of the Police and Security Apparatus.*—The security forces consist of the LDF, LMPS, and the National Security Service (NSS). The prime minister is the minister of defense and national security, with direct authority over the LDF and the NSS. The police force is under the Ministry of Home Affairs and Public Safety.

The LMPS is nationally managed. The country is divided into three police regions, which are further divided into districts. An assistant commissioner of police heads each region; senior superintendents head the districts. A shortage of resources limited the LMPS's effectiveness.

Unlike in the previous year, there were no reports that police were involved in armed robbery.

Corruption was a problem, but the Government took law enforcement action. Police authorities confirmed allegations that some police officers solicited bribes to overlook traffic and other offenses.

Impunity was a problem, and the process of enforcing police accountability was slow, but internal affairs organs prosecuted some members of the security forces. More serious offenses such as murder are sent to the High Court via the Office of the Director of Public Prosecutions.

During the year the LMPS accused Police Superintendent Keletso Ramoeletsi of soliciting a bribe of \$140 (1,000 maloti) from a local woman. The woman informed the police, who caught Ramoeletsi accepting the bribe in a sting operation. Ramoeletsi was suspended and was scheduled to hear charges against him in January 2008.

The LMPS also suspended Deputy Police Commissioner Bernard Ntaote after accusing him of filing fraudulent per diem claims and stealing meat from the Police Training College cafeteria. A criminal court was scheduled to hear his case in April 2008.

The LMPS Inspectorate, Complaints and Discipline Unit reported that it was investigating complaints of three cases of unlawful detention, 21 cases of assault, 45 allegations of failures to investigate crimes, five complaints of theft of evidence, and 61 allegations of poor police discipline between January and August. Of these 135 complaints, 27 cases were closed and 108 were pending. In the 27 closed cases, 11 police officers were found guilty; some officers were suspended without pay or fined. Disciplinary action could take the form of fines, suspension, demotion, or dismissal from the service.

The Police Complaint Authority (PCA) is an independent oversight body that monitors police behavior and addresses grievances against the police. However, current legislation does not grant the body powers of search and seizure or the authority to summon police officers. Also, local nongovernmental organizations (NGOs) have complained that the PCA's inability to initiate cases based on public complaints limited its effectiveness. Currently, cases were initiated only at the request of the minister of home affairs and public safety.

During the year the PCA received 31 complaints involving assault and torture, murder and attempted murder, and poor service delivery by the police. Seven cases were completed, and the PCA sent recommendations to the Ministry of Home Affairs and Public Safety for action. The rest were under investigation at year's end.

*Arrest and Detention.*—The law requires police to obtain a warrant prior to making an arrest. Suspects must be informed of charges within 48 hours, and their families must be notified of any detention. The law allows family members to visit inmates. However, in practice the police did not always comply with these provisions. The law provides for granting bail, which the authorities granted regularly and in general fairly. Defendants have the right to legal counsel. The Legal Aid Division, under the Ministry of Justice and Human Rights, offered free legal assistance, but a severe lack of resources hampered the division's ability to be effective. NGOs maintained a few legal aid clinics.

On July 7, shortly after a high court judge ordered the immediate release of five men (including three army personnel) from police and/or military custody or detention, an LDF military police unit re-arrested and detained the three army personnel, Major Ramabele Mokhants'o, Captain Lehloa Ramots'o, and Corporal Paul Majalle, in connection with attacks on government residences. A large mob, which had gathered at the police station, reacted angrily by pelting LDF vehicles with rocks as they sped away. Bystanders also blocked some of the main streets with burning trash and tires. The other two men were Makotoko Lerotholi, a former LDF soldier, and Elias Motlomelo, a businessman. Lerotholi and Motlomelo managed to flee to South Africa where they were granted temporary asylum. The three army personnel were freed by the military after charges of high treason were dismissed by the High Court. The military later charged the three soldiers with other offenses, including dereliction of duty, insubordination, and physically abusing citizens at security checkpoints during the police curfew.

In her July 7 ruling, the judge, Maseforo Mahase, found that the military had arrested the men illegally and without providing any reason.

Pretrial detainees constituted 16 percent of the prison population. Pretrial detention could last months or even years. The backlog was due to lack of resources, delay tactics by defense counsel, and unavailability of legal counsel.

*e. Denial of Fair Public Trial.*—The Constitution and law provide for an independent judiciary, and the judiciary was generally independent in practice. However, the judiciary was inefficient, and there was a large case backlog, which resulted in delayed trials. Judicial corruption, although not systematic, was a problem. The arrest of senior police officers and senior civil servants demonstrated the existence of corruption as well as the Government's efforts to combat it.

Principal Secretary for the Ministry of Justice and Human Rights Pontso Lebotsa was arrested for fraud by the Directorate on Corruption and Economic Offenses. She was awaiting notice of her trial date at year's end.

The High Court ruled against the Government several times during the year in cases involving the right of assembly. For example, on June 9, the High Court ruled in favor of Harvest FM, a private radio station frequently at odds with the Government, in its bid to overturn the Ministry of Tourism's decision to deny the station's request to rent the National Convention Center for its fourth-year anniversary celebration.

The judiciary consists of the Court of Appeal, the High Court, magistrates' courts, and traditional courts, which exist chiefly in rural areas to administer customary law. The High Court also provides guidance on law and procedure to military tribunals; however, it does not participate in adjudication. A single high court judge normally adjudicated criminal trials with two assessors who serve in an advisory capacity. The authorities generally respected court decisions and rulings.

Military tribunals have jurisdiction over military cases only. Tribunal decisions can be appealed only to a special court—martial appeal court, which is composed of two judges from the High Court—one retired military officer with a legal background and the registrar of the High Court. Military tribunals provide the same rights as civil criminal courts. Military tribunals can not try civilians.

There are also specialized courts. The Labor Court is a civil court with jurisdiction in labor, employment, and certain human rights matters when they intersect with

labor law. The Judicial Commissioner's Court brings in foreign magistrates as appropriate for cases requiring a high level of subject-matter specialization.

*Trial Procedures.*—There is no trial by jury. Trials are public, but in civil cases judges normally hear cases alone. Defendants have the right to legal counsel; however, government sources stated that in the magistrates' courts, some accused persons were not advised of their right to legal representation. Free legal counsel was available, either from the state or a legal NGO. Defendants have the right to be present at their trials, and can confront and question witnesses against them and present witnesses on their own behalf. A defendant may either be held or released on bail until sentenced. Defendants are presumed innocent and have the right to appeal. Defendants have the right to access unclassified government evidence during a trial.

In civil and criminal courts, women and men are accorded equal rights. The 2006 Legal Capacity of Married Persons Act effectively eliminated de jure discrimination against women in the customary law system; however, in practice some women were still disadvantaged under this system, particularly in matters of inheritance and custody rights. When traditional law and custom were invoked in a court case, a male plaintiff could opt for customary judgment by a principal chief rather than a civil court, and the judgment would be legally binding. Women could opt for the same, since the 2006 act went into effect, depending on the jurisdiction of the presiding principal chief (who serves as court president). If the chief does not have proper jurisdiction, the matter is referred to a higher court—usually the Judicial Commissioner's Court.

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

*Civil Judicial Procedures and Remedies.*—There is an independent and impartial judiciary with jurisdiction over civil matters. Citizens can freely access the court system to file lawsuits seeking cessation of human rights violations or a recovery of damages resulting from such acts. Some administrative remedies are available from the Labor Court, as stipulated by the Public Services Act. Judicial remedies for such wrongs are addressed in the Constitution. However, government failure to produce evidence in court and to sequester witnesses, especially in high-profile cases, were obstacles to the enforcement of domestic court orders.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution and law do not fully protect citizens' privacy rights; however, the Constitution states that "every person shall be entitled to respect for his private and family life and his home." Although search warrants were required under normal circumstances, the law provides police with wide powers to stop and search persons and vehicles and enter homes and other places without a warrant. According to the Criminal Procedure and Evidence Act of 1981 any police officer of the rank of inspector and above can conduct a search without a warrant.

On the evening of July 24, the LMPS searched the home of High Court Justice Maseforo Mahase, who recently had issued two rulings against the Government. The police obtained a search warrant from the chief justice. However, there was internal dissent from other high court judges regarding the warrant. The search was officially part of an investigation of Justice Mahase's estranged husband.

During security operations to recover the military weapons stolen in June, police searched some homes without warrants.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution and law provide for freedom of speech and of the press; however, the Government detained and harassed journalists during the year. Many journalists practiced self-censorship to avoid libel suits or problems with their editors. Private individuals could criticize the Government without reprisal.

Several independent newspapers routinely criticized the Government. There were seven private radio stations but no private television station. The media was free to criticize the Government, but risked being sued for slander or libel. State-owned or state-controlled media consisted of two radio stations, a television station, and 2 weekly newspapers. All reflected positions of the ruling party. South African and global satellite television and radio broadcasts were widely available.

The Government briefly detained and interrogated radio and newspaper journalists following the June 22 attacks on ministerial residences; however, journalists were not directly threatened as they were in the previous year.

For example, on June 22, police arrested Thabo Thakalekoala, a presenter on radio station Harvest FM and a correspondent for Voice of America and the British Broadcasting Corporation. He was arrested after his reading on the air of a letter



criticizing the prime minister and accusing the ruling political elite of numerous acts of corruption. Thakalekoala stated that a group of unknown gunmen had approached him the previous night and demanded that he read the letter on the popular current affairs morning program "Rise and Shine." Police detained Thakalekoala for 48 hours before charging him with high treason and releasing him. The charge was later reduced to sedition. On June 29, the Lesotho Chapter of the Media Institute of Southern Africa conducted a protest march and presented a petition to the Prime Minister's Office that urged the Government to drop charges against Thakalekoala. Thakalekoala's trial was scheduled for mid-2008.

In November Pastor Adam Lekhoaba won his case for citizenship, filed in June with the High Court, in which he claimed he was a citizen of Lesotho. Lekhoaba returned to Lesotho and resumed his work at radio station Harvest FM. The Ministry of Home Affairs and Public Safety had declared the controversial radio presenter to be a foreign citizen illegally present in the country and had deported him to South Africa.

On September 5, the leader of the Marematlou Freedom Party, Vincent Malebo, and the leader of the Lesotho Workers Party, Billy Macaefa, received a summons from the director of public prosecutions requesting them to appear before the Maseru Magistrate Court on September 11, on charges of contempt of court. The case was later rescheduled to March 2008.

Government ministers and other officials initiated libel and defamation suits against members of the independent media, some of which led to out-of-court settlements. Unlike in the previous year, no newspapers closed as a result of financial pressure imposed by libel suits.

Unlike during the previous year, journalists did not receive direct threats. However, the Ministry of Communications shut down the transmitter of People's Choice FM radio during a strike called by the opposition on December 11 and 12.

In early 2007 the editor of Public Eye appeared in court. Court officials confirmed that no charges were brought against the publication, and the matter was dropped. In September 2006 the High Court had summoned the chief reporter of Public Eye to appear on contempt charges following his newspaper's reports on a controversial scheme through which high-level government officials and judges obtained luxury cars at a fraction of their market value.

In February 2006 the prime minister and two other cabinet ministers filed a suit against three former members of the LCD party for crimea injuria (legally defined as impairing an individual's dignity, a criminal offense). The officials accused the three former party members of distributing leaflets accusing the prime minister of despotic tendencies and adultery. The court heard the case, after earlier delays, in October. One of the accused was acquitted, while the other two were fined and ordered to apologize to the plaintiffs.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals or groups could engage in the peaceful expression of views via the Internet, including by e-mail. The Internet was not widely available, due to a lack of information infrastructure, the Government's position as monopoly carrier, and the high cost of access, which was almost nonexistent in rural areas.

*Academic Freedom and Cultural Events.*—Faculty at the National University of Lesotho reported that several professors faced disciplinary action for airing antigovernment views. The university administration accused faculty members of behavior which brought the institution into disrepute. Other reports indicated that some students were penalized for criticizing the Government.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution and law provide for freedom of assembly and association; however, the Government sometimes restricted these rights.

For example, in July the major opposition parties organized a march to protest alleged civil rights abuses. On July 4, Minister of Communications Mothojoa Metsing declared on state radio and television that police had not issued a permit, that the upcoming march was therefore illegal, and that persons should not participate. The LMPS, however, subsequently issued a permit for the July 5 march, which went ahead peacefully under police escort.

On June 9, Harvest FM won a case against the Government concerning rental of the state-owned National Convention Center. A high court judge overturned the Ministry of Tourism decision to deny the station the right to rent the convention center to celebrate its fourth anniversary.

*c. Freedom of Religion.*—The Constitution and law provide for freedom of religion, and the Government generally respected this right.

*Societal Abuses and Discrimination.*—There were no reports of societal violence, harassment, or discrimination against members of religious groups.

There was a very small Jewish community, and there were no reports of anti-Semitic acts.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

However, in response to the June attacks on official residences, the Government imposed a 2-week curfew and installed temporary security checkpoints around Maseru.

The Constitution and law prohibit forced exile, and the Government did not use it.

*Protection of Refugees.*—The laws provide for the granting of refugee status or asylum in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system to provide protection to refugees. In practice the Government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution, and granted refugee status or asylum. The Government continued to cooperate with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees.

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

The Constitution and law provide citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and generally fair elections held on the basis of universal suffrage.

*Elections and Political Participation.*—In February the LCD party won reelection, claiming 61 of 80 constituency-based seats in the National Assembly; domestic and international observers characterized the election as free and peaceful, but some political observers felt it was not entirely fair due to the complicated manner of allocating parliamentary seats. Through a preelection alliance with the National Independent Party, the LCD controlled a further 21 out of 40 proportional representation seats, bringing its majority to 82 out of a total of 120 seats. The largest opposition party, the ABC, won 17 constituency-based seats and gained a further 10 proportional seats through its alliance with the Lesotho Workers Party.

The allocation of proportional seats remained contentious, and governing and opposition parties agreed that outside experts should evaluate the country's mixed member proportional parliamentary system. In May the Government invited the Southern African Development Community to mediate the political impasse, an effort led by former President of Botswana Ketumile Masire, who made several mid-year visits.

Prior to the February polling, the chairman of the Independent Election Commission stated that problems existed in equal distribution of public media airtime between governing and opposition parties.

In March the nation's five largest opposition parties joined together in an effort for the speaker of Parliament to recognize ABC Leader Thomas Thabane as an official opposition leader—a position with some benefits under the Constitution. The speaker refused to give Thabane this designation by not recognizing the legitimacy of the agreement between the opposition parties.

Approximately 98.5 percent of the population was Basotho. There were no members of minorities in the National Assembly, the Senate, or the cabinet.

A provision in the Constitution requires that members of Parliament possess the physical faculty of speech; however, this provision was not enforced.

*Government Corruption and Transparency.*—There were isolated reports of government corruption during the year. The World Bank's most recent Worldwide Governance Indicators reflected that there was a corruption problem.

The Government justified a plan to sell government-owned vehicles to high-ranking officials at low prices as a necessary measure to retain top officials. Under the plan, government ministers, the speaker of Parliament, judges, and the attorney general purchased \$55,000 (396,000 maloti) Mercedes Benz E 240 sedans for approximately \$500 (3,600 maloti). Principal secretaries, the ombudsman, the director of public prosecutions (DPP), and heads of security forces purchased \$40,000 (288,000 maloti) Toyota Camry sedans for \$360 (2,590 maloti). The Directorate on Corruption and Economic Offenses, the country's primary anticorruption organ, rec-

ommended that the DPP, a beneficiary of the plan, prosecute; however, the DPP declined, stating that the vehicles were sold legally. The acquisition of official vehicles for private use by the ruling elite was still a subject of public criticism.

Opposition parties have accused the Government of nepotism. Members of Prime Minister Mosisili's immediate and extended family occupied high positions in government. Relatives of some ministers were also given key positions both in and out of government. Public and media reaction was swift and critical of the close family relationships of some cabinet members.

Although there are no laws providing for access to government information, and access to government information was incomplete, Web sites of government ministries, parastatal companies, and private organizations provided some information on governmental activities. During the year researchers at the Institute of Southern African Studies complained of lack of access to government information.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

An independent Office of the Ombudsman exists to protect citizens against infringement of their rights by public and private sector organizations. The Office of the Ombudsman appeared to function without undue governmental or political interference. The ombudsman was constrained by a shortage of staff, financing, and equipment. The ombudsman intervened in issues such as requests for release of unlawfully withheld salaries; reinstatement of employees illegally suspended from their jobs; compensation for persons relocated to new areas in connection with Lesotho Highland Water Project activities; and compensation for and repair of houses in communities close to large-scale development projects.

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

The Constitution and law prohibit discrimination based on race, color, sex, language, political or other opinion, national or social origin, birth, or other status; however, the Constitution also recognizes customary law as a parallel legal system, and women's inheritance and property rights were severely restricted under this system.

*Women.*—The law prohibits rape, including spousal rape, and mandates a minimum sentence of 5 years' imprisonment, with no option for a fine. The rape of young children, older girls, and women was common. Courts heard a number of rape and attempted rape cases, and sentences were imposed and carried out. There were numerous cases of rape involving very young girls as a result of the belief among some men that intercourse with a virgin could cure HIV infections. Although there were convictions in several cases, sentences tended to be minimal. The organizations involved in combating the problem included the Gender and Child Protection Units (GCPU) of the LMPS, the NGO Lesotho Child Counseling Unit (LCCU), and other NGOs. Their activities included teaching young persons and parents how to report such offenses and how to access victims' services.

Although dependable statistics were unavailable, domestic violence against women was believed to be widespread. Domestic violence or spousal abuse is a criminal offense and defined as assault; however, few domestic violence cases were brought to trial. The law does not mandate specific penalties; however, an offender can be cautioned and released, given a suspended sentence, fined, or imprisoned. Punishment depends on the severity of the assault, and judges have a wide degree of discretion in sentencing. Such behavior was increasingly considered socially unacceptable due to advocacy and awareness programs of the GCPU, the Federation of Women Lawyers, the LCCU, other NGOs, and broadcast and print media campaigns.

The law does not address prostitution, and it was a problem, although accurate statistics were unavailable.

The law does not specifically prohibit sexual harassment, which was believed to be widespread.

Despite 2006 passage of the Legal Capacity of Married Persons Act, which eliminates de jure discrimination against married women under common law, traditional law and custom limited the rights of women in areas such as property rights, inheritance, and contracts. Under the dual legal system, women have the legal and customary right to make a will and sue for divorce; however, under traditional law, a married woman was considered a minor during the lifetime of her husband and could not enter into legally binding contracts without her husband's consent. Since

passage of the new law, the rights of women have substantively improved. Married women can obtain loans without the consent of their husbands and enjoy full economic rights under the law. However, the law does not provide for women's inheritance and custody rights. A woman married under customary law has no standing in civil court unless she has her marriage legalized in the civil system. Government officials publicly criticized customary practice regarding marriage.

The tradition of paying a bride price ("lobola") was frequently observed. There was no evidence that lobola contributed to abuses against women's rights. Lobola, if not paid to the bride's family, allows the family the right to end a marriage and the right to challenge custody of any offspring. Polygyny was practiced by a small minority.

Women were not discriminated against in access to employment, credit, or pay for substantially similar work.

Women's rights organizations took a leading role in educating women about their rights under traditional and formal law, highlighting the importance of women participating in the democratic process. The Ministry of Gender, Youth, Sports, and Recreation funded efforts by women's groups to sensitize society to respect the status and rights of women.

There were 30 women in the 120-member National Assembly and nine women in the 33-member Senate. The speaker of the National Assembly, six of 19 government ministers, three of six assistant ministers, four of 10 judges on the High Court, and the commissioner of police were women.

*Children.*—The law provides for the protection of children; however, limited resources hampered the Government's ability to fully enforce the law.

By law education was universal and as of 2006, tuition-free through the seventh grade; however, it was not compulsory, even at primary levels. A substantial number of children did not attend school, particularly those in rural areas where there were few schools; those involved in subsistence activities to help support their families; or those whose families could not afford fees for the purchase of uniforms, books, and school materials. During 2006, according to UNICEF, the number of children attending primary school increased to 81 percent of boys and 86 percent of girls. More boys failed to attend school than girls due to the tradition of livestock herding by young boys. In the latest available statistics based on 2005 polling, 54,931 orphans, over 30 percent of the orphan population, did not attend school.

Boys and girls had equal access to government-provided health care.

Child abuse was a common problem, especially for children orphaned by HIV/AIDS. There were few official reports or statistics.

Child prostitution was also a problem. According to media reports, young girls and boys, many of whom were orphans, moved to urban areas to engage in prostitution. A 2001 UNICEF assessment concluded that child prostitution in the country was a poverty-driven phenomenon rather than a commercial activity, and that the financial arrangements were casual and not the product of organized criminal syndicates. However, UNICEF and the Government agreed that while the numbers remained small, the more recent trend toward commercial prostitution by children was a growing problem. There was little capability within either the police force or the Department of Social Welfare to address the needs of children likely to engage in prostitution.

During the year the news media frequently published reports of violence at traditional initiation schools, attended mainly by rural youth. While the activities of these initiation schools were kept secret, violence against students, teachers, and members of surrounding communities was common.

Familial stress, poverty, the spread of HIV/AIDS, and divorce led to a rise in child homelessness and abandonment, creating numerous street children and an estimated 100,000 to 200,000 families headed by children. Street children were hampered by lack of access to government services, such as medical care and schooling, and were not informed about their rights to such services.

The GCPU had branches in all 10 districts, but lack of resources restricted their ability to be effective. The GCPU dealt with sexual and physical abuse, neglected and abandoned children, and protection of property rights of orphaned children.

*Trafficking in Persons.*—Neither formal nor traditional law addresses trafficking in persons, and there were reports that persons were trafficked to, from, and within the country; however, there were no official statistics on trafficking. Police can charge persons suspected of trafficking under the labor code, the Child Protection Act of 1980, and kidnapping statutes contained in the Constitution. The Ministry of Home Affairs and Public Safety and the GCPU are responsible for monitoring trafficking. Although there is no specific legislation on trafficking, the Ministry of

Health and Social Welfare, some NGOs, and the police continued to offer assistance to suspected victims of trafficking.

*Persons with Disabilities.*—The Constitution and law prohibit discrimination against persons with physical and mental disabilities in employment, education, or provision of other government services, and the Government enforced these laws within its limited ability. Although societal discrimination was common, the tradition of hiding disabled children from the public was no longer commonly accepted. The Association of the Disabled actively promoted the rights and needs of disabled persons.

Laws and regulations stipulate that persons with disabilities have access to public buildings, and such buildings completed after 1995 generally complied with the law. The election law provides for assisted voting for persons with disabilities.

*National/Racial/Ethnic Minorities.*—Minorities constituted less than 2 percent of the population. There were small groups of ethnic Indians, Europeans, Chinese, and mixed-race persons. Economic and racial tension between the Chinese business community and the Basotho remained a problem.

*Other Societal Abuses and Discrimination.*—There continued to be reports that children orphaned by AIDS, persons with AIDS, and their immediate families were ostracized.

The law prohibits discrimination in the workplace on the basis of HIV/AIDS status. The law does not address sexual orientation, and general discrimination against homosexuals was present in the workplace.

In June 2006 Parliament amended the labor code to include an HIV/AIDS workplace policy. Each government ministry or department provided subsidized medicine and food to its employees with HIV/AIDS, and such assistance was available to all citizens at subsidized prices at all government hospitals.

LDF policy states if a soldier is found to be HIV positive after induction, he is not retired or separated. The soldier is provided counseling and testing, and his duties are adapted as appropriate.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—Under the law workers have the right to join and form trade unions without prior authorization and without excessive bureaucratic requirements. Workers exercised this right in practice. The law prohibits civil servants and police from joining or forming unions, but allows them to form staff associations. All trade unions must register with the registrar of trade unions.

Both locally and foreign-owned businesses still lacked a full understanding of the labor code's provision regarding the right to form labor unions.

The labor court stated there were 13 functional trade unions with a combined membership of 25,411. The ministry indicated that 25 trade unions had been deregistered as a result of their failure to submit annual reports.

A majority of Basotho mineworkers were members of the South African National Union of Mine Workers (NUM). While NUM, as a foreign organization, was not allowed to engage in most union activities in the country, it provided training, developed agricultural projects, and performed other social services for retrenched mine workers and families of deceased miners.

From January to August the labor court reported that there were 530 cases filed alleging unfair labor practices and 216 cases filed petitioning for enforcement of resolutions by the Directorate of Dispute Prevention and Resolution.

The law prohibits antiunion discrimination, and the Government generally enforced this prohibition. Unlike in previous years, there were no reports that employers harassed union organizers, intimidated members, or fired union activists.

*b. The Right to Organize and Bargain Collectively.*—The law allows unions to conduct their activities without interference, and the Government generally protected this right. Collective bargaining is protected by law and freely practiced. The law provides for a limited right to strike; however, civil servants are not allowed to strike and, by definition, all public sector industrial actions are unauthorized. In the private sector, the labor code requires a series of procedures to be followed by workers and employers before a strike action is authorized. There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits compulsory labor, including by children; however, there were reports that such practices occurred.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The labor code contains statutory prohibitions against the employment of minors in commercial, industrial, or other nonfamily enterprises involving hazardous or dangerous working conditions. The Government effectively enforced these statutes. However, child labor

was a problem in informal and agricultural sectors, which child labor laws do not cover, and the Government had no mechanism for inspection for those sectors. The legal minimum age for employment in commercial or industrial enterprises is 15 years, or 18 years for hazardous employment. Children under 18 may not be recruited for employment outside the country.

Many urban street children worked in the informal sector. Most jobs performed by children were often gender-specific: Boys as young as 5 years of age were livestock herders, carried packages for shoppers, washed cars and collected fares for minibus taxis; girls were domestic servants; teenage girls were domestic servants; teenage girls (and a few boys) were involved in prostitution; and both boys and girls worked as street vendors.

In traditional rural society rigorous and occasionally dangerous working conditions for young herd boys were considered a prerequisite to manhood, essential to livelihood of families, and a fundamental feature of local culture beyond the reach of labor laws. The Ministry of Employment and Labor is responsible for investigating child labor allegations. There were no child or forced labor cases reported.

*e. Acceptable Conditions of Work.*—The national minimum wage for lower-skilled jobs such as domestic workers is \$36 (252 maloti) per month. This wage did not provide a decent standard of living for a worker and family. The Ministry of Employment and Labor amended the Labor Code Minimum Wage Schedule, effective October 1. Textile machine operator trainees thereafter earned approximately \$98 (686 maloti) per month and textile general workers \$105 (738 maloti) per month. Many wage earners supplemented their income through subsistence agriculture or remittances from relatives in South Africa, although remittances have declined.

The law provides for basic labor standards, including a maximum 45-hour workweek, a weekly rest period of at least 24 hours, 12 days of paid leave per year, and paid sick leave and public holidays; however, these regulations exclude the informal and agricultural sectors. Employers did not always enforce these standards in practice. Required overtime was legal as long as overtime wages were paid for work in excess of the standard 45-hour workweek. According to the commissioner of labor, employers in the retail sector were the worst violators of the law. Some employers in the apparel and textile sectors reportedly also violated the labor code. The most common allegations involved labor regulations mandating ordinary hours of work, overtime, and public holidays. Health and safety violations were also common in locally-owned establishments. Many locally-owned businesses did not keep records of employees' salaries to facilitate labor inspections as required by law.

The law requires employers to provide adequate light, ventilation, and sanitary facilities for employees and to install and maintain machinery in a manner to minimize the risk of injury; employers generally followed these regulations. The labor code also empowers the Ministry of Employment and Labor to issue regulations pertaining to work safety in specific areas, and the ministry has exercised this right. The labor code does not protect explicitly the right of workers to remove themselves from hazardous situations without prejudice to employment; however, sections of the code on safety in the workplace and dismissal imply that such a dismissal would be illegal.

The law also provides for a compensation system for industrial injuries and diseases related to employment. The commissioner of labor is charged with investigating allegations of labor law violations. Labor inspectors generally conducted unannounced inspections of a random sample of workplaces on a weekly basis. Inspections in mountain districts, however, were done on a quarterly basis.

The Government and private sector implemented voluntary HIV/AIDS counseling and testing programs in line with Labor Code Act Number 5, passed in June, which strengthened existing programs. The Labor Code Amendment Act of 2006 provides for the further development of HIV/AIDS policies in the work place. The Ministry of Labor and Employment has an HIV/AIDS Support Group which carried out campaigns for the implementation of the labor code. The Support Group also provides testing and counseling services to employees in the private sector living with HIV/AIDS. The target sectors were security companies, construction, and transport. Thirty-seven private sector companies had developed policies on HIV/AIDS.

---

## LIBERIA

Liberia is a constitutional republic with a population of approximately 3.5 million. In November 2005 Ellen Johnson Sirleaf was declared the winner of multiparty presidential elections, which domestic and international observers considered generally free and fair. Since the 2003 signing of the Comprehensive Peace Agreement,

which ended the 1999–2003 civil war between the former government and the country's two rebel groups—Liberians United for Reconciliation and Democracy and the Movement for Democracy in Liberia—the U.N. Mission in Liberia (UNMIL) peacekeepers and U.N. international police (UNPOL) had primary responsibility for maintaining security. Efforts to select and retrain personnel for the Liberian national police (LNP) and the Armed Forces of Liberia (AFL) continued. While civilian authorities generally maintained effective control of the security forces, there were instances in which elements of the security forces acted independently of government authority.

The Government generally respected the human rights of its citizens; however, problems continued in some areas. Deaths from mob violence persisted. Police abused, harassed, and intimidated detainees and citizens. Prison conditions remained harsh, and arbitrary arrest and detention occurred. Lengthy pretrial detention and denial of due process and fair public trial were problems. Some incidents of trial by ordeal were reported. Corruption and impunity continued in most levels of the Government. There was violence against women, especially reports of rape. The practice of female genital mutilation (FGM) remained widespread. Child abuse, trafficking in persons, and racial and ethnic discrimination were problems. Instances of child labor were reported, especially in the informal sector.

During the year the Truth and Reconciliation Commission (TRC) held activities to create public awareness of their work and took statements on past human rights abuses. The Government made primary education free and compulsory for children.

#### RESPECT FOR HUMAN RIGHTS

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

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

During the year a government investigation concluded that the August 2006 killing of a Special Security Service (SSS) officer by another SSS officer was a justifiable killing, and no action was taken against the officer.

There were allegations that ex-combatants from former government and rebel security forces were involved in killings, theft, and other crimes against workers at the Sinoe and Firestone rubber plantations while the ex-combatants were illegally tapping or stealing processed rubber for resale.

On November 19, armed men ambushed the vehicle of Michael Bruno, General Manager of the Liberian Agricultural Company (LAC), who was shot and killed. Police arrested eight people for the murder and their trials were pending at year's end.

Ritualistic killings, in which body parts used in traditional indigenous rituals were removed from the victim, reportedly occurred during the year. The number of such killings was difficult to ascertain since police often described deaths as accidents or suicides, even when body parts were removed. There were no prosecutions for ritualistic killings during the year.

There were continuing reports of mob violence during the year. On April 9, April 10, and June 10, angry mobs killed persons suspected of theft in Monrovia. On September 3, a mob in Harbel, outside of Monrovia, overpowered the police, burned down the police station and killed a murder suspect being held. There were no arrests in any of the cases by year's end.

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits such practices, but police and prison officials employed them.

Police sometimes abused, harassed, and intimidated persons, particularly during attempts to extort money at checkpoints.

There were reports that members of the LNP and UNMIL troops forcibly dispersed demonstrators and strikers during the year, resulting in injuries.

On June 19, LNP officers and UNMIL peacekeepers reportedly beat several students and four journalists during a student demonstration supporting the University of Liberia faculty's demands for payment of salaries. According to the non-governmental organization (NGO) Reporters Without Borders, New Democrat journalist Daylue Goah was reportedly beaten on the neck and arms with batons and rifle butts until he lost consciousness. An UNMIL investigation was ongoing at year's end.

Unlike the previous year, there were no reports that police assaulted a human rights worker.

There were no developments in the October 2006 case in which police allegedly forced a false confession by placing a lighter under a suspect's genitals.

The practice of trial by ordeal, which involves placement of a heated metal object on a suspect's body or the insertion of an extremity into hot oil to determine whether the defendant is telling the truth, continued in rural areas. On April 16, President Sirleaf vowed to punish people who condoned the practice. On July 13, a Bomi hospital administrator was indicted for practicing trial by ordeal. The trial was pending at year's end.

In December Charles Dorbor stated at his treason trial that he had been tortured by Nelson Jallah, chief investigator of the National Security Agency (NSA), in order to get him to implicate political leaders in a treason plot. The case was ongoing, and at year's end the Government had not provided any evidence to rebut Dorbor's testimony.

Mob violence and vigilantism—which resulted in part from the public's lack of confidence in the police and judicial system—resulted in deaths and injuries during the year.

During the year the U.N. Office of Internal Oversight Services (OIOS) investigated reports of sexual exploitation and abuse by U.N. peacekeepers, UNMIL staff, U.N. private contractors and implementing partners. On August 2, the Special Representative of the Secretary General to UNMIL reported that two officers, who were involved in sexual exploitation and abuse, had been dismissed from U.N. service and reduced in rank. One of the two cases was substantiated, and the officer was serving a sentence in his home country; the other was still under investigation at year's end. The UNMIL Conduct and Discipline Unit and the OIOS were investigating seven additional cases at year's end.

*Prison and Detention Center Conditions.*—Prison conditions were harsh and in some cases life threatening. Women and juveniles were subject to abuse by guards or other inmates. Monrovia Central Prison held almost four times its capacity due to the large number of pretrial detainees. In some counties the jail was a container with bars at one end. The Government relied on the World Food Program (WFP) and NGOs to provide food to the prisons. The U.N. and NGOs continued to provide medical services. During the year both the Government and international partners continued renovations at several county prisons, which resulted in fewer prison escapes than in the previous year. Prisons were understaffed, but during the year the Ministry of Justice hired 60 prison officers.

Men and women were held together in the same cell in some counties and cities. In many counties juveniles and adults were held together, and pretrial detainees were generally held with convicted prisoners.

The Government permitted the independent monitoring of prison conditions by local human rights groups, the media, and the International Committee of the Red Cross (ICRC). Some human rights groups, including national and international organizations, made regular visits to detainees held in police headquarters and prisoners in Monrovia Central Prison.

*d. Arbitrary Arrest or Detention.*—The Constitution prohibits arbitrary arrest and detention; however, security forces continued to arrest and detain persons arbitrarily, although less frequently than in the previous year.

*Role of the Police and Security Apparatus.*—The Ministry of Justice has responsibility for enforcing laws and maintaining order within the country and oversees the LNP and the National Bureau of Investigation. Approximately 15,000 UNMIL peacekeepers and 1,100 UNPOL officers had primary responsibility for maintaining security. The training of new AFL recruits continued; 605 soldiers completed basic and received advanced training, and another 485 started basic training. Approximately 600 UNPOL officers assisted with restructuring, recruiting, training, and equipping the LNP, which was composed of new recruits and those who served under the former administrations. Since 2004 UNPOL has recruited, screened, trained, and deployed 3,500 LNP officers; most were deployed to Monrovia, but by year's end UNPOL had deployed 1,200 LNP officers to counties. During the year the LNP's Women's and Children's Protection Section (WCPS) began establishing offices in the counties outside of Monrovia. The WCPS was generally ineffective, since it was understaffed and had limited resources.

The LNP operated independently and retained arrest authority; however, UNPOL and armed U.N. Formed Police Units accompanied LNP officers in joint patrols around Monrovia. LNP officers, who were unarmed, were slow to respond to criminal activities and often ineffective, which resulted in an increase in armed robberies during the year. Corruption and impunity were problems. Police had limited logistics, communication, and forensic capabilities and did not have the capacity to adequately investigate many crimes, including murders.

During the year the LNP investigated reports of police misconduct or corruption, and several LNP officers were suspended or dismissed for misconduct or corruption.



UNPOL, with the LNP, also set up a system of community policing forums to address community concerns with the police and the increase of armed robbery in Monrovia. This was done as a way for communities to work with the police instead of forming neighborhood vigilante groups to address rising crime. However, the forums were considered ineffective in facilitating community work with police.

On June 29, the immigration commissioner dismissed an officer for soliciting bribes from travelers at a checkpoint near Monrovia.

During the year conflicts occurred between police with overlapping jurisdictions. On July 9, LNP officers and Liberian Seaport Police officers (LSP) began fighting at the Freeport of Monrovia during the LNP arrest of two LSP officers, who were accused of theft. A total of 22 officers were reportedly injured. On August 9, a government board of inquiry, headed by the national security advisor, recommended the dismissal of the inspector general of police. President Sirleaf placed the inspector general on 3-month probation and suspended the senior seaport commander for 1 month since they were in charge and giving orders during the attempted arrest and fighting. In June the Government established a committee to develop a national security policy to prevent disputes between security agencies with overlapping jurisdictions; a draft security policy was submitted to the president at the end of December.

*Arrest and Detention.*—The Constitution requires warrants to make arrests and provides that detainees either be charged or released within 48 hours; however, warrants were not always based on sufficient evidence, and detainees, particularly those without the means to hire a lawyer, often were held for more than 48 hours without charge. The law provides for bail for all offenses except rape, murder, and treason. Detainees have the right to prompt access to counsel, visits from family members and, if indigent, to an attorney provided by the state. However, in practice, the Government did not ensure such access for all detainees.

LNP officers and other government officials were responsible for the arbitrary arrest and detention of citizens during the year.

Police arbitrarily arrested demonstrators and journalists during the year, but the cases were not prosecuted.

The NSA detained and held Charles Dorbor, an ex-AFL leader, for 6 months without charge, claiming he was being held in protective custody as a state witness in the treason trial of Charles Julue and George Koukou. On July 30 Dorbor was charged with treason after stating in court that he was coerced by the NSA into implicating Julue and Koukou. Dorbor's trial was ongoing at year's end.

In September the Government dropped its case against a prominent local businessman, who it arrested without warrant in September 2006 for economic sabotage.

Although the law provides for to an expeditious trial, lengthy pretrial and prearrest detention remained serious problems.

Approximately 95 percent of prisoners at Monrovia Central Prison were pretrial detainees. In some cases the length of pretrial detention equaled or exceeded the length of sentence that could be imposed for the crime. Trial delays were caused by judicial inefficiency, lack of court facilities and qualified judges, and corruption.

*e. Denial of Fair Public Trial.*—Although the Constitution and law provide for an independent judiciary, judges were subject to political, social, familial, and financial pressures, and corruption persisted. Judges regularly received bribes or other illegal gifts from damages that they awarded in civil cases. Judges sometimes requested bribes to try cases, release detainees from prison, or find defendants not guilty in criminal cases. Defense attorneys sometimes suggested that their clients pay a gratuity to appease or secure favorable rulings from judges, prosecutors, jurors, and police officers. By statute members of the bar must be graduates of a law school; however, some judges and magistrates were not lawyers.

The judiciary is divided into four levels, including justice of the peace courts, magistrate courts, circuit and specialty courts, and the Supreme Court. In 2005 the Supreme Court ordered the closure of all justice of the peace courts; however, some still operated during the year since no replacement courts were established. The Supreme Court appointed judges to counties outside of Montserrado County, but many judges and magistrates continued to abandon their posts, preferring to remain in Monrovia. Unlike the previous year, there were no magistrates dismissed for abandonment. Military and security tribunals can not try civilians.

Some judges assigned throughout the country were unable to hold court due to lack of security, supplies, equipment, or a courthouse. International donors supported additional prosecutors and defenders, resulting in approximately 17 qualified prosecutors and 13 public defenders in the country. Uneven application of the law remained a problem throughout the judicial system.

Traditional forms of justice administered by clan chieftains remained prevalent in some localities.

*Trial Procedures.*—Trials are public and juries are used in circuit court trials but not at the magistrate level. Under the Constitution, defendants have the right to be present, to consult with an attorney in a timely manner, and to have access to government-held evidence relevant to their case; however, these rights were not always observed. Defendants in criminal trials enjoy a presumption of innocence and have the right to an attorney, to confront witnesses in a public trial, and to appeal adverse decisions, but many of these protections were not available to defendants who could not pay bribes. There was no effective system to provide public defenders in rural areas; however, government efforts were made with international aid to set up functional public defenders throughout the country. Four full-time public defenders were responsible for cases in Montserrado County. Some local NGOs continued to provide legal services to indigents and others who had no representation. There continued to be long delays in deciding cases.

In July the Supreme Court upheld the August 2006 acquittal verdict of nine persons, including Orishall Gould, former managing director of the National Social Security and Welfare Corporation, on embezzlement charges. On October 22 the Government lost its case against the jury from the trial for accepting bribes to find the defendants innocent.

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

*Civil Judicial Procedures and Remedies.*—There is an independent civil law court in Monrovia, but circuit courts in each county function as both criminal and civil courts. Specialty courts, such as the tax court, probate court, and labor court, also address civil matters. There is no court to address lawsuits seeking damages for human rights violations. As with criminal courts, specialized courts were inefficient and corrupt. Administrative and judicial remedies were available to settle alleged wrongs. There were no problems enforcing domestic court orders. NGOs and the Government continued to establish mediation centers that worked on reducing the judicial caseload.

*Property Restitution.*—In February the committee created to deal with land disputes in Nimba County recommended that the disputed land currently occupied by Gio and Mano persons in Nimba County should revert to the original Mandingo owners. Despite the recommendation, there was no action taken by year's end to assist the Mandingos in removing the squatters. Efforts to make additional acceptable land available were ongoing at year's end.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice; however, there were some reports of security officials harassing journalists during the year.

Generally individuals can criticize the Government publicly or privately without reprisal and the Government did not attempt to impede criticism.

In Monrovia there were approximately a dozen newspapers that published during the year with varying degrees of regularity; six were independent dailies, and five were independent biweekly papers. The Government published the New Liberian newspaper.

Due to the cost of newspapers and transportation, the estimated 55–75 percent illiteracy rate, and road conditions elsewhere in the country, newspaper distribution generally was limited to the Monrovia region. As a result, radio remained the primary means of mass communication. There were 15 independent radio stations that regularly broadcast in Monrovia, approximately 24 local stations in other areas, one UNMIL radio station, and one government-operated station. Radio stations operated without government restrictions.

There were three local television stations; however, television was limited to those who could afford to purchase sets, generators, and fuel to provide electricity. For those persons and businesses with satellite capability, CNN, BBC, Skynews, Al Jazeera and SABC Africa generally were available.

The independent media was active and expressed a wide variety of views without restriction; however, journalists commonly accepted payments to publish articles.

On February 27, the ministry of information revoked the license of The Independent newspaper and ordered the closure of its offices for publishing explicit

photos of Minister of State for Presidential Affairs Willis Knuckles. The Independent filed suit against the ministry, claiming the ministry's practice of licensing newspapers was unconstitutional. On May 4, The Independent reopened after the Government reinstated its license. In October the Supreme Court declined to hear the case, stating the issue was moot since the paper was operational.

On June 19, LNP officers and UNMIL troops reportedly beat four journalists covering a student demonstration in support of faculty demands for payment of salary arrears at the University of Liberia. According to the NGO Reporters Without Borders, the LNP officers and UNMIL troops also tore up the identification cards of two journalists, Daylue Goah of the New Democrat and Evans Ballah of Public Agenda, and forced them to delete the photos from their digital cameras. UNMIL called for an investigation; the case was ongoing at year's end.

On October 29, the chief justice of the Liberian Supreme Court summoned newspaper editors and threatened to jail them for 30 days if they misspelled his name or had his photo next to articles that did not mention him. By year's end he had not jailed anyone for these reasons.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Internet access was not widely available due to high cost and lack of infrastructure. High illiteracy also limited public exposure to the Internet.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The Constitution provides for the right of peaceful assembly, and the Government generally respected this right. However, LNP officers forcibly dispersed demonstrators during the year, resulting in injuries.

On March 28, LNP officers forcibly dispersed a demonstration by the Liberia Timber Workers Union in Gardnerville, resulting in several injuries.

On May 16, the Ministry of Justice set up a panel to probe reports of alleged police brutality during the Liberia Timber Workers' demonstration at Gardnerville and at the Firestone Worker's demonstrations in April. The panel found that there was excessive police force used in both incidents. However, by year's end no police were punished as a result of the panel's findings.

On June 19, LNP and UNMIL officers beat and forcibly dispersed several students at a student demonstration supporting faculty demands for payment of salaries at the University of Liberia. UNMIL called for an investigation; the case was ongoing at year's end.

*Freedom of Association.*—The Constitution provides for the right of association, and the Government generally respected this right in practice.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. Christianity was the dominant religion and most meetings, including official government meetings, began and ended with Christian prayers. Islamic leaders complained of some discrimination against Muslims, particularly in ongoing property disputes involving predominantly Muslim Mandingos.

All organizations, including religious groups, were required to register with the Government; however, indigenous religious groups were not required to register and generally did not do so.

*Societal Abuses and Discrimination.*—Ethnic tensions existed in Nimba County between the Mandingo and the Mano and Gio ethnic groups, mainly over property. The private sector in urban areas, particularly in the capital, gave preference to Christianity in civic ceremonies and observances. Throughout the year the Inter-religious Council and other religious organizations promoted dialogue between religious groups.

Incidents of ritualistic killings occurred during the year.

There was no notable Jewish community in the country, and there were no reports of anti-Semitic acts.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. However, LNP and Bureau of Immigration offi-

cers occasionally subjected travelers to arbitrary searches and petty extortion at checkpoints in and around Monrovia.

The Government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

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

On June 30 the UNHCR ended its assistance in repatriating Liberian refugees. NGOs estimated that thousands of other refugees had returned to the country without assistance during the year.

Approximately 1,902 of 3,546 Sierra Leonean refugees were made aware of their rights, registered, and verified for local integration in accordance with Liberia's Refugee Act.

*Internally Displaced Persons (IDPs).*—A few former IDPs remained in closed camp areas throughout the year, although UNHCR assistance was no longer provided. An environmental NGO was responsible for addressing environmental hazards in former IDP camps. Unlike in the previous year, there were no reports that young girls were exploited sexually in the IDP camps.

In August 2006, the Government changed management at Guthrie Rubber Plantation due to growing insecurity on the plantation and offered return assistance to IDPs and former combatants illegally operating the plantation. Approximately 300 former combatants registered for government and U.N. return assistance benefits and received job training during the year.

*Protection of Refugees.*—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. The Government granted refugee status and asylum during the year. In practice the Government provided some protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and 1967 protocol. The Government generally cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers.

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

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through generally free and fair elections based on universal suffrage.

*Elections and Political Participation.*—In November 2005 Ellen Johnson Sirleaf won the national presidential elections with 59.4 percent of the vote in a runoff election. In the same elections voters selected 30 senators and 64 representatives. Domestic and international observers considered the elections generally free and fair. Individuals and parties freely declared their candidacies, and membership in the dominant parties did not confer any formal advantage. In preparation for the elections, the National Elections Commission registered 30 political parties; 22 candidates contested the presidential election. There were four successful by-elections for vacant legislative seats. Local and international observers considered the elections free and fair.

The state is highly centralized. The law provides that the head of state appoint county superintendents. Local governments had no independent revenue base and relied entirely on the central government for funds. As a result, there was very limited government functioning outside of Monrovia. Government efforts were made to regularly pay civil servants in the counties since civil servants often waited months to receive salaries in 2006. Local officials served mainly to lobby the central government.

The Government claimed it did not have sufficient money to hold municipal and chieftaincy elections. The office of the presidency lobbied the legislature to allow the president to appoint officials instead. On September 12, after public outcry, the Government announced that municipal and chieftaincy elections would be held in 2008.

There were five female ministers, 12 female deputy ministers, five women in the Senate, eight women in the House of Representatives, and five female county superintendents. There were two female Supreme Court judges. Women constituted 33 percent of local government officials and 31 percent of senior and junior ministers.

Muslims occupied senior government positions, including one minister, one deputy minister, three senators, six representatives, one Supreme Court justice, and one county superintendent.

*Government Corruption and Transparency.*—The law does not provide criminal penalties for official corruption. The World Bank's Worldwide Governance Indicators reflected that corruption was a serious problem, and corruption remained systematic throughout the Government due to a culture of impunity. Some high-level government officials, including the president, were publicly committed to fighting corruption. Financial mismanagement decreased considerably at a macro economic level, but was still a problem along with lack of accountability within government agencies. The General Auditing Commission and Ministry of Justice are responsible for combating official corruption. Political appointees were directed to submit financial disclosures, but few complied.

On June 13, the auditor general criticized the national budget for not including all government revenues and charged that the Government was "three times more corrupt" than its predecessor; however, the auditor general presented no evidence to substantiate the charge.

The Government dismissed or suspended a number of officials and was actively prosecuting former high-level government officials for corruption.

On January 15 former house speaker Edwin Snowe accused the presidency of paying \$5,000 (245,000 LD) to each member of the House of Representatives to vote for his removal as speaker. The president's office denied the allegations, and on April 6 the House Judiciary Committee was tasked to investigate the alleged bribery. No findings were published by year's end.

On January 30 former budget director David Zarlee was indicted for embezzling \$804,000 (48 million LD) from the former National Transitional Government of Liberia (NTGL). The case was pending at year's end.

On April 3, Edwin Snowe was indicted for embezzling approximately \$1 million (60 million LD) from the Liberian Petroleum Refining Corporation when he served as managing director. Snowe was released on bond on April 13, although the Government tried to have the bond revoked. On August 17, the court ruled in Snowe's favor, and he remained free on bail; the case was ongoing at year's end.

On December 7, former NTGL Chairman Charles Gyude Bryant was rearrested for embezzling approximately \$1.4 million (84 million LD) during his 2 years in office. Bryant was originally arrested on March 13, and released on bail the next day. He filed for a dismissal of charges on the grounds of having immunity as a former head of state. On August 27, the Supreme Court rejected his appeal, but Bryant remained free on bail until it was revoked on December 4 after he failed to appear in court. In December he was released on bail again after agreeing to appear in court; his case was pending at year's end.

During the year the Government continued to take steps to increase transparency. The Ministry of Finance published the national budget and quarterly financial results, and state-owned enterprises published financial statements. International financial controllers, placed in key ministries and state-owned enterprises under the Governance and Economic Management Assistance Program continued to operate. Controllers helped improve financial management, purchasing, and contracting practices, and instituted financial controls that increased government revenues and helped to curb corrupt practices. However, single-source procurement and suspect concessions and contracts remained a serious concern. The Public Procurement and Concessions Commission renegotiated or cancelled a number of agreements entered into by the former government.

During the year former police director Chris Massaquoi, who was suspended on corruption charges in 2004, was reappointed Commissioner of Immigration and Naturalization. Former customs and excise commissioner Charles Bennie, who also was suspended for corruption in 2004, was appointed Director of Price Analysis at the Ministry of Commerce and Industry. Neither Massaquoi's nor Bennie's case had been prosecuted prior to their reappointments.

During the year J.D. Slanger, former head of the Bureau of Maritime Affairs, left the country; the corruption case against him remained pending at year's end.

The 2006 appeal filed by defendants in the 2005 corruption case involving the management of the National Social Security and Welfare Corporation remained pending before the Supreme Court at year's end.

The December 2006 embezzlement case of former Finance Minister Kamara remained pending at year's end.

The law provides for "no limitation on the public right to be informed about the Government and its functionaries," but little government information was available, and there were few procedures for obtaining it.

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

A number of domestic and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views.

There were four coalitions of human rights groups: The National Human Rights Center of Liberia with nine member organizations; the Network of Human Rights Chapters with eight groups; and the Human Rights and Protection Forum, an umbrella organization of 70 to 80 groups; and the National Civil Society Organization with nine member groups. These coalitions sought to increase public discussion of human rights problems. Civil society NGOs continued to develop.

During the year the Government worked to facilitate the free and safe movement of relief supplies by international NGOs and permitted visits by a U.N. panel of experts, the ICRC, and various U.N. agencies.

The investigation into the alleged September 2006 LNP assault on an employee of the Forum for Human Rights and Democracy was ongoing at year's end.

During the year the president appointed nine commissioners to the Government's Independent National Commission on Human Rights, which was established in 2004. At year's end the commissioners were waiting to be confirmed by the legislature and to begin work.

In March 2006 the Government transferred former President Charles Taylor to the Special Court for Sierra Leone to face war crimes charges in connection with the civil conflict in Sierra Leone. The case was ongoing at The Hague, Netherlands at year's end.

During the year the TRC held activities to create public awareness of their work and continued to take statements on past human rights abuses. At the end of 2007, approximately 14,000 statements had been recorded. Poor management, staff shortages, and disharmony among commissioners continued to hinder the TRC's effectiveness.

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

The Constitution prohibits discrimination based on ethnic background, race, sex, creed, place of origin, or political opinion; however, the Government did not effectively enforce these provisions.

The Constitution enshrines discrimination on the basis of race; only persons who are "Negroes" or of "Negro descent" can become citizens or own land. Differences stemming from the country's civil war legacy continued to contribute to social and political tensions among ethnic groups, especially among the Krahn, Mano, Gio, and Mandingo.

*Women.*—The law provides sentences for rapists ranging from 7 years' to life imprisonment; accused rapists are ineligible for bail. However, the Government did not effectively enforce the law. The law does not specifically criminalize spousal rape. The number of reported rapes increased during the year; however, the stigma of rape contributed to the pervasiveness of out-of-court settlements and obstructed prosecution of cases. Inefficiency in the justice system also prevented timely prosecution of cases. The Government raised awareness of the issue of rape through billboard messages, radio broadcasts, and publicity campaigns.

Some local NGOs pushed for prosecution of rape cases or provided lawyers to indigent victims. The WCPS unit of the LNP stated that there were approximately 400 rape cases reported to the unit during the year; approximately 40 were prosecuted, and a few resulted in convictions.

The law prohibits domestic violence; however, it was a widespread problem. The Government and the media made some efforts to publicize the problem, but the Government did not enforce the law effectively. Several NGOs continued programs to treat abused women and girls and to increase awareness of their rights. The maximum penalty for domestic violence is 6 months' imprisonment. LNP officers received training on sexual offenses as part of their initial training.

In February the Gender Based Violence (GBV) Secretariat completed an analytical database on the types and frequency of attacks women faced, and in September the Government completed a national action plan on GBV. The Ministry of Gender and Development organized the commemoration of World Rural Women's Day with 16 days of activism against gender violence and Women in Governance Forum.

Although prostitution is illegal, it was widespread.

The law does not prohibit sexual harassment, and it was a problem, including in schools and places of work.

Women have not recovered from the setbacks caused by the war, when most schools were closed and when women were prevented from maintaining their tradi-

tional roles in the production, allocation, and sale of food. Thousands of women remained displaced, preventing them from pursuing livelihoods or education.

Under the law, women and men enjoy the same legal status. Women can inherit land and property, receive equal pay for equal work, and were allowed to own and manage businesses. A number of businesses were female-owned or operated. The Government prohibits polygyny; however, traditional laws permit men to have more than one wife. No specific office exists to ensure the legal rights of women, but the Ministry of Gender and Development was generally responsible for promoting women's rights.

During the year professional women's groups—including lawyers, market women, and businesswomen—vocally expressed concern regarding government corruption, the economy, security abuses, rape, domestic violence, and children's rights.

*Children.*—The Government did not fully provide for the education and health of children, but it continued to improve the provision of these services. The budget for children's health and education increased. The Ministry of Gender and Development continued its efforts to train county coordinators on child rights.

Education is compulsory until students reach 16 years of age. The Government eliminated fees for primary school, but fees continued for secondary school, and the Government was unable to provide for the needs of the majority of children. School-related costs remained high, thereby making education unattainable for significant numbers of school-age children. In both public and private schools, families of children often were asked to provide their own uniforms, books, pencils, paper, and even desks. Gross enrollment rates were higher among girls than boys since 2005, and for primary education, the overall national gender ratio (defined as the ratio of girls to boys) was 0.96, though significant gaps remained in a few counties.

Due to the poor condition of government schools, many children who attended school, particularly in Monrovia, attended private institutions. Boys and girls generally had equal access where medical services were available.

Widespread child abuse continued, and reports of sexual violence against children increased during the year. Civil society organizations reported increased incidents of rape of girls under 12.

The Government prosecuted child rapists during the year. On April 17, three Never Die church members were sentenced to life imprisonment for raping girls between the ages of 12 and 16. On June 7, Moses Vannie was convicted of raping a 6-year-old girl. On August 7, two men were arrested for gang raping a 14-year-old girl, who subsequently died.

The law does not specifically prohibit FGM, and the Government took no action against FGM during the year. FGM traditionally was performed on young girls of northern, western, and central ethnic groups, particularly in rural areas. The most extreme form of FGM, infibulation, was not practiced. Social structures and traditional institutions, such as secret societies, often performed FGM as an initiation rite, making it difficult to ascertain the number of cases.

During the year there were reports that young women and girls engaged in prostitution for money, food, and school fees.

Despite international and governmental attempts to reunite children separated from their families during the war, there were still many children who lived on the streets in Monrovia. It was difficult to tell who were street children, former combatants, or IDPs. Nearly all children had witnessed atrocities during the 14-year civil war, and some children had committed atrocities.

The Government closed 10 orphanages during the year; 53 registered orphanages remained. Many unofficial orphanages also served as transit points or informal group homes for children. Orphanages were under funded and had difficulty providing basic sanitation, adequate medical care, and appropriate diet. They relied primarily on private donations and support from international organizations, such as the U.N. Children's Fund and the WFP, which provided food and care throughout the year. Many orphans lived outside these institutions.

*Trafficking in Persons.*—The law prohibits trafficking in persons; however, there were police reports that persons were trafficked within the country, particularly for domestic work, labor, and prostitution.

Traffickers enticed their victims with false promises of a better life. Parents of trafficking victims were persuaded that their children would have better food and educational opportunities and that they would eventually return home.

Young children were at a particularly high risk for trafficking, especially orphans or children from extremely poor families. Trafficking victims often were subjected to harsh living and working conditions.

Penalties for trafficking range from 1 year to life in prison. Monetary restitution to victims is also provided for in the law. The law was not widely disseminated

among law enforcement personnel, lawyers, and judges. The ministries of justice and labor have primary responsibility for combating trafficking, but enforcement efforts were weak.

On September 12, a man was arrested when he attempted to sell a child in Monrovia. The case was being investigated at year's end.

International NGOs, local NGOs, and churches worked with the Government to raise awareness about trafficking, and the WCPS continued to address trafficking issues. The Government had limited capacity to provide services to victims; however, a local NGO provided shelter for abused women and girls, including trafficking victims.

The national antitrafficking task force appointed by the president in October 2006 continued to meet during the year; however, it had no program budget.

*Persons with Disabilities.*—Although it is illegal to discriminate against persons with disabilities, such persons did not enjoy equal access to government services. No laws mandate access to public buildings, and streets, schools, public buildings, and other facilities were generally in poor condition and inaccessible to persons with disabilities. Many citizens had permanent disabilities as a result of the civil war. Persons with disabilities faced discrimination, particularly in rural areas. As in the previous year, there were reports that some babies with deformities were abandoned. The Ministry of Health and Social Welfare is responsible for protecting the rights of persons with disabilities. During the year the ministry conducted a series of sensitization programs for government social workers about persons with disabilities. NGOs provided some services to persons with disabilities.

*National/Racial/Ethnic Minorities.*—Although the law prohibits ethnic discrimination, racial discrimination is enshrined in the Constitution, which provides that only “persons who are Negroes or of Negro descent” may be citizens or own land. Many persons of Lebanese and Asian descent who were born or lived most of their lives in the country were denied full rights as a result of this racial discrimination. Differences involving ethnic groups continued to contribute to social and political tensions.

The country has 16 indigenous ethnic groups; each speaks a distinct primary language and was concentrated regionally. No ethnic group constituted a majority of the population.

Ethnic and religious differences between Mandingos and non-Mandingos did not result in violence during the year.

*Other Societal Abuses and Discrimination.*—There was no societal violence or discrimination based on sexual orientation or against persons with HIV/AIDS.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law provides workers, except members of the military, police, and civil service, the right to associate in trade unions, and workers exercised this right in practice. The law prohibits unions from engaging in partisan political activity. Union power increased during the year; however, the largely illiterate workforce engaged in few economic activities beyond subsistence level.

In December 2006 the minister of labor suspended the leadership of the Firestone Agricultural Workers Union of Liberia (FAWUL) and appointed an interim leadership, an action subsequently overturned by the courts on April 2. On the same day the Aggrieved Workers Union (AWU), a group which split off from the FAWUL, demanded that both the FAWUL and interim leadership groups should be ineligible for leadership because both were failing to represent the workers of Firestone. After negotiations, elections were held on July 7, and the candidate of the AWU won the ability to represent Firestone workers in negotiations with management.

On July 20, the labor court nullified the election on the grounds that the labor minister held the election illegally. On December 6, workers began a work stoppage in support of the elected leadership. Government authorities did not intervene to prevent the work stoppage, but sent 150 police officers to quell violence against property and against workers who wanted to continue working. During the violence two people were detained and later released without charge, and five people were injured. On December 21, the Supreme Court upheld the election, confirming the Aggrieved Workers Union candidate, but did not rule on the legality of the strike itself.

The law does not prohibit antiunion discrimination, but there were no reports of such discrimination during the year.

*b. The Right to Organize and Bargain Collectively.*—The law allows unions to conduct their activities without interference, and the Government protected this right in practice. With the exception of civil servants, military, and police personnel, all workers have the right to organize and bargain collectively.



During the year the Government implemented the October 2006 repeal of People's Redemption Council Decree 12, which had nullified labor laws that provided for the right to strike.

Several unions held strikes during the year, including the Firestone Labor Union and the University of Liberia Faculty Association (ULFA). The ULFA strike on June 18 closed down the university and required LNP and UNMIL intervention to stop university students from blocking roads and destroying property.

There were no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The law prohibits the employment and apprenticeship of children under the age of 16 during school hours; however, the Government did not effectively enforce the law. Child labor was widespread in almost every economic sector, in large part due to extreme poverty. Throughout rural areas, particularly where there were no schools, small children continued to take care of younger brothers and sisters and to work on family subsistence farms. In urban areas children assisted their parents as vendors in markets or they hawked goods on the streets. Some children were engaged in hazardous labor in the alluvial diamond industry and in agriculture.

During the year there were reports that several rubber plantations employed children. There were also reports that children were forced to work in conditions that were likely to harm their health and safety, such as stone cutting or work that required carrying heavy loads.

There were no government programs to prevent child labor or remove children from such labor. An international NGO worked to eliminate the worst forms of child labor by putting at-risk children back into school. Other local and international NGOs worked to raise awareness about the worst forms of child labor.

*e. Acceptable Conditions of Work.*—The national law requires a minimum wage of approximately \$0.25 (15 LD) per hour for up to 8 hours per day, excluding benefits, for unskilled laborers. The law also requires that agricultural workers be paid \$0.25 per hour (15 LD), excluding benefits. Skilled labor has no minimum wage. The highly competitive minimum wage jobs did not provide a decent standard of living for a worker and family. Families dependent on minimum wage incomes also engaged in subsistence farming, small-scale marketing, and begging.

The Government continued to downsize and delete ghost names from the civil service payroll for more efficiency and transparency. In the 2007–8 national budget, the minimum civil servant salary was raised from \$30 (1,800 LD) to \$55 (3,300 LD) per month. Unlike in the previous year, the Government generally paid civil servant salaries on time.

The law provides for a 48-hour, 6-day regular workweek with a 30-minute rest period per 5 hours of work. The 6-day workweek may be extended to 56 hours for service occupations and to 72 hours for miners, with overtime pay beyond 48 hours.

The law provides for paid leave, severance benefits, and safety standards, but enforcement was targeted solely at foreign-owned firms that generally observed these standards. The Ministry of Labor lacked the ability to enforce government-established health and safety standards. The law does not give workers the right to remove themselves from dangerous situations without risking loss of employment.

Due to the continued severe economic problems, most citizens were forced to accept any work they could find regardless of wages or working conditions.

## MADAGASCAR

The Republic of Madagascar is a multiparty democracy with a population of approximately 18 million. President Marc Ravalomanana, who was elected to a second term in December 2006, and his party, Tiako-I-Madagasikara (TIM), dominated political life, but other political parties operated without restriction or outside interference. The legislative and municipal elections held in September and December respectively were generally free and fair, although international and domestic observers noted the need for a number of electoral reforms. The civilian authorities generally maintained effective control of the security forces.

The following serious human rights problems were reported: Unlawful killings; harsh prison conditions that resulted in deaths; arbitrary arrest; lengthy pretrial detention; official corruption; societal discrimination and violence against women; trafficking of women and girls; and child labor, including forced labor.

## RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—The Government or its agents did not commit any politically motivated killings; however, there were reports that police and gendarmes throughout the country summarily executed cattle thieves without trial. In June gendarmes in Bekoby, near the northwestern town of Majunga, shot and killed two brothers for stealing a neighbor's cow, according to a local nongovernmental organization (NGO). The Command of the Territorial Brigade of Majunga explained that the men were shot because they had already been arrested and released several times for stealing cows. No action was taken against security forces responsible for such killings.

Also in June another man was arrested for stealing cattle in Bekoby, according to the same NGO. A gendarme slashed his leg with a machete during pursuit and arrest, and the man bled to death after a day of questioning and beating. Before his death the man provided the names of three ringleaders in the theft of cattle who were arrested and released after paying a fine of \$33,900 (60 million ariary).

Unlike in the previous year, there were no reports that demonstrators died as a result of police use of excessive force.

There were no developments in the following security force killings: The 2006 hit-and-run case of a woman in Antananarivo; the 2005 case in which a gendarme in Ikelihorombe killed 10 persons accused of cattle theft; and the 2005 death in police custody of Jone Yvon Hajaniaina Rafanomezantsoa.

*b. Disappearance.*—There were no reports of politically motivated disappearances or widespread criminal kidnappings for ransom.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution and law provide for the inviolability of the person; however, security forces subjected prisoners to physical abuse, including rape.

In September a 17-year-old boy in Ilemby accused of stealing cattle had his head submerged in the river by a gendarme, according to the local NGO S.O.S. Victimes. The boy spent 3 days in prison and was released after his family agreed to pay \$400 (800,000 ariary) to the gendarme. At year's end the family was still completing its payment.

In October a 15-year-old in Ambohimangakely near Antananarivo was arrested after being accused of stealing a cellular telephone. In prison he was undressed, physically abused, and not given anything to eat for 48 hours. After he fainted, the police sent him to a local hospital. In November the boy was acquitted for lack of evidence.

Police use of force to quell a violent demonstration resulted in injuries.

*Prison and Detention Center Conditions.*—Prison conditions were harsh and life threatening. Severe overcrowding due to pervasive pretrial detention, weaknesses in the judicial system, and inadequate prison infrastructure remained a serious problem. The country's 77 facilities, whose original capacity for 13,000 prisoners had seriously deteriorated, held approximately 18,000 prisoners in September, according to the Ministry of Justice.

Chronic malnutrition, which affected up to two-thirds of the detainees in some prisons, was the most common cause of death. The Ministry of Justice's efforts to raise prisoners' daily rations to 750 grams of food (typically dry manioc, rice, or cassava) provided only slight relief, as not all prisoners received this amount in practice. Families and NGOs supplemented the daily rations of some prisoners. The Ministry of Justice reported 110 deaths in prison during the year due to malnutrition and respiratory problems, but NGOs estimated the number to be in the hundreds and attributed most of the deaths to detention in a remote location where they did not receive visits by family members.

Malnutrition, combined with a lack of hygiene, made detainees especially vulnerable to disease and epidemics. Deteriorating prison infrastructure—including a lack of sanitary facilities or potable water—resulted in skin disease, insect infestation, and other health risks. Access to medical care was limited.

The Government adopted a national action plan to rehabilitate and improve prison conditions, starting with a law that limits pretrial detention and provides for early release for good behavior. It punished prison administration and staff who demanded bribes from prisoners for access to food and recreation. The Government raised the prison administration's budget by 54 percent, which increased funds for food rations, medical care, and prison camps. Infrastructure was improved, and several new prison facilities were constructed. In June the Presidential Prison Task Force launched an innovative pilot project to construct three self-sufficient penal camps throughout the country starting in Majunga. By October, in Majunga, the

prison population was significantly downsized through the expedited treatment of pretrial detention cases. Improved nutrition and hygiene conditions eliminated cases of severe malnutrition, and prisoners learned to grow food and develop other skills to help earn a living upon release. According to a July report by the Government's National Observatory for Integrity, such efforts decreased the incidence of prison deaths and contributed to a slight decrease in the pretrial detention population. Still, the situation in prisons remained critical.

Church leaders and some NGOs reported that rape was commonplace in the prisons and often used by prison guards and other inmates to humiliate prisoners. Other organizations pointed out that while rape cases were the exception, prisoners often prostituted themselves in jail for food. Prisoners could be used as forced labor.

Juveniles were not always held separately from the adult prison population, and some preschool-age children shared cells with their incarcerated mothers. Pretrial detainees were seldom kept separate from the general prison population.

The Government generally permitted independent monitoring of prison conditions by the International Committee of the Red Cross and some NGOs, and such visits occurred during the year.

*d. Arbitrary Arrest or Detention.*—The Constitution and law provide for due process for persons accused of crimes and prohibit arbitrary arrest and detention; however, the Government did not always respect these provisions in practice.

*Role of the Police and Security Apparatus.*—The minister for public security heads the national police and is responsible for law and order in urban areas. The Gendarmerie Nationale, overseen by the Ministry of National Defense, is responsible for security in all other areas of the island.

Lack of training and equipment, low salaries, and rampant corruption were problems in the national police and gendarmerie. However, during the year the ministries of justice and foreign affairs trained four law enforcement jurisdictions regarding the punishment and prevention of torture. The Ministry of Justice also established four legal clinics to assist victims of human rights violations.

The Independent Anticorruption Bureau (BIANCO) opened investigations into allegations of security force abuses and provided training to reform the security forces.

All 16 noncommissioned military officers and gendarmes arrested in 2006 for involvement in trafficking of handguns, grenades, and AK-47s in Diego Suarez were acquitted and released.

*Arrest and Detention.*—Although the law requires that arrest warrants be obtained in all cases except those involving hot pursuit, often persons were detained and jailed on no more than an accusation by another. Defendants have a general right to counsel and the right to be informed of the charges against them, but this was not always the case in practice. A system of bail exists depending on the severity of the crime. Magistrates often resorted to an instrument known as a “mandat de depot” (retaining writ) by which defendants were held in detention for the entire pretrial period. Prisoners generally were allowed prompt access by family members; however, certain prisoners, such as those in solitary confinement, had more limited access.

The Ministry of Justice reported that approximately 60 percent of the entire prison population was in pretrial detention. The law mandates that a criminal suspect be charged or released within 48 hours of arrest; however, during the year the Government detained individuals for significantly longer periods of time before charging or releasing them. For example, a pretrial detainee accused of cattle theft was released in February 2006 after being held without charge for 19 years because his file had gone missing. Poor record keeping, an outdated judicial system that keeps the accused in detention until their trial regardless of the severity of the offense, an insufficient number of magistrates per capita, a lack of resources, and the difficulty of access to remote parts of the country contributed to lengthy pretrial detention. Many detainees spent a longer period in investigative detention than they would have spent incarcerated following a maximum sentence on the charges faced.

The Government took significant steps to address the pervasive pretrial detention problem. In order to address the general lack of resources, the Government increased the Ministry of Justice's budget by 30 percent. In May the Government adopted a new law that limits the duration of pretrial detention and regulates the use of mandat de depot. The Ministry of Justice released approximately 200 detainees early on “conditional liberty” for good behavior and was working to process all 2004 cases by year's end. Human rights training for magistrates, NGOs, journalists, and investigative police was ongoing.

*Amnesty.*—Unlike in the previous year, the Government granted no amnesties during the year.

*e. Denial of Fair Public Trial.*—Although the Constitution and law provide for an independent judiciary, the judiciary was susceptible to executive influence at all levels and at times was corrupt. The Ministry of Justice fired four judges and suspended one for corruption and abandonment of posts. Fifty judges received disciplinary transfers for “professional mistakes.”

The judiciary is under the Ministry of Justice and has four levels. Courts of first instance hear civil cases and criminal cases carrying limited fines and sentences. The Court of Appeals includes a criminal court of first instance for cases carrying sentences greater than 5 years. The Supreme Court of Appeals hears appeals of cases from the Court of Appeals. The High Constitutional Court reviews the constitutionality of laws, decrees, ordinances, and electoral disputes. The judiciary also includes specialized courts designed to handle matters such as cattle theft.

Military courts are reserved for the trial of military personnel and generally follow the procedures of the civil judicial system, except that military officers are included on jury panels. Defendants in military cases have access to an appeals process. A civilian magistrate, usually joined by a panel of military officers, presides over military trials.

The law provides traditional village institutions with the right to protect property and public order. An informal, community-organized judicial system called “dina” was used in some rural areas to resolve civil disputes between villagers over such issues as cattle rustling.

*Trial Procedures.*—The Constitution and law provide defendants with the right to a full defense at every stage of the proceedings, and trials are public. Defendants have the right to be present at their trials, to be informed of the charges against them, to confront witnesses, to present evidence, and to appeal convictions. The law extends these rights to all citizens without exception.

The Government is required to provide counsel for all detainees who cannot afford their own attorney; however, many citizens were not aware of this right in practice. Attorneys have access to government-held evidence but this right does not extend to defendants without attorneys. The law provides for a presumption of innocence; however, the presumption of innocence was often overlooked. While the law provides that juries can be used in all cases, in practice, juries were used only in labor dispute cases.

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

*Civil Judicial Procedures and Remedies.*—An independent and impartial judiciary deals with all civil matters, including human rights cases. However, the courts often encountered difficulty in enforcing judgments in civil cases.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law prohibits such actions, and the Government generally respected these prohibitions in practice.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution and law provide for freedom of speech and of the press. Unlike in the previous year, there were no reports of government officials explicitly arresting, intimidating or pressuring journalists; however, journalists continued to practice self-censorship.

There were 12 privately owned major daily newspapers and many other privately owned national and local news publications that published less frequently. *Le Quotidien*, which is owned by the president, was the newspaper most heavily influenced by the state. The Government owned nationwide television and radio networks. The president’s privately owned television and radio station, MBS, also had national coverage. In addition, there were approximately 245 radio stations, 195 of which were legally licensed, and 37 television stations, 20 of which were legally licensed.

International media were allowed to operate freely.

In general the independent media, especially print media, were active and expressed a wide variety of views. However, some journalists working for public media refrained from criticizing the Government, and others working for private media were expected to follow the political line of the station owner. Government agencies, private companies, and political parties sometimes bribed journalists, who generally received minimum or below minimum wages, to ensure positive coverage of certain events.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Public access to the Internet was limited mainly to urban

areas; modern technology and the necessary infrastructure were generally absent in rural areas.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The Constitution and law provide for freedom of assembly and the Government generally respected these rights in practice. Unlike in the previous year, there were no reports that government officials impeded opposition meetings.

For several weeks starting in late April, public demonstrations in Tulear, Diego Suarez, and Tamatave, originating with students' grievances against blackouts and study conditions, led to clashes between security forces and demonstrators. Protestors threw rocks at police, set fire to a public building in Tulear, took the regional director of Tulear's Penitentiary Administration hostage, and looted shops. Police responded by releasing tear gas and firing shots to disperse the crowd; one person was shot in the leg. All arrested protestors were released; some received suspended prison sentences for inciting violence and disturbing public order.

No action was taken during the year against security forces responsible for injuring demonstrators in 2005 or 2006.

*Freedom of Association.*—The Constitution and law provide for the right of association and permit citizens to organize political parties and associations. The Government generally respected this right in practice.

*c. Freedom of Religion.*—The Constitution and law provide for freedom of religion, and the Government generally respected this right in practice. However, some Muslims felt marginalized by the Government and expressed concern about their legal status in the country. They expressed reluctance to openly advertise some of their activities as "Islamic" for fear of discrimination, although there were no reliable reports of explicit discrimination from the Government other than pending citizenship applications (see Section 2.d.).

An April 4 constitutional referendum eliminated the explicit separation of church and state but did not diminish legal protection for freedom of religion.

In August, following a 2-year ban, the Government reopened the New Protestant Church in Madagascar, now renamed. The Universal Church of the Kingdom of God remained banned.

In May Jesuit missionary Father Sylvain Urfer was deported to France on grounds that his entry visa had expired. Some human rights activists claimed Urfer's expulsion was connected to his religious activities, while others cited his open criticism of the Government as the reason. Under local law any foreigner can be expelled for general violations of "national security."

*Societal Abuses and Discrimination.*—There were a few reports of societal abuses or discrimination based on religious belief or practice.

On April 28, a 20-year-old Muslim student was found decapitated in a mosque in the University of Antananarivo alongside a torn Koran. However, a local Muslim leader considered the death had more to do with personal conflicts than religious violence.

The country has a very small Jewish population, and there were no reports of anti-Semitic acts.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution and law provide for freedom of movement, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Constitution does not explicitly prohibit forced exile; however, the Government did not use it. Former President Ratsiraka and other members of his administration remained in self-imposed exile at year's end.

*Protection of Refugees.*—The law does not include provisions for the granting of asylum or refugee status, but the Government has established a system for providing protection to refugees. In practice the Government provided protection against "refoulement," the return of persons to a country where there is reason to believe they feared persecution. The Government granted refugee status or asylum and cooperated with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting the small number of refugees in the country.

*Stateless Persons.*—An arcane system of citizenship laws and procedures has resulted in a pool of stateless persons in the minority Muslim community, many of whom have lived in the country for generations. Reliable figures were unavailable, but Muslim leaders estimated as many as 5 percent of the 2 million Muslims were

affected. Citizenship is transmitted through blood; birth on Malagasy soil does not transmit citizenship. Children born to a Malagasy mother and non-Malagasy father must be declared by a certain age or risk losing eligibility for citizenship. Some members of the Karana community of Indo-Pakistani origin who failed to register for Malagasy or Indian citizenship following India's independence in 1947 were no longer eligible for either. Members of the wider Muslim community suggested that a Muslim-sounding name alone could delay one's citizenship application indefinitely. Lack of citizenship precluded voting rights and limited international travel without a passport.

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

The Constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right in practice by voting in presidential, legislative, and municipal elections.

*Elections and Political Participation.*—In September the country held a calm and relatively orderly legislative election marked by a low 46 percent voter turnout. A number of domestic and international observer teams deemed the election generally free and fair, despite minor irregularities that did not affect the overall results. However, media coverage included unconfirmed reports of government interference and pressure at the local level, namely regional chiefs either promising local leaders rewards or threatening dismissal if the desired ruling TIM party candidate was not elected in their areas. Election observers also noted persistent structural shortcomings, including the need for an independent electoral commission, the need to revise the electoral code to include sanctions against fraud, the need to regulate campaign financing and the lack of a single ballot that could potentially disadvantage candidates who could not afford to print their own ballots or if the Government failed to adequately distribute their ballots.

Similarly, the December 12 municipal elections were generally held to be free, fair and peaceful, but observers noted the same persistent minor irregularities advantaging certain candidates over others. The ruling TIM party did not interfere when an independent won in the capital city of Antananarivo.

President Marc Ravalomanana's TIM party dominated the political landscape, but political parties operated without restriction or outside interference.

On November 5, unknown assailants launched a grenade at a building in Tulear that is part of a conglomerate owned by President Ravalomanana, slightly injuring one gendarme and causing minor material damage. Although the motive was unclear, some believed it was an attempt to destabilize the populace preceding the December 12 municipal elections.

Former deputy prime minister Pierrot Rajaonarivelo continues to appeal his conviction from abroad; the last appeal filed in May was pending by year's end.

There were three women in the cabinet, 10 women in the 127-member National Assembly, and 10 women in the 90-member Senate. Two of the 22 appointed regional administrators were women.

There were 11 Muslims and seven Chinese-Malagasy members in the National Assembly and eight Muslims in the Senate. Chinese-Malagasy and Muslims also held civil service positions. However, residents of Indo-Pakistani origin were not well represented in the Government.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively. The World Bank's Worldwide Governance Indicators reflected that corruption was a problem, as was impunity. In July the Council for the Safeguard of Integrity published a survey that ranked the Parliament and judiciary as the two most corrupt entities.

In November the Government organized a 2-day presidential dialogue on good governance that brought together government officials, civil society, and the international community in an effort to design a common solution to corruption.

BIANCO monitored a network of drop boxes for public complaints in each of the country's 111 districts, and 4,718 complaints were filed from January through September. BIANCO investigated 343 of the 550 complaints that were corruption-related, resulting in 103 cases sent to court and 60 persons arrested, 10 of whom were placed in preventive detention and 50 of whom were out on parole. BIANCO officials also conducted aggressive civic outreach campaigns, including the mobilization of civil society organizations and the private sector, the establishment of codes of conduct for government officials in a range of sectors, and the introduction of a "Moral Integrity and Public Life" module in the National Gendarmes School training program. BIANCO's prevention activities included government audits in the mining and customs sectors; analytical studies of the permit, authorization, and infraction

procedures in a range of ministries; and the reconciliation of custom inspection reports through March.

Among other activities, the Council for the Safeguard of Integrity, BIANCO's policy arm, conducted ethics trainings for magistrates, established ethics units in a number of jurisdictions, held meetings to establish units to address economic and financial infractions within the penal chain, trained trainers on ethical behavior for police and gendarmes, and held workshops on regulating the cattle trade.

The Ministry of Justice undertook a number of independent initiatives to eliminate corruption in the judicial system. It fired four judges and suspended one for corruption and abandonment of post. Fifty judges received disciplinary transfers for "professional mistakes." Pending parliamentary approval, the Council of Ministers approved the proposal to create a Superior Council for Magistrates to monitor the judiciary. In November the Ministry of Justice held technical workshops to develop a strategy to reform the magistracy and conducted a study regarding the management of criminal justice expenditures.

In October a former director of Ranomafana National Park was sentenced to 5 years in prison for embezzling \$50,000 (90 million ariary). Also in October the former mayor of Tamatave, Roland Ratsiraka, was sentenced to 18 months of "suspended" prison time for awarding a bid to his own garbage collection company, while the former mayor of Fianarantosa, Pety Rakotoniaina, was sentenced to 5 years in prison for embezzlement of government property. In August six persons were arrested for embezzling \$6 million (10.8 billion ariary) from the Central Bank in Manakara; the director of the Central Bank and two of his staff reportedly fled abroad to avoid the charges. In July the former deputy from Nosy Be, Roger Zara, was arrested on corruption-related charges. Several other local officials were suspended on related charges.

Public officials starting at the director-general level were subject to financial disclosure laws.

There are no laws providing for public access to government information. Educational material on anticorruption, including statistics updated every trimester, was available to citizens and noncitizens, including foreign media, while cases under investigation were considered confidential.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views. The Constitution and law require the Government to create apolitical organizations that promote and protect human rights.

Efforts to reestablish the National Commission for Human Rights were ongoing at year's end.

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

The Constitution and law prohibit all forms of discrimination; however, no specific government institutions were designated to enforce these provisions.

*Women.*—The law prohibits rape in general but does not specifically refer to spousal rape. Penalties ranged from 3 years to life in prison, depending on factors such as the victim's age, the rapist's relationship to the victim, and whether the rapist's occupation put him or her in contact with children. Rapes committed against children and pregnant women were punishable by hard labor. An additional 2 to 5 years' imprisonment could be added in the case of assault and battery, and the Government generally enforced these penalties. The Brigade of Morals and Minors reported receiving 10 to 12 rape-related complaints a day throughout the country. There were 167 complaints of rape from January through October in Antananarivo. Of the adult perpetrators, 56 men and four women were convicted. Of underage perpetrators, 34 boys and three girls were convicted.

The law prohibits domestic violence, but it was a problem. The Government's National Institute for Public Health estimated that 55 percent of women were victims of domestic violence. The U.N. Population Fund (UNFPA) estimated that one out of three women would suffer from violence at some point in her life. A survey on conjugal violence conducted by the Ministry of Health in collaboration with two NGOs found that of 400 women surveyed in Antananarivo, 45 percent were subjected to psychological violence, and 35 percent were victims of physical violence. Police and legal authorities generally intervened when physical abuse was reported. The Ministry of Health continued working with NGOs in Antananarivo and Fianarantsoa to provide victims with legal advice. The Government established three new legal clinics to provide women with counseling regarding domestic vio-

lence. Statistics on the number of domestic abusers prosecuted, convicted, or punished were unavailable.

Prostitution is not a crime, but related activities, such as pandering and incitement of minors to debauchery, are criminal. Prostitution was pervasive and particularly visible in areas frequented by tourists. Sex tourism was a growing problem with the growth of the tourism industry. The Government continued with its national awareness campaign by posting signs throughout airports and hotels, including a full-page warning in the customs booklet given to arriving international passengers. Sex tourism was generally covered under sexual harassment laws. In December the Government adopted a law that defines child sexual exploitation, child sex tourism, child pornography and trafficking in persons and stipulates sanctions for the authors of such crimes, particularly when committed against children.

Sexual harassment is against the law, but the practice was widespread, particularly in export processing zone (EPZ) factories. The UNFPA estimated that 50 percent of women working in EPZs were victims of sexual harassment. The Government enforced sexual harassment laws when brought to court; however, cases were rarely reported.

Women generally enjoy the same legal status as men. Under the law wives have an equal voice in selecting the location of the couple's residence and generally received half the couple's assets if the marriage ended. Widows with children inherit half of joint marital property; widows without children take priority only after the husband's surviving kin. In practice these requirements were not always observed. A tradition known as "the customary third," which provided the wife with the right to only one-third of a couple's joint holdings, was occasionally observed. Although the country is party to the International Convention on the Protection of Women, there was no special government office to ensure the legal rights of women.

There was relatively little societal discrimination against women in urban areas, where many women owned or managed businesses and held management positions in private businesses and state-owned companies. In 2003 (the most recent data available), the Ministry of Civil Services and Labor reported that women owned 30 percent of formal sector companies and 53 percent of informal sector companies. Women are not permitted to work in positions that might endanger their health, safety, and morals.

The Government conducted a study on discriminatory customs against women in the northwest of the country. At year's end results were pending.

A number of NGOs focused on the civic education of women and girls and publicized and explained their specific legal protections; however, due to illiteracy, cultural traditions, societal intimidation, and a lack of knowledge about their rights, few women lodged official complaints or sought redress when their legal rights were compromised.

*Children.*—The ministries of health and education play the principal role in addressing child welfare, but the ministries of justice, civil services and labor, youth and sports, and the State Secretariat for Public Security also play a role. A lack of funding resulted in inadequate services and precluded the compilation of reliable statistics.

In 2004 the U.N. Children's Fund (UNICEF) and the Government launched a 3-year campaign to improve birth registration rates. The country has no uniform birth registration system, and unregistered children were not eligible to attend school or obtain health care services. According to a 2003–04 study by INSTAT, the Government's office of statistical studies, 25 percent of children in the country under the age of 5 were not registered.

The Constitution provides for tuition-free public education for all citizen children and makes primary education until age 14 compulsory. According to a 2004 World Bank study, 68 percent of primary school-age children were enrolled. Children in rural areas generally studied through middle school, whereas children in urban areas commonly finished the baccalaureate examination process for entrance into university.

Girls and boys had the equal access to education and medical care.

Child abuse was a problem. In December the Government adopted a 2008–12 national action plan on violence against children, including child labor, sexual exploitation, and trafficking. During the year the Ministry of Health, in collaboration with UNICEF, operated more than 14 multi-sector networks throughout the country to prevent children from abuse and exploitation. In light of recent child-related legislation, several ministries worked with UNICEF to develop training manuals on child rights and safeguards for officials working on child protection networks. In July, in collaboration with UNICEF, the Government also completed a 1-year program to train and assist security forces in the protection of children.



Government statistics indicated that 33 percent of girls between the ages of 15 and 19 were already married. Child marriage was especially prevalent in rural areas where most couples were united in traditional local ceremonies outside the legal system. On April 30, the Government adopted a law setting the legal age for marriage without parental authorization at 18 for both boys and girls; previously, the law allowed the marriage of girls at 14 and of boys at 17.

Children engaged in prostitution for survival without third-party involvement. Child prostitution constituted one of the primary forms of child labor. A 2007 UNICEF study in the coastal cities of Toamasina and Nosy Be found that between 30 and 50 percent of female sex workers were under 18.

According to UNICEF, between May and October, at least four child abusers were prosecuted, among them a Swiss man convicted in Nosy Be of pedophilia with young girls. One nightclub was closed.

Although child abandonment is against the law, it was an increasing problem due to acute poverty and lack of family support. There were few safe shelters for street children, and government agencies generally tried to place abandoned children with parents or other relatives first; orphanages and adoption were a last resort. A traditional superstition in the southeast against giving birth to twins led some parents in the region to abandon one or both of their twin children, who were sometimes left to die. The Government completed a study on the treatment of twins in Mananzary, and at year's end the results were pending.

*Trafficking in Persons.*—As of December the law specifically prohibits trafficking in persons but there were reports that persons were trafficked within the country. The vast majority of cases involved children and young women, mostly from rural areas, trafficked for sexual exploitation and forced labor including domestic servitude, mining, and street vending. A sex tourism problem existed in coastal cities, as well as the capital city of Antananarivo, with a significant number of children being exploited as prostitutes. International trafficking was rare, with unconfirmed anecdotal reports of a limited number of women and girls trafficked for prostitution to the neighboring islands of Mauritius and Reunion.

The principal traffickers ranged from organized criminals to “friends” to taxi drivers to distant family members. Traffickers often took advantage of young women, girls, and boys in rural areas by promising employment opportunities in urban areas.

Traffickers may be prosecuted under provisions prohibiting procurement of minors for prostitution, pedophilia, pimping, and deceptive labor practices. In August a new law was adopted prohibiting all forms of violence against children, including sexual exploitation and punishment of adult exploiters of child prostitutes. In December the Government adopted a law defining trafficking in persons, among other crimes, and stipulating sanctions for the authors of such crimes, particularly when committed against children. The Ministry of Justice is responsible for enforcement of such laws.

There were no reports during the year of arrests specifically for trafficking. However, the absence of a centralized database of legal cases and a law specifically defining trafficking activities or sanctions before December impeded prosecution and recordkeeping.

Police cooperated with neighboring countries and Interpol in the investigation and prosecution of trafficking cases. The Government did not extradite persons charged with trafficking in other countries, nor did they permit extradition of Malagasy nationals. Whether because of corruption, pressure from the local community, or fear of an international incident, local police and magistrates in tourist areas often hesitated to prosecute foreign pedophiles.

The Government continued to address child labor and trafficking through aggressive educational and birth registration campaigns. Child workers taken into the country's three welcome centers were either given vocational training or placed back in school. The Ministry of Health worked with UNICEF to establish new multi-sector child protection networks throughout the country to handle individual cases of child exploitation, including trafficking.

*Persons with Disabilities.*—The law prohibits discrimination against persons with physical and mental disabilities, broadly defines their rights, and provides for a national commission and regional subcommissions to promote the rights of persons with disabilities. There were no reports of official discrimination against persons with disabilities in employment, education, or in access to state services. However, there were reports of mainstream schools rejecting students with disabilities on the basis of inadequate facilities. While laws encourage building access for persons with disabilities, it is not obligatory for existing buildings. However, construction permits for new buildings are now issued only upon verification of accessibility for persons

with disabilities. A study conducted in 2005 by Handicap International found that persons with disabilities seldom had access to health care or received professional training and were often the victims of physical violence, particularly women and girls.

The Ministry of Health is responsible for protecting the rights of persons with disabilities and routinely provided NGOs with technical assistance. The Government distributed identity cards identifying persons with certified disabilities to facilitate public health care; however the cards were not always accepted. In September President Ravalomanana signed the International Convention on the Rights of the Disabled. The Government started a pilot project in 10 elementary schools to integrate students with disabilities into mainstream schools. It also established a program to manufacture prosthetic devices for persons with disabilities. Public markets and the town hall in Majunga also had special handicapped access.

*National/Racial/Ethnic Minorities.*—None of the 18 Malagasy tribes constituted a majority. There were also minorities of Indo-Pakistani, Comoran, and Chinese heritage in the country. Ethnicity, caste, and regional solidarity often were factors in hiring practices and were exploited in election campaigns. A long history of military conquest and political dominance of highland ethnic groups of Asian origin, particularly the Merina, over coastal groups of African ancestry has contributed to tension between citizens of highland and coastal descent.

*Other Societal Abuses and Discrimination.*—The law does not prohibit discrimination against homosexuals, and there was general societal discrimination against them.

Although the national HIV/AIDS rate was low at approximately 1 percent, there was stigma and occasional discrimination attached to having HIV/AIDS. In July the Government adopted a new law protecting HIV/AIDS patients' rights to free and quality health care and specifying sanctions against persons who discriminate or marginalize people with the disease. The law was enforced by the ministries of health and justice and the National Committee for the Fight Against AIDS in Madagascar.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law provides that public and private sector workers may establish and join labor unions of their choice without prior authorization or excessive requirements. However, those classified as essential workers, including police, military, and firefighters may not form unions. Ministry of Civil Services and Labor statistics indicated that 14 percent of workers in EPZ companies and 10 percent of all workers were unionized. The Government had no reliable statistics on the number of public employees participating in unions, but it was generally believed that few public employees were union members despite the existence of several public employees' unions.

The law prohibits antiunion discrimination by employers; however, the Ministry of Civil Services and Labor indicated that some employees did not join unions due to fear of reprisal. In the event of antiunion activity, unions or their members may file suit against the employer in civil court.

*b. The Right to Organize and Bargain Collectively.*—The law provides for unions to conduct their activities without interference, and the Government generally respected this right. The law also provides workers in the private sector the right to bargain collectively; civil servants were not covered under such agreements.

The law provides most workers with the right to strike, including in EPZs, and workers exercised this right; however, workers must first exhaust the conciliation, mediation, and arbitration procedures. Civil servants and maritime workers have their own labor code; workers in other essential services, such as magistrates, have a recognized but more restricted right to strike.

There are no special laws or exemptions from regular labor laws in EPZs.

*c. Prohibition of Forced or Compulsory Labor.*—The labor code prohibits forced or compulsory labor, including by children, but at times the Government did not respect this prohibition, specifically with respect to prison labor. While prisoners and pretrial detainees can no longer be forcibly hired out to government officials for private use, unless the prisoner agrees to the terms of employment and monetary compensation stipulated in the labor code, they can still be hired out for public use by government offices. Except for those condemned to forced labor, they are entitled to receive a salary.

Forced labor by children occurred.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—There were laws to protect children from exploitation in the workplace and prohibit forced or compulsory labor, but the Government sometimes encountered trouble enforcing

these laws due to inadequate resources and insufficient personnel. Child labor was a widespread problem.

The minimum age for employment was 15 years of age, consistent with educational requirements. The law allows children to work a maximum of 8 hours per day and 40 hours per week with no overtime. The law prohibits persons under the age of 18 from working at night and at sites where there is an imminent danger to health, safety, or morals. Employers must observe a mandatory 12-hour period between shifts. Occupational health and safety restrictions include parental authorization and a medical visit before hiring.

The Household Survey of 2000 indicated that approximately 33 percent of the child population between the ages of 7 and 17 were child laborers on a full or part-time basis. Children in rural areas worked mostly on subsistence family farms and as cattle herders, while those in urban areas worked in occupations such as domestic laborers, transport of goods by rickshaw, petty trading, prostitution, stone quarrying, working in bars, and begging. Children were engaged in salt production, fishing, deep sea diving, and the shrimp industry. The Ministry of Civil Services and Labor estimated that more than 19,000 children were working in the mines of Ilakaka in the south, mostly in the informal sector helping their families mine for gemstones or working as domestics and prostitutes. Children were trafficked internally for the purposes of forced labor and sexual exploitation.

The Ministry of Civil Services and Labor is responsible for enforcing child labor laws and policies in the formal sector and conducted general workplace inspections during the year in response to a range of complaints, not all related to child labor. The ministry had only 77 inspectors to carry out its responsibilities, making it difficult to monitor and enforce child labor provisions effectively. Enforcement in the much larger informal sector remained a serious problem.

The reduction of child labor is one of the Government's main goals in the comprehensive 5-year Madagascar Action Plan guiding the country's development. On July 3, the Government adopted a decree regulating the working conditions of children, defining the worst forms of child labor, identifying penalties for employers, and establishing the institutional framework for its implementation.

The Ministry of Civil Services and Labor implemented its 15-year national plan to combat the worst forms of child labor, including prostitution. The National Steering Committee Against Child Labor made up of high-level government, donor, civil society, and religious group representatives mobilized resources for the World Day Against Child Labor in seven regions throughout the country. In addition to the existing Regional Committee to Combat Child Labor (CRLTE) in the north, two additional CRLTE were established in the southwest and the east coast. In May the ministries of civil services and labor and finance, supported by the International Program on the Elimination of Child Labor (IPEC) and UNICEF, launched a national survey on child labor and trafficking to better address child exploitation issues. Local officials also participated in IPEC-organized stakeholders' workshops around the country to combat child labor by identifying intervention strategies and partners. In May, as part of the ongoing "red card campaign" to raise awareness about the fight against child labor, the Government worked with the Malagasy Soccer Federation to conduct awareness campaigns in Majunga and Sambava.

The Government's welcome centers in Antananarivo, Tamatave, and Tuléar continued to rescue victims of trafficking and forced labor.

*e. Acceptable Conditions of Work.*—The Ministry of Civil Services and Labor was responsible for enforcing the working conditions and minimum wages prescribed in the labor code, but it sometimes encountered trouble enforcing these laws due to inadequate resources and insufficient personnel.

The monthly minimum wage was \$35 (62,543 ariary) for nonagricultural workers and \$36 (64,440 ariary) for agricultural workers. This did not provide a decent standard of living for a worker and family, particularly in urban areas. Although most employees knew what the legal minimum wages were, those rates were not always paid. High unemployment and widespread poverty led workers to accept lower wages.

The standard workweek was 40 hours in nonagricultural and service industries and 42½ hours in the agricultural sector. Legislation limited workers to 20 hours of overtime per week, but employees often were required to work until production targets were met. In some cases this overtime was unrecorded and unpaid.

The Government sets occupational health and safety standards for workers and workplaces. CNAPS, the country's equivalent of the Social Security Administration, conducted inspections and published reports on workplace conditions, occupational health hazards, and workplace accident trends. The Ministry of Civil Services and Labor's 77 labor inspectors were sufficient to cover only child and adult workers for the capital city effectively. Workers have an explicit right to leave a dangerous

workplace without jeopardizing their employment as long as they inform their supervisor. However, this right was not always respected in practice.

## MALAWI

Malawi is a multiparty democracy with a population of approximately 13 million. In 2004 citizens elected Bingu wa Mutharika of the ruling United Democratic Front (UDF) as president; in 2005 Mutharika resigned from the UDF to form the Democratic Progressive Party (DPP). Constitutional power is shared between the president and the 193 National Assembly members, of whom 187 were elected in 2004. International observers noted substantial shortcomings in the elections, including inequitable access to the state-owned media, the ruling party's use of state resources to campaign, and poor planning and administration by the Malawi Electoral Commission (MEC). While civilian authorities generally maintained effective control of the security forces, there were some instances in which elements of the security forces acted independently of government authority.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Unlawful killing by security forces, police use of excessive force including torture, occasional mob violence, and harsh and life-threatening prison conditions continued. Arbitrary arrest and detention, including politically motivated arrests, lengthy pretrial detention, and official impunity and corruption were problems. The Government restricted freedoms of speech, press, and assembly. Societal violence against women, child abuse, trafficking in persons, restricted worker rights, and forced child labor were also problems.

### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—The Government or its agents did not commit any politically motivated killings; however, security forces killed persons during the year. Perpetrators were not generally punished and investigations often were abandoned or inconclusive.

In January a postmortem examination revealed that Robert Phiri, whom authorities originally claimed to have been killed that month by a mob in Lilongwe while attempting to escape from the Kanengo police station, was actually shot in the chest, leg, and possibly the head. Police stated there would be an investigation but revealed no further information by year's end.

Police use of excessive force to disperse demonstrators resulted in one death. In January park rangers at Lengwe National Park fired into the air to disperse an angry crowd protesting the arrest of some villagers who were illegally planting crops in the park. Thomas Chizenga was killed by the shots. No arrests were reported in conjunction with the shooting.

In October Henry Msinkhu, a Blantyre police officer, was released on bail to await trial. In June Msinkhu, while answering an emergency call, had confiscated the keys to a truck carrying six persons and then attempted to drive the vehicle which overturned, killing the six individuals. Msinkhu was charged with manslaughter, which can carry a penalty of life imprisonment.

On October 5, Grant Chilimba died in police custody in Mangochi after he was arrested for allegedly assaulting his wife. Mangochi police arrested Mary Chilimba, the wife of the deceased, and blamed her for the death, alleging the wounds were caused by her earlier during an argument. An autopsy confirmed Chilimba died of strangulation, internal bleeding, and had suffered trauma to the head. Police gave contradictory information, stating Chilimba had simply been released but also stating he went to the hospital with diarrhea. Police later claimed diarrhea was the cause of death until the autopsy confirmed otherwise. No further investigation was done by year's end.

On December 27, an armed guard for government-owned company Admarc shot and killed Wilson Master after a group gathered at an Admarc fertilizer depot in Matapira to try to get fertilizer subsidy coupons. After government officials turned back the crowd three times due to an inadequate supply of coupons, the crowd became irate. The guard, named MacNever, tried to control the crowd by firing three shots, two of which hit Master, killing him. The guard was arrested and awaiting trial for murder at year's end.

On December 29, a second incident involving an armed guard for Admarc occurred when guard Levi Chamasowa shot and killed Dinnis Mashalubu in Mulanje after Mashalubu and others gathered at a fertilizer depot to look for work as laborers.

The guard and the group got into an argument after the guard told them there was no work available. After firing once into the air, the guard fired at the men, killing Mashalubu. The guard was arrested and was awaiting trial for murder. The Government previously stated it would disarm Admarc guards due to irresponsible handling of firearms that had left several people dead but had not done so by year's end.

There was no further information on the case of a policeman in Thyolo who shot and killed a man in January 2006.

There were no developments in the 2005 case in which police shot and killed a 16-year-old boy at a demonstration in Ngabu. The Government promised to conduct an investigation of the incident but had taken no action by year's end.

There was no new information in the case of the 2005 killing of a man in Machingi while he was cutting firewood.

Mobs sometimes resorted to vigilante justice, and beat, stoned, or burned suspected criminals. For example, in April a mob beat to death a man in Karonga after he was found naked in the bedroom of a girl. The man, who had a history of attempting rape, had been rescued from mobs twice previously and had been arrested previously but released on bail. Authorities arrested six persons for the killing. There was no further information available on the case at year's end.

In April a police public relations officer for Chiradzulu District appealed to the public to desist from killing persons suspected of criminal activity after a man suspected of theft was beaten to death.

On September 6, a mob in Dowa stoned an herbalist to death. The man had been accused of cheating his clients. Police were investigating his death at year's end.

In December 2006 a mob beat to death two foreigners who reportedly had robbed a man at gunpoint. No further information was available at year's end.

Police closed the investigation in the 2005 case in which a mob beat to death a mentally ill man in Chitipa after he reportedly killed another man with a pounding stick; police had been unable to find the culprits.

There was no further information available in the 2005 case in which villagers protesting the appointment of a village headman beat a man to death in Kasungu; 11 persons were arrested.

Police took no further action in most of the 2005 and 2006 cases of mob killings.

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

On February 4, Christopher Chimbalanga and Hassan Twaliki were among 10 people arrested in Lilongwe for roguish and vagabond behavior. Family members went to visit Chimbalanga on February 5, and were told he would be released the next day. When he did not return home, on February 7, the family went to inquire of the police; however, police claimed they could neither find Chimbalanga nor any record of his release. Some of his clothing was still at the police station. Neither Chimbalanga nor Twaliki were seen again after that time.

During the year police referred the investigation into the 2004 disappearance of Peter Mulamba, a key witness in a high-level corruption case, to the International Criminal Police Organization (INTERPOL); conflicting reports indicated he had committed suicide, was out of the country in exile, or had been killed. No new information was available by year's end.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution and law prohibit such practices; however, police used excessive force, including torture and other unlawful techniques, in handling criminal suspects. While higher-ranking officials publicly condemned prisoner mistreatment, their subordinates continued to employ unacceptable techniques. A study released in 2006 by the Malawi Human Rights Commission (MHRC) found that police frequently subjected suspects to torture and other serious abuse when conducting investigations. The May 2007 MHRC Executive Report on Human Rights Accountability in Malawi by the Three Arms of Government stated that cases of torture involving the police appeared to have persisted even as the police continued to implement reforms. The nongovernmental organization (NGO) Amnesty International (AI), in its 2007 country report on Malawi, also stated that torture and mistreatment were reported.

Heavy police workloads due to high crime rates and a lack of officers—only 9,700 for the entire country—led some officers to try to get confessions quickly, sometimes through beatings or other coercion. A lack of financial resources for salaries, housing, appropriate equipment, facilities, and training also contributed to mistreatment. In 2005 the MHRC called for the introduction of a compensation fund to assist victims of police abuse, including persons who died in police custody and their relatives; however, no such fund had been established by year's end. On October 10,

the Malawi Police Service established an internal affairs unit to investigate allegations of misconduct by the police.

Security forces forcibly dispersed demonstrators, which resulted in injuries and deaths.

On September 20, two policemen using a machete hacked a man on the back of the head after an altercation occurred in Lilongwe when the officers tried to confiscate charcoal from him. No information was available on whether charges were filed against the officers. A local authority said it was common for officers in the district to confiscate charcoal and demand payment in return.

Police use of excessive force to disperse demonstrators resulted in several injuries. In January park rangers at Lengwe National Park fired into the air to disperse an angry crowd protesting the arrest of some villagers who were illegally planting crops in the park. Three persons were injured by the shots. No arrests were reported in conjunction with the shooting.

The policeman named Kasinja was awaiting trial at year's end in the June 2006 case in which he allegedly assaulted a pregnant woman in her home and later at the police station for frustrating his attempts to make advances on her friend.

No further information was available at year's end on the September 2006 case of four policemen who allegedly entered the house of a man suspected of selling fuel illegally, beat his wife, and then shot the man six times, seriously injuring him, as he fled.

In 2006 the MHRC reported several instances of police torture, including a case in which two policemen in Lilongwe broke a suspect's leg and tortured several other persons with a machete, club, and hammer to obtain confessions during interrogations.

There were no developments in the 2005 case in which the mother of a 12-year-old boy who died in police custody after ingesting a pesticide alleged that police beat her and two of her children during interrogation. James Kachala, the police inspector who was charged with assaulting and wounding the mother, remained in police custody at year's end.

On August 30, police officer Charles Nowa was found guilty of causing grievous bodily harm and negligence for shooting South African Gareth Killian. This was the first conviction in the country of an officer for actions arising out of official duties. Nowa fled after the conviction when the senior resident magistrate failed to vacate his bail. Nowa was to be sentenced on September 7 and could receive up to 15 years in prison but had not been found by year's end. Nowa shot Killian in April 2004 in Lilongwe after mistaking his car for a robbery getaway vehicle. By year's end Killian had required 21 operations due to the injuries sustained in the shooting.

Unlike in the previous year, there were no reports that police beat refugees.

*Prison and Detention Center Conditions.*—Prison conditions remained harsh and life threatening; overcrowding, inadequate nutrition, substandard sanitation, and poor health facilities remained serious problems. The prison system, which was meant to accommodate approximately 5,000 inmates, routinely held at least double that number. According to the prison commissioner, there were 10,830 inmates in the prison system at year's end, of whom 1,969 were pretrial detainees. Staffing in prisons was inadequate, and more than 60 percent of positions were unfilled. Budget allocations for the prison system were less than half of the stated need, and the warden to inmate ratio was 1:17 rather than the recommended 1:5.

Inmates were encouraged to grow vegetables and raise livestock and often did so; however, they complained that they did not receive enough food, and that prison officials sold food that was intended for the inmates. Community service programs were available as alternatives to prison terms for first-time offenders convicted of less serious crimes and who had permanent addresses.

Numerous inmates died in prison each month, largely due to HIV/AIDS, diarrhea, pneumonia, tuberculosis, and inadequate diet. More than 280 deaths in prison were recorded in 2006, according to AI. During the year there were 171 reported deaths in the prison system, including 72 attributed to HIV/AIDS, 36 to tuberculosis, 22 to pneumonia, and 18 to malaria.

On August 11, Elson Kachere, a prisoner at Mwanza Prison, suffered an electric shock, which caused him to fall and suffer partial paralysis, while performing work outside the prison. Kachere and eight other inmates were asked to plaster a shop in Mwanza, and Kachere was shocked by two loose electric wires despite telling prison wardens about their presence before beginning work. Kachere stated that neither he nor the other prisoners were ever paid for work performed outside the prisons. Malawi Prison Service public relations officer Tobias Nowa claimed that prisoners were not allowed to work outside prison premises, and it was unacceptable for wardens to use prisoners for personal profit.

On September 19, inmates at Zomba Central Prison wrote a letter to the Malawi Human Rights Resource Center complaining of poor diet, inadequate medical care, and poor sanitation. The prisoners stated that HIV-infected inmates had no access to proper treatment or nutritious food. A Department of Prison spokesperson admitted that the department did not have adequate funding to buy nutritious food and that funding for HIV/AIDS affected prisoners was inadequate.

On December 3, prison warders at Maula Prison fired shots into the air to control rioting inmates. One prisoner was injured by a bullet and was taken to Kamuzu Central Hospital in Lilongwe for treatment. The inmates were rioting over a reduction in the number of meals given per day, but prison officials claimed meals had not been reduced and prisoners "had misunderstood the situation."

Although women were not kept in separate facilities, they were segregated within the prison compound and monitored by female guards. In the four maximum-security prisons, there were separate facilities for juveniles; however, the separation was inadequate, and there were reports of sexual and physical abuse of juvenile prisoners. In the other prisons, juveniles were routinely incarcerated with adults, although during the year the prison at Bvumbwe was designated a juvenile prison. The law requires pretrial detainees to be held separately from convicted prisoners; however, many prisons did not comply due to inadequate facilities.

During the year the Government permitted domestic and international NGOs and the media to visit and monitor prison conditions and to donate basic supplies. The International Committee of the Red Cross (ICRC) continued to visit prisons during the year.

In November the Southern African Litigation Center (SALC) requested that the African Commission on Human and Peoples' Rights send its Special Rapporteur for Prisons and Conditions of Detention in Africa to the country to investigate prison conditions due to major human rights violations in the prisons. Chief Commissioner for Malawi Prison Services MacDonald Chawona admitted that conditions in the prisons were appalling and attributed most of the problems to overcrowding caused by poor coordination between police, courts, and the prisons.

*d. Arbitrary Arrest or Detention.*—The Constitution and law prohibit arbitrary arrest and detention; however, the Government did not always observe these prohibitions in practice. There was a decline in politically motivated arrests from the previous year.

*Role of the Police and Security Apparatus.*—The national police, controlled by the Ministry of Home Affairs and Internal Security, has responsibility for law enforcement and maintenance of order. Police occasionally called on the army for support.

The police force was inefficient and poorly trained due to inadequate funding. Corruption was widespread and impunity was a problem. Police continued efforts to improve investigative skills, including training on internal affairs investigations, and to introduce the concept of victims' rights through workshops and other training exercises, particularly in the areas of sexual abuse, domestic violence, and trafficking in persons.

During the year the police created public relations officer positions at the district level to expedite information distribution to the public. In 2006 the police established Victim Support Units to handle human rights and gender-based violence cases, but a 2006 survey by the Pan African Civic Educators Network found that officers in the units still lacked the professional capacity to assist victims and properly document cases. The Government continued to seek community involvement in its comprehensive reform of the police, and civil society groups conducted workshops for the police on crowd control. The country also received foreign assistance to train officials and procure equipment.

*Arrest and Detention.*—The law provides the accused the right to challenge the legality of detention, to have access to legal counsel, and to be released on bail or informed of charges by a court within 48 hours; however, these rights were seldom respected in practice. Most suspects can be apprehended without a warrant if a police officer has probable cause. Arrest warrants are usually issued in cases involving corruption or white-collar crime; the warrants are issued by a duly authorized official based on presented evidence. The use of temporary remand warrants to circumvent the 48-hour rule was widespread. The Government provided legal services to indigent detainees; however, access was often delayed since there were only 16 lawyers and five paralegals working as public defenders. Detainees were allowed access to relatives. Bail frequently was granted to reduce prison overcrowding rather than on the merits of an individual case. During the year the MHRC received 20 complaints of arbitrary detention; most related to overstay of remand, denial of bail, and unheard appeals.

Unlike in the previous year, there were no reports that police arrested journalists, demonstrators, or Muslim leaders.

Arbitrary arrests remained a problem but were not focused on any particular group. Police arrested relatives of suspects when a suspect could not be found, in an attempt to draw the wanted individual out of hiding.

Security forces arrested a number of opposition politicians, primarily from the UDF, on a range of charges, but arrests of opposition politicians were fewer than in the previous year. While government actions generally were legal in the strictest sense, courts dismissed or suspended by injunction the majority of these cases. Many of those arrested were charged under antiquated dictator-era laws such as criminal libel and the Protected Names, Flags and Emblems Act, which local legal scholars viewed as unconstitutional.

In April 2006 three senior UDF leaders were arrested for insulting the president during a rally. The men were held on remand for 8 days and then released on bail. The men were awaiting a court date at year's end.

Eighteen percent of the prison population was pretrial detainees. Pretrial homicide suspects were typically held in detention for 2 to 3 years. Other suspects were held an average of 2 to 3 months pending trial.

The Center for Legal Assistance, an NGO that assists prisoners with legal matters, continued to provide free legal assistance to expedite the trials of detainees, with priority given to the sick and young and those subjected to very long trial delays.

*e. Denial of Fair Public Trial.*—The Constitution and law provide for an independent judiciary, and the Government generally respected this provision. However, the judicial system was inefficient and handicapped by serious weaknesses, including poor record keeping, a shortage of attorneys and other trained personnel, heavy caseloads, and lack of resources. The May 2007 MHRC Executive Report on Human Rights Accountability in Malawi by the Three Arms of Government cited understaffing, poor record keeping, inundation of the courts with political disputes, and a lack of financial resources as the biggest problems for the judiciary preventing speedy dispensation of justice.

The law provides for a High Court, a Supreme Court of Appeal, and subordinate magistrate courts. A Constitutional Court (a panel consisting of three high court judges with jurisdiction over constitutional matters) also existed. The chief justice is appointed by the president and confirmed by the National Assembly. The president appoints other justices, following recommendations by the Judicial Service Commission. All justices are appointed to serve until the age of 65 and may be removed only for incompetence or misbehavior, as determined by the president and a majority of the National Assembly. There are no military or security tribunals.

*Trial Procedures.*—By law defendants have the right to a public trial but not to a trial by jury; however, in murder cases, the High Court uses a jury of 12 persons from the defendant's home district. Defendants have the right to be present. Defendants also are entitled to an attorney, and if indigent, to an attorney provided at state expense. Defendants have the right to present and challenge evidence and witnesses, the right of appeal, and the presumption of innocence. The law extends the above rights to all persons.

The judiciary's budgetary and administrative problems effectively denied expeditious trials for most defendants but improvements were made due to increased staffing. The Department of Public Prosecutions had 29 prosecuting attorneys, an increase of 21 over 2006 levels, and nine paralegals, an increase of five. The paralegals served as lay prosecutors and prosecuted minor cases in the magistrate courts. Lack of funding and a shortage of attorneys created a backlog, mainly in murder cases, that was being reduced. Retention of government attorneys was a problem due to poor salaries in comparison with the private sector.

*Political Prisoners and Detainees.*—The April 2006 detention of Vice President Chilumpha for allegedly plotting to assassinate President Mutharika continued. At year's end Chilumpha was still charged with treason and held under relaxed house arrest in Blantyre, allowing him to travel within the country (provided he informed authorities) and abroad (with High Court permission). In late October the Government released all evidence and witnesses it claimed to have against Chilumpha. A government request to force media to listen outside the courtroom via a public address system and bar photography during the trial to protect witness identities delayed the case at the end of December. Businessman Yusuf Matumula was also accused of treason in the same case. Rashid Nembo, who was also arrested and charged with Chilumpha and Matumula, had charges against him dropped due to lack of evidence.

There were no other reports of political prisoners or detainees.



*Civil Judicial Procedures and Remedies.*—There is an independent and impartial judiciary in civil matters, and citizens have access to a court to bring lawsuits seeking damages for, or cessation of, human rights violations. The law provides for administrative remedies as well as judicial remedies for alleged wrongs; however, a paucity of resources and legal professionals restricted the number of cases pursued and resulted in a large backlog. During the year the MHRC received 155 complaints of limited access to justice and 50 complaints of unfair administrative justice.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution and law prohibit such actions, and the Government generally respected these prohibitions in practice.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The law provides for freedom of speech and of the press; however, at times the Government attempted to limit these rights, although there were fewer such incidents than in the previous year.

Private individuals were generally free to criticize the Government without fear of reprisal.

The BBC's 2007 country profile stated that the Government has used libel and other laws to put pressure on newspaper journalists. These actions prompted journalists to practice self-censorship, especially at government-owned media outlets such as the Malawi Broadcast Corporation (MBC) and Television Malawi (TVM). International media operated freely.

There was no further action in the 2005 case of former DPP Vice President Gwanda Chakuamba, whom the Government arrested and charged with insulting the president. Chakuamba was released on bail and at year's end was awaiting a court date to determine the constitutionality of the charges.

The independent media was active and expressed a wide variety of views. A broad spectrum of political opinion was available in the country's newspapers. Ten independent newspapers were available, including two dailies, four weeklies, and four biweeklies.

There were 14 private radio stations with limited coverage and which broadcast only in urban areas. MBC dominated the radio market with its two stations, transmitting in major population centers. TVM was the sole television broadcaster. News coverage and editorial content of MBC and TVM clearly favored the president and his party; coverage of other political parties was more critical, and they received less airtime.

During the year the Government attempted to restrict press freedoms. The Government sought to stop Capital Radio from broadcasting a recording of a conversation between the president and the former Anticorruption Bureau (ACB) director, Gustav Kaliwo. On the recording the president allegedly told the director to take the "Muluzi case" to court to "shake him up." At the time the ACB was investigating former President Bakili Muluzi for corruption, theft, and abuse of office for allegedly pocketing \$10 million (1.43 billion MWK) in public money. Capital Radio, however, obtained a court ruling authorizing it to use the recording, which the station broadcast in March.

By year's end there had been no court action against former Nation journalists Raphael Tenthani and Mabvuto Banda, who in 2005 were arrested and detained for 24 hours after they published articles alleging that the president had moved out of his residence for fear that ghosts were haunting the building. By year's end neither journalist had complied with the president's demand that they apologize and retract the story. Although the case against Tenthani and Banda was not officially closed, the president reportedly had "made peace" with the two journalists.

The Communications Act provides for the president to appoint board directors and chief executives for the Malawi Communications Regulatory Authority (MACRA), MBC, and TVM. In August opposition legislators blocked financial support to MBC and TVM to punish the two stations for their biased reporting. Commentators condemned this short-term solution and urged parliamentarians to change the law and free the two broadcasters from government control.

Journalists from Joy Radio, owned by former President Muluzi, were allegedly barred from covering parliamentary proceedings. In October Joy Television, also owned by Muluzi, started broadcasting in Blantyre. MACRA tried to stop the television station's launch, alleging that its operating license, obtained when Muluzi was in power, had expired. Joy Television challenged the legality of MACRA's directives, arguing that the MACRA board was wrongfully constituted. In September Joy Television obtained an injunction through October 31 allowing it to operate pending an interpretation of the law on the legality of the MACRA board and the validity of their broadcasting licenses. On November 26, despite a pending review, MACRA confiscated the broadcasting equipment of Joy Television and held it at year's end.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Less than 15 percent of the population had access to the Internet, via a few Internet cafes and offices in the major cities; few individuals could afford Internet access in their homes.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The Constitution and law provide for freedom of assembly; however, there were instances in which authorities limited this right. Authorities at times interfered with opposition party political functions or used violence to disperse crowds. Police were routinely criticized for failing to act impartially with regard to political demonstrations.

Police use of excessive force to disperse demonstrators resulted in one death and several injuries. In January park rangers at Lengwe National Park fired into the air to disperse an angry crowd protesting the arrest of some villagers who were illegally planting crops in the park. Thomas Chizenga was killed and three others were injured by the shots. No arrests were reported in conjunction with the shootings.

In February police in Blantyre blocked former president and UDF leader Muluzi from using the VIP lounge at Chileka Airport. Police also prevented UDF supporters from congregating at the airport to meet the former president, despite a court order prohibiting police from mounting roadblocks. In September the High Court convicted Southern Region Deputy Police Commissioner Matthews Chimaliezeni for failing to comply with the court order and sentenced him to 14 days' imprisonment, which was later suspended for 24 months.

On March 25, the Malawi Defense Force deployed troops at a Muluzi rally near Blantyre to disperse UDF supporters. Troops also set up roadblocks to stop Muluzi and his supporters from getting to the rally. The police had previously told Muluzi he could not have a rally that day since President Mutharika was having a rally 45 miles away at the same time and cited a lack of officers for crowd control and fear of altercations between the two rallies' supporters. Muluzi obtained a court order preventing the police from blocking the rally, at which point the Government called in the military to block it, the first time the military was used by the Government to stop a political rally.

There were no developments in the 2006 and 2005 cases in which police used excessive force to disperse demonstrators.

*Freedom of Association.*—The Constitution and law provide for freedom of association, and the Government generally respected this right. The Government required all organizations, including political parties, to register with the Ministry of Justice, and registration was routinely granted.

*c. Freedom of Religion.*—The Constitution and law provide for freedom of religion, and the Government generally respected this right. A 2007 Supreme Court ruling declared that religious freedom is a right that cannot be restricted. Churches continued to exert significant political influence, particularly in rural areas.

There are no separate requirements for the recognition of religious groups, but they must register with the Government. Foreign Christian missionaries experienced occasional delays in renewing employment permits; however, this appeared to be the result of bureaucratic inefficiency rather than policy. Missionaries and charitable workers paid lower fees for employment permits than did other professionals. Unlike in the previous year, no Muslim leaders were arrested.

*Societal Abuses and Discrimination.*—There were no reports of societal religious discrimination or of anti-Semitic acts. The Jewish community was very small.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights.

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

*Protection of Refugees.*—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees or its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against "refoulement," the return of persons to a country where there is reason to believe they feared persecution. The Government granted refugee status or asylum;

however, there were long delays in the process. By law the Government does not accept refugees for permanent resettlement. The Government generally cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) in assisting refugees and asylum seekers, but restricted refugees' ability to move freely and work outside of refugee camps.

The Government provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol and provided it to approximately 1,288 persons during the year.

While no legal framework existed, the Government allowed refugees to seek both employment and educational opportunities, although it restricted these activities outside the refugee camps. Refugees with professional degrees, especially those with medical training, were given work permits to pursue employment outside the camps. The UNHCR, NGOs, and the Government collaborated to provide education to children in refugee camps.

In May the Government announced the closing of the Karonga Transit Shelter and the Luwani Refugee Camp, citing a breakdown in law and order among refugees. By the end of November approximately 3,000 refugees were transferred to the lone remaining refugee camp, in Dzaleka. Although largely peaceful, there were some reports of ethnic clashes among asylum seekers within the camps.

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

The Constitution and law provide citizens with the right to change their government peacefully, and citizens exercised this right through periodic and free, although not always fair, elections held on the basis of universal adult suffrage.

*Elections and Political Participation.*—International election observers found the 2004 presidential and parliamentary elections to have substantial shortcomings, including inequitable access to the state-owned media and poor planning by the MEC. The ruling party frequently monopolized resources and used public funds for campaign purposes. Voter turnout was low compared with the two previous presidential elections. With approximately 36 percent of the popular vote, President Mutharika, chosen by former President Muluzi as the UDF candidate, was elected to serve a 5-year term. Election discrepancies prevented parliamentary candidates from taking seats in six constituencies. By-elections for these vacancies took place in 2005. Observers declared them free and fair and better organized than the national elections. The president and vice president can run for parliamentary seats but are constitutionally barred from simultaneously holding more than one public office.

The executive branch exerted considerable influence over the unicameral National Assembly, which followed a hybrid parliamentary system loosely based on the British model but which operated in the context of a presidential-parliamentary model; all cabinet ministers are currently also members of the National Assembly but are not required to be.

Although the Government did not prevent the activities of opposition political parties, the parties alleged that the Government used bribery, other inducements, and violence to encourage opposition party divisions. Sporadic minor violence was common between supporters of rival political parties.

On September 14, President Mutharika adjourned the National Assembly just days after a 4-month battle to secure approval of the national budget. The Government cited the high costs of keeping Parliament in session for the budget process and opposition unwillingness to debate key bills and fill vacant appointments; however, opposition and civic leaders charged the move prevented the speaker of the National Assembly from enforcing Section 65 of the Constitution as the Government had agreed to in budget negotiations; section 65 requires members of Parliament who change political parties after being elected to vacate their seats. At least 40 members of the ruling (but minority) DPP would have been affected by enforcement of the law. The Constitution requires the president to consult with the speaker before adjourning the assembly, but the speaker claimed that he was not consulted before the president took action.

In May 2005 President Mutharika dissolved district and municipal assemblies in anticipation of constitutionally mandated local government elections that were scheduled for that same month; however, the Government failed to hold elections, citing a budgetary shortfall related to the food crisis. Civil society and the donor community criticized the Government for delaying the staging of these elections, which still had not been held by year's end.

There were 25 women in the 193-seat National Assembly and six women in the 42-member cabinet. Women comprised approximately 25 percent of the civil service. There were three female justices among the 22 supreme and high court justices.

There were three members of minorities in the National Assembly.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. The World Bank's 2007 report on Worldwide Governance Indicators reflected that there was a serious corruption problem. The public also perceived corruption as a problem, although some informed observers, including leaders in the business and banking community, have claimed a significant reduction in corruption under the current government. A financial disclosure law existed but only applied to members of Parliament and was voluntary.

President Mutharika continued his reform program, which included the opening in August of a financial intelligence unit to investigate money laundering; however, these initiatives were overshadowed by opposition party efforts to block appointments to key positions including chief justice of the Supreme Court of Appeal, auditor general, and Anti-Corruption Bureau (ACB) director.

The ACB continued to launch investigations, but indictments of former high-level government officials slowed from the previous year. Further, surveys indicated that while a majority of citizens have been exposed to government anticorruption messages, only 15 percent knew how to report corruption to the ACB. In September acting ACB Director Tumalisye Ndovi was placed under investigation for drawing two government salaries at the same time, undermining the bureau's investigative authority.

During the year Minister of Information Patricia Kaliati was accused of accepting vehicles from a foreign company in return for a concession at a national park (her ministry previously included the Department of Tourism). Kaliati was under investigation at year's end.

There was little progress during the year in the corruption case against former President Muluzi. In December 2006 the press reported that acting ACB Director Ndovi had resumed the investigation and traveled to London and Washington, D.C. to investigate whether Embassy accounts had been abused under Muluzi.

At year's end the Government was challenging the acquittal of national assembly member Lucius Banda, who was convicted of forgery in August 2006 and sentenced to 21 months' imprisonment. Banda was released and his status as a member of Parliament restored following a high court acquittal on the basis that the original verdict was harsh and excessive for a first-time offender. In May Banda, Maxwell Milanzi, and Yusuf Mwawa, also members of Parliament who were arrested and convicted of crimes in 2006, lost their seats in the National Assembly as a result of their convictions.

In April Sam Safuli, the former principal secretary for education, was released after the Supreme Court of Appeal overturned his conviction.

In September 2006 a court acquitted Chief Immigration Officer David Kambilonje of corruption and abuse of office, charges which the ACB had brought against him in 2005, stating that the Government had failed to provide sufficient evidence. The ACB appealed the acquittal. There were no reported developments by year's end.

Trial was still pending for Secretary of the Treasury Milton Kutengule, who was arrested by the ACB in 2005 on corruption charges.

The law provides for public access to government information, and the Government granted access to citizens and noncitizens, including foreign media.

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

A variety of domestic and international human rights groups generally operated without government restriction, training civic educators, advocating changes to existing laws and cultural practices, and investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive to their views.

The MHRC, an independent government agency, is charged with monitoring, auditing, and promoting human rights and conducting investigations regarding violations of human rights; however, a shortage of resources resulted in a backlog of cases, delayed production of reports, and failure to expand human rights monitoring. The MHRC reported that it had received 719 complaints of human rights violations during the year; most were related to labor issues, inadequate access to the judiciary, violations of children's rights, restrictions on property rights and economic activity, and rights of prisoners. The Government cooperated with international governmental organizations and permitted visits by U.N. representatives and other organizations.

U.N. agencies, the ICRC, and international NGOs are resident in the country and have access to investigate human rights abuses.

The ombudsman was mandated by law to investigate and take legal action against government officials responsible for human rights violations and other abuses. However, his freedom of action was circumscribed by legislation that requires a warrant and a 3-day waiting period to gain access to certain government records. The activities of the ombudsman were subject to judicial review, but he enjoyed government cooperation and operated without government or party interference. During the year the ombudsman received 1,147 complaints and resolved 793 of them. The ombudsman lacked adequate resources, having only eight investigators for the entire country, and some recommendations were referred to Parliament after being ignored or challenged by government departments and agencies, since the ombudsman does not have the authority to enforce its determinations.

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

The law specifically provides for equal rights for women, forbids discrimination based on language or culture, race, disability, or social status and provides for equality and recognition before the law for every citizen. However, the capacity of government institutions to assure equal rights for all citizens was limited.

*Women.*—The law criminalizes rape with a maximum penalty of life imprisonment. Spousal rape is not explicitly mentioned but could be prosecuted under the same rape laws. The Government generally enforced the law effectively and convicted rapists routinely received prison sentences. Data on the prevalence of rape or spousal rape and conviction figures were unavailable; however, press reports of rape arrests and convictions were an almost daily occurrence.

On January 23, a community police officer in Chitipa was sentenced to 4 year's imprisonment with hard labor for raping a woman who had been accused of stealing corn while he walked her back to their village. On May 21, a dermatologist in Zomba was sentenced to 14 year's imprisonment with hard labor for raping a patient who had sought treatment at his office. The judiciary continued to impose heavier penalties on those convicted of rape—including up to 14-year prison sentences for child rape—and assault.

Domestic violence, especially wife beating, was common, although women seldom discussed the problem openly, and victims rarely sought legal recourse. Legal experts and human rights workers attributed victims' reluctance to report their abusers to lack of awareness of their legal rights and fear of retribution and ostracism. The law provides a maximum penalty of life imprisonment for domestic violence. The law also recognizes that both men and women can be perpetrators as well as victims of domestic violence. Police regularly investigated cases of rape and sexual assault but did not normally intervene in domestic disputes.

During the year the Government announced plans to establish shelters to support abuse victims, and the police service began a sensitization campaign on the dangers of domestic violence. During the year the police established Victim Support Units to specifically deal with human rights and gender-based violence, but officers' capacity to assist and document cases was limited.

Prostitution is legal and prevalent around hotels and bars in urban and tourist areas; however, the law prohibits living off wages earned through prostitution, owning a brothel, or forcing another person into prostitution. Loitering is the main charge under which prostitutes were arrested, resulting usually in small fines.

Sexual harassment is not specifically prohibited by law, but can be prosecuted under existing sections of the penal code such as indecent assault on a female, which carries up to a 14-year prison sentence, or insulting the modesty of a woman, which is a misdemeanor punishable by 1 year in jail. There is no available data on the extent of sexual harassment or effectiveness of government enforcement.

State House Press Officer Chikumbotsu Mtumodzi was charged with sexual harassment after being accused of indecently assaulting a journalist at her workplace in December 2006. Mtumodzi pleaded not guilty and was free on bail awaiting trial at year's end.

Under the law women have the right to full and equal protection and may not be discriminated against on the basis of gender or marital status; however, discrimination against women was pervasive, and women did not have opportunities equal to those available to men. Women had significantly lower levels of literacy, education, formal and nontraditional employment opportunities, and access to resources to increase agricultural productivity.

Women often had less access to legal and financial assistance, and widows often were victims of discriminatory and illegal inheritance practices in which most of an estate was taken by the deceased husband's family. Women usually were at a disadvantage in marriage, family, and property rights; however, awareness of women's legal rights continued to increase, and women began to speak out against abuse and discrimination. Households headed by women were represented disproportionately

in the lowest quarter of income distribution. Fifty-two percent of full-time farmers were women; however, they had limited access to agricultural extension services, training, and credit. Gender training for agricultural extension workers and the gradual introduction of rural credit programs for women have increased; however, few women participated in the limited formal labor market, where they constituted less than 5 percent of managerial and administrative staff.

The law provides for a minimum level of child support, widows' rights, and the right to maternity leave; however, only individuals who could utilize the formal legal system benefited from these legal protections. In a few isolated areas, a widow was sometimes forced to have sex with in-laws as part of a culturally mandated "sexual cleansing" ritual following the death of her husband. In some cases, she was "inherited" by a brother-in-law or other male relative. Although there were no laws specifically prohibiting these practices, the Government and civil society continued efforts to abolish them by raising awareness concerning the inherent dangers of such behavior, including the risk of HIV/AIDS transmission.

The Government addressed women's concerns through the Ministry of Women and Child Development.

*Children.*—The Constitution prohibits treatment of children that is harmful to their physical or mental development or that may interfere with their education. Government spending levels have not kept up with increasing needs. Funding levels for the Ministry of Women and Child Development, which oversees many children's welfare programs, decreased from \$2.88 million (412 million MWK) in 2002–3 to \$566,000 (81 million MWK) in 2006–7.

In August the Government launched the pilot phase of the National Registration and Identification System, the first step in the creation of a national identification system to provide for mandatory registration of births. There is no requirement for registration of births; however, there were no reports of discrimination or denial of services due to lack of birth registration. Other documents such as health pass books could alternatively be used to identify children.

The Government provided free primary education for all children, although education was not compulsory. There is no legal maximum age to which public schooling is provided; however, government policy is to allow only young and unmarried persons to attend public schools. A 2005 government study found that 80 percent of children attended primary school, although only 12 percent attended secondary school. Families were responsible for paying book fees and purchasing uniforms. Students from very poor families had access to a public book fund. Girls, especially in rural areas, have historically been unable to complete even a primary education and therefore were at a serious disadvantage in finding employment.

In 2004 the University of Malawi released a report on free primary education since its inception in 1994. The report noted that, over the preceding decade, annual budgetary increases for education had not kept pace with increasing student enrollment. Student dropout rates marginally decreased each year since free education was introduced. The 2006 Malawi Multiple Indicator Cluster Survey indicated there was no difference in attendance rates of girls and boys in primary school. However, the 2002 Malawi Demographic Household and Education Data Survey stated that boys were much more likely to attend secondary school than girls. There also were large gaps in achievement levels between girls and boys; boys, for example, were much more likely to graduate from secondary school than girls.

The Government took steps to respond to a 2004 U.N. Children's Fund (UNICEF) study that showed a number of girls entered into sexual relationships with teachers for money, became pregnant, and subsequently left school. The study also found that many girls left school because of violent behavior by some teachers. In response the Government expanded legal protection of students subjected to exploitation and inappropriate relationships at school. In January the headmaster of Kadete Junior Primary school was sentenced to 12 years' imprisonment for defiling an 11-year-old pupil.

Boys and girls had equal access to state-provided medical care.

More than half of children lived in poverty, mostly in rural areas. Orphans and children in rural households headed by women were among the poorest. Only one-third of children had ready access to safe drinking water, infant mortality was high, and child malnutrition was a serious problem. In 2005 the Government launched a National Plan of Action for Orphans and Vulnerable Children to mitigate the impact of poverty and HIV/AIDS on the country's estimated 1 million orphans.

Child abuse was a problem. The press reported many cases of sexual abuse of children, including arrests for rape, incest, sodomy, and defilement. For example, on February 4, a man in Ntcheu was sentenced to 13 years' imprisonment for defiling a 9-year-old girl. On August 19, a Lilongwe man was sentenced to 11 years in prison for defiling a 6-year-old girl. On September 20, a Nigerian man living in Lilongwe

was convicted of incest and sentenced to 13 years' imprisonment for defiling his 4-year-old daughter.

Abusive practices, including the secret initiation of girls into their future adult roles, were widespread. In a few traditional communities, girls averaging 12 years old were forced to have sex with older men as part of such initiation rites. "Kupimbira," a practice that allows a poor family to receive a loan in exchange for daughters of any age still existed in some areas.

A local NGO reported an increase in fathers marrying their own daughters in Mangochi District, and the organization urged women to report husbands who slept with their daughters. The MHRC expressed concern over reports of parents forcing their daughters into marriages for food.

The law does not specifically prohibit female genital mutilation (FGM). It is practiced by a few small ethnic groups. In most cases FGM is perpetrated on girls between 10 and 15 years of age, less often on 16- to 20-year-olds. A government/UNICEF awareness campaign against harmful cultural practices affecting children included the subject.

The Ministry of Women and Child Development undertook various activities to enhance protection and support of victims. In November 2005 the ministry announced a plan to introduce a child abuse hotline; however, the hotline had not been established by the end of the reporting period. The ministry continued its efforts to convert its former regional offices into rehabilitation centers and opened the first in Lilongwe to serve the central region; however, centers had not been opened in the southern or northern regions.

On March 27, five men found guilty of cutting off a boy's genitals and offering them for sale were each sentenced to 14 years' imprisonment.

In September five males were arrested for forcibly circumcising two boys in what appeared to be a gang initiation. Charges were awaiting final medical evaluation of the victims' condition.

The trafficking of children for sexual purposes was a problem, and child prostitution also occurred. The widespread belief that children were unlikely to be HIV positive and that sexual intercourse with virgins can cleanse an individual of sexually transmitted diseases, including HIV/AIDS, contributed to the sexual exploitation of minors.

A few charitable organizations attempted to reduce the number of child beggars in urban areas; however, the problem of street children remained serious as the number of orphans whose parents died from HIV/AIDS increased. Extended family members normally cared for such children and other orphans.

*Trafficking in Persons.*—The law does not prohibit trafficking in persons specifically, and women, children, and men were trafficked from and within the country. Although the extent of human trafficking was undocumented, the Government made efforts to combat trafficking and used existing laws to prosecute cases of child trafficking for agricultural labor exploitation. Although the age of sexual consent is 14, there was no age specified for the protection of minors from sexual exploitation, child prostitution, or child pornography.

The country is a source and transit point for women and children trafficked for sexual purposes locally and to brothels abroad, particularly in South Africa. Victims trafficked to South Africa were typically between 14 and 24 years old, and were recruited with phony offers of marriage, study, or employment. According to the International Organization for Migration, sex tourists, primarily from Germany, the Netherlands, and the United Kingdom, lured children into sexual relationships while in the country.

Poverty and low educational levels contributed to such exploitation. Traffickers involved in land border trafficking to South Africa were typically long-distance truck drivers and local businesswomen. Children are primarily trafficked internally for agricultural labor, but also for cattle herding, domestic servitude, commercial sexual exploitation, and to perform menial tasks for small businesses.

The penal code contains several provisions relating to prostitution and indecency that the Government has used to prosecute traffickers. During the year the Government prosecuted child traffickers; most of the cases involved trafficking of children for agricultural labor exploitation and cattle herding. For example, during the year a number of child traffickers, especially Zambian farmers near the border district of Mchinji, attempted to smuggle children for agricultural labor exploitation, and were reportedly caught and prosecuted. On August 29, police arrested two men in Dedza for attempting to traffic six children to work on tobacco farms; the case was pending at year's end. Child domestic labor also existed in urban areas; cases were reported to authorities by community labor committees and labor inspectors. International trafficking was done on valid travel documents obtained through unlawful means. It occurred at both unmonitored crossing points and official points of entry.

Some convicted child traffickers were sentenced to prison or required to pay fines; however, some who claimed ignorance of the law were merely warned and released.

Police and the Ministry of Women and Child Development handled cases brought to their attention and provided services for victims, including counseling and reintegration assistance. The ministry repatriated victims to their home villages. Children were resettled with their families and most offenders were fined.

The Government continued to implement a multiyear strategy to protect vulnerable children from exploitation but there was no reportable progress on the development of a nationwide, interministerial plan to identify the extent of the problem and possible solutions.

There were no reports of requests for assistance with international trafficking investigations or extraditions; however, during the year the Government met with neighboring states on child trafficking to discuss joint responses to the problem.

*Persons with Disabilities.*—The law provides for the support of persons with disabilities through greater access to public places, fair opportunities in employment, and full participation in all spheres of society; however, extremely limited resources prevented the Government from protecting these rights in practice. Reported violations were taken seriously, and the president publicly declared that students with disabilities should have equal access to education and other government services. The Government has not mandated accessibility to buildings and services for persons with disabilities.

A study by the Federation of Disability Organizations in Malawi found that 35 percent of children with disabilities had never attended school. The organization cited poor physical access to schools, lack of special needs teachers, and negative attitudes of parents and fellow pupils as causes. The 2007–8 budget for special needs education was cut 60.4 percent from 2006 levels.

There were both public and privately supported schools and training centers that assisted persons with disabilities. There also were several self-supporting businesses run by and for persons with disabilities. The Malawi Rural Development Fund provided loans to persons with disabilities to support these activities.

*Other Societal Abuses and Discrimination.*—Societal violence and discrimination based on sexual orientation and against persons with HIV/AIDS occurred but there were no government statistics on the extent of the problem. The National AIDS Commission stated that discrimination was a problem in both the public and private sector but believed the problem was decreasing due to HIV awareness campaigns.

Homosexuality is illegal, although there were no prosecutions for homosexuality during the year.

Societal discrimination against persons living with HIV/AIDS was widespread and inhibited access to treatment; many individuals preferred to keep silent about their health rather than seek help and risk being ostracized, but campaigns by the Government and NGOs to combat the stigma were having some success. During July the Ministry of Health sent 2,177 counselors to 1,367 sites to conduct HIV Testing and Counseling Week; 186,631 persons voluntarily came for testing, exceeding the ministry target by over 50,000 persons.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law allows workers, except for army personnel and the police, to form and join trade unions of their choice without previous authorization or excessive requirements, and workers exercised this right in practice; however, union membership was low due to the small percentage of the workforce in the formal sector, the lack of awareness of worker rights, and resistance on the part of many employees to joining unions. Union leaders estimated that 12 percent of the formal sector workforce belonged to unions; however, accurate statistics were not available. Employers, labor unions, and the Government lacked sufficient knowledge of their legitimate roles in labor relations and disputes, which limited their effectiveness in implementation and enforcement of the law.

Unions must register with the Registrar of Trade Unions and Employers' Organizations in the Ministry of Labor, and registration was routinely granted.

*b. The Right to Organize and Bargain Collectively.*—Unions have the right to organize and bargain collectively, and the Government protected this right. The law requires that at least 20 percent of employees (excluding senior managerial staff) belong to a union before such a union can engage in collective bargaining at the enterprise level, and at least 15 percent union membership for collective bargaining at the sector level. The law provides for the establishment of industrial councils in the absence of collective agreements for sector-level bargaining. Industrial council functions included wage negotiation, dispute resolution, and industry-specific labor



policy development. The law was not effectively implemented due to lack of human and financial resources.

The law allows members of a registered union to strike or go through a formal mediation process overseen by the Ministry of Labor, and workers exercised this right. A strike can only occur after all settlement procedures established in a collective agreement (an understanding, not necessarily signed, reached by both parties to attempt mediation) and conciliation efforts have failed. Laws do not specifically prohibit retaliation against strikers. There was no prohibition on actions against unions that were not registered legally. Members of a registered union in “essential services” have a limited right to strike. Essential services were specified as services whose interruption would endanger the life, health, or personal safety of the whole or part of the population, as determined by the Industrial Relations Court (IRC).

On September 27, the University of Malawi obtained an injunction preventing lecturers and other academic staff at the university from striking. However, union lawyers successfully countered and lecturers began a strike on October 16, demanding a 200 percent increase in pay. On November 15, the Government approved a 20 percent salary increase, and the lecturers returned to work.

Arbitration rulings were legally enforceable; however, in practice, due to the lack of funding and heavy case backlog, the IRC could not monitor cases or adequately enforce the laws.

Seventeen firms held licenses to operate under export processing zone (EPZ) status, and all were operational. The full range of labor regulations applied to the EPZs; however, many companies in the EPZs resisted union activity and union organizers stated they had little access to workers in the EPZs.

*c. Prohibition of Forced or Compulsory Labor.*—The Government prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred. Forced labor is punishable by a maximum fine of \$70 (10,000 MWK) or 2 years’ imprisonment. However, in practice punishments were almost always limited to fines, and the modest fines imposed were not effective in discouraging labor violations.

Forced and bonded labor involving entire families was widespread on tobacco plantations. Tobacco plantation tenants have exclusive arrangements, often unwritten, with the estate owners to sell their crop and to buy inputs such as fertilizer, seed, and often food. These costs, in addition to rent charges, often were greater than the amount of money received from tobacco sales, leading to a situation of debt and bonded labor to repay the input and other costs.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The law sets the minimum age for employment at 14 years of age, and children ages 14 to 18 may not work in jobs that are considered hazardous or that interfere with their education; nevertheless, child labor was a problem. According to a 2002 Labor Ministry study on child labor released in 2004, 80 percent of children were working either in or outside of their homes. In addition 28.8 percent of children ages 5 to 14 were involved in child labor and 38 percent of them worked more than 7 hours per week.

Child labor was common on tobacco farms, subsistence farms, and in domestic service. Many boys worked as vendors and young girls in urban areas often worked outside of their families as domestic servants, receiving very small or no wages. Child trafficking for agricultural work took place both internally and across porous borders with Zambia and Mozambique.

Police and the Ministry of Labor were responsible for enforcing child labor laws and policies; however, labor inspectors do not have law enforcement capabilities and must cooperate with the police to pursue violators. The law specifies a maximum fine of \$140 (20,000 MWK) or 5 years’ imprisonment for violations.

In April the ministry conducted three child labor law enforcement courses for district labor officers, district social welfare officers, police, and district magistrate court officers. Participants were drawn from 18 of the country’s 28 districts. During the year the ministry increased inspections, particularly on agricultural estates, and hired and trained six additional labor inspectors. There were 29 district labor officers and an estimated 150 labor inspectors at year’s end. The Government continued to participate in several social programs to address child labor, including a 3-year International Labor Organization project begun in 2005 to withdraw children and keep them from engaging in hazardous work on tobacco and tea farms and in domestic service. To date over 2,800 youths have been removed and rehabilitated under the program. The labor ministry youth committees in rural areas continued to monitor and report on child labor. Despite these efforts, enforcement by police and ministry inspectors of child labor laws was hindered by lack of funding.

*e. Acceptable Conditions of Work.*—The Ministry of Labor sets separate urban and rural minimum wage rates based on recommendations of the Tripartite Wage Advi-

sory Board (TWAB), composed of representatives of labor, government, and the private sector. However, poor functioning of the TWAB resulted in delayed and inadequate wage rate revisions. The urban minimum was \$0.71 (97 MWK) per day; in all other areas, it was \$0.54 (74 MWK) per day. Minimum wage rates, which were last revised in 2005, did not provide a decent standard of living for a worker and family. Official minimum wages only apply to the formal sector. Wage earners often supplemented their incomes through farming activities. The Ministry of Labor lacked the resources to effectively enforce the minimum wage. However, the minimum wage was irrelevant for most citizens, who earned their livelihood outside the formal wage sector.

The maximum legal workweek was 48 hours, with a mandatory weekly 24-hour rest period. The law requires payment for overtime work and prohibits compulsory overtime. In practice employers frequently violated statutory time restrictions.

The law includes extensive occupational health and safety standards; however, ministry enforcement of these standards was erratic. For example, media reported a bakery in Lilongwe in 2006 locked up employees each night until the next morning rather than pay for building security; authorities took no action against the employer, although officials claimed to have issued a general warning against such practices.

Workers, particularly in industrial jobs, often worked without basic safety clothing and equipment. Workers dismissed for filing complaints about workplace conditions have the right to file a complaint at the labor office or sue the employer for wrongful dismissal. Workers have the right to remove themselves from dangerous work situations without jeopardy to continued employment; however, given the low level of education of most workers and the high level of unemployment, workers were unlikely to exercise this right.

The law protects foreign workers in correct legal status. Illegal foreign workers were subject to deportation.

---

## MALI

Mali, with a population of approximately 12 million, is a constitutional democracy. International and domestic observers characterized the April 29 presidential election, which resulted in the reelection of President Amadou Toumani Toure, and the July legislative elections as generally free and fair; however, there were some administrative irregularities. While civilian authorities generally maintained effective control of the security forces, there were instances in which elements of the security forces acted independently of government authority.

The Government generally respected its citizens' human rights; however, there were problems, including poor prison conditions, arbitrary arrest and detention, lengthy pretrial detention, prolonged trial delays, and restrictions on speech, press, and assembly. Domestic violence and discrimination against women, female genital mutilation (FGM), trafficking in children, hereditary servitude relationships between ethnic groups, child labor, and forced labor, including by children, also occurred.

During the year Tuareg bandits attacked military units, kidnapped soldiers, and placed land mines that resulted in civilian casualties.

### RESPECT FOR HUMAN RIGHTS

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

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

On August 12, the body of Youssouf Dembele, secretary general of the Niono chapter of the opposition African Solidarity for Democracy and Independence party, was found in the town of Niono in the region of Segou. Dembele was one of the primary whistle-blowers in a \$15.5 million (7.21 billion CFA francs) corruption scandal involving the Governmental Office du Niger, which oversees agricultural production in Segou. Dembele's death was under investigation at year's end.

On October 17, in Gao, soldiers arrested and killed Assaleh ag Mohamed, a gendarme and ethnic Tuareg. Several soldiers associated with the killing were taken into custody and were awaiting trial at year's end.

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution and law prohibit such practices; however, there were occasional re-

ports that police abused civilians, and police use of excessive force to disperse demonstrators resulted in injuries.

*Prison and Detention Center Conditions.*—Overall prison conditions remained poor. Prisons continued to be overcrowded, medical facilities were inadequate, and food supplies were insufficient.

Men and women were separated in Bamako prisons; however, outside the capital, men and women were held in the same building but in separate cells. In Bamako juvenile offenders usually were held in the same prison as adult offenders, but they were kept in separate cells. Pretrial detainees were held with convicted prisoners.

The Government permitted prison visits by human rights monitors; however, nongovernmental organizations (NGOs) and other monitors were required to submit a request to the prison director, who then forwarded it to the Ministry of Justice. Approvals, which took up to 1 week, were routinely granted, but the week delay hindered the ability of monitors to ascertain if there were human rights violations. Several NGOs, including the Malian Association of Human Rights and the Malian Association of Women Lawyers, visited prisoners and worked with female and juvenile prisoners to improve their conditions.

*d. Arbitrary Arrest or Detention.*—The Constitution and law prohibit arbitrary arrest and detention, and the Government generally observed these prohibitions; however, on occasion, police arrested and detained persons arbitrarily.

*Role of the Police and Security Apparatus.*—Security forces include the army, air force, gendarmerie, National Guard, and police. The army and air force are under the control of the civilian minister of defense. The National Guard is administratively under the minister of defense; however, it is effectively under the control of the minister of internal security and civil protection. The police and gendarmerie are under the Ministry of Internal Security and Civil Protection. Police have responsibility for law enforcement and maintaining order in urban areas, while gendarmes have that responsibility in rural areas.

The national police force is organized into districts. Each district has a commissioner who reports to the regional director at national headquarters. The police force was moderately effective but lacked resources and training. Corruption was a problem, and some police and gendarmes extorted bribes. Impunity was not a problem, and individual police were charged and convicted of abuses. The gendarmerie conducted investigations of police officers.

Daba Djire, a police officer who was suspended in 2006 and awaiting trial for illegal wire-tapping, died during the year.

*Arrest and Detention.*—Judicial warrants are required for arrest. Complainants normally deliver warrants, which stipulate when a person is scheduled to appear at a police station. However, police sometimes served warrants, generally in response to an influential relative of the complainant or if they received a bribe. In cases involving a monetary debt, the arrested person frequently resolved the case at the police precinct, and the police received a portion of the recovered money. The law provides that suspects must be charged or released within 48 hours and that they are entitled to counsel; however, in practice detainees were not always charged within the 48-hour period. Limited rights of bail or the granting of conditional liberty exist, particularly for minor crimes and civil matters. On occasion authorities released defendants on their own recognizance. Detainees have the right to a lawyer of their choice or a state-provided lawyer if indigent, but administrative backlogs and an insufficient number of lawyers often prevented prompt access. Detainees were allowed prompt access to family members.

Police arbitrarily arrested journalists, demonstrators, students, and one teacher during the year.

Lengthy pretrial detention was a problem. In extreme cases, individuals remained in prison for several years before their cases came to trial. Approximately 77 percent of imprisoned persons were awaiting trial.

*e. Denial of Fair Public Trial.*—The Constitution and law provide for an independent judiciary; however, the executive branch continued to exert influence over the judicial system, and corruption and limited resources affected the fairness of some trials. Domestic human rights groups alleged that there were instances of bribery and influence peddling in the courts. The minister of justice appoints and may suspend judges, and the Justice Ministry supervises both law enforcement and judicial functions. The president heads the Council of Magistrates, which oversees judicial activity.

On September 10, a deputy public prosecutor, senior magistrate, and judge accused of corruption in 2005 were tried and found not guilty.

The country has a lower Circuit Court, a Supreme Court with both judicial and administrative powers, and a Constitutional Court that oversees constitutional

issues and acts as an election arbiter. The Constitution also provides for the convening of a high court of justice to try senior government officials in cases of treason.

*Trial Procedures.*—Except in the case of minors, trials generally are public, and defendants have the right to be present and have an attorney of their choice. Court-appointed attorneys are provided for the indigent without charge. Defendants have the right to consult with their attorney, but administrative backlogs and an insufficient number of lawyers often prevented prompt access. Defendants and attorneys have access to government evidence relevant to their cases. Defendants are presumed innocent and have the right to confront witnesses and to appeal decisions to the Supreme Court. These rights extend to all citizens and all groups.

Contrary to customary procedures, the June 26 trial of six persons charged with “offending” the head of state was conducted behind closed doors (see Section 2.a.).

Village chiefs, in consultation with the elders, decided the majority of disputes in rural areas. If these decisions were challenged in court, only those found to have legal merit were upheld.

*Political Prisoners and Detainees.*—Journalists and a high school teacher were imprisoned in June for “offending” the head of state (see Section 2.a.).

*Civil Judicial Procedures and Remedies.*—There is an independent and impartial judiciary in civil matters.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution and law prohibit such actions, and the Government generally respected these prohibitions.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution and law provide for freedom of speech and of the press; however, the Government limited press freedom during the year and intimidated journalists or publishers into practicing self-censorship.

Individuals criticized the Government publicly and privately, generally without reprisal; however, on occasion the Government attempted to impede such criticism.

The independent media were active and expressed a wide variety of views.

Journalists were subject to harassment and arrest. For example, on March 5, a court convicted Kabako newspaper journalists Diaby Macoro Camara and Oumar Bore of defaming Marimantia Diarra, the minister of planning; a December 2006 article in Kabako alleged that the minister ordered a local mayor to annul the marriage of his ex-fiance and compelled police to raid her residence. The newspaper claimed the mayor and police confirmed the allegations. Both journalists received a 4-month suspended sentence and a \$100 (46,500 CFA francs) fine. Referring to the case, the Committee to Protect Journalists issued a statement that “sending journalists to jail for their reporting is out of step with Mali’s democratic values.”

In June Bassirou Kassim Minta, a local high school teacher, assigned his class a fictional essay about the mistress of an unnamed head of state and was arrested on June 14 for “offending the head of state”; Info-Matin journalist Seydina Oumar Diarra wrote an article criticizing Minta’s judgment, but was arrested on the same charge on June 14. On June 20, four newspaper editors—Sambi Toure of Info-Matin, Birama Fall of Le Republican, Alexis Kalambry of Les Echos, and Mahamane Hameye Cisse of Le Scorpion—also were charged and arrested after they reprinted the original article to demonstrate solidarity with Diarra. Defense lawyers for the six boycotted legal proceedings to protest the Government’s restrictions on the press and handling of the case.

At the June 26 trial, the judge accepted a motion from the public prosecutor to remove the press and observers from the courtroom to “protect” the public from the “salacious” details of the case. The five journalists were convicted, given suspended prison sentences, and fined between \$400 (178,800 CFA francs) and \$1,200 (536,400 CFA francs). Minta, the teacher, was sentenced to 2 additional months’ imprisonment and fined \$1,200 (536,400 CFA francs). Outside the courtroom, leaders of the local journalists union objected to being barred from attending legal proceedings involving professional colleagues.

The Government harassed media outlets during the year. For example, in March the Office du Niger (ON), a government agency that regulates irrigation and agriculture in the country’s rice-growing region, served an eviction notice on Radio Jamakan, a local radio station that operated out of an ON-owned building in Markala. Radio Jamakan and the CPJ charged that the eviction was a result of the station’s March 3–4 broadcast of an opposition meeting. In 2006 ON stopped supplying electricity to the station after it broadcast a conference of government critics.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Indi-

viduals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail. There were numerous Internet cafes in Bamako, although home access in the capital was limited to those able to pay the high installation and monthly fees. Outside of Bamako, there were a few sites where the Internet was available for public use, but many towns in the country had no Internet access.

*Academic Freedom and Cultural Events.*—Apart from the arrest of a high school teacher for assigning an essay topic deemed offensive to the head of state, there were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The Constitution and law provide for freedom of assembly, and the Government generally respected this right; however, on June 21, police used tear gas and batons to disrupt a march of approximately 100 journalists who were protesting the arrests of five colleagues and a high school teacher (see Section 2.a.). At least one demonstrator—Ibrahim Coulibaly, the president of the Union of Journalists—was injured by police and required hospitalization.

Trials were still pending for five medical students, who were arrested in November 2006 for damaging property. The students' union claimed that the five, including one woman, were physically and sexually abused while in police custody.

*Freedom of Association.*—The Constitution and law provide for freedom of association, and the Government generally respected this right; however, the law prohibits association deemed immoral. In June 2005 the governor of the District of Bamako cited this law to refuse official recognition of a gay rights association.

*c. Freedom of Religion.*—The Constitution and law provide for freedom of religion, and the Government generally respected this right.

The Government required that all public associations, including religious associations, register; the process was routine and not burdensome. Traditional indigenous religious groups were not required to register.

*Societal Abuses and Discrimination.*—The Jewish population was estimated at less than 50, and there were no reports of anti-Semitic acts.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights. Police routinely stopped and checked both citizens and foreigners to restrict the movement of contraband and to verify vehicle registrations. Some police and gendarmes extorted bribes.

The Constitution and law specifically prohibit forced exile; the Government did not use it.

*Protection of Refugees.*—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice, the Government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution, and granted refugee status or asylum. A national committee in charge of refugees operated with institutional assistance from the Office of the U.N. High Commissioner for Refugees.

During the year the Government also provided temporary protection to 241 individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol.

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

The Constitution and law provide citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

*Elections and Political Participation.*—On April 29, President Amadou Toumani Toure was elected to a second 5-year term with 71 percent of the vote. Legislative elections were held in July. Domestic and international observers characterized both elections as generally free, fair, and without evident fraud, but there were administrative irregularities.

Political parties generally operated without restrictions.

Fourteen women were elected to the 147-member National Assembly. There were five women in the 27-seat cabinet, five women on the 33-member Supreme Court,

and three women on the nine-member Constitutional Court; a woman chaired the Supreme Court.

The National Assembly had 14 members of historically marginalized pastoralist and nomadic ethnic minorities representing the northern regions of Gao, Timbuktu, and Kidal. The cabinet also had two members from such ethnic minorities.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption; however, officials frequently engaged in corrupt practices with impunity. The Government continued its campaign to curb corruption, which hindered development and governmental efforts to improve human rights.

The auditor general's 2007 annual report cited approximately \$218 million (101.4 billion CFA francs) in lost revenues in 2006 due to financial mismanagement, corruption, and fraud. The report charged local fuel importation companies with widespread tax evasion and customs duty fraud, including missing revenues of \$15.5 million (7.2 billion CFA francs) from the Governmental Office du Niger. The auditor general also identified cases of fraud and fiscal mismanagement within the ministries of education, health, and energy.

The Constitution requires the prime minister and other cabinet members to annually submit to the Supreme Court a financial statement and written declaration of their earnings. These documents were not made public.

The law provides for public access to government information, and the Government granted such access. If an information request is refused, the person inquiring can appeal to an administrative court, which must handle the appeal within 3 months.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views.

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

The Constitution and law prohibit discrimination based on social origin, color, language, sex, or race, and the Government generally enforced these provisions effectively; however, violence and discrimination against women, FGM, and trafficking in children were problems.

*Women.*—The law criminalizes rape, but spousal rape is not illegal. Most cases of rape were unreported.

Domestic violence against women, including spousal abuse, was tolerated and common. Spousal abuse is a crime, but police were reluctant to enforce laws against or intervene in cases of domestic violence. Assault is punishable by prison terms of 1 to 5 years and fines of up to \$1,000 (465,000 CFA francs) or, if premeditated, up to 10 years' imprisonment. Many women were reluctant to file complaints against their husbands because they were unable to support themselves financially. The Ministry for the Promotion of Women, Children, and the Family produced a guide on violence against women for use by health care providers, police, lawyers, and judges. The guide provides definitions of the types of violence and guidelines on how each should be handled. NGOs Action for the Defense and Promotion of Women Rights and Action for the Promotion of Household Maids operated shelters.

Prostitution is legal and common in cities.

The law does not specifically address sexual harassment, which occurred commonly.

Family law favored men, and women were particularly vulnerable in cases of divorce, child custody, and inheritance rights, as well as in the general protection of civil rights. Women had very limited access to legal services due to their lack of education and information, as well as the prohibitive cost. For example, if a woman wanted a divorce, she had to pay approximately \$60 (28,000 CFA francs) to start the process, a prohibitive amount for most women.

While the law gives women equal property rights, traditional practice and ignorance of the law prevented women—even educated women—from taking full advantage of their rights. A community property marriage must be specified in the marriage contract. In addition, if the type of marriage was not specified on the marriage certificate, judges presumed the marriage was polygynous. Traditional practice discriminated against women in inheritance matters, and men inherited most of the family wealth.

Women's access to employment and to economic and educational opportunities was limited. Women constituted approximately 15 percent of the formal labor force, and the Government, the country's major employer, paid women the same as men

for similar work. Women often lived under harsh conditions, particularly in rural areas, where they performed difficult farm work and did most of the childrearing. The Ministry for the Promotion of Women, Children, and the Family was charged with ensuring the legal rights of women.

Under a 2004–8 national plan of action to promote the status of women, the Government continued efforts to reduce inequalities between men and women and to create links between women within the Economic Community of West African States and throughout Africa.

Several women's rights groups, such as the Association of Malian Women Lawyers, the Association of Women in Law and Development, the Collective of Women's Associations, and the Association for the Defense of Women's Rights, worked to highlight legal inequities, primarily in the family code, through debates, conferences, and women's rights training. These groups also provided legal assistance to women and targeted magistrates, police officers, and religious and traditional leaders in educational outreach to promote women's rights.

*Children.*—The Government was committed to providing for children's welfare and rights. Several laws protect children and provide for their welfare, including an ordinance that provides for regional positions as "child delegates" to safeguard the rights and interests of children.

Education was tuition free and, in principle, open to all; however, students were required to provide their own uniforms and supplies. Primary school was compulsory up to the age of 12, but only 56.6 percent of children from 7 to 12 years old (49.3 percent of girls and 64.1 percent of boys) attended primary school during the 2005–6 school year. Girls' enrollment in school was lower than boys' at all levels due to poverty, cultural tendencies to emphasize boys' education, and early marriages for girls. Other factors affecting school enrollment included distance to the nearest school, lack of transportation, and shortages of teachers and instructional materials.

Members of the black Tamachek, or Bellah, community reported that some Tamachek children were denied educational opportunities because their traditional masters would not allow them to attend school.

Approximately 11 percent of students attended private Arabic-language schools, or "medersas." Medersas were encouraged to follow the Government curriculum, and most taught core subjects including math, science, and foreign languages; however, few medersas fully adhered to the Government's curriculum due to a lack of teacher training and instructional materials.

An unknown number of primary school-aged children throughout the country attended part-time Koranic schools. Most Koranic school students were under the age of 10. Koranic schools taught only the Koran and were partially funded by students, known as "garibouts," who were required by schoolmasters to beg for money on the streets as part of their religious instruction. A 2005 UNICEF study of Koranic schools in Mopti found that children who attended these schools spent the majority of their time begging on the streets or working in fields.

The Government provided subsidized medical care to children as well as adults, but the care was limited in quality and availability. Boys and girls had equal access to medical care.

Statistics on child abuse were unreliable, and reported cases of abuse were rare, according to local human rights organizations. The social services department investigated and intervened in cases of child abuse or neglect.

A 2004 governmental study, which involved 450 interviews, found that the children most at risk for sexual exploitation were girls between the ages of 12 and 18 who worked as street vendors or domestic servants, or who were homeless children or the victims of child trafficking. Such exploitation was most prevalent in areas in which the population and economy were in flux, such as border zones or towns on transportation routes or in mining areas. The study noted that most cases of sexual exploitation went unreported and recommended that the country strengthen its laws to protect children.

FGM was common, particularly in rural areas, and was performed on girls between the ages of 6 months to 6 years. According to domestic NGOs, approximately 95 percent of adult women had undergone FGM. The practice was widespread in most regions and among most ethnic groups, was not subject to class boundaries, and was not religiously based. There are no laws against FGM, but a government decree prohibits FGM in government-funded health centers.

The Government continued its two-phase plan to eliminate FGM by 2008. According to the local human rights organizations fighting FGM, the educational phase (workshops, videos, and theater) continued in cities, and FGM reportedly decreased substantially among children of educated parents. In many instances, FGM practitioners agreed to stop the practice in exchange for other income-generating activity.

The National Committee Against Violence Towards Women linked all the NGOs combating FGM.

Women may legally marry at age 18 and men at age 21. The marriage code allows girls under age 15 to marry with parental consent or special permission from a judge. Women's rights organizations opposed this provision as contradicting international conventions that protect children through the age of 18. Underage marriage was a problem throughout the country with parents in some cases arranging marriages for girls as young as 9. A local NGO reported that at least 10 girls—some below the age of 13—lost their lives between 2005 and May 2007 because of medical complications resulting from early marriage. Medical specialists noted that child brides were often the victims of FGM, which exacerbates the possibility of complications from infection and childbirth.

Local women's rights NGOs, such as Action for the Promotion and Development of Women, the Committee for the Defense of Women's Rights, and the Women's and Children's Rights Watch, educated local populations about the negative consequences of underage marriage. The Government also helped to enable girls married at an early age to continue in school.

*Trafficking in Persons.*—The law prohibits trafficking in children, but does not address trafficking in adults, and there were reports that persons were trafficked to, from, and within the country.

Most trafficking occurred within the country. Children were trafficked to rice fields in the central regions; boys were trafficked to mines in the south; and girls were trafficked for involuntary domestic servitude in Bamako. Victims were generally trafficked for agricultural work, domestic servitude, begging, gold mining, and prostitution. The victims were usually from the central regions of the country and not a specific ethnic group. Women and girls were trafficked from Nigeria for sexual exploitation, mainly by Nigerian traffickers.

The law prohibits the contractual use of persons without their consent. Penalties increase if a minor is involved and range from 5 to 20 years' imprisonment. Although legal protections and measures are in place, parents of child victims were reluctant to file charges, and cases often languished within the justice system.

During the year there also were reports of trafficking in persons between Mali and its neighbors, primarily Guinea, Burkina Faso, and Cote d'Ivoire.

For example, in March security forces in Sikasso arrested two Ivorian nationals for trafficking 34 boys from Cote d'Ivoire, ranging in age from 16 to 18. A Malian accomplice escaped. The victims, who believed they were going to play for European soccer teams, were repatriated by a local NGO and the U.N. Officials in Sikasso refused to release the two suspects on bail. The accused traffickers were awaiting trial at year's end.

Authorities took no action during the year against two persons who were arrested in October 2006 for allegedly trafficking 24 citizens, including 20 children, from Burkina Faso.

The Ministry for the Promotion of Women, Children, and the Family and the Ministry of Labor and Civil Service shared responsibility for combating trafficking. The two ministries, in cooperation with the Ministry of Foreign Affairs and the Ministry of Territorial Administration, developed a program to identify and rehabilitate victims, educate the population on trafficking, and strengthen the legal system with regard to the movement and trafficking of minors.

When asked, the Government assisted with international trafficking investigations and the extradition of citizens accused of trafficking in other countries, but there were no such cases during the year.

The Government worked closely with international organizations and NGOs to coordinate the repatriation and reintegration of trafficking victims.

Welcome centers in Mopti, Segou, Sikasso, and Bamako assisted in returning trafficked children to their families. The Government provided temporary shelter and protection for victims at these centers.

*Persons with Disabilities.*—There was no specific law protecting the rights of persons with disabilities in employment, education, access to health care, or in the provision of other state services; however, the Government did not discriminate against persons with disabilities.

There is no law mandating accessibility to public buildings. There were no reports of societal discrimination against persons with disabilities. The Ministry of Social Affairs is charged with the protection of the rights of persons with disabilities.

*National/Racial/Ethnic Minorities.*—Societal discrimination against "black" Tamacheks, often referred to by the pejorative label Bellah, and hereditary servitude relationships between certain ethnic groups continued during the year. Black Tamacheks reported that some of their members did not benefit from equal edu-



cation opportunities and were deprived of civil liberties by other ethnic groups. Black Tamachek communities in Gao and Menaka also reported systematic discrimination by local officials and others that hindered their ability to obtain identity documents or voter registration cards, locate adequate housing, protect their animals from theft, seek legal protection, or access development aid.

Other Social Abuses and Discrimination.—Societal discrimination based on sexual orientation and persons with HIV/AIDS occurred.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law provides for workers to form or join unions of their choice without previous authorization or excessive requirements, and workers exercised these rights. Only the military, the gendarmerie, and the National Guard were excluded from forming unions. An estimated 95 percent of salaried employees were organized, including teachers, magistrates, health workers, and senior civil servants.

The law does not prohibit antiunion discrimination, but there were no reports of antiunion behavior or activities during the year.

*b. The Right to Organize and Bargain Collectively.*—The law allows unions to conduct their activities without interference, and the Government respected these rights. The law provides for the right to collective bargaining, and workers exercised this right freely. Unions have the right to strike, and workers exercised this right.

There are no export processing zones.

Civil servants and workers in state-owned enterprises are required to give 2 weeks' notice of a planned strike and to enter into mediation and negotiations with the employer and a third party, usually the Ministry of Labor and State Reforms. The labor code prohibits retribution against strikers, and the Government generally enforced these laws effectively.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred.

The law prohibits the contractual use of persons without their consent, and penalties include a fine and hard labor. Penalties increase significantly if a minor, defined as someone less than 15 years of age, is involved.

Hereditary servitude relationships continued to informally link different ethnic groups, particularly in the north.

There was evidence that members of the black Tamachek community continued to live in forced servitude and were deprived of civil liberties by members of other ethnic groups. During the year members of the black Tamachek community reported on the continued existence of feudal slave-related practices in the country. Black Tamachek residents in Anderamboukane reported that they were regularly forced to work as domestics or day laborers for Tuareg notables.

On September 4, a 3-year-old Tamachek child named Moumou ag Tamou was taken from his family in Kidal by a man claiming traditional ownership rights over the child. Family members in Kidal immediately notified local authorities, and black Tamachek leaders in Bamako met with the minister of justice to discuss the case. An investigation was ongoing at year's end.

On August 22, several black Tamachek groups urged the Government to adopt a law criminalizing slavery. No action had been taken on the request by year's end.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The labor code has specific policies that pertain to child labor; however, these regulations often were ignored in practice, and child labor was a problem. The labor code permits children between the ages of 12 and 14 to work up to 2 hours per day during school vacations with parental approval. Children 14 to 16 may work up to 4½ hours per day with the permission of a labor inspector, but not during nights, on Sundays, or on holidays. Children aged 16 to 18 could work in jobs that were not physically demanding; boys could work up to 8 hours per day, and girls up to 6 hours per day.

Child labor predominated in the agricultural, mining, and domestic help sectors and, to a lesser degree, in craft and trade apprenticeships and cottage industries.

Laws against unjust compensation, excessive hours, or capricious discharge did not apply to the vast number of children who worked in rural areas helping with family farms, household chores and herds, apprenticing in trades, or working in the informal sector, such as street vendors.

Trafficking in children was a problem.

The authorities enforced labor code provisions through inspectors from the Ministry of Labor and State Reforms, which conducted surprise inspections and complaint-based inspections; however, resource limitations restricted the frequency and

effectiveness of oversight by the Labor Inspection Service, which operated only in the formal sector.

The Ministry for the Promotion of Women, Children, and Families, with the assistance of the International Program for the Elimination of Child Labor (IPEC), led a week-long National Campaign Against Child Labor to publicize and combat child labor. IPEC worked with labor inspectors, ministry officials, and local NGOs to prevent child labor.

*e. Acceptable Conditions of Work.*—The national minimum wage rate, set during the year, was approximately \$53 (24,660 CFA francs) per month, which did not provide a decent standard of living for a worker and family. The minimum wage was supplemented by a required package of benefits, including social security and health care. While this total package could provide a minimum standard of living for one person, most wage earners supported large extended families and supplemented their income by subsistence farming or employment in the informal sector. The labor code specifies conditions of employment, including hours, wages, and social security; however, many employers either ignored or did not comply completely with the regulations.

The legal workweek was 40 hours (45 hours for agricultural employees), with a requirement for a 24-hour rest period. Workers had to be paid overtime for additional hours.

The law provides a broad range of legal protections against hazards in the workplace, and workers' groups brought pressure on employers to respect sections of the regulations, particularly those affecting personal hygiene. With high unemployment, however, workers often were reluctant to report violations of occupational safety regulations. The Labor Inspection Service oversees these standards but limited enforcement to the modern, formal sector. It was not effective in investigating and enforcing workers' safety and was insufficiently funded for its responsibilities. Workers had the right to remove themselves from dangerous work situations and to request an investigation by the Social Security Department, which is responsible for recommending remedial action where deemed necessary; it was not known if any worker had done so.

## MAURITANIA

Mauritania, with an estimated population of 3 million, is a highly centralized Islamic republic governed by President Sidi Mohamed Ould Cheikh Abdallahi, whose April 19 inauguration highlighted the country's first successful transition to democracy in its 50 years of independence. President Abdallahi replaced Colonel Ely Ould Mohammed Vall, who had taken power in the August 2005 coup that ended the 23-year presidency of Maaouya Ould Sid'Ahmed Taya. The presidential elections were judged free and fair by international and national observers. The civilian authorities generally maintained effective control of the security forces.

The Government's human rights record improved during the year; however, there were reports of mistreatment of detainees by security forces, harsh prison conditions, impunity, prolonged pretrial detention, executive branch influence on the judiciary, and restrictions on freedoms of press, assembly, and association. There was a widespread public perception of governmental corruption and a lack of access to government information. Discrimination against women, female genital mutilation (FGM), child labor, trafficking in persons, and the political marginalization of largely southern-based ethnic groups continued to be problems.

The new government acted quickly to address the country's most serious human rights problems, most significantly by passing legislation criminalizing the lingering practice of slavery and initiating preparations for the repatriation of thousands of Afro-Mauritanians living as refugees in Senegal and Mali following their expulsion during ethnic tensions and violence in 1989–91.

### RESPECT FOR HUMAN RIGHTS

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

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

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—Although the Constitution and law prohibit such practices, there were reports that police beat and abused prisoners and detainees; however, unlike in the previous year, there were no reports of the severe forms of torture previously used. According

to reports, those who lacked money or influential family or tribal ties were the most likely to be mistreated. Authorities rarely took action against those responsible for such abuse.

In November a protestor was shot and killed by police lacking training who responded with deadly force during a demonstration.

On June 5, a court cited poor police evidence collection procedures in acquitting Ismael Issa, an Algerian Islamist who reportedly was tortured while in custody in 2005; the court acquitted on the same basis 24 of 25 codefendants accused of “acts against the state” for their alleged ties to the terrorist Salafist Group for Preaching and Combat, now known as Al Qaeda in the Lands of the Islamic Maghreb (AQIM).

*Prison and Detention Center Conditions.*—Overcrowding and harsh prison conditions persisted in spite of government efforts to relieve overcrowding by opening a new central prison in Nouakchott in June. Prisoners reported the theft of personal property during the transfer between facilities. The new prison, designed to house 800 prisoners, replaced the former Nouakchott prison that had a capacity of 250. At year’s end approximately 650 prisoners were incarcerated in the new prison.

In March inmates at the Nouadhibou prison protested poor conditions. Guards reportedly fired warning shots into the air, but there were no injuries reported.

Serious overcrowding and inadequate sanitation facilities in some prisons reportedly contributed to diseases such as tuberculosis, diarrhea, and dermatological ailments. Medical supplies, mainly provided by an international nongovernmental organization (NGO), remained insufficient in all prisons. Budget allocations to improve prison conditions remained insufficient in all prisons. Prisoners with high-level connections and with families to bring them food, medicines, and reading material fared better than the less privileged and citizens of other countries.

Guard force management generally enforced regulations against beatings and torture; however, there continued to be credible reports of beatings and abuse in police detention centers and several prisons throughout the country.

Children of female prisoners either remained with their mothers or the Ministry of Justice gave temporary custody to other family members. The Noura Foundation, an NGO working in the women’s prison, provided education and vocational training to female prisoners and partnered with the Catholic charity Caritas to provide education, sports, and vocational services in the juvenile detention center. Pretrial detainees in all detention facilities were frequently held with convicted prisoners as a result of overcrowding.

The Government permitted prison visits by NGOs, diplomats, and international human rights observers. The International Committee of the Red Cross (ICRC) had access to prisons and conducted multiple prison visits in accordance with its standard modalities.

*d. Arbitrary Arrest or Detention.*—The Constitution and law prohibit arbitrary arrest and detention. Unlike in the previous year, there were no reports that police arbitrarily arrested and detained citizens.

*Role of the Police and Security Apparatus.*—The national police, under the Ministry of the Interior, is responsible for law enforcement and maintaining order in urban areas. The National Guard, under the Ministry of the Interior, performs security functions throughout the country in areas in which city police are not present. The gendarmerie, a specialized paramilitary group under the Ministry of Defense, is responsible for maintaining civil order in and outside metropolitan areas.

The police were viewed as unprofessional and unwilling to investigate minor complaints by persons who were not well connected. The police also lacked equipment and training. Corruption was a problem. Police in some regions rearrested former criminals and demanded bribes for their release. Some indicted detainees were released before trial without explanation. The Government often did not hold security officials accountable or prosecute them for abuses. During the year there were reports of investigations and prosecutions of police on human rights grounds. In July the Internal Affairs Division was involved in a malfeasance investigation, which led to the arrest of the country’s INTERPOL liaison officer on drug smuggling charges.

*Arrest and Detention.*—The law requires duly authorized arrest warrants, but they were not commonly used. The law requires that courts review the legality of a person’s detention within 48 hours of arrest; however, the police can extend the period for another 48 hours, and a prosecutor or court can detain persons for up to 15 workdays in national security cases. Only after the prosecutor submits charges does a suspect have the right to contact an attorney. Attorneys for the indigent are provided at state expense. While one article of the law provides detainees with the right to prompt judicial determination of the charges against them, an older law allows the Government to detain persons for up to 30 days without a judicial determination. Unlike in the previous year, the new government generally respected the

established timelines for pressing charges, with a significant drop reported in the number of detainees held without charge. There was no functional bail system.

In October the Government arrested seven individuals for alleged ties to terrorist groups. Four of the seven were released without charge, and three were formally charged (one with the additional charge of possession of explosives) within the prescribed time.

One person was arrested during the year for proselytizing.

In November police shot and killed a protestor in the town of Kankossa after rioters set fire to the prefect's office and residence during a demonstration over increased food and energy costs.

Human rights groups reported a reduction in the length and frequency of pretrial detention, although approximately 30 cases of extended pretrial detention reportedly remained at year's end. In previous years there were credible reports of persons remaining in pretrial detention for months or, in some cases, years. The average amount of time that pretrial detainees were held during the year was 2 workdays for normal cases and 2 workweeks for cases involving matters of national security.

*Amnesty.*—Unlike in the previous year, there were no reports of amnesty being granted.

*e. Denial of Fair Public Trial.*—The Constitution and law provide for judicial independence, and the judiciary exercised greater independence than in the previous year, particularly in acquitting persons charged with terrorism in light of alleged police abuses in the process of evidence collection. However, the executive branch continued to exercise significant influence over the judiciary through its ability to appoint and pressure judges. In addition poorly educated and poorly trained judges who were susceptible to social, financial, and tribal pressures limited the judicial system's fairness.

The Government continued to work on judicial reform, including training judges, prosecutors, and police on procedures for applying laws, particularly those concerning human rights, antislavery, money laundering, and trafficking in persons. The Government also worked to professionalize judges by calling for the hiring of judges from academic circles and by training prosecutors and judges to increase judicial efficiency.

There is a single system of courts consistent with modified principles of Shari'a law. Departmental, regional, and labor tribunals are the courts of first instance at the lower level. The 53 departmental tribunals, composed of a president and magistrates with traditional Islamic legal training, heard civil cases involving sums less than \$37 (10,000 ouguiya) and family issues, including domestic, divorce, and inheritance cases. A total of 13 regional tribunals accepted appeals in commercial and civil matters from the departmental tribunals and heard misdemeanor cases. At the middle level, three courts of appeal, each with seven chambers (civil, commercial, administrative, and penal chambers, as well as criminal, minors, and labor courts) heard appeals from the regional courts and have original jurisdiction for felonies.

The Supreme Court, whose members are appointed by the president and subject to annual review, was nominally independent and reviewed decisions and rulings made by the courts of appeal to determine their compliance with law and procedure. Constitutional review was within the purview of a six-member constitutional council. The Supreme Court undertook an annual review to determine whether lower courts applied the law correctly and followed proper procedures. Reviews also served as a basis for evaluating the reform process and reassigning judges based on their qualifications.

*Trial Procedures.*—The law provides for due process. Defendants have a right to a public trial, but juries are not used. All defendants, regardless of the court or their ability to pay, have the legal right to representation by counsel during the proceedings. If defendants lacked the ability to pay, the court appointed an attorney from a list prepared by the National Order of Lawyers, which provided a defense free of charge. There is a presumption of innocence and the right to appeal. The foregoing rights generally were observed in practice.

Shari'a provides the legal principles upon which the law and legal procedure are based; the courts did not treat women as the equals of men in all cases.

A special court hears the cases of children under the age of 18. Children who appeared before the court received more lenient sentences than adults, and extenuating circumstances received greater consideration in juvenile cases. The minimum age for children to be tried was 12. Those between the ages of 12 and 18 were tried and, if convicted, sentenced to the juvenile detention center.

*Political Prisoners and Detainees.*—There were no reports of political prisoners or detainees during the year.

*Civil Judicial Procedures and Remedies.*—The administrative court has the competence to receive complaints of human rights violation. The court did not receive any human rights cases during the year, and there were no reports of difficulty enforcing domestic court orders.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law prohibits such actions, and the Government generally respected these prohibitions.

Unlike in the previous year, there were no reports that the Government surveilled opposition political activities.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution and law provide for freedom of speech and of the press, and the Government generally respected these rights. In October the NGO Reporters without Borders noted the country's improvements in press freedom.

Individuals generally could criticize the Government publicly or privately without reprisal.

The independent media were active and expressed a variety of views without restriction.

On August 16, bodyguards of the prime minister allegedly beat Radio Mauritanie reporter Mohamed Mahmoud Ould Moghdad after he attempted to bypass security checks. On August 24, Reporters without Borders called for Minister of Justice Limam Ould Teguedi to intervene to allow a complaint to be filed against the Government. The prime minister's office conducted an internal investigation that concluded with a formal apology to Ould Moghdad, who then ended his efforts to file a complaint.

The High Authority for Press and Broadcast Media, which the transitional government created in October 2006, continued to play an advisory and mediating role on issues concerning the media. For example, the Authority worked to address the Ould Moghdad incident.

NGOs and the privately owned press openly criticized the Government and its leaders. Some journalists practiced self-censorship in areas deemed sensitive, refraining from commenting on Shari'a law or directly criticizing foreign Embassies.

In December the First Lady withdrew her October libel suit against a journalist who accused her of using state funds for personal use and for involvement in government contracts and concessions.

Unlike in the previous year, there were no reports that the Government restricted the political opposition's ability to broadcast on government radio and television.

There were no developments in the case of two newspaper employees arrested in 2005 for publishing a story on a pornographic film reportedly made in Nouakchott's central prison. At year's end, the case had yet to go to trial, and the accused remained free.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Internet access was available in urban areas throughout the country, with home access common among the affluent and cyber cafes serving the remainder of the population.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The law provides for freedom of assembly, and the Government generally respected this right. The law requires that organizers apply to the local prefect ("hakem") for permission to hold large meetings or assemblies, and permission was generally granted.

In September a meeting of the national NGO Cyber Forum was blocked by the minister in charge of relations with Parliament and civil society, reportedly because he had not been invited. The minister claimed to have ordered police to block access to the organization's headquarters because a faction of the NGO had complained it was being excluded from the meeting.

In October and November police forcibly dispersed multiple unsanctioned demonstrations against the perceived high cost of living when they posed a threat to property or public safety. One protestor was fatally wounded in the town of Kankossa, where the prefect's home and office were set on fire.

*Freedom of Association.*—The law provides for freedom of association, and the Government generally respected this right; however, all political parties must register with the Ministry of the Interior, and the Government continued to use laws that prohibit formation of racially or religious-based organizations. The Govern-

ment, however, authorized the establishment of an Islamist political party during the year, and the application of a second Islamic party was under review at year's end.

During the year the Government recognized several human rights organizations, including those affiliated with Afro-Mauritanian refugees.

The Government recognized 18 new political parties during the year, bringing to 53 the number of registered political parties. Political parties and numerous NGOs generally functioned openly, issued public statements, and chose their own leadership.

*c. Freedom of Religion.*—The Constitution establishes the country as an Islamic republic and decrees that Islam is the religion of its citizens and the state. The Government limited freedom of religion. The Government did not register religious groups. NGOs, including humanitarian and development NGOs affiliated with religious groups, had to register with the Ministry of the Interior.

The Government continued to prohibit proselytizing and the distribution of any material that “is against Islam or contradicts or otherwise threatens Islam.” Bibles were neither printed nor publicly sold in the country; however, the possession of bibles and other Christian religious materials in private homes was not illegal, and bibles and other religious publications were available among the small Christian community.

In September Nouakchott police arrested a Christian convert on charges of proselytizing. After several days' detention, he was released with a verbal warning.

There were no developments in the closure of churches led by six West African Protestant pastors whom the Government briefly detained in May 2006.

*Societal Abuses and Discrimination.*—A very small number of expatriates practiced Judaism. There were no reports of anti-Semitic acts.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The law provides for freedom of movement, foreign travel, emigration, and repatriation, and while the Government generally respected these rights, persons lacking identity cards could not travel freely in some regions. Lack of identity documents particularly affected Afro-Mauritanians in the southern provinces, many of whom were former refugees in Senegal who had independently decided to return to Mauritania. The Government set up roadblocks where gendarmes, police, or customs officials checked the papers of travelers and often demanded bribes. During the year the Government generally maintained fewer roadblocks and reduced the time taken in questioning and conducting vehicle searches; however, there were periodic reports of more stringent searches in the southern border areas and in the eastern regions where the terrorist group AQIM was believed to be active. The Government launched extensive border security operations following the December 24 AQIM killings of four French tourists near Aleg.

The law does not prohibit forced exile, but there were no reports that the Government used it.

The Office of the U.N. High Commissioner for Refugees (UNHCR) estimated that between 25,000 and 34,000 Mauritanian refugees from the 1989–91 crisis remained in Senegal, and was undertaking a repatriation program with the new Abdallahi government and the Governments of Senegal and Mali. In November the Government held a 3-day national dialogue concerning the return of refugees and, in December, established an interagency office to coordinate the returns scheduled to begin in 2008.

*Protection of Refugees.*—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees or its 1967 protocol, or the 1967 African Union Convention on the Status of Refugees, but the former government established a system for providing such protection. In practice the Government provided protection against “refoulement,” the return of persons to a country where there is reason to believe they feared persecution, and granted refugee status or asylum.

The Government continued to provide temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol and during the year provided it to approximately 800 persons.

The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees or asylum seekers. The former government accepted the UNHCR's registration of approximately 800 asylum seekers, mostly from Sierra Leone and Liberia, and the Government worked with the UNHCR during the year to provide continued assistance for these individuals.

During the year the Government assisted the UNHCR, the European Commission, and the Government of Spain in returning migrants attempting to enter the Canary Islands by sea to their countries of origin. The Spanish Technical Corporation operated a migrant reception center in Nouadhibou to process returned migrants and to ensure that they received needed nutritional and medical care. The Government gave the UNHCR access to returned migrants to determine if they were eligible for refugee status. In light of freedom of movement agreements with members of the Economic Community of West African States, the Government allowed West African migrants to remain in the northern region, deporting only those found in the act of attempting illegal travel to the Canary Islands.

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

The Constitution and law provide citizens the right to change their government, and during the year citizens enjoyed a peaceful transition to democratically elected government for the first time in the country's history. Two rounds of presidential elections culminated in the election of President Sidi Mohamed Ould Cheikh Abdallahi in March. The elections were judged by national and international observers to be generally free and fair. Despite some charges that the previous military transition government provided tacit support to the Abdallahi campaign, second-round opponent Ahmed Ould Dadda accepted the results of the election and assumed a cabinet-level position as the leader of the opposition.

*Elections and Political Participation.*—To complete the process initiated by the transitional government of transition to a civilian-led government, citizens voted on March 11 to select a president from among 20 candidates, including 12 independents. When no candidate won a majority in the first round, voters returned to the polls on March 25 to choose between independent candidate Mohamed Ould Cheikh Abdallahi and president of the Rally of Democratic Forces party Ahmed Ould Daddah. Abdallahi won the second round with 53 percent of the votes. Former central bank governor and third-place presidential vote-getter Zein Ould Zeidane was named prime minister.

The 95-person National Assembly included representatives from 12 of the 25 parties that contested the 2006 legislative elections, as well as 41 independents.

In October opposition parties protested President Abdallahi's decision to support the establishment of a new political party uniting the legislative majority. Opposition and civil society leaders feared the new party would revert to the "party of the state" politics of the past by drawing on state resources and depriving other parties of equal standing. Opposition parties criticized the role of the secretary general of the presidency, a cabinet-rank position, as the primary coordinator of the new party.

Following a July 2006 decree requiring all political parties to reserve 20 percent of positions on their legislative and municipal candidate lists for women, female candidates were elected to approximately that percentage of seats in the National Assembly. The Government includes two female ministers, and in September the Government appointed two female governors (walis) for the first time in the country's history. In October the Government named several female vice governors and prefects.

The new government increased the number of Afro-Mauritians and Black Moors in key government positions, although they remained underrepresented as a percentage of population. Of the 30 cabinet members, there were three Black Moors and three Afro-Mauritians. Two of the 13 governors were Black Moors, and two were Afro-Mauritanian. Of the 53 prefects (hakems), there were three Black Moors and 11 Afro-Mauritians.

*Government Corruption and Transparency.*—Corrupt practices were widely believed to exist at all levels of government, although the Government was seen as less corrupt than its predecessor. The World Bank's Worldwide Governance Indicators reflected that corruption was a serious problem. Government officials reportedly received frequent favors from authorities, such as unauthorized exemption from taxes, special grants of land, and favorable treatment during bidding on government projects. Corruption was most pervasive in government procurement, bank loans, fishing license distribution, land distribution, and tax payments.

In an effort to curb high-level corruption, the Government introduced an annual requirement for senior officials, including the president, to publicly declare their personal assets, although critics accused some officials of hiding assets in the names of family members. In December the Government launched a nationwide anticorruption information campaign and established a Commission for Financial Transparency in Public Affairs to oversee corruption cases and to be the repository for the declarations. The nine-member commission is headed by the presidents of the Supreme Court, accounts court, and High Islamic Council.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

The Government cooperated with international governmental organizations on various issues, including prison conditions and refugee services, and permitted visits by the ICRC.

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

The Constitution and law provide for equality for all citizens regardless of race, national origin, sex, or social status, and prohibit racial or ethnic propaganda; however, the Government often favored individuals on the basis of racial and tribal affiliation, social status, and political ties.

*Women.*—Rape, including spousal rape, is illegal; however, the Government did not enforce the law effectively, and NGOs reported that the incidence of unreported rape was high. In August the Nouakchott Criminal Court convicted seven rapists and sentenced them to 5 to 15 years of hard labor. Several cases were reported, however, that wealthy rape suspects avoided prosecution or, if prosecuted, prison time.

The trial for the 2005 alleged rape of M'barka, who was forced into domestic servitude and charged with sexual misconduct for being pregnant and unwed after she was allegedly raped by a member of the household, had not begun by year's end.

Domestic abuse and violence are illegal; however, the Government did not always enforce the law effectively. Human rights monitors and lawyers reported few cases of domestic violence, which was believed to be underreported due to the stigma of victimization. Penalties included imprisonment, but convictions were very rare. The police and judiciary occasionally intervened in domestic abuse cases, but women in rural areas rarely sought legal redress, relying instead upon family and ethnic group members to resolve domestic disputes.

Although prostitution is illegal, NGOs indicated that it was a growing problem in some urban areas, particularly among Afro-Mauritanian and Black Moor women. In Nouakchott and Nouadhibou, there were reports that Chinese women were trafficked for sexual exploitation in brothels catering to foreigners, although there were no known cases of women seeking assistance.

Women have legal rights to property and child custody, and these rights were recognized among the more modern and urbanized population. By local tradition, a woman's first marriage requires parental consent. In accordance with Shari'a as applied in the country, marriage and divorce do not require the woman's consent, polygyny is allowed, and a woman does not have the right to refuse her husband's wish to marry additional women. In practice polygyny was very rare among Moors but was common among other ethnic groups. It was common in Moor society for a woman to obtain at the time of marriage a contractual agreement stipulating that her husband must agree to end their marriage if he chooses an additional wife. Arranged marriages were increasingly rare, particularly among the Moor population. Women frequently initiated the termination of a marriage, which most often was done by repudiation of husband or wife rather than formal divorce.

Women still faced legal discrimination. The testimony of two women was necessary to equal that of one man. The courts grant only half the amount of an indemnity to the family of a woman who has been killed that they award for a man's death. Formulas applied to property distribution varied widely from case to case and court to court. In addition the validity of and right to establish prenuptial agreements was not always respected. The personal status code, which was published and assumed force of law in August 2001, provides a framework for the consistent application of secular law and Shari'a-based family law.

Women did not face legal discrimination in areas not addressed specifically by Shari'a. The law provides that men and women should receive equal pay for equal work. While not applied universally, the two largest employers—the civil service and the state mining company—observed this law. In the modern wage sector, women also received family benefits, including 3 months of maternity leave.

The Government sought to open new employment opportunities for women in sectors that were traditionally filled by men, such as health care, communications, police, and customs services. All announcements for government jobs encouraged female applicants. Women became more involved in the fishing industry and established several women's fishing cooperatives.

The Secretariat for Women's Affairs worked with many NGOs and cooperatives to improve the status of women. The Government, women's groups, and national



and international NGOs organized meetings, seminars, and workshops throughout the year to publicize women's rights.

*Children.*—The law makes provision for children's welfare, and there were government programs to care for abandoned children; however, inadequate funding hampered these programs.

School attendance is mandatory for 6 years, but the Government was not able to provide universal access to primary education. The completion rate for primary school remained below 60 percent, and most students—particularly those in rural and semiurban areas—did not advance beyond primary school. Education was free through university level, although many families were unable to afford school supplies. Classes were fully integrated, including boys and girls from all social and ethnic groups. Almost all children, regardless of gender or ethnic group, attended Koranic school between the ages of 5 and 7 and gained at least rudimentary skills in reading and writing Arabic.

Boys and girls have equal access to state-provided medical care. The Government relied on foreign donors in such areas as child immunization.

FGM was practiced among all ethnic groups and most often on young girls, often on the seventh day after birth and almost always before the age of 6 months. There is no law explicitly prohibiting FGM; however, there is a law that "prohibits acts that could harm children," and some legal scholars believed this could be interpreted to outlaw FGM. According to the most recent internationally sponsored study (2001), three-fourths of all women between the ages of 15 and 49 had been subjected to FGM. National human rights organizations estimated the actual incidence rate to be even higher. Local experts agreed that the least severe form of excision was practiced and not infibulation, the most severe form. The practice of FGM has decreased in the modern urban sector. In September the Government launched a national strategy against FGM; however, women's rights organizations criticized the Government for not coordinating with civil society.

The Government and international NGOs continued to coordinate anti-FGM efforts. These efforts focused on eradicating the practice in hospitals, discouraging midwives from practicing FGM, and educating populations. The High Islamic Council of Mauritania, the Islamic Scholar Association, and the National Forum for Women's Rights continued to emphasize that FGM carried serious health risks and was not a religious requirement. Government hospitals and licensed medical practitioners were barred from performing FGM, and several government agencies worked to prevent practitioners from continuing this custom. According to several women's rights experts, the campaign against FGM appeared to be changing attitudes. In October the National Assembly began a series of provincial meetings, supported by UNICEF, focusing on FGM.

Traditional forms of mistreatment of girls continued, mostly in isolated rural communities, but these practices appeared to be declining. One such custom was the forced feeding of adolescent girls ("gavage") prior to marriage, which was practiced only among White Moor tribal groups. Increased government and civil society attention to the problem appeared to have led to a greater awareness of the health risks associated with gavage, countering traditional views encouraging female obesity.

Local NGOs estimated that there were 400 street children, largely as a result of poverty and the urbanization of formerly nomadic families. The Government and at least one NGO worked to assist families with street children and to encourage their school attendance.

*Trafficking in Persons.*—The law prohibits all forms of trafficking in persons; however, there were reports that persons were trafficked to, from, and within the country. The Government did not prosecute or sentence anyone for trafficking during the year.

The country was a source and destination for men, women, and children trafficked for forced labor. Numerous NGO reports suggested that forced labor took several forms. Slavery-related practices, and possibly slavery itself, persisted in isolated areas where a barter economy still prevailed. Several reports stated that young girls from remote regions, and possibly from western Mali, worked as unpaid housemaids in some wealthy urban homes. An unknown number of young boys ("talibes"), nearly all from Pulaar tribes, begged in the streets as part of a "work-study" arrangement with "marabouts," or religious teachers, in exchange for receiving religious instruction. There were reliable reports that a small number of marabouts forced their talibes to beg for over 12 hours a day and provided them with insufficient food and shelter.

The Government continued a program to reduce the number of talibes and partnered with several NGOs to provide needy talibes with basic medical and nutritional care. However, government assistance and protection services for trafficking

victims remained limited, with most resources going towards prevention, in the form of training for police, gendarmes, and legal officials to better identify, investigate, and convict traffickers. Human rights organizations criticized the special police unit established to protect the talibes for doing little to enforce laws.

The newly formed Commissariat for Social Protection and Food Security was responsible for addressing trafficking, but the office was inadequately staffed. During the year the Government did not identify any trafficking victims.

*Persons with Disabilities.*—The law prohibits discrimination against persons with disabilities in education, employment, or the provision of other state services, and there were no reports of governmental or societal discrimination against persons with disabilities. The Government did not mandate preference in employment or education or public accessibility for persons with disabilities, although it did provide some rehabilitation and other assistance for such persons. In October 2006 the Government passed a law to increase protections and benefits for persons with disabilities.

*National/Racial/Ethnic Minorities.*—Racial and ethnic minorities faced governmental discrimination. The inconsistent issuance of national identification cards, which were required for voting, effectively disenfranchised numerous members of southern minority groups. Racial and cultural tension and discrimination occurred between Moors and Afro-Mauritians. The Moors were divided among numerous ethno-linguistic groups and further distinguished racially as either White Moor or Black Moor, although it often was difficult to distinguish between the two by skin color. White Moor tribes and clans dominated government and business. The Black Moor subgroup (also called Haratines or freed slaves) remained politically and economically weaker than the White Moor subgroup. Afro-Mauritanian ethnic groups, comprising the Halpulaar, the Wolof, and the Soninke, were concentrated in the south and in urban areas. Afro-Mauritians were underrepresented in the military and security sectors. In October the Government named a significant number of Afro-Mauritians to important vice governor and prefect positions.

The Constitution designates Arabic as the official language and Arabic, Pulaar, Soninke, and Wolof as the country's national languages. The new government reversed previous efforts at "Arabization" of the school system, encouraging instead French and Arab bilingualism. Neither Afro-Mauritanian national languages nor the local Hassaniya Arabic dialect were used as languages of instruction.

Ethnic rivalry significantly contributed to political divisions and tensions. Some political parties had readily identifiable ethnic bases, although political coalitions were increasingly important. Black Moors and Afro-Mauritians were underrepresented in mid- to high-level public and private sector jobs. In October police in Nouadhibou responded with tear gas when Black Moor merchants briefly rioted after a group of White Moors beat a Black Moor butcher who had allegedly insulted the wife of a White Moor naval official. The butcher was hospitalized for a few days, but police took no action against the assailants.

*Other Societal Abuses and Discrimination.*—There was no evidence of either societal violence or systematic government discrimination based on sexual orientation. Although Shari'a outlaws homosexuality under certain conditions, secular laws do not.

There was no evidence of systematic discrimination by either society or government against persons with HIV/AIDS; however, taboos and beliefs associated with the disease caused victims in some areas to face isolation or exclusion. The stigma related to the disease and the belief that victims are guilty of violating Islamic practices contributed to underreporting of HIV infection, the incidence of which was likely significantly higher than the official figure of 1 percent.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law allows workers—except for members of the military, police, and judiciary—to form and join unions of their choice without authorization or excessive requirements, and workers exercised this right. Noncitizens did not have the right to serve as trade union officials unless they had worked in the country and in that trade for at least 5 years. The majority of the labor force was in the informal sector, with most workers engaged in subsistence agriculture and animal husbandry; only 25 percent were employed in regularly paid positions. Nearly 90 percent of industrial and commercial workers, however, were unionized.

To be legally recognized, a union must have the authorization of the public prosecutor, who can provisionally suspend a trade union at the request of the Ministry of the Interior if it believes that the union has not complied with the law. The Government, however, has the power to decide whether to recognize a trade union.

Laws provide workers with protection against antiunion discrimination; however, national human rights groups reported that authorities did not actively investigate alleged antiunion practices in some private firms owned by wealthy citizens. Labor courts were not allowed to reinstate workers who were arbitrarily dismissed; however, there were no reported cases of union-related dismissals.

*b. The Right to Organize and Bargain Collectively.*—The law provides that unions may organize workers freely without government or employer interference, and workers exercised this right in practice. The law provides workers, except for executive and managerial staff, with the right to strike, and workers exercised this right during the year. Civil service unions were required to give 1 month's notice before holding a strike, and private sector unions were required to provide official notification that conciliation procedures had been exhausted before holding a strike. The Government can dissolve a union for what it considered an illegal or politically motivated strike; however, no unions were disbanded during the year.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children, but the law only applies to relations between employers and workers; there were credible reports that such practices occurred. In August the National Assembly passed legislation criminalizing slavery, but the law had not come into force by year's end, and there were areas where slavery-related practices continued and the attitudes of master and slave prevailed. On December 10, the president launched a national antislavery campaign and allocated approximately \$7.5 million (2 billion ouguiya) for the eradication of all forms of slavery. The labor code includes criminal penalties for human trafficking and includes increased penalties for contracting to benefit from forced labor and for exploiting forced labor as part of an organized criminal network.

At year's end, the Government had not taken action on the May 2005 recommendations of the International Labor Organization to allow an independent investigation into forced labor, reinforce the Ministry of Public Records and Labor, and give labor inspectors greater resources and autonomy. Slavery-related practices, typically flowing from ancestral master-slave relationships, continued in isolated areas where a barter economy existed, education levels were generally low, and there was a high demand for persons to herd livestock, tend fields, and perform other manual labor. Some individuals considered themselves either slaves or masters and were unaware that slavery had been abolished. Human rights activists reported that many persons in these slavery-like relationships refused to report their "masters" to the authorities.

In September the Government secured parliamentary passage of a law imposing tougher penalties on slave holders as well as penalties on officials who fail to apply the law; however, no cases were prosecuted during the year. Human rights groups welcomed the law but continued to call for increased government efforts to publicize the law, train prosecutors and judges, and ensure enforcement of the law. Human rights groups reported that persons in slave-like relationships were persuaded by their masters to deny the relationship to activists.

Voluntary servitude also persisted, with some former slaves and descendants of slaves continuing to work for former masters in exchange for some combination of money, lodging, food, or medical care. The reasons for the persistence of such practices varied widely among different ethnic groups; however, poverty, a barter economy, and persistent drought limited economic alternatives for many and left some former slaves and descendants of slaves vulnerable to exploitation by former masters. Adult females with children faced greater difficulties and could be compelled to remain in a condition of servitude.

There were reports that some former slaves continued to work for their former masters or others without remuneration to retain access to land they traditionally farmed. Although the law provides for distribution of land to the landless, including to former slaves, this law has been enforced in only a few cases. Deeply embedded psychological and tribal bonds also made it difficult for many individuals who had generations of forebears who were slaves to break bonds with former masters or tribes. Some persons continued to link themselves to former masters because they believed their slave status had been religiously ordained and they feared religious sanction if that bond were broken.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The law provides that children cannot be employed before the age of 14 in the nonagricultural sector or under age 13 in the agricultural sector unless the minister of labor grants an exception due to local circumstances; however, child labor in the informal sector was a significant problem, particularly within poorer inner-city areas. The law states that employed children between the ages of 14 and 16 should receive 70 per-

cent of the minimum wage and that those between the ages of 17 and 18 should receive 90 percent of the minimum wage.

The Ministry of Justice, working with UNICEF, worked to repatriate Mauritanian children who had been sent to work as camel jockeys in the United Arab Emirates. The ministry formally arranged the repatriation of 12 youths under the program and provided family counseling for the repatriated youths plus additional youth who had previously worked as camel jockeys.

Young rural children were commonly employed in herding, cultivation, fishing, and other labor to support their families. Young children in urban areas often drove donkey carts and delivered water and building materials. Some marabouts provided their talibes with insufficient food and shelter and forced them to beg for over 12 hours a day. In keeping with longstanding tradition, many children served apprenticeships in small industries and in the informal sector. Reporting by some NGOs, including SOS-Esclaves, strongly stated that domestic employment, often unpaid, of girls as young as 7 in wealthier homes was a growing problem. There was no child labor in the modern industrial sector.

Several government offices have responsibility for enforcing child labor laws, including the ministries of labor; justice; women's, children's, and family affairs; and the Commission for Food Security and Social Protection. There was a labor inspectorate with the authority to refer violations to judicial authorities, but the eight regional inspectors and 30 inspector/controllers lacked the basic resources, such as transport and office equipment, needed to enforce existing child labor and other labor laws.

*e. Acceptable Conditions of Work.*—The nationally mandated minimum monthly wage for adults, which was not enforced, was \$77 (21,000 ouguiya), which did not provide a decent standard of living for a worker and family.

The standard, legal, nonagricultural workweek could not exceed either 40 hours or 6 days without overtime compensation, which was paid at rates that were graduated according to the number of overtime hours worked. Domestic and certain other workers could work 56 hours per week. Employees are required to be given at least one 24-hour period of rest per week. The Labor Directorate of the Ministry of Labor is responsible for enforcement of labor laws, but in practice inadequate funding limited the effectiveness of enforcement.

The Government set health and safety standards, and the Ministry of Labor was responsible for enforcing these standards, but did so inconsistently. In principle workers could remove themselves from hazardous conditions without risking loss of employment, but in practice they could not.

## MAURITIUS

The Republic of Mauritius is a constitutional, parliamentary democracy of approximately 1.2 million citizens governed by a prime minister, a council of ministers, and a National Assembly. In July 2005 the Social Alliance, led by Prime Minister Navin Ramgoolam, defeated the coalition between the Mauritian Militant Movement (MMM) and the Militant Socialist Movement (MSM) in national elections judged by international and local observers to be free and fair. The civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens. The following human rights problems were reported: Police abuse of suspects and detainees; allegations of corruption in the police force; prison overcrowding; violence and discrimination against women; abuse of children; children in prostitution and child labor; some restrictions on workers in the Export Processing Zone (EPZ).

### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—Unlike previous years, there were no reports that the Government or its agents committed any arbitrary or unlawful killings.

In June four officers of the Major Crime Investigation Team (MCIT) were charged in the 2006 case of Rajesh Ramlogun who died while in police custody. An autopsy revealed “intracranial hemorrhage of a traumatic nature.” The medical office confirmed that the hemorrhage was caused by a violent blow to the head, and the deputy commissioner of police reported that the cause of death included violent actions by the MCIT. The case was pending at year's end.

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution and law prohibit such practices; however, there continued to be reports of police abuses.

As of August the National Human Rights Commission (NHRC) received 45 physical and verbal abuse complaints against police officers, of which 15 were withdrawn or dismissed for lack of substantiation; three additional cases were dismissed because legal procedures were already underway; two cases were referred to the appropriate authorities for follow up; and 25 cases remained under investigation.

*Prison and Detention Center Conditions.*—Prison conditions generally met international standards, although there were reports of drug abuse, commercial sexual activity, and overcrowding. On October 18, following a visit by the United Nations Subcommittee on the Prevention of Torture, the maximum security prison closed after allegations of detainee torture. The Central Prison, which has a capacity of 677, held 1,090 prisoners.

According to the Commission of Prisons, seven detainees died from natural causes during the year.

Authorities separated prisoners deemed to be dangerous to the prison population and placed them in a high-security prison. Behavior of the prisoner, as opposed to the prisoner's conviction or sentence, determined where that prisoner was placed. Women and children were separated from men. The Central Prison had a separate wing for women, which housed all of the women prisoners in the country. Pretrial detainees were held at a separate remand prison facility dedicated solely to pretrial detainees in Grand River North West.

The Government permitted visits by independent observers including the press, the NHRC, diplomats, and the U.N. One nongovernmental organization (NGO), Association Kinouete, actively involved in rehabilitating prisoners, was among the 29 NGOs given permission to visit prisoners. In July Association Kinouete, in collaboration with the Ministry of Finance and Economic Development and the private sector, began the implementation of a skills development program to rehabilitate 40 female prisoners.

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

*Role of the Police and Security Apparatus.*—The police force is headed by a police commissioner who has authority over all security and police forces, including the Special Mobile Forces, a paramilitary unit that shares responsibility with police for internal security. The NHRC, an independent organization, investigates allegations of police abuses and may report such cases to the Office of the Director of Public Prosecutions (DPP), an independent entity. The Police Complaints Investigation Bureau registered only one case of corruption against a police officer. The Independent Commission Against Corruption (ICAC) registered 70 complaints of corruption against police officers. On November 26, the media reported allegations of racketeering activities by members of the MCIT, formerly headed by the late Premnath Raddhoa. The investigation was still underway at year's end.

Orientation training for all new police recruits included a segment on human rights. A refresher training course was required of all lower and middle management officers who had completed either 5 or 15 years of service, and was offered several times yearly. More than 100 qualified candidates were trained. Human rights continued to be a topic included in all internal police courses.

*Arrest and Detention.*—The Constitution and law stipulate that warrants be obtained for arrests; that the accused be read their rights, including the right to remain silent and the right to an attorney; and that the accused be brought before the local district magistrate within 48 hours. Police generally respected these rights; however, in some cases police delayed suspects' access to defense counsel. Minors and those who did not know their rights were less likely to be provided prompt access. Indigent detainees were provided an attorney at state expense. A suspect can be detained for up to a week, after which the issue of bail is brought before a magistrate. Alternatively, if police concur, the accused may be released on bail the same day as the arrest. Individuals charged with drug trafficking may be detained for up to 36 hours without access to legal counsel or bail.

Due to a backlogged court system, authorities occasionally held prisoners in remand up to 4 years before they were tried. Time served in remand did not apply to subsequent sentences. Pretrial detainees comprised approximately 30 percent of the prison population and could potentially await trial in remand for an average of more than 3 years.

*e. Denial of Fair Public Trial.*—The Constitution and law provide for an independent judiciary, and the Government generally respected judicial independence in practice.

The country's judicial system consists of the Supreme Court, which has appellate powers, and a series of lower courts. The Supreme Court has a chief justice and six other judges who also serve on the court of criminal appeal, the court of civil appeal, the intermediate court, the industrial court, and 10 district courts. Final appeal may be made to the Privy Council in the United Kingdom.

The DPP determines which court hears particular cases based on the severity of the crime and anticipated punishment. All crimes carrying the death penalty or life imprisonment are sent to the Supreme Court, crimes of a medium level of severity are sent to the intermediate courts, and lesser crimes are heard before district courts.

*Trial Procedures.*—Trials are public and juries are only used in murder trials. Defendants have the right to be present and to consult an attorney in a timely manner. An attorney is provided at public expense when indigent defendants face serious criminal charges. Defendants can confront or question witnesses against them or present witnesses and evidence on their behalf in the district courts. Defendants and attorneys have access to government-held evidence relevant to their cases. Defendants enjoy a presumption of innocence and right of appeal.

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

*Civil Judicial Procedures and Remedies.*—There is an independent and impartial judiciary for civil matters. The Constitution provides for an ombudsman to investigate complaints from the public and members of the Parliament against government institutions and to seek redress for injustices committed by a public officer or authority in official duties.

*f. Arbitrary Interference with Privacy, Family, Home or Correspondence.*—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution and law provide for freedom of speech and of the press, and the Government generally respected these rights in practice. Although the country has strict libel laws in place, these were rarely used against the media. However, on November 21, police arrested and charged two radio reporters and a newspaper editor for libel, after they revealed that a large sum of money was discovered in a police station locker used by the late Premnath Raddhoa.

The independent media was active and expressed a wide variety of views without restriction. There were four daily and 12 weekly newspapers and three private radio stations that offered diverse political viewpoints and expressed partisan views freely. The Government owned and regulated the domestic television network, but international networks were available by subscription or via a cable box. Opposition parties and media experts regularly criticized the government-owned national television for its partiality and denounced interference from government officials in its news coverage policy. Television news covered mainly the prime minister and his cabinet member's daily activities. Opposition parties complained that reports of National Assembly debates were unfairly reported.

*Internet Freedom.*—In general, the Government respected access to the Internet; however, on November 9, there were reports that the Information Communication Technology Authority asked local Internet service providers to restrict Internet user access to the international social networking Web site "Facebook," in response to a false profile created in the name of the prime minister. Except for this 1-day restriction, Internet access was readily available and widely used by citizens. There were no other reports that the Government monitored e-mail or Internet chat rooms.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution and law provide for freedom of assembly and association, and the Government generally respected these rights in practice.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

Religious organizations that were present prior to independence, such as the Catholic Church, the Church of England, the Presbyterian Church, Seventh-day Adventists, as well as various Hindu and Muslim organizations, were recognized in a parliamentary decree. These groups also received an annual lump-sum payment from the Ministry of Finance and Economic Development (MFED) based upon the number of adherents as determined by the census. Charitable religious organizations (seven member minimum), spanned all major religions, were registered by the

Registrar of Associations, and were recognized as legal entities with tax-exempt privileges, following application with the MFED to be recognized as a charitable institution. The Government was not known to have refused registration to any group.

Foreign missionary groups were allowed to operate on a case-by-case basis. Although there were no government regulations restricting their presence or limiting their proselytizing activities, groups were required to obtain both a resident permit and a work permit for each missionary. The prime minister's office is the final authority on issuance of these required documents to missionaries. While there were no limits on the ability of missionaries to operate in the country, there were limits on the number of missionaries permitted to obtain the requisite visas and work permits. Whereas in previous years there were reports of Mormons being discriminately denied work and residency permits, no such problems have surfaced in the last 3 years.

On March 22, the Supreme Court ruled that a mosque in a residential area of Quatre Bornes could not use loudspeakers for the daily calls to prayer in accordance with the Noise Prevention Regulations. In April this led to public protests by some representatives of the Muslim community who considered the ruling as an infringement of religious freedom. The plaintiff and the mosque subsequently compromised on an acceptable decibel level for the use of loudspeakers.

As a result of the March judgment, the Ministry of Housing and Lands issued a policy requiring prior consultation with immediate neighbors of identified worship sites before issuance of a building permit.

*Societal Abuses and Discrimination.*—Underlying tensions between various ethnic and religious groups persisted, but no violent confrontations occurred during the year.

Approximately 120 Jews resided in the country, although mainly expatriates, and there were no reports of anti-Semitic acts.

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

*d. Freedom of Movement Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation and the Government generally respected these rights in practice.

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

*Protection of Refugees.*—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has not established a system for providing protection to refugees. In practice the Government had no need to provide protection against “refoulement,” the return of persons to a country where there is reason to believe they feared persecution. The Government did not grant refugee status or asylum.

The Government cooperated with the Office of the U.N. High Commissioner for Refugees in assisting refugees and asylum seekers by donating money.

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

The Constitution and law provide citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

*Elections and Political Participation.*—According to international and local observers, the July 2005 national elections were free and fair, with the opposition Social Alliance defeating the ruling MMM-MSM alliance.

There were 12 women in the 71-seat National Assembly (Note: One member of Parliament was selected to be the attorney general, as allowed by constitutional provisions), and there were two female ministers in the 20-member cabinet.

Although historically the Hindu majority dominated politics, no groups were excluded from the political system. Authorities required National Assembly candidates to identify themselves with one of four distinct ethnic groupings: Hindu, Muslim, Sino-Mauritian, or general population. For these purposes, “general population” described primarily the Creole and Franco-Mauritian communities. Based on these four categories, the 71-seat National Assembly had 41 Hindus, 19 members of the general population, 10 Muslims, and one Sino-Mauritian. Among the 20 members of the cabinet, there were 13 Hindus, three Muslims, three members of the general population, and one Sino-Mauritian.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption but the Government did not implement these laws effectively. There was widespread public perception of corruption in the legislative and execu-

tive branches. Ministers and commissioners are requested to make a disclosure of family assets, including assets of their spouse and children, upon taking office and at the dissolution of the National Assembly or of the Regional Assembly. The ICAC, the agency set up to investigate allegations of corruption, and the media were the primary outlets to report acts of corruption. The Prevention of Corruption Act regulated such complaints. The commission registered 70 complaints of corruption against police officers; 36 were still under investigation and 34 were discontinued for lack of substantiation. ICAC received five complaints against immigration officials; four cases were still under investigation, and one was discontinued for lack of substantiation. In September a police officer in the Passport Immigration Office was arrested and charged with aiding and abetting four illegal Chinese immigrants in their transit through the country to England. Consequently, the police commissioner's office suspended the police officer.

The law provides for access to government information, and the Government generally complied with requests.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were often cooperative and responsive to their views.

The NHRC, which is composed of a former Supreme Court judge and three other members, investigates abuses by any public servant not already the subject of an inquiry by the DPP, the Public Service Commission, or the Disciplined Forces Service Commission. The NHRC has the authority to visit detention centers or prisons and to assess and make recommendations on conditions. The NHRC tried to resolve complaints through reconciliation, but if unsuccessful, could forward cases to the DPP (if criminal in nature), to the service commissions, or to the responsible authority in question.

The Foreign Affairs Ministry reported that four international organizations visited prisons, and 29 domestic NGOs and one International NGO had access to the prison.

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

The Constitution and law specifically prohibit discrimination on the basis of race, caste, place of origin, political opinion, color, or sex, and the Government generally enforced these provisions. Some societal discrimination occurred.

*Women.*—The law prohibits rape, including spousal rape, and the police and judicial system enforced the laws. Rape is punishable by up to 8 years' imprisonment. The law criminalizes domestic violence and provides the judicial system with power to combat this problem; however, in practice domestic violence against women, particularly spousal abuse, was a major problem. Anyone found guilty of violating a Protection Order is fined \$833 (25,000 rupees) or faces a maximum of 2 years' imprisonment. Many victims chose not to report or prosecute their attacker, presumably due to cultural pressures. The law also criminalizes the abandonment of one's family or pregnant spouse for more than 2 months, the nonpayment of court-ordered food support, and sexual harassment. SOS Femmes, a local NGO, reported that although many women remained in abusive situations for fear of losing spousal financial support, a small percentage of women did file complaints against their abusive partner. Some of the abusers were penalized according to legal provisions.

Prostitution is illegal, but there were reports that it existed.

The law prohibits sexual harassment but it occurred. The Sex Discrimination Division of the NHRC received 51 complaints, of which eight related to sex discrimination and nine to sexual harassment. Thirteen cases remained under investigation.

The Sex and Discrimination Act affords women broadly defined wage protections, and authorities generally respected the law in practice. Women played subordinate roles in society, and societal discrimination continued; however, women had equal access to education, employment, and government services.

In the agricultural sector, the law protects women from being forced to carry loads above certain weight limits; however, managers determined remuneration by the amount that one was able to carry during a period of time. As a result, women working in agriculture were often paid less than men because they carried loads that weighed less.

*Children.*—The Government placed strong emphasis on the health and welfare of children and displayed a commitment to expand educational opportunities for children. The ombudsman for children's issues had responsibility for ensuring that the rights, needs, and interests of children were given full consideration by government,



private authorities, individuals, and associations. The Child Development Unit of the Ministry of Women's Rights, Child Development, Family Welfare, and Consumer Protection enforced the laws and implemented policies and programs with regard to the welfare and development of children. The National Children's Council served as a platform for government institutions and NGOs to work together.

The law provides for free, universal, and compulsory education to 16 years. Authorities treated girls and boys equally at the primary, secondary, and post-secondary levels. Most children finished secondary education. More than 90 percent of primary students attended school.

The Government provided full medical care for both boys and girls.

The law criminalizes certain acts compromising the health, security, or morality of a child, although the Government was unable to enforce complete compliance with the law. Private voluntary organizations claimed that child abuse was more widespread than was acknowledged publicly. The state-funded National Children's Council and the Ministry of Women's Rights, Child Development, Family Welfare, and Consumer Protection administered most government programs. Both provided counseling, investigated reports of child abuse, and took remedial action to protect affected children. The Police Unit for the Protection of Minors also carried out talks on sexual abuse of minors.

Child prostitution was a problem, and the Government targeted the practice as a law enforcement and prevention priority. There were reports that some school-girls, independent of third party involvement, engaged in prostitution for spending money. On August 13, police dismantled a large child prostitution network in the Goodlands region and arrested a 33-year-old woman in connection with the ring. On August 17, police also broke up two other child prostitution networks in the north of the island. The police charged two persons in connection with child prostitution.

The Service d'Accompagnement, de Formation, Intégration et Réhabilitation de l'Enfant, a local NGO working for the rehabilitation of homeless children, reported that 20 street children currently dwelled in urban areas.

*Trafficking in Persons.*—The law prohibits trafficking in persons, and there were no reports that persons were trafficked to and from the country; however, there were reports of child prostitution within the country. The law provides for up to 15 years' imprisonment for trafficking in persons. There were reports that some school-girls voluntarily worked in conjunction with prostitution rings and others were forced into prostitution by family members. The Ministry of Women's Rights, Child Development, Family Welfare, and Consumer Protection ran a hot line for reporting cases of child prostitution. Government officials and agencies in the Ministry of Women's Rights, Child Development, Family Welfare, and Consumer Protection, in the Attorney General's office, and in the police department sought ways to prevent child prostitution and prosecute cases. NGOs and the Government drop-in center provided shelters, counseling, and education for victims of child prostitution.

The Ministry of Women's Rights, Child Development, Family Welfare, and Consumer Protection conducted information campaigns on child trafficking for NGOs, high school students, women, and other community leaders. In the context of the decentralization of the Minors' Brigade Police Unit, a unit specializing in cases involving minors, 41 police officers and police recruits received antitrafficking training in May. Seven vehicles were also delivered to the unit by the police force during the year. On August 28, officers in the Police Family Protection Unit received antitrafficking training.

*Persons with Disabilities.*—The law prohibits discrimination against persons with disabilities, and the Training and Employment of Disabled Persons Board effectively enforced it; however, the law does not require that work sites be accessible to persons with disabilities, making it difficult for persons with disabilities to fill many jobs. There is no law mandating access to buildings for persons with disabilities. The law requires organizations that employ more than 35 persons to set aside at least 3 percent of their positions for persons with disabilities. There were no reports of overt discrimination in employment, education, or in the provision of other state services against persons with disabilities, including mental disabilities.

*Other Societal Abuses and Discrimination.*—In 2006 the Government responded with the introduction of the HIV/AIDS Act 2006 for the protection of HIV/AIDS patients against stigmatization and discrimination due to a 2004 case where a woman was evicted from her rented house after she publicly revealed that she had AIDS. On August 12, the media reported that a citizen was not granted permission to marry an HIV positive South African citizen based on her HIV status. Authorities based their initial refusal on clauses of the Immigration and Civil Status Acts. Following lobbying by local NGOs, the couple was granted special permission to marry.

By year's end the law had not been amended in accordance with the HIV/AIDS Act 2006.

*Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution and the law provide for the right of workers to form and join unions of their choice without previous authorization or excessive requirements. The law explicitly protects the right of workers to associate in trade unions, and workers exercised this right in practice. With the exception of police, the Special Mobile Force, and persons in government services who were not executive officials, workers were free to form and join unions and to organize in all sectors, including in the EPZ; however, the law grants authorities the right to cancel a union's registration if it fails to comply with certain legal obligations. Approximately 350 unions represented 115,000 workers, and 13 major labor federations served as umbrella organizations for smaller unions. Unionized workforce represented approximately 20 percent of the labor force. The law prohibits anti-union discrimination.

*b. The Right to Organize and Bargain Collectively.*—Labor unions are free to conduct their activities without interference, and the Government protected this right. The law protects collective bargaining, and workers exercised this right. The National Remuneration Board (NRB), whose chairman was appointed by the minister of labor, set minimum wages for nonmanagerial workers, although most unions negotiated wages higher than those set by the NRB.

The law provides for the right to strike, but the Industrial Relations Act (IRA) requires a 21-day cooling-off period followed by binding arbitration; in practice, this made most strikes illegal. The Government has 21 days to respond to any labor dispute and refer it to either the Permanent Arbitrary Tribunal or to the Industrial Relations Commission. If the Government does not respond within 21 days, the proposed strike can occur. The IRA states that worker participation in an unlawful strike is sufficient grounds for dismissal, but workers may seek remedy in court if they believe that their dismissals are unjustified. The IRA grants the prime minister the prerogative to declare any strike illegal if he considers that it "imperils the economy."

Foreign workers are covered equally by labor laws but language problems interfered with exercising their rights. Those who participated in strikes faced the possibility of deportation. Authorities deported illegal foreign workers when they could be identified.

National labor laws cover EPZ workers, although unions had organized only 10 percent of EPZ workers. There are some EPZ-specific labor laws, including the provision for 10 hours per week of mandatory paid overtime at a higher wage than for ordinary working hours. Some employers reportedly established employer-controlled work councils for EPZ workers, effectively blocking union efforts to organize at the enterprise level. Approximately 65,000 persons worked in the EPZ.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—In August 2006 the Government amended the Labor Act to raise the minimum employment age from 15 to 16, eliminating the inconsistency with the compulsory educational requirement through 16 years of age. The law prohibits the employment of children between the ages of 16 and 18 from work which is dangerous, unhealthful, or otherwise unsuitable for young persons. While the Government generally respected this law, child labor occurred. According to the law, the penalties for employing a child are a fine of no more than approximately \$72 (2,200 rupees) and a term of imprisonment not to exceed 1 year.

Children worked in the informal section as street traders, in small businesses, in restaurants, in agricultural, and in small apparel workshops.

The Ministry of Labor, Industrial Relations, and Employment is responsible for the enforcement of child labor laws and conducted frequent inspections. The ministry employed 45 inspectors to investigate all reports of labor abuses, including those of child labor; however, law enforcement remained an issue due to the small number of labor inspection officers. On October 6, independently of the ministry's inspections, the Minors' Brigade arrested a man suspected of employing five underage teenagers to work as apparel vendors. The investigation was pending at year's end.

*e. Acceptable Conditions of Work.*—The Government established minimum wages, which varied by sector, and mandated that the minimum wage rise each year based on the inflation rate. The minimum wage for an unskilled worker in the EPZ was

approximately \$16 (517 rupees) per week, while the minimum wage for an unskilled factory worker outside the EPZ was approximately \$21 (675 rupees) per week. Although these wages did not provide a decent standard of living for a worker and family, the actual market wage for most workers was much higher due to a labor shortage and collective bargaining.

The standard legal workweek in the industrial sector was 45 hours. According to the Mauritius Labor Congress, 10 hours of overtime a week is mandatory at certain textile factories in the EPZ. In accordance with the Labor Act, no worker is bound to work more than 8 hours a day, 6 days a week. Those who work more than their stipulated hours must be remunerated at 1½ times the normal salary. Those who work during their stipulated hours on public holidays are remunerated at double their normal salary. For industrial positions, workers are not permitted to work more than 10 hours a day. If the worker has worked up to or past 10 p.m., the employer cannot require work to resume until at least 11 hours have lapsed. These standards were generally enforced. Unions have reported cases of underpayment for overtime in the textile or apparel industries due to differences in existing legislations and remuneration orders for the calculation of overtime hours.

The Government set health and safety standards, and Ministry of Labor officials inspected working conditions; however, the small number of inspectors limited the Government's enforcement ability. Voluntary employer compliance with safety regulations helped reduce the number of occupational accidents, with the ministry reporting a general trend downward in the number of industrial accidents over the past 10 years. Workers had the right to remove themselves from dangerous situations without jeopardizing their continued employment, and they did so in practice.

---

## MOZAMBIQUE

The Republic of Mozambique is a constitutional democracy with an estimated population of 20 million. President Armando Guebuza was elected in December 2004 in what national and international observers judged to be generally free and fair elections, despite some irregularities. The Front for the Liberation of Mozambique (FRELIMO) has been the ruling political party since independence in 1975, heavily influencing both policymaking and implementation. While civilian authorities generally maintained effective control of the security forces, there were some instances in which elements of the security forces acted independently.

Incidents of serious human rights abuses in some areas—including unlawful killings by security forces and vigilante killings—increased during the year. Prison conditions remained harsh and life threatening, resulting in several deaths. Arbitrary arrest and detention as well as lengthy pretrial detentions were problems. An understaffed and inadequately trained judiciary was inefficient and heavily influenced by the ruling party. Judicial decisions involving independent media outlets created a more constraining environment for press freedom. In addition societal problems such as domestic violence, discrimination against women, abuse, exploitation, and forced labor of children, trafficking in women and children, and discrimination against persons with HIV/AIDS remained widespread.

### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—Although the Government or its agents did not commit any political killings during the year, security forces committed unlawful killings.

Violence as a first resort, excessive use of force, and abuse by police remained problems. Authorities often failed to investigate police violence and bring the perpetrators to justice. However, authorities expelled and, in some cases, brought criminal charges against dozens of officers for disciplinary offenses during the year.

A sharp increase in crime, particularly in and around Maputo City, was likely a factor in the increase in the number of unlawful killings committed by security forces during the year. An overanxious police force responded with a strong show of force and often resorted to violence. Police arbitrarily shot and killed numerous persons. For example, on April 4, three policemen shot and killed Carlos Cossa, Mustafa Assene Momedo, and Francisco Antonio Nhantumbo on a football field in a Maputo suburb. An investigation by the Criminal Investigation Police (PIC) indicated the victims were criminals who had escaped from a police car. However, the Attorney General's Office concluded that the shots fired by police were at close

range, suggesting summary executions. Further investigation into the killings continued at year's end.

On November 8, members of the riot police shot and killed Juliao Macul in Massinga, Inhambane Province. Minister of Interior Jose Pacheco explained the killing as a police reaction to a denunciation of the suspect and added that Macul attempted to avoid being questioned by police. However, media reports indicated that police mistook Macul for a wanted criminal and made no attempt to identify or arrest Macul before shooting him seven times. Police set up a commission of inquiry to investigate the death, but no further information was available at year's end.

On December 22, police shot and killed Augusto Covilas who had called the police to report that his house was being robbed. Upon arriving at the scene, two members of the police opened fire without attempting to find out who was in the house. Authorities arrested the two officers involved and an investigation was underway at year's end.

Police use of torture resulted in deaths. For example, on August 15, PIC agent Alexandre Francisco Balate drugged, beat, and burned Abranches Afonso Penicelo and left him for dead, according to press reports. Penicelo survived and made it to a hospital before dying from his injuries the following day. Family members of Penicelo claimed the killing was perpetrated by a death squad with which Balate was affiliated. An investigation by the Attorney General's Office was ongoing at year's end.

There were no developments in the following 2006 killings by security forces: The January police killing of an unarmed civilian who was trying to persuade a group of policemen to stop beating a younger woman; the January killing by police of five suspects during a warehouse raid; the March police killing of four detainees in a high security prison; the May killing of at least two prison escapees; the June killing by military police of a secondary student for allegedly wearing boots that belonged to a military officer; the June killing by three members of the presidential guard of an unarmed citizen who disobeyed orders to stop his vehicle; and, the July police killings of a prisoner who was active in organized crime and planned to testify in court.

There were no developments in the trial of police who shot six gang members in Matsinho, Manica in 2005.

There was one reported killing as a result of torture and other reports of abuse by members of the Community Policing Councils (CPC), nonstatutory bodies set up by the Mozambican national police (PRM) in many districts to prevent crime. On April 2, Nzero Zamala, the CPC chairman of Nhamatanda District, Sofala Province, whipped Manuel Chinzo Joao more than 60 times, allegedly because Joao was having an affair with Zamala's wife. Joao was not taken to a hospital until April 6, where he subsequently died from his injuries, according to the Agencia de Informacao de Mocambique (AIM).

Land mine-related accidents resulted in deaths and injuries. The Government continued to cooperate with international organizations and donors as well as commercial firms to clear suspected land mine areas.

Unlike in the previous year, there were no reports of killings by unknown actors. The investigation into the March 2006 killing of leading opposition party Mozambican National Resistance (RENAMO) deputy Jose Gaspar Mascarenhas by an unknown gunman was ongoing at year's end.

Killings by vigilante groups were widespread during the year. The nongovernmental organization (NGO) Human Rights League (LDH) and other civil society groups claimed these killings were related to increased crime, lack of police presence in certain neighborhoods, and an ineffective justice system. Most targets of such killings were suspected muggers, thieves, and drug dealers. While nationwide statistics were not available, the press reported at least 26 killings by vigilantes during the year, most of which occurred in and around Maputo City, Matola, and Beira. For example, in June a mob in the Vaz neighborhood of Beira beat to death two suspected thieves. In July a mob killed a suspected thief by beating him, soaking him in gasoline, and burning him to death. In November vigilantes apprehended a suspected petty thief, beat him to death, and burned his body.

Unlike in the previous year, there were no reported mob killings of persons suspected of witchcraft.

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—While the Constitution and law prohibit such practices, police continued to commit abuses. During the year human rights advocates and media outlets reported complaints of torture and other cruel treatment, including several instances involving

sexual abuse of women, beatings, and prolonged detention. There were a few reports of deaths resulting from police torture.

The LDH reported that torture in prisons continued to be a problem. Torture and other abusive treatment continued at police squadrons, according to the LDH.

On April 28, police in Macia, Maputo Province, reportedly beat British citizen Alan Evans at a checkpoint. Evans was treated at a clinic in Swaziland for injuries sustained in the incident. There was no further information by year's end.

On July 2, policemen at the 5th squadron in Machava, Maputo Province, severely beat and threatened to kill trainee lawyer Aginaldo Mandlate, who was at the station to represent clients being interrogated by the PIC. While police claimed he was "trying to escape" and received his injuries after falling, Mandlate stated he fled after police threatened him with a gun. Police gave chase, beat Mandlate, and threw him in a cell with other inmates for several hours before he was rescued by colleagues and taken to the hospital for treatment of head injuries. There were no further updates at year's end.

No action was taken against police involved in the following 2006 torture cases: The May torture of Alexandre Emilio and several others by police from Maputo's 12th Squadron; and the May beating of Generosa Anselmo Cossa, a delegate of RENAMO.

There continued to be reports of abuse and violence by members of the CPC.

Unlike in previous years, there were no reports of violence between FRELIMO and RENAMO supporters during the year.

Vigilante violence also resulted in deaths and injuries.

*Prison and Detention Center Conditions.*—Prison conditions were extremely harsh and life threatening.

The Administration for Prison Services operated 211 prisons in 10 provinces and is under the Ministry of Justice. The Ministry of Interior and the police are responsible for jails at police stations.

Overcrowding remained a serious problem. The LDH noted that many prisons held up to three times the number of prisoners for which they were built, and that often prisoners slept in bathrooms, standing up, or in shifts. For example, the Maputo Central Prison held 2,246 prisoners in a facility designed to hold 800, and the Inhambane Provincial Prison held 346 prisoners in a facility designed to hold 75. During the first half of the year, the LDH visited 74 prisons and detention facilities, which held a total of 11,424 inmates in facilities designed to hold 5,913.

The LDH found that more than 500 detainees in the Maputo Central Prison (Machava) had been held beyond the 90-day preventive detention period. Of the prisons visited, 399 prisoners remained in jail after the end of their sentences (including 206 at the Maputo Central Prison). The LDH described 35 facilities as "physically inadequate." In detention facilities, overcrowding did not appear to be a serious problem. During the first half of the year, the LDH visited several police station detention facilities and noted that some detainees continued to be held beyond the maximum police station preventive detention period of 48 hours.

Reports continued that most prisoners received only one meal per day. In 13 of the prisons visited, the LDH characterized the provision of food as "poor." It was customary for families to bring food to prisoners; however, there continued to be occasional reports that guards demanded bribes in exchange for delivering food to prisoners. In several prisons, inmates prostituted themselves in exchange for food, according to the LDH.

There continued to be many reported deaths in prison, the vast majority due to illness. In many facilities overcrowding, lack of sanitation, potable water, and food also led to sickness.

In a series of prison visits conducted during the first half of the year, the LDH found malaria, scabies, and tuberculosis to be frequent among prisoners in nearly all of the country's prisons. LDH also found other illnesses caused by malnutrition, including paralysis and blindness. Both healthy and sick prisoners regularly were kept in the same cells. The spread of HIV/AIDS and other sexually transmitted diseases was a serious problem for the prison population, and the LDH noted that in many prisons, authorities denied condoms to inmates.

In the first half of 2007, the LDH reported 39 juveniles under the age of 16 held with adults from the general prison population.

Pretrial detainees were held with convicted prisoners.

International and domestic human rights groups had access to prisoners, although at the discretion of ministries of justice and interior. Unlike in previous years, the LDH reported facing serious problems obtaining credentials to visit prisons. While in some cases authorities simply did not respond to the LDH requests for credentials, in other cases certain prison directors denied the LDH access to visits despite having credentials.

*d. Arbitrary Arrest or Detention.*—While the Constitution and law prohibit arbitrary arrest and detention, both practices continued to occur.

*Role of the Police and Security Apparatus.*—Forces under the Ministry of Interior, including the PIC, the PRM, and the Rapid Intervention Force, are responsible for internal security. An additional security body, the State Information and Security Service, reports directly to the president. The armed forces (FADM) are responsible for external security, but patrolled with the PRM and manned checkpoints due to a significant increase in crime during the year.

The police continued to be poorly paid, despite an increase in pay during the year. Trainee-level officers reportedly received approximately \$89 (2,113 meticaïs) a month, while those at higher rank received approximately \$115 (2,725 meticaïs) a month. Corruption and extortion by police were widespread, and impunity remained a problem. In January Deputy Interior Minister Jose Mandra said that criminal elements had infiltrated the police force.

Police regularly detained persons for arbitrary reasons and demanded identification documents solely to extort payments. Many crime victims reportedly avoided police assistance because of expected demands for bribes and a lack of confidence that the police would help. During the 12 months preceding April, the Maputo City Police Command initiated disciplinary and criminal proceedings against 113 Maputo policemen, expelling 28 of these from the force. The most common reasons for disciplinary action, according to Maputo's police chief, were collaboration with criminals, extortion of goods and money, excessive alcohol consumption, and abandonment of post. During the year the Ministry of Interior expelled at least 160 police officers. However, the vast majority of police who committed infractions were "recycled," sent back to school, and then transferred to a new unit. In the 3 months preceding March, the Ministry "recycled" 178 police. These included suspected criminals, thieves, and agents suspected of collaborating with criminals. A government-sponsored survey ranked the PRM as the second most corrupt public institution.

Professional training for police officers continued during the year; in August 60 PRM officers in Gaza Province completed human rights training.

Implementation of the 2003–12 strategic plan of action and modernization for the PRM continued; seven of its nine "guiding principles" reflected respect for human rights. While the plan acknowledged the problem of abuse of police powers, it made no specific provision for ensuring greater accountability for such abuses.

*Arrest and Detention.*—Although the law provides that persons be arrested openly with warrants issued by a judge or prosecutor (except persons caught in the act of committing a crime), police continued to arrest and detain citizens arbitrarily. By law the maximum length of investigative detention without a warrant is 48 hours, during which time a detainee has the right to judicial review of the case. The individual may be detained another 90 days while the PIC continues its investigation. When a person is accused of a crime carrying a sentence of more than 8 years, the individual may be detained up to 84 days without being charged formally. With court approval, such detainees may be held for two more periods of 84 days each without charge while the police complete the investigative process. The law provides that when the prescribed period for investigation has been completed and no charges have been brought, the detainee must be released. In many cases the authorities either were unaware of these regulations or ignored them, often also ignoring a detainee's constitutional right to counsel and to contact relatives or friends. The law provides that citizens have access to the courts as well as the right to representation, regardless of ability to pay for such services. However, due to a shortage of legal professionals, indigent defendants frequently had no legal representation.

The bail system remained poorly defined. Prisoners, their families, and NGOs continued to complain that police and prison officials demanded bribes for releasing prisoners.

There were reports that police harassed and arbitrarily detained persons, including journalists, during the year.

Government statistics indicated that approximately 40 percent of inmates were still awaiting trial. In addition there continued to be reports of detainees who spent longer in pretrial detention than the period of the sentence they eventually received. By law a judge has 48 hours to validate a detention in any proceeding; however, this statute often was not enforced.

*e. Denial of Fair Public Trial.*—The Constitution and law provide for an independent judiciary; however, the executive branch and the ruling FRELIMO party heavily influenced an understaffed and inadequately trained judiciary, particularly in the lower tiers. The judicial system continued to suffer from a lack of trans-

parency and often did not comply with the principles of promotion and protection of human rights.

In May the Parliament passed a new judicial organization law, which establishes intermediate appeals courts and expands the powers of district courts to rule on more serious criminal cases. The new law also empowers district court judges to rule on criminal cases with penalties ranging between 8 and 12 years, compared with up to only 2 years before the law. The law permits judges to rule on a significantly higher number of cases and was expected to reduce the backlog in the judicial sector. In addition alternative measures such as work brigades, conditional release for prisoners who have completed half of their sentence, and traveling tribunals continued.

Approximately 93 of the country's 128 judicial districts had functioning courts; however, a shortage of judges and qualified staff was a major problem. In March Chief Justice Mario Mangaze reiterated that the country had only 36 percent of the judges and prosecutors needed to administer justice effectively. There were 221 judges (or approximately one per 90,500 inhabitants), 183 of whom held law degrees as required by law for all judges appointed after 2000. During the year 7 percent of the 1,429 staff employed by the courts held university degrees. Continuing problems included chronic absenteeism, unequal treatment, low salaries, corruption, deliberate delays, and omissions in handling cases. Unlike in the previous year, there were no reports that judges were expelled for illicit behavior.

The president appoints both the Supreme Court president and vice president. The Higher Judicial Magistrates' Council (CSMJ) prepares Supreme Court nominations and submits a list of qualified potential nominees to the president. Members of the CSMJ tended to be either FRELIMO members or FRELIMO-affiliated. The president makes all other judicial appointments.

There are two complementary formal justice systems: The civil justice system and the military justice system. The Supreme Court administers the civil system, and the Ministry of National Defense administers military courts. Under the Supreme Court there are province and district-level courts, and each province has a court of appeal. Cases in military courts may be appealed to the Supreme Court. Civilians are not under the jurisdiction of, or tried in, the military courts.

There also are courts that exercise limited, specialized jurisdiction, such as the Administrative Court, the Customs Court, and the Maritime Court. The Constitutional Council is charged with determining the constitutionality of laws and decrees, supervising the electoral process, declaring and validating electoral results, and ruling on electoral disputes. A separate court system exists for minors 16 years of age and younger. The Government may send minors to correctional, educational, or other institutions.

*Trial Procedures.*—Persons accused of crimes against the Government are tried publicly in regular civilian courts under standard criminal judicial procedures. Members of the media may attend trials, although space limitations prevented the general public from attending. A judge may order a trial closed to the media in the interest of national security or to protect the privacy of the plaintiff in a sexual assault case. Article 12 of the judicial organization law “prohibits the production and public transmission of images and sounds at trials.” There is no trial by jury.

In regular courts all accused persons, in principle, are presumed innocent and have the right to legal counsel and appeal; however, authorities did not always respect these rights. Although the law specifically provides for public defenders for the accused, such assistance generally was not available in practice, particularly in rural areas. The LDH reported that most citizens remained unaware of this right, and many had no access to legal counsel. Some NGOs continued to offer limited legal counsel at little or no cost to both defendants and prisoners. Only judges or lawyers may confront or question witnesses.

Outside the formal court system, local customary courts, and traditional authority figures often adjudicated matters such as estate and divorce cases. Respected local arbiters with no formal training staffed customary courts.

*Political Prisoners and Detainees.*—There were no confirmed reports of political prisoners or detainees. Unlike in the previous year, RENAMO did not continue to allege that 10 of its party members were being held as political prisoners in Mutarara District in Tete Province.

*Civil Judicial Procedures and Remedies.*—Although the law provides for an independent and impartial judiciary in civil matters, in practice the judiciary was subject to political interference.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution and law prohibit such actions, and the Government generally respected these prohibitions in practice. However, opposition party members alleged that gov-

ernment intelligence services and ruling party activists continued without warrants to monitor telephone calls, conduct surveillance of their offices, follow opposition members, use informants, and disrupt party activities in certain areas of the country, including in Cabo Delgado and Nampula Provinces. By law police require a warrant to enter homes and businesses and also to monitor telephone calls.

In August the media reported that the FADM required senior members to complete a confidential questionnaire regarding party affiliation, activities in support of the party, and whether the individual supported FRELIMO. Some observers believed the questionnaire was evidence of the politicization of the FADM. Media reports noted that while Minister of Defense Tobias Dai denied knowledge of the questionnaire, Brigadier General Jorge Gune acknowledged that he had filled out several questionnaires since achieving higher rank in the FADM.

Unlike in the previous year, there were no reports that school administrators in Muecate district in Nampula Province forced single male teachers to marry to mitigate the number of sexual assaults of female students by teachers.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—Although the Constitution and law provide for freedom of speech and of the press, in practice there were some restrictions on these rights. There were occasional reports that police harassed journalists, and journalists admitted that self-censorship was common. In its annual report on press freedom, the NGO Freedom House noted that the press was “partially free,” while also acknowledging the continued growth of private media. The NGO Media Institute of Southern Africa (MISA) noted in its annual report that court decisions involving several independent media outlets during the year created a constraining environment. Individuals could criticize the Government publicly or privately without reprisal.

The independent media were active and expressed a wide variety of views. The Government maintained majority ownership in *Noticias*, the main newspaper and the only daily with nationwide distribution. *Noticias*, the daily *Diario de Mocambique*, and the weekly *Domingo* largely reflected the views of the Government and provided marginal, often critical coverage of RENAMO but also demonstrated a willingness to examine government actions. The government-run news agency, AIM, often printed stories critical of the performance of government ministries or agencies.

The international media were allowed to operate freely.

There were numerous private radio stations that operated throughout the country. Radio Mocambique, which received 60 percent of its operating budget from the Government, was the most influential media service with the largest audience in the country. While broadcasting debates on important issues of the country, Radio Mocambique tended to invite participants that were not critical of the Government.

MISA noted that the process for obtaining a radio operating license was often long, convoluted, and politically biased. According to MISA, a new law was needed which would clearly delineate the difference between commercial and public radio.

The Government supplied 80 percent of the operating budget for *Televisao de Mocambique* (TVM), the television station that broadcast to the largest percentage of the population. While TVM provided more balanced news coverage than in previous years, it retained a strong government and FRELIMO bias.

On January 3, the Maputo City Court ordered the return of all equipment seized by law enforcement officers in December 2006 from the private television station STV. While the seizure ostensibly involved a severance pay dispute, STV was a frequent critic of the Government, leading many civil society groups to believe the seizure was a crackdown on STV.

Security forces harassed and arbitrarily detained local journalists during the year. In January police in Beira detained without charge photojournalist Celeste MacArthur of the *Diario de Mocambique* for taking pictures of an abandoned house. Police released MacArthur later the same day. In March police arrested Celso Manguana, a reporter for *Canal de Mocambique*, and detained him for 3 days. Police accused Manguana of “insulting authority” after he went to a police station to inquire about the arrests of several demonstrators. He was released after the intervention of the attorney general and the LDH.

In August *Canal de Mocambique* reported that one of its journalists, Luis Nhachote, received a threat message on his cell phone apparently for an article he published critical of FRELIMO.

In November Nyimpine Chissano, oldest son of former President Joaquim Chissano, and “joint moral author” in the killing of investigative journalist Carlos Cardoso in 2000, died.



The National Union of Journalists, MISA, and the Mozambican Editor's Forum criticized the new judicial organization law. The groups argued that Article 12, which "prohibits the production and public transmission of images and sounds at trials" was a serious threat to press freedom by imposing a blanket ban on microphones and cameras in the courtroom.

Defamation of the president is prohibited; however, no one was charged with the offense during the year.

MISA condemned at least two court rulings in libel suits brought against the independent newspapers *Horizonte* and *Faisca* during the year. While the cases did not involve the Government, MISA argued that the damages demanded would shut down the newspapers and silence the few alternatives to government sources of information.

Newsprint and other printing supplies must be imported from South Africa, and the Government did not exempt these supplies from import duties. Some newspapers found it more cost-effective to print in South Africa and import the final product. Other journals were only published in electronic versions, severely limiting their readership. Journals printed on paper had limited readership beyond Maputo, due to high transportation costs.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. While public access to the Internet continued to expand, particularly in the larger cities, lack of infrastructure in the rural parts of the country and installation costs limited overall use.

*Academic Freedom and Cultural Events.*—While the Government generally did not restrict academic freedom, there were reports that teachers at the university, secondary, and primary school level felt pressure to align themselves with FRELIMO, particularly in the central and northern provinces.

In April the Administrative Tribunal reinstated Ismael Mussa, a RENAMO parliamentary deputy and lecturer demoted from his position as director of social services at the state-run Eduardo Mondlane University (UEM) in 2005. Despite the ruling, in July the UEM again removed Mussa from his position as director. While university regulations allow the vice chancellor to appoint or dismiss directors, observers suspected political harassment.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The Constitution and law provide for freedom of assembly; however, there was one instance in which police briefly detained demonstrators during the year. While the law regulates public demonstrations, it does not apply to private gatherings held indoors and by individual invitation, nor does it affect religious gatherings or election campaigning.

In April police, apparently without cause, detained 10 protestors in front of the National Assembly building. According to the newsfax *A Canal de Mocambique*, six of the protestors were held overnight before being released without explanation the following day.

In March, for the first time since 2004, local authorities in Maputo city permitted a group of madjermanes to hold a public march. The madjermanes, a group of approximately 15,000 citizens who worked in the former East Germany, demanded payment of benefits for their past work.

*Freedom of Association.*—The Constitution and law generally provide for freedom of association, although the Government imposed some limits on this right. According to the law a political party is required to demonstrate that it has no regional, racial, ethnic, or religious exclusiveness and must secure at least 2,000 signatures to be recognized. There were approximately 50 registered political parties.

A government decree regulates the registration and activities of foreign NGOs. The registration process for foreign NGOs and religious groups reportedly involved significant discretion on the part of government officials and regularly took several months.

*c. Freedom of Religion.*—The Constitution and law provide for freedom of religion, and the Government generally respected this right in practice.

The Constitution and the law governing political parties specifically forbid religious groups from organizing political parties and any political party from sponsoring religious propaganda as threats to national unity.

The Catholic Church and some Muslim communities continued to request the return of certain properties nationalized by the Government in the years immediately following independence, including schools, health centers, shops, and residences.

*Societal Abuses and Discrimination.*—Relations among various religions groups were generally amicable. In September the PRM arrested Fernando Bernardo Arrone and Fabiao Domingos for their roles in burning three mosques in late August in Lichinga, Niassa Province. Arrone confessed that he received \$337 (8,000 meticais) from the Catholic Church for each mosque. The investigation into the incidents was ongoing at year's end.

There was a very small Jewish population, and there were no reports of anti-Semitic acts.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—While the law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, the Government sometimes infringing upon these rights in practice.

Traffic checkpoints are legal and under the jurisdiction of traffic police. Checkpoints occasionally affected freedom of movement, and according to press reports, authorities sometimes abused and demanded bribes from citizens at checkpoints. Police sometimes stopped foreigners and ordered them to present original passports or resident papers, refused to accept notarized copies, and fined or detained those who failed to show proper documents. Police, including members of CPCs, also routinely harassed, detained, and extorted bribes from local citizens for failure to carry identity papers.

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

*Protection of Refugees.*—The laws provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against "refoulement," the return of persons to a country where there is reason to believe they feared persecution. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers.

While the Government assisted in the repatriation of 300 refugees in May, Canal de Mocambique reported in July that due to a lack of resources, the Government was not able to satisfy requests by some refugees to return to their countries of origin.

In April AIM reported on several attacks against Burundian and Congolese refugees in Nampula Province. The Government continued to limit refugee movement within the country. Refugees must request authorization to move outside the geographic region in which they have been registered. In addition refugees residing within the Marratane camp in Nampula Province must request authorization to leave its boundaries, which has perpetuated the extracting of bribes by officials.

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

The Constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

*Elections and Political Participation.*—In 2004 citizens elected Armando Guebuza of the ruling FRELIMO party as president in the country's third multiparty general elections. While domestic and international observers noted that voting day procedures generally followed international norms, they also documented irregularities during the campaign and in the vote count. FRELIMO used significant state funds and resources for campaign purposes, in violation of election law. RENAMO issued complaints of election fraud to several agencies, including the Constitutional Council. In January 2005 the Constitutional Council affirmed Guebuza as the winner.

Unlike in previous years, there were no reports of violence between FRELIMO and RENAMO supporters during the year.

There were 93 women in the 250-seat National Assembly. The prime minister was a woman, and women held six of the 24 ministerial positions and four of the 18 vice ministerial positions. Women held 30 percent of the seats on FRELIMO's 160-member Central Committee and six seats on the 17-member Political Commission.

Members of many ethnic groups held key positions in both the legislative and executive branches. There was no evidence that specific ethnic groups were excluded.

*Government Corruption and Transparency.*—While the law provides criminal penalties for official corruption, the Government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. No corruption cases

involving high-profile individuals have been brought to trial during the Guebuza administration.

The World Bank's Worldwide Governance Indicators reflected that corruption was a serious problem.

Despite the Government's strong anticorruption rhetoric, corruption in the executive and legislative branches was widely perceived to be endemic. Petty corruption by low-level government officials to supplement low incomes, and high-level corruption by a small group of politically connected elites continued to be the norm. Corruption largely resulted from a lack of checks and balances, minimal accountability, and a culture of impunity. Local NGOs, such as the Center for Public Integrity, and media groups continued to be the main forces fighting corruption, reporting and investigating numerous corruption cases. The law requires that all members of the Government declare and deposit their assets with the Constitutional Council, but does not require that such information be made available to the general public.

The Central Office for the Combat of Corruption (GCCC) functions as an autonomous unit under the attorney general's office with its own state budget. According to the GCCC, from January to August prosecutors brought charges in 13 cases of corruption. In December the Ministry of Civil Service reported that authorities expelled nearly 400 public servants for various irregularities during the year. In August the Supreme Court refused to consider some 15 corruption cases brought forward by the GCCC after several judges claimed the GCCC lacked legal authority to prosecute. In December the attorney general announced that the GCCC would no longer have the power to investigate cases of forgery, swindling, murder, and theft, drastically reducing its scope.

Several new cases of corruption were reported. In January the GCCC ordered the arrest of Deputy Director of the Maputo Central Prison Arminda Parruque for under invoicing and the disappearance of large sums of money. Parruque was being held at the Maputo Civil Prison, and an investigation was ongoing at year's end.

In January authorities arrested six health service administrators in Cabo Delgado Province for the theft of approximately \$126,000 (3 million meticaais) intended for funding health services in six districts. There were no further developments by year's end.

In March authorities arrested the provincial administrator for youth and sports in Niassa Province for the theft of \$76,000 (1.8 million meticaais). The investigation was ongoing at year's end.

There were no further developments in the 2006 investigations into alleged corruption by government officials.

The NGO *Etica Mozambique*, which operated corruption reporting centers in major cities to provide a mechanism for citizens to anonymously report incidences of corruption, became inactive during the year. Management and resource constraints were ongoing problems, and none of the cases it had transferred to the Ministry of Justice had gone to trial.

There were no laws providing for public access to government information, and in practice the Government restricted citizens' and noncitizens' access to public information.

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

Domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Although at times slow, government officials were generally cooperative and responsive to their views. Registration procedures for NGOs often were lengthy.

While an independent ombudsman position to investigate allegations of abuses, including human rights violations, by state officials was created by constitutional amendment in 2005, an ombudsman had yet to be named.

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

The Constitution and law prohibit discrimination based on race, gender, disability, language, or social status, but in practice discrimination persisted against women, persons with disabilities, and persons with HIV/AIDS.

*Women.*—The law prohibits rape (excluding spousal rape) but was not effectively enforced. Penalties ranged from 2 to 8 years' imprisonment if the victim is 12 years of age or older, and 8 to 12 years' imprisonment if the victim is under the age of 12. While there were no official estimates as to the extent of spousal rape, it was regarded as a common problem. According to NGO reports, many families preferred to settle such matters privately through financial remuneration rather than through the formal judicial system. In August the Maputo High Court sentenced Luis

Camillo to 17 years' imprisonment for the 2004 rape of two South African women near Johannesburg.

Reports indicated that domestic violence against women, particularly spousal rape and beatings, was widespread, and the PRM received 5,667 reports of violence against women through September. There is no law that defines domestic violence as a crime, but laws prohibiting rape, battery, and assault could be used to prosecute domestic violence. In many circles women believed it was acceptable for their husbands to beat them. Cultural pressures discouraged women from taking legal action against abusive spouses.

A 15-month survey released in August 2006 revealed that 54 percent of women respondents admitted suffering an act of physical or sexual violence by a man at some point in their lives, 37 percent in the last 5 years, and 21 percent during the past year.

There was no update on the December 2006 case of Antineco Chibewa, who killed his 36-year-old wife for being too old.

The Government and NGOs often worked together to combat domestic violence. The PRM operated special women and children's units in police squadrons that received cases of domestic violence, sexual assault, and violence against children; the units provided assistance to victims and their families. All 30 police squadrons in Maputo had women and children's centers. In addition all police squadrons in the country installed a "green line" (a free phone line) to receive complaints of violence against women and children.

Kukuyana, a national network of women living with HIV/AIDS, reported that many women were expelled from their homes and/or abandoned by their husbands and relatives because they were HIV positive. It also reported that some women who were widowed by HIV/AIDS were accused of being witches who purposely killed their husbands to acquire belongings, and in retribution were deprived of all belongings.

Prostitution is legal, although it is governed by several laws against indecency and immoral behavior and restricted to certain areas. The practice was widespread and particularly prevalent along major transportation corridors and in border towns where long-distance truckers overnight. Young women without means of support were at the greatest risk for being drawn into prostitution.

Sexual harassment is illegal; however, it was pervasive in business, government, and education. Although no formal data exists, the media reported numerous instances of harassment during the year.

Forced marriage of girls and women was a problem.

"Purification," whereby a widowed woman is obligated to have unprotected sex with a member of her husband's family, continued to be practiced, particularly in rural areas.

With the exception of some ethnic and religious groups, the groom's family provided a dowry to the bride's family, usually in the form of livestock, money, or other goods. For Muslims, the bride's family usually paid for the wedding and provided gifts. These exchanges contributed to violence and other inequalities, due to the perception that the women subsequently were "owned" by the husband.

The Family Law (which took effect in 2005) sets the age of marriage for both genders at 18 for those with parental consent, and 21 for those without parental consent. The law also eliminates husbands' de facto status as heads of families, and legalizes civil, religious, and common law unions. While the law does not recognize new cases of polygyny, it grants women already in polygynous marriages full marital and inheritance rights. The law more precisely defines women's legal rights with regard to property, child custody, and other issues. However, nearly 3 years after taking effect, a survey conducted by the NGO MULEIDE found that approximately 63 percent of women remained uninformed about the law. A Save the Children report on inheritance practices released in June noted that 60 percent of women cited discrimination in the inheritance process. The same report highlighted cases in which women lost inheritance rights for not being "purified" following the death of their husbands.

Customary law was still practiced in many parts of the country. In some regions, particularly the northern provinces, women had limited access to the formal judicial system for enforcement of rights provided under the civil code and instead relied on customary law to settle disputes. Under customary law, women have no rights to the disposition of land.

The law grants citizenship to the foreign-born wife of a male citizen but not to the foreign-born husband of a female citizen.

Women continued to experience economic discrimination, were three times less likely than men to be represented in the public and private sectors, and often received lower pay than men for the same work.

*Children.*—While the Government continued to stress the importance of children's rights and welfare, significant problems remained.

A U.N. Children's Fund (UNICEF) report released in May estimated that the level of birth registration was less than 40 percent, and that 94 percent of children under age 4 were not registered. In some cases, particularly in rural areas, lack of birth certificates prevented citizens from registering for school, access to health care, and the right to obtain public documents, such as identity cards or passports.

Education is compulsory through age 12, but enforcement was inconsistent due to the lack of resources and the need for additional schools. Public education is free, but most families paid enrollment fees for each child and purchased books, uniforms, and other school supplies. Children who have a certificate that testifies their parents' incomes are below a certain poverty level are exempt from fees, but for most families, fees and associated costs remained a significant financial burden.

During the year UNICEF estimated that 94 percent of children were enrolled in school; primary school enrollment reached 4.5 million, and secondary school enrollment increased from 45,000 to approximately 360,000 since 1992. Despite joint government/NGO initiatives in specific localities and districts to improve girls' school attendance, completion rates for primary school students were approximately 41 percent for boys and 29 percent for girls. In January a report released by Save the Children noted that more than 1 million children (the majority of whom were girls) between the ages of 6 and 11 either had never been to school or did not currently attend. Primary schools remained overcrowded, and approximately 70 percent lacked adequate sanitation.

The PRM reported more than 2,800 cases of child abuse during the year, but noted that the vast majority of cases went unreported. Most cases involved sexual abuse, physical abuse, or negligence. Several cases of fathers sexually abusing their daughters were reported during the year. Sexual abuse in schools was a growing problem. An analysis undertaken by Actionaid International in Zambezia, Manica, and Maputo provinces revealed that 78 percent of girls between 8 and 18 were forced to have sex with their professors to pass their class. A separate joint study by UNICEF, Actionaid International, and Save the Children revealed that one in five girls over the age of 15 reported being sexually abused by professors and that most children did not report these cases because they were afraid or ashamed. The press continued to report cases in which primary and secondary school students often paid teachers in exchange for a spot in a class or better grades.

There continued to be reports in newspapers of physical abuse of students by teachers during the year.

Local customs, primarily in the northern provinces and in Muslim and South Asian communities, resulted in underage marriage. The daily *Noticias* reported that in the rural areas of Nampula Province, some districts reported 10 percent fewer female students enrolled in school compared with 2006 as a result of child marriage.

While the law prohibits pornography, child prostitution, and sexual abuse of children under 16 and proscribes prison sentences and fines for perpetrators, exploitation of children below the age of 15 continued, and child prostitution remained a problem. In practice perpetrators of these crimes rarely were identified and prosecuted, and punishment was not commensurate with the crime.

The country continued to have a problem with street children, but no nationwide figures were available.

Zimbabwean children, many of whom entered the country alone, continued to face labor exploitation and discrimination. They lacked protection due to inadequate documentation and had limited access to schools and other social welfare institutions. Coercion of girls into the sex industry was common.

The Government took steps to address the problems facing HIV/AIDS orphans. A 2006 UNICEF study estimated that of the country's 1.6 million orphans, more than 380,000 lost either one or both parents to HIV/AIDS. Several government agencies, including the Ministry of Health and the Ministry of Women and Social Action, implemented programs to provide health assistance and vocational education for HIV/AIDS orphans.

The Maputo City Office of Women and Social Action continued its program of rescuing abandoned orphans and assisting single mothers who headed families of three or more persons. They also offered special classes to children of broken homes in local schools. NGO groups sponsored food, shelter, and education programs in all major cities.

*Trafficking in Persons.*—Although the law does not prohibit trafficking in persons, traffickers could be prosecuted using 13 related articles of the penal code on sexual assault, rape, abduction, and child abuse.

The country was a source, transit, and possibly a destination for trafficked persons. While there were no official statistics, NGOs believed that trafficking was be-

coming a serious problem. UNICEF released a report in January that revealed more than 1,000 cases of women and children trafficked from Mozambique to South Africa between 2002 and 2006. Most trafficking victims were transported to South Africa on the highway from Maputo to Johannesburg. The majority of victims were women and children trafficked for both sexual exploitation and forced labor. Boys were trafficked as laborers on South African farms and in mines, and girls were trafficked to work as prostitutes and as domestics. Poverty, a history of child migration, and weak border controls all contributed to trafficking.

Child prostitution appeared to be most prevalent in Maputo, Nampula, Beira, and at border towns and overnight stopping points along key transportation routes. Child prostitution reportedly was growing in the Maputo, Beira, and Nacala areas, which had highly mobile populations and a large number of transport workers. Child prostitution also was reported in Sofala and Zambezia provinces. Some NGOs provided health care, counseling, and training in other vocations to children engaged in prostitution.

Traffickers were principally citizens or South African. Trafficking groups included small networks of citizens based in Maputo and Nampula, and there were reports that organized crime groups were involved. Traffickers often lured victims by promising better jobs in South Africa. Once there, they were threatened with exposure of their illegal status and forced to work for little or no pay. Often women were sexually assaulted en route to their destination or once they arrived in South Africa. There were also reports that syndicates trafficked young girls from Thailand through the country en route to South Africa.

The Government's law enforcement efforts decreased over the previous year, and a paucity of training resources continued to hinder greater efforts. There were no prosecutions or convictions for trafficking cases during the year. Many lower-ranking police and border control agents were suspected of accepting bribes from traffickers.

Due to a lack of resources, government officials regularly called on NGOs for the provision of protection and assistance to victims, including shelter, food, counseling, and rehabilitation. The Ministry of Interior expanded the number of offices for attending to women and child victims of violence from 96 to 152, and provided victims' assistance training for police officers who dealt with such cases. The police also conducted general training on trafficking and detecting at-risk children in the central provinces of Sofala, Manica, and Zambezia and the northern province of Nampula.

*Persons with Disabilities.*—Although the Constitution and law stipulate that citizens with disabilities shall fully enjoy the same rights as all other citizens, the Government provided few resources to implement this provision. Discrimination was common against persons with disabilities in employment, education, access to health care, and in the provision of other state services. The law does not mandate access to buildings for persons with disabilities, but the Ministry of Public Works and Habitation worked to ensure that public buildings in Maputo city provided access to persons with disabilities. Electoral law provides for the needs of voters with disabilities in the polling booths.

Concerns of persons with disabilities included lack of access to socioeconomic opportunities and employment, limited access to buildings and transportation, and a lack of wheelchairs. Special access facilities were rare. There were few job opportunities for persons with disabilities in the formal sector.

The country's only psychiatric hospital was overwhelmed with patients and lacked the means to guarantee even basic nutrition, medicine, or shelter. During the first 6 months of the year, the hospital received 1,160 patients, compared with 348 during the same period in 2006. Doctors at the hospital also reported that many abandoned family members with disabilities at the hospital. Veterans with disabilities continued to complain about not receiving pensions.

The Ministry of Women and Social Action is responsible for protecting the rights of persons with disabilities. The 4-year National Action Plan in the Area of Disabilities announced in 2006 still required budget allocation to be effectively implemented.

Maputo city offered free bus passes to persons with disabilities.

*National/Racial/Ethnic Minorities.*—There were reports of tension between newly arrived Chinese guest workers, often employed in construction, and citizens in Maputo city and Beira, Sofala Province.

There were reports of discrimination by police against Zimbabwean immigrants during the year.

Unlike in the previous year, there were no reports of vigilante killings of West African immigrants.

*Other Societal Abuses and Discrimination.*—The law prohibits discrimination on the basis of HIV/AIDS, and the Ministry of Labor generally intervened in cases of perceived discrimination by employers. In July the Ministry of Labor reported receiving more than 100 cases annually of workers being dismissed by their employers for having HIV/AIDS. Often, the worker was obligated by the employer to take HIV/AIDS tests. In response to these violations, the ministry registered the complaints and confronted companies responsible for dismissals.

The law does not specifically prohibit discrimination based on sexual orientation, and there were occasional such reports. Despite the absence of a law, the LDH reported cases of discrimination against homosexuals in the judicial system. The Workers Law, passed during the year, includes an article that prevents discrimination in the workplace based on a number of factors, including sexual orientation.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution and law provide that all workers are free to join a trade union of their choice without previous authorization or excessive requirements, and workers exercised these rights in practice. Labor laws guaranteeing the right of association do not cover government employees, including firefighters, members of the judicial authorities, and prison guards. As of June the Mozambican Workers' Association (OTM) estimated that of the approximately 500,000 workers in the formal sector, 98,000 were unionized. Some unions alleged that the OTM was under the influence of FRELIMO.

The law prohibits antiunion discrimination; however, there were reports that many companies continued to engage in antiunion discrimination by replacing persons at the end of contracts, dismissing workers for going on strike, and not abiding by collective bargaining agreements.

*b. The Right to Organize and Bargain Collectively.*—Although the law provides for the right of workers to organize and engage in collective bargaining, such contracts covered less than 2 percent of the work force. The Government did not set private sector salaries. Unions were responsible for negotiating wage increases.

The law explicitly provides for the right to strike, and workers exercised this right in practice; however, civil servants, police, military personnel, and workers in other essential services (including sanitation, firefighting, and health care) do not have the right to strike. The law specifies that strikers must notify police, the Government, union, and employers 48 hours in advance of intended strikes.

On July 16, the head of the Mafambisse security force in Sofala province shot and killed striking worker Domingos Chanjane and injured two others. While workers participating in the strike insisted the perpetrator was also a member of the police, a PRM spokesman denied the claim. There were no further updates at year's end.

There are no special laws or exemption from regular labor laws in the few export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced and compulsory labor, including by children, and while there were few reports that such practices occurred in the formal economy, forced and bonded labor, particularly by children, was common in rural areas.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—While the law prohibits child labor, it remained a problem. In the formal economy, the minimum working age without restrictions is 18 years of age. The law permits children between 15 and 18 to work, but the employer is required to provide for their education and professional training and to ensure that conditions of work are not damaging to their physical and moral development. Children between the ages of 12 and 15 are permitted to work under special conditions authorized jointly by the ministries of labor, health, and education. For children under the age of 18, the maximum workweek is 38 hours, the maximum workday is 7 hours, and they are not permitted to work in unhealthy or dangerous occupations or those requiring significant physical effort. Children must undergo a medical examination before beginning work. By law children must be paid at least the minimum wage or a minimum of two-thirds of the adult salary, whichever is higher.

Although the law prohibits forced and bonded labor by children, it was considered to be a common problem, especially in rural areas. Many children in rural areas were forced to work, particularly in commercial agriculture, as domestics, and in prostitution. The major factors contributing to the worst forms of child labor were chronic family poverty, lack of employment for adults, breakdown of family support mechanisms, the changing economic environment, lack of educational opportunities, gender inequality, and the impact of HIV/AIDS. Children, including those under the age of 15, commonly worked on family farms in seasonal harvests or on commercial

plantations, where they picked cotton or tea leaves and were paid on a piecework basis.

The Ministry of Labor regulates child labor in both the informal and formal sectors. Labor inspectors may obtain court orders and use police to enforce compliance with child labor provisions. Violations of child labor provisions are punishable with fines ranging from 1 to 40 monthly salaries at minimum wage. Enforcement mechanisms generally were adequate in the formal sector but remained poor in the informal sector. The Labor Inspectorate and police forces lacked adequate staff, funds, and training to investigate child labor cases, especially in areas outside the capital where a majority of the abuses occurred. Although the Government provided training for police on child prostitution and abuse, there was no specialized child labor training for the Labor Inspectorate. The Government disseminated information and provided education about the dangers of child labor to the general public.

*e. Acceptable Conditions of Work.*—In May the Government granted a 14 percent increase in the statutory minimum wage for industry and services (including employees in public administration), bringing it to approximately \$69 (1,645 meticais) per month. The Government granted a 10 percent increase in the minimum wage in the agricultural sector bringing the monthly total to \$47 (1,126 meticais). Despite the increase, which was slightly above the 8.2 percent inflation rate reported during the year, neither minimum wage provided a decent standard of living for a worker and family. Although the industrial sector frequently paid above minimum wage, there was little industry outside of the Maputo area. In addition less than 10 percent of workers held salaried positions, and the majority of the labor force worked in subsistence farming. Many workers used a variety of strategies to survive, including finding a second job, maintaining their own gardens, or depending on the income of other family members.

The Ministry of Labor is responsible for enforcing the minimum wage rates in the private sector and the Ministry of Finance in the public sector. Violations of minimum wage rates usually were investigated only after workers registered a complaint. Workers generally received benefits, such as transportation and food, in addition to wages.

The standard legal workweek is 40 hours but can be extended to 48 hours. After 48 hours, overtime must be paid at 50 percent over the base hourly salary. Overtime is limited by law to 2 hours per day and 100 hours per year. Foreign workers are protected under the law.

Worker complaints continued during the year concerning: Employers deducting social security contributions from wages but failing to pay them into accounts; lack of access to the social security system; not adhering to the law concerning firings; and intimidation of union members.

In the small formal sector, health and environmental laws were in place to protect workers; however, the Ministry of Labor did not effectively enforce these laws, and the Government only occasionally closed firms for noncompliance. There continued to be significant violations of labor laws in many companies and services. Workers have the right to remove themselves from work situations that endanger their health or safety without jeopardy to their continued employment; in practice threats of dismissal and peer pressure restricted this right.

In October an inspector from the Ministry of Labor found some 90 workers at the Golden Fields Flower Company (owned by former Foreign Minister Leonard Simao and his wife), in slave-like conditions, working long hours without proper protective equipment, living in tents, and with no access to sanitary facilities or safe drinking water. The workers had been recruited in Tete and Manica provinces, promised good working conditions, and provided transportation to Maputo. However, when the workers complained to the owners and asked to be provided transportation back to their home provinces, they were denied. Following the visit of the labor inspector, the Government immediately suspended the company's operations and ordered the return of workers to their home provinces.

As of mid-September, the Ministry of Labor reported 62 labor accident victims, 40 of whom were temporarily incapacitated and 22 of whom were permanently incapacitated. While the law imposes fines for recurring accidents, no fines were imposed during the year. The law also requires that companies insure workers, but the Ministry of Labor estimates indicated that only between 50 and 60 percent of companies actually provided coverage.



## NAMIBIA

Namibia is a multiparty democracy with a population of approximately 2 million. President Hifikepunye Pohamba was elected in 2004, succeeding Sam Nujoma, the country's first president and former leader of the ruling South West Africa People's Organization (SWAPO). International and domestic observers generally considered the 2004 presidential and parliamentary elections free and fair. The civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens; however, there were problems in several areas. Human rights problems included: One unlawful killing, torture, beatings, and abuse of criminal suspects and detainees by security forces; overcrowded prisons; prolonged pretrial detention and long delays in trials; government attempts to curb media and nongovernmental criticism; official corruption; forcible dispersion of demonstrators; violence against women and children, including rape and child abuse; discrimination against women, ethnic minorities, and indigenous peoples; and child labor.

### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—The Government or its agents did not commit any politically motivated killings; however, one person died of apparent abuse.

On April 1, William Cloete died after suffocating in a shipping container police routinely used as a detention center for persons awaiting trial. Cloete's body was discovered the next morning with burns on his back and bruises. Police alleged that the burns were sustained when Cloete ignited his mattress with a cigarette.

There were no developments in the January 2006 police shooting and killing of Collen Goliath.

The January 2006 case of seven police officers accused of beating five men, one of whom died from his injuries, was still pending before the courts.

The investigation was ongoing in the case of Linus Muhimba, who died while in police custody in May 2006.

Three deaths resulted from unexploded ordnance.

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution and law prohibit such practices; however, police sometimes used excessive force when apprehending, interrogating, and detaining criminal suspects. Unlike in previous years, there were no reports of police using "sjamboks" (heavy leather whips). Incidents of police brutality decreased during the year. The Government took action against some perpetrators.

The 2005 case against three police officers who allegedly tortured Ralph Cloete was still pending before the courts.

Police used force, including beatings, to disperse demonstrators, which resulted in injuries.

On April 3, Hafeni Joseph Amalwa filed charges against an arresting officer who he claimed assaulted him when being questioned about his alleged possession of stolen property.

The following assaults involving security forces in 2006 were pending before the courts at year's end: The February mob assault, led by two members of the Special Field Force (SFF), against two women accused of witchcraft; and the May kidnapping and assault of Hofenie Angomo Ikolola by a police sergeant and three civilians who allegedly chained and beat him to force a confession.

An investigation into the alleged March 2006 assault of residents of Mariental by members of the SFF police unit and the Namibian Defense Force (NDF) continued at year's end.

Human rights groups continued to report on ongoing civil court cases filed by individuals against the Government as a result of alleged security force abuses during the 1999 secessionist attacks; 115 of the civil cases were still pending before the courts at year's end.

Suspects in the Caprivi treason trial continued to complain of poor medical services and intimidation of their visitors by prison officials.

Unlike in the previous year, there were no reports of mob violence.

During the year unexploded ordnance killed three children and injured four.

*Prison and Detention Center Conditions.*—Prisons and detention centers were overcrowded, often lacked basic sanitary and nutritional provisions, and were poorly maintained. In 2006 the ombudsman conducted a review of police holding cells and

noted poor sanitary conditions, overcrowding, insufficient food supplies, unsafe infrastructure, stagnant water, lack of access to medical care facilities and potable water, and insufficient bathroom and shower facilities. The ombudsman also noted that police stations were understaffed and that officers could not tend to detainees in addition to their regular police duties. Some detainees reportedly suffered abuse while in detention. Victims of prison abuse were able to pursue legal remedies.

Some detainees were held with convicted prisoners. In many rural areas juveniles continued to be held with adults. There were several pilot programs that provided alternatives to incarceration for juvenile offenders, such as placing youths in homes. The nongovernmental organization (NGO) Criminals Return into Society also offered a number of rehabilitation programs to build vocational skills.

The Government continued to grant NGOs regular access to prisons and prisoners. The International Committee for the Red Cross (ICRC) continued to visit prisons and detention centers from its regional delegation headquarters in Zimbabwe.

*d. Arbitrary Arrest or Detention.*—The Constitution and law prohibit arbitrary arrest or detention; however, security forces did not always observe these prohibitions.

*Role of the Police and Security Apparatus.*—The police, including the paramilitary SFF, are under the Ministry of Safety and Security, and the NDF is under the Ministry of Defense. All are responsible for internal security. The Namibian Police Force (NAMPOL) has 10,000 members and is highly centralized, with regional commands responsible to the inspector general of police, who reports to the minister of safety and security. Approximately half of NAMPOL's overall complement is assigned to the SFF, a paramilitary unit composed primarily of combatants from the former People's Liberation Army of Namibia. SFF members were assigned to guard duty, checkpoints, and the maintenance of public order. NAMPOL lacked the resources, training, and personnel to deter or investigate street crime consistently.

During the year the police received human rights training designed by the Windhoek-based Legal Assistance Center (LAC), and some officers attended training programs with human rights components at the International Law Enforcement Academy in Gaborone, Botswana.

Although some security force members accused of abuse and corruption were arrested and tried in military courts or the civilian criminal justice system, the Government took no action against others.

During the year the Government took action against corrupt police officials. The police's commander for the Erongo region, Deputy Commissioner Andrew Iyambo, was charged with theft for misappropriating funds donated to the regional police by a fishing company. The investigation of the matter was still pending at year's end.

The 2006 corruption case against police commanders Lottinelomba Uusiku and Joseph Kamati was still pending before the courts.

*Arrest and Detention.*—Persons arrested must be informed of the reason for their arrest and brought before a magistrate within 48 hours of their detention, but the Government did not always respect these provisions in practice. Arrest warrants were not required in all cases, such as if a suspect was apprehended during the commission of a crime. Those accused are entitled to defense by the legal counsel of their choice, and those who cannot afford a lawyer are entitled to state-provided counsel. In practice many accused persons in remote and rural areas were not represented by counsel, primarily due to lack of resources. Prisoners generally had access to legal counsel and family during regular visiting hours. Detainees had access to their lawyers prior to trial. There is a functioning bail system, which was generally observed. Under a state of emergency, the Constitution permits detention without trial, although the names of detainees must be published in the Government's gazette within 14 days, and an advisory board appointed by the president must review their cases.

There were reports of arbitrary arrest and detention.

For example, on January 3, Philippus Petrus Fourie was held in detention without charge for 34 days on suspicion of being an illegal immigrant. An immigration official identified as "Quatro" arrested Fourie in the town of Tsumeb after he sought to apply for copies of his identity documents stolen from his car in 2006. Quatro ignored a court order by the local magistrate to release Fourie and instead ordered him to leave the country within 48 hours. Fourie successfully contested his deportation in Windhoek and received a copy of his birth certificate. No actions were taken against the immigration official.

On occasion authorities held detainees incommunicado.

For example, on August 11, Frieda Kishii, legal representative for kidnapping suspect Reverend Gerhard Kgobetsi, was refused access; Kishii sought the intervention

of senior police officials and eventually gained access to her client. Kgobetsi's family also was denied access until his court appearance and subsequent release on bail.

The Government remunerated persons who were arbitrarily arrested in the past. On July 23, the Keetmanshoop Magistrate Court awarded \$3,700 (N\$26,640) in damages to Aron Mumbashu, who was arrested in 2000 and held in detention for 41 days.

A trial must take place within "a reasonable time," or the accused must be released; however, lengthy pretrial detention was a problem. Approximately 10 percent of the general prison population was awaiting trial, and there were approximately 50,000 unresolved cases on the court dockets. The lack of qualified magistrates and other court officials, the high cost of legal aid, and slow or incomplete police investigations resulted in a serious backlog of criminal cases, which often translated into delays of up to 1 year or more between arrest and trial.

*e. Denial of Fair Public Trial.*—The Constitution and law provide for an independent judiciary, and while the courts continued to act independently and at times made judgments and rulings critical of the Government, the judicial system was hampered by inefficiency and a lack of resources.

The formal court system has three levels: 30 magistrate courts; the High Court; and the Supreme Court. The latter served as a court of appeals and constitutional review court. Customary courts heard most civil and petty criminal cases in rural areas. The law delineates which offenses may be dealt with under the traditional system.

Most rural citizens first encountered the legal system through the traditional courts, which deal with minor criminal offenses such as petty theft and infractions of local customs among members of the same ethnic group. The law delineates the role, duties, and powers of traditional leaders and provides that customary law is invalid if it is inconsistent with the Constitution.

*Trial Procedures.*—The Constitution and law provide for the right to a fair trial, but this right was limited by long delays in hearing cases in the regular courts and the uneven application of constitutional protections in the traditional system. The law provides for public trials, but not juries. Defendants are presumed innocent, can confront witnesses, and have the right of appeal. Indigent defendants are entitled government counsel.

During the year procedural problems continued to dominate the high treason trials of detainees arrested in connection with the 1999 attacks on government institutions at Katima Mulilo. Two of the 12 suspected secessionists accused in the second treason trial, Vincent Siliye and Vincent Sinasi, were acquitted on a technicality after the state failed to present evidence tying them to the attempted secession of the Caprivi region from Namibia in 1999. On July 31, acting High Court Judge John Manyarara convicted the 10 others accused in the second Caprivi secession trial of high treason. Human rights organizations generally criticized the trial as unfair because government lawyers for the accused were unable or unwilling to argue, per the defendants' wishes, that the court did not have jurisdiction over the accused because the Caprivi region is not part of Namibia.

There were no developments in the case of two ethnic Mafwe witnesses who appeared in court in July 2006 on charges of perjury and obstruction of justice for denying statements they had made to investigators in the Caprivi treason trial. The two claimed their statements were obtained under duress inflicted by security forces.

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

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution provides all citizens with the right to privacy and requires arresting officers to secure a judicial warrant before conducting a search; government authorities generally respected these rights in practice. Violators were subject to legal action.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, and while the Government generally respected these rights, high-level government officials sometimes verbally abused journalists who criticized the Government, former President Nujoma, or the ruling party, and threatened to close down elements of the independent media. Journalists working for government-affiliated media practiced self-censorship, although reporters for independent newspapers continued to criticize the Government openly.

There were four daily national newspapers, three of which were independent, and three independent weekly newspapers. The Government contributed financially to

the New Era newspaper and the Namibia Press Agency, both parastatals. The ruling SWAPO party owned one publication, Namibia Today.

The Government owned and operated the Namibian Broadcasting Corporation (NBC) Radio and Television. The most widely heard and influential media in the country were NBC television and nine radio services, which broadcast in English and indigenous languages. During the year there were reports of government influence on NBC operations and editorial content as well as self-censorship by the staff. There were 11 private radio stations and two private television networks, One Africa TV and MultiChoice Direct Satellite TV, and a private cable and satellite television service that broadcast international news and entertainment programs. The ruling SWAPO party owned 51 percent of this direct satellite television service.

On April 25, the minister of information and broadcasting announced that NBC would cancel all its radio call-in talk shows and implement new call-in radio formats with predetermined topics; several of the call-in comments had criticized former President Nujoma. NBC followed the restrictions for approximately 1 week before responding to public pressure to reinstate the shows in their original formats.

In the wake of an energetic public debate triggered by an NGO's request that the International Criminal Court (ICC) investigate abuses by former President Nujoma, the National Council accepted a motion to review the role of NGOs and media outlets and possibly to regulate them. The debate continued in the National Council at year's end. Senior government officials also publicly called for the responsible use of free speech, which many interpreted as a call for limitations on press freedom.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail and Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail. While Internet access was unrestricted, usage was limited in rural areas due to poverty.

*Academic Freedom and Cultural Events.*—On August 22, the University of Namibia cancelled at the last minute a lecture addressing the situation in Zimbabwe by Zimbabwean Professor John Makumbe, a vocal critic of Zimbabwean President Robert Mugabe. The university did not provide justification for the cancellation, but there were indications that the university was responding to pressure from senior government officials in the office of Sam Nujoma, who did not want to offer Makumbe a venue to criticize either President Mugabe or former President Nujoma.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The Constitution and law provide for freedom of assembly, but police sometimes used excessive force to disperse demonstrators.

On June 4, police used force to disperse a group of former People's Liberation Army of Namibia combatants who had marched to the Ministry of Veteran's Affairs to submit a petition. Four demonstrators—Ndeshipewa Nghishimune, Selma Kalimbo, Otilie Ndemuula and Erika Munashimwe—were treated at the hospital for nosebleeds and sore eyes after reportedly being doused with pepper spray. Ten more demonstrators allegedly were assaulted by police.

*Freedom of Association.*—The Constitution and law provide for freedom of association, and the Government generally respected this right in practice. In November the Electoral Commission registered a new political party, rejecting calls from SWAPO party officials to deregister the new group, which many viewed as a competitor to the ruling party.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

*Societal Abuses and Discrimination.*—There was a very small Jewish community; there were no reports of anti-Semitic acts.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution and law provide for freedom of movement, foreign travel, emigration, and repatriation, and the Government generally enforced these rights in practice; however, the Government continued to limit the freedom of travel of Cuban doctors working in the country through Cuban bilateral assistance. These doctors were generally not allowed to travel within or from the country without consent from the Cuban Embassy, which held their passports.

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

*Protection of Refugees.*—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees; although the country is not a signatory to its 1967 protocol, the Government has established a system for providing protection to refugees. In practice the Gov-

ernment provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution, and granted refugee status or asylum. The Government cooperated with the U.N. Office of the High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government also provided temporary protection to certain individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol.

According to the UNHCR, approximately 6,300 refugees resided in Osire Refugee Camp and another 1,400 lived outside the camp among the general population. Approximately 5,600 of the refugees were from Angola; the others were primarily from the Democratic Republic of the Congo, Burundi, and Rwanda. During the year the Government registered all refugees and asylum seekers and began issuing identification cards to make it more convenient to travel outside the camp. Education through grade 10 was available to all refugees, and the Government facilitated further secondary education for students with financial sponsorship at schools outside the camp. The Government provided antiretroviral therapy to refugees infected with HIV/AIDS.

Unlike in the previous year, there were no reports of tension between refugees and local farmers.

The Government continued to maintain strict control over civilian access to the Osire refugee camp; however, the ICRC, the UNHCR, and the UNHCR's NGO partners had regular and unrestricted access to the camp.

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

The Constitution and law provide citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

*Elections and Political Participation.*—Presidential and parliamentary elections were held in November 2004. SWAPO candidate Pohamba was elected president with 76.4 percent of the vote; SWAPO won 55 of 72 elected National Assembly seats. International and domestic observers characterized both elections as free and reflecting the will of the electorate despite some irregularities. Observers criticized the inefficient vote tabulation system and the unequal access to media coverage and campaign financing. In the National Assembly, six opposition parties won a total of 17 seats.

Women held 20 seats in the 78-seat National Assembly. There were six female ministers, including the deputy prime minister, and five female deputy ministers among the 45 ministerial and deputy ministerial positions.

Historic economic and educational disadvantages limited the participation of the indigenous San ethnic group in politics; however, a member of the San community represented the SWAPO party in the National Assembly. Virtually all of the country's other ethnic minorities were represented in Parliament and in senior positions in the cabinet. Members of smaller ethnic groups held the offices of deputy prime minister and speaker of the National Assembly.

*Government Corruption and Transparency.*—The law prohibits corruption; however, it was a problem. Government institutions, including the Anticorruption Commission, the Office of the Ombudsman, and the Office of the Auditor General were responsible for combating public corruption.

During the year the Government took action against corrupt officials. Karas Region Chief Executive Salman Jacobs was arrested and charged with theft and fraud for claiming expenses he did not incur during a trip to Germany. Jacobs was out on bail, and the case was pending before the courts at year's end.

There were no developments in the September 2006 case against the Deputy Director of Wildlife Management Sackey Namugongo, who was arrested by the Anticorruption Commission on charges of issuing fraudulent gambling licenses.

There were notable cases of malfeasance in several of the country's parastatals. Reports of corruption in the Ministry of Works, Transport, and Communication, the Henties Bay Town Council, and the Ministry of Lands and Resettlement received widespread media coverage and were being investigated by government agencies at year's end.

Gerry Munyama, the former director general of NBC who was charged with embezzlement in 2005, was released on bail during the year. The case was pending before the courts at year's end.

No laws provided for public access to government information, and media outlets generally found the Government unwilling to provide information, including salary scales for public officials.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases; however, government officials continued to disapprove publicly of NGO criticism of the ruling party and government policies. For example, President Pohamba and other senior officials publicly castigated the National Society for Human Rights for filing a petition with the ICC in a bid to have former President Nujoma and other ruling party officials investigated for past human rights abuses.

Visits by the ICRC and other international NGOs occurred during the year.

There was an autonomous ombudsman, with whom the Government cooperated; he was considered effective in addressing some corruption and human rights problems.

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

The Constitution and law prohibit discrimination based on race, creed, gender, or religion, and specifically prohibit “the practice and ideology of apartheid”; however, the Government did not effectively enforce these prohibitions.

*Women.*—The law defines rape in broad terms and allows for the prosecution of spousal rape. The Government generally enforced the penalties of 5 to 45 years’ imprisonment. Numerous rapists were prosecuted during the year. The media continued to report on rape and domestic violence.

Domestic violence is against the law; however, domestic violence, including beatings and rape, was widespread. There were 15 women’s and children’s shelters staffed with police officers trained to assist victims of sexual assault. During the year the People’s Education, Assistance, and Counseling for Empowerment Center and other NGOs continued to provide training to these units. The Ministry of Gender Equality and Child Welfare hosted a national conference on gender-based violence which developed a comprehensive strategy to address the issue. In some magistrates’ courts, there were special courtrooms to protect vulnerable witnesses from open testimony; the courtrooms featured a cubicle made of one-way glass and child-friendly waiting rooms.

The law does not prohibit prostitution, and it was widespread.

The law prohibits sexual harassment; however, it was a problem.

The law prohibits discrimination against women, including employment discrimination; however, men dominated positions in upper management. The Ministry of Labor and Social Welfare and the Employment Equity Commission, which report to the minister of labor, were responsible for problems involving discrimination in employment; however, neither was effective due to the backlog of cases. The law prohibits discriminatory practices against women married under civil law, but women who married under customary (traditional) law continued to face legal and cultural discrimination. Traditional practices that permitted family members to confiscate the property of deceased men from their widows and children still existed.

The Ministry of Gender Equality and Child Welfare was responsible for advocating for women’s rights. The Ministry of Justice’s Law Reform and Development Commission advocated for women’s rights in legislation.

*Children.*—The law enumerates children’s rights, including those in the area of education and health, and the Government dedicated approximately 21 percent of its budget to education and 9 percent to health care. However, resource constraints and untrained support staff resulted in inadequate attention to child welfare.

A significant number of San did not have birth certificates or other forms of state identification. As a result, orphans often could not receive government grants. This also impacted the Sans’ ability to receive state pension payments. NGOs reported a decrease in complaints during the year that the San were unable to obtain proper identification documents; however, problems continued due to lack of birth records and lack of government officials with the necessary language skills.

Civil society opposed a provision in the 2006 Children Status Act that denies parents legal custody or guardianship of children born outside of wedlock. If the parents cannot agree on the primary custodian of the child, he or she becomes a ward of the state. The act otherwise provided for equal treatment of children born outside of marriage. The matter was pending before the courts at year’s end.

Although the Constitution provides children with the right to primary and junior secondary education (grades 1 to 10), the numerous fees, which included fees for uniforms, books, boarding costs, and school improvement, placed a heavy burden on students’ families and precluded some children from attending school. Education was compulsory until the age of 16. The country had a net school enrollment rate of 94 percent for grades one through seven, and 93 percent for grades one through

10. In general, more girls than boys were enrolled in secondary schools. Many San children and children from destitute families did not attend school.

During the year the Government took several steps to provide medical care and other assistance to the approximately 128,000 HIV/AIDS orphans and vulnerable children. For example, the Government reduced or eliminated school fees and provided social grants for such children.

Child abuse was a serious problem, and authorities vigorously prosecuted crimes against children, particularly rape and incest. The law protects children under 18 years of age by criminalizing the actions of the client or pimp in cases of sexual exploitation, child pornography, and child prostitution. The age of sexual consent is 16 years. The Government continued to provide training for police officials to improve the handling of child sex abuse cases. Centers for abused women and children worked actively to reduce the trauma suffered by abused children.

Child prostitution occurred, generally without third-party involvement and primarily as a means of survival among HIV/AIDS orphans and other vulnerable children. The growing number of HIV/AIDS orphans increased the vulnerability of children to sexual abuse and exploitation.

Child labor was a problem.

*Trafficking in Persons.*—The law specifically prohibits trafficking in persons, and there were no confirmed reports of persons being trafficked to, from, or within the country. The law also prohibits slavery, kidnapping, and forced labor, including forced prostitution, child labor, and alien smuggling. Traffickers were subject to fines of up to \$166,000 (N\$ 1 million) or up to 50-years' imprisonment.

*Persons with Disabilities.*—While discrimination on the basis of disability is not addressed in the Constitution, the law prohibits discrimination against persons with disabilities in employment. Enforcement in this area was ineffective, and societal discrimination persisted. The Government does not require special access to public buildings, and some ministries remained inaccessible. Although some municipal governments have installed ramps and special curbing for persons with disabilities at street crossings, physical access for those with disabilities remained a problem. Disability concerns received greater public attention than in previous years, with wider press coverage of the human rights problems that faced persons with disabilities. The office of the prime minister employed an advisor on disability.

*National/Racial/Ethnic Minorities.*—Despite constitutional prohibitions, societal, racial, and ethnic discrimination persisted. Some citizens continued to accuse the Government of providing more development assistance and professional opportunities to the majority Ovambo ethnic group. There were reports of farm workers, mostly black, suffering discrimination in remote areas by farm owners, both black and white.

*Indigenous People.*—The San, the country's earliest known inhabitants, historically have been exploited by other ethnic groups. By law all indigenous groups participate equally in decisions affecting their lands, cultures, traditions, and allocations of natural resources; however, the San and other indigenous citizens have been unable to exercise these rights fully as a result of minimal access to education, limited economic opportunities, and their relative isolation. The Government took measures to end societal discrimination against the San, including seeking their advice about proposed legislation on communally held lands and increasing their access to education. During the year the deputy prime minister continued promoting special projects for the advancement of the San community. Despite these measures, many San children did not attend school.

The Government has authority to confer recognition or withhold it from traditional leaders, even in opposition to local preference. This authority was controversial because of local leaders' influence on local events, including local police powers. In some cases the Government withheld recognition from traditional leaders for political reasons. For example, the Government recognized traditional leaders from the Mafwe community, reportedly because their leaders were close to SWAPO; however, the Government had not recognized leaders of the Khwe in West Caprivi or the Herero in several other regions throughout the country.

*Other Societal Abuses and Discrimination.*—There were no reported cases of discrimination against homosexuals. Unlike in previous years, there were no reports of senior government officials making disparaging public remarks about homosexuals.

There were no reports of discrimination against workers because of their HIV/AIDS status. The Government supported the work of the Namibia Business Coalition against HIV/AIDS.

*Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution provides for the freedom to form and join trade unions without previous authorization or excessive requirements, and most workers exercised this right in practice; however, workers in essential services are prohibited from doing so. The law provides a process for employer recognition of trade unions and protection for members and organizers.

Farm workers and domestic servants working on rural and remote farms often did not know their rights, and unions experienced obstacles in attempting to organize these workers. As a result, farm workers reportedly suffered abuse by employers. They also had poor access to health care. During the year the Government continued efforts to train labor inspectors and educate workers on their rights.

The law prohibits antiunion discrimination. There were no instances of companies failing to reinstate workers who were fired for union activities.

*b. The Right to Organize and Bargain Collectively.*—The law allows unions to conduct their activities without interference, and the Government protected this right in practice. The law provides employees with the right to bargain individually or collectively and to recognize the exclusive collective bargaining power of the union when a majority of the workers were members of that union; workers exercised these rights in practice. Collective bargaining was not practiced widely outside the mining, construction, agriculture, and public service sectors. Almost all collective bargaining was at the workplace and company level. The Ministry of Labor cited lack of information and basic negotiation skills as factors hampering workers' ability to bargain with employers successfully. The majority of trade unions officially were affiliated with SWAPO, which many argued limited their independence in promoting worker rights.

Except for workers providing essential services, such as jobs related to public health and safety, workers have the right to strike once conciliation procedures are exhausted and 48-hour notice has been given to the employer and labor commissioner. Legal strikes were conducted during the year. Under the law, strike action can be used only in disputes involving specific worker interests, such as pay raises. Disputes over worker rights, including dismissals, must be referred to a labor court for arbitration. The law protects workers engaged in legal strikes from unfair dismissal. The law also specifically protects both union organizers and striking workers from employer retaliation; however, the scarcity of judges and lack of expertise in labor law caused lengthy and unnecessary delays in such cases.

There are export processing zones (EPZs) at the Walvis Bay and Oshikango industrial parks and a number of single-factory EPZs outside of these parks. The law applies to EPZs, and unions have been active in the EPZs since their establishment.

*c. Prohibition of Forced or Compulsory Labor.*—Although the law prohibits forced or compulsory labor, including by children, there continued to be media reports that farm workers, including some children on communal farms, and domestic workers often received inadequate compensation for their labor and were subject to strict control by employers. Given the Ministry of Labor's resource constraints, labor inspectors sometimes encountered problems in gaining access to the country's large communal and family-owned commercial farms to investigate possible labor code violations.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—There are laws to protect children from exploitation in the workplace; however, child labor continued to be a problem. Criminal penalties and court orders were available to the Government to enforce child labor laws, but such action involved a complicated legal procedure. Under the law, the minimum age for employment is 14, with higher age requirements for night work and in certain sectors such as mining and construction. The minimum age was inconsistent with the age for completing education requirements. Children below the age of 14 often worked on family-owned commercial farms and in the informal sector, and some also worked in communal areas or assisted parents working in the charcoal industry.

The Ministry of Labor is responsible for enforcing child labor laws and investigated child labor as part of its regular labor inspections. Approximately five complaints of child labor were lodged with the ministry during the year.

The Ministry of Labor's National Initiative to Eliminate the Worst Forms of Child Labor continued its baseline study of the extent of child labor in the country. The Ministry of Gender Equality and Child Welfare conducted several programs aimed at encouraging parents and guardians to allow children to attend school.

The Government has introduced several programs aimed at supporting children to stay in school and away from the labor market. The Ministry of Gender Equality and Child Welfare and the Ministry of Health and Social Services coordinated welfare programs for orphans, including those affected by HIV/AIDS, by providing



grants and scholarships to keep them in school. Additionally, the Government collaborated with the Namibia Agricultural Union and the Namibia Farm Workers Union in efforts to eliminate child labor through awareness campaigns. The Government also continued to work with NGOs such as Project Hope to assist the victims of child labor.

*e. Acceptable Conditions of Work.*—There was no statutory minimum wage law, but the mining, construction, security, and agricultural sectors set basic levels of pay through collective bargaining. Average wages for unskilled workers did not provide a decent standard of living for a worker and family, especially since the average wage earner supported an extended family. Wage levels for the less educated majority remained very low.

The standard legal workweek is 45 hours with at least one 36-hour rest period per week. An employer may require no more than 10 hours per week of overtime. The law mandates 24 workdays of annual leave per year, at least 30 workdays of sick leave over a 3-year period, and 3 months of maternity leave paid in part by the Social Security Commission. The Ministry of Labor did not always enforce these provisions.

There continued to be concerns that Chinese firms failed to adhere to the country's labor code, in part by allegedly hiring and firing workers at will, failing to pay established minimum wages and benefits in certain industries, and failing to respect work-hour regulations for public holidays and Sundays.

The Ministry of Labor and Social Welfare mandates occupational health and safety standards, and the Labor Act empowers the president to enforce these standards through inspections and criminal penalties. Labor laws generally were implemented efficiently, but the Ministry of Labor lacked an adequate number of trained inspectors to monitor adherence to such labor regulations as providing overtime pay and social security by some companies, especially small, family-owned operations. The law requires employers to ensure the health, safety, and welfare of their employees. It provides employees with the right to remove themselves from dangerous work situations; however, some workers did not have this right in practice. The Government had not fully implemented the 2004 Labor Act but had tabled a new labor bill in Parliament that would eventually replace the previous labor act.

## NIGER

Niger is a multiparty republic that returned to democracy in 1999 following coups in 1996 and 1999; it has a population estimated at 13 million. In 2004 Mamadou Tandja was elected to a second 5-year presidential term in an election that international observers deemed generally free and fair. Four parties joined the ruling coalition of the National Movement for the Development of Society (MNSD) and the Democratic and Social Convention (CDS) to win a majority of national assembly seats. In February the Tuareg rebel group Niger Movement for Justice (MNJ) launched a series of attacks against military and strategic installations in the north. These attacks continued throughout the year. In response the Government declared a state of alert on August 24, which remained in effect for the remainder of the year. While civilian authorities generally maintained effective control of the security forces, there were some instances in which elements of the security forces acted independently of government authority.

Government respect for human rights decreased during the year. Human rights abuses included extrajudicial killings and use of excessive force by security forces; poor jail and prison conditions; arbitrary arrest and detention; prolonged pretrial detention; executive interference in the judiciary; excessive use of force and other abuses in internal conflict; restrictions on press freedom; forcible dispersal of demonstrators; restrictions on freedom of movement; official corruption; societal discrimination and violence against women; female genital mutilation (FGM); trafficking in persons; the practice of slavery by some groups; and child labor.

The MNJ committed arbitrary killings and other abuses, including the use of children for intelligence gathering.

### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—The Government or its agents did not commit any politically motivated killings; however, security forces were responsible for the deaths of civilians in connection with the conflict in the north (see Section 1.g.).

There were no developments in the deaths of Alpha Harouna Hinsia or Moussa Douka in May and July 2006, respectively, both of whom died after being taken into police custody.

Bandits continued to set up roadblocks along highways to attack, rob, and kill persons. On May 29, armed bandits attacked passenger vehicles in the northern Tadress valley, killing three persons.

There were no further developments regarding the August 2006 attack on a cigarette convoy in the northern region or the 2005 killing of a French tourist by bandits.

Disputes between herders and farmers over land tenure and grazing areas continued and resulted in several deaths. On January 4, one such dispute in the Zinder region resulted in four deaths. On July 4, a similar clash in the Tillabery region left seven dead and seven injured. Regional and local authorities visited the village to restore peace. At year's end both cases were still under investigation.

There were no further developments regarding a 2005 confrontation between herders and farmers that left 11 dead and 12 injured.

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution and law prohibit such practices. Unlike last year there were no reports that security forces beat and abused prisoners in Niamey; however, there were reports that security forces and the MNJ beat and reportedly tortured civilians in connection with the conflict in the north (see Section 1.g.). Fighting between government and rebel forces in the north resulted in civilian injuries (see Section 1.g.).

Police forcibly dispersed demonstrations, which resulted in injuries.

Disputes between farmers and herders resulted in deaths and injuries.

*Prison and Detention Center Conditions.*—Prison conditions were poor and life threatening. Prisons were underfunded, understaffed, and overcrowded. For example, in Niamey's civil prison there were 759 prisoners in a facility built for 350. During the year the Government built a new ward for women. Family visits were allowed, and prisoners could receive supplemental food, medicine, and other necessities from their families; however, nutrition, sanitation, and health conditions were poor, and deaths occurred from AIDS, tuberculosis, and malaria.

Corruption among prison staff was rampant. Prisoners could bribe officials to leave prison for the day and serve their sentences in the evenings. Some prisoners bribed officials to serve their sentences in the national hospital in Niamey.

Pretrial detainees were held with convicted prisoners.

Human rights observers, including the National Human Rights and Fundamental Liberties Commission, were granted unrestricted access to prisons and detention centers, and conducted visits during the year.

*d. Arbitrary Arrest or Detention.*—The Constitution and law prohibit arbitrary arrest and detention, and the law prohibits detention without charge in excess of 48 hours; however, police violated these provisions.

The state of alert in the north allowed security forces to arrest and detain individuals without charge indefinitely (see Section 1.g.).

*Role of the Police and Security Apparatus.*—The armed forces, under the Defense Ministry, were responsible for internal and external security. The gendarmerie, also under the Defense Ministry, had primary responsibility for rural security. The national forces for intervention and security, under the Interior Ministry, were responsible for domestic security and the protection of high-level officials and government buildings. The national police, also under the Interior Ministry, was charged with urban law enforcement.

The police were ineffective largely due to a lack of basic supplies such as vehicle fuel, radios, uniforms, handcuffs, batons, and badges. Patrols were sporadic, and emergency response time in Niamey could take 45 minutes. Police training was minimal, and only specialized police units had basic weapons-handling skills. Corruption remained pervasive. Citizens complained that security forces did not adequately police border regions. The gendarmerie were responsible for investigation of police abuse; however, impunity was a problem.

*Arrest and Detention.*—The Constitution and law require a warrant for an arrest, and this generally occurred in practice in areas outside the north. The law allows for individuals to be initially detained for up to 48 hours without being charged, and allows for an additional 48 hour detention period if police need more time to gather sufficient evidence. Security forces usually informed detainees of the charges against them promptly; however, detainees involved with sensitive cases were sometimes held longer than legally permitted. Detainees have a right to prompt judicial determination and this generally occurred in practice. Those arrested must be notified

of their right to a lawyer within 24 hours of detention. Indigents are provided a lawyer by the Government. There is a functioning bail system for crimes carrying a penalty of less than 10 years' imprisonment. Widespread ignorance of the law and lack of financial means prevented many from fully exercising their right to an attorney and using the bail system.

Security forces arrested journalists and demonstrators during the year.

Police occasionally conducted sweeps to detain suspected criminals.

There were serious backlogs in the judicial system. The law provides for a maximum pretrial confinement of 30 months for serious crimes and 12 months for minor offenses, with special extensions in certain sensitive cases; some persons waited as long as 6 years to be tried. At year's end 79 percent of the prisoners in Niamey's civil prison were awaiting trial.

*e. Denial of Fair Public Trial.*—Although the Constitution and law provide for an independent judiciary, the executive branch sometimes interfered with the judicial process. Corruption and inefficiency were problems. Judges sometimes feared reassignment or having their financial benefits reduced if they rendered a decision unfavorable to the Government. In civil matters there were reports that family and business ties influenced lower court decisions. In some instances judges granted provisional release pending trial to high-profile defendants. These defendants were seldom called back for trial, and had complete freedom of movement and could leave the country.

The Court of Appeals reviews questions of fact and law, while the Supreme Court reviews only application of the law and constitutional questions. The High Court of Justice deals with cases involving senior government officials. There also were civil criminal courts, customary courts, traditional mediation, and a military court. The military court provides the same rights as civil criminal courts; however, customary courts do not. The military court cannot try civilians.

*Trial Procedures.*—The law affirms the presumption of innocence. Trials were public, and juries were used. Defendants have the right to counsel, including counsel at public expense for minors and indigent defendants charged with crimes carrying a sentence of 10 years or more. Defendants also have the right to be present at trial, to confront witnesses, and to present witnesses on their own behalf. The Government has a legal obligation to inform defendants of all evidence against them, and defendants have access to government-held evidence. Defendants may appeal verdicts, first to the court of appeals, then to the Supreme Court. Widespread ignorance of the law prevented many accused from taking full advantage of these rights.

Although lawyers complied with government requests to provide counsel, the Government generally did not remunerate them.

There were developments in a military court's 2005 sentencing of several army personnel charged with high treason in 2002. Following an appeal filed by one of the defendants, the Supreme Court, citing faulty procedure, ruled that the military court must try the case again.

Under customary courts and traditional mediation, individuals do not have the same legal protections as those using the formal court systems. Women do not have equal legal status with men in the customary courts and traditional mediation, and do not enjoy the same access to legal redress. Traditional chiefs can act as mediators and counselors. They have authority to arbitrate in customary law matters, including marriage, inheritance, land, and community disputes, but not in all civil issues. Chiefs received government stipends but had no police or judicial powers and could only mediate, not arbitrate, customary law disputes. Customary courts based largely on Islamic law and local tradition are located only in large towns and cities, and try cases involving civil law. These courts are headed by a legal practitioner with basic legal training who is advised by an assessor knowledgeable in the society's traditions.

The judicial actions of chiefs and customary courts are not regulated by law, and defendants can appeal a verdict in the formal court system.

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

*Civil Judicial Procedures and Remedies.*—Courts of civil procedure exist in each major city. These courts are generally independent and impartial, and there is access to seek damages for human rights violations. These courts hear lawsuits related to civil matters and can apply judicial remedies, while a single appellate entity is responsible for administrative remedies.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution and law generally prohibit such actions, and the Government generally respected these prohibitions; however, police may conduct searches without war-

rants when they have strong suspicion that a house shelters criminals or stolen property.

*g. Use of Excessive Force and Other Abuses in Internal Conflicts.*—In February the MNJ began a series of attacks against military and strategic installations in the country's uranium-rich northern region. The MNJ demanded greater regional autonomy and a larger share of the region's resources and claimed that the Government had not honored provisions of a 1995 peace accord that ended a 5-year Tuareg rebellion. The Government stated that it had fulfilled most of the peace accord provisions. In response to the attacks, the Government sent 4,000 troops to the region, where they operated under special powers granted by the president under the state of alert. The state of alert allowed the Government to arrest and detain persons without charge indefinitely, restricted freedom of movement, and banned live broadcasts about the Government's policy in the north.

*Killings.*—Fighting between government and rebel forces resulted in the deaths of approximately 45 civilians. For example, On August 9, two civilians were killed by errant mortar fire during fighting between the army and the MNJ in Agadez.

Landmines killed civilians. The Government and the MNJ accused each other of laying the landmines.

For example, on August 31, a landmine exploded and killed two civilians near Iferouane; on September 5, a landmine exploded and injured three civilians north-east of Agadez; and on December 10, landmines killed two civilians in the cities of Maradi and Tahoua.

Soldiers killed suspected informants and rebel collaborators. For example, on June 2, the army killed three elderly civilians in the valley of Tezarzeit, Sidi Mohamed Imolan, Abtchaw Kounfi, and Aoussouk Kounfi, who were suspected of being MNJ informants; On November 22, the army reportedly killed four civilians in Tchintebizguine in retaliation for a landmine explosion; and on December 9, the army killed six civilians and an off-duty police officer near Tiguidit. The army stated that the December 9 deaths were accidental, while family members claimed the victims had been tortured and arbitrarily executed. The Government launched an investigation regarding the incident.

*Physical Abuse, Punishment, and Torture.*—There were reports of torture by both government soldiers and the MNJ.

There were reports that the army arrested several civilians, and beat and detained them in military barracks before turning some over to law enforcement officials. Some individuals were held incommunicado.

On August 31, the military arrested Aziz Amayagy, an international nongovernmental organization (NGO) employee in Agadez. Amayagy was denied contact with his family for several days, and at year's end was still in detention.

On November 23, in Agadez, security forces arrested several persons suspected of having ties to the MNJ. Most of those arrested were released the next day.

International human rights organizations estimated that at least 35 individuals were held in detention centers in various localities at year's end. The Government had not released the names of many of those held or the charges against them.

For example, in August security forces detained seven persons in Agadez who were suspected of having ties to the rebellion and transferred them to the Agadez prison on September 17. Also in August security forces arrested five persons under the same suspicion in Arlit; some of these persons were reportedly transferred to Koutoukale maximum security prison.

The use of landmines caused several civilian casualties. Alleged MNJ rebels stopped transport vehicles, beat passengers, and stole their valuables.

*Child Soldiers.*—There are reports that the MNJ used children to gather intelligence on government security forces.

*Other Conflict Related Abuses.*—Reports indicated that approximately 23,000 persons lived in localities north of the city of Agadez that were inaccessible due to the conflict. Landmines and roadblocks restricted the free and safe passage of humanitarian organization personnel, food, and supplies to the north. As a result there was a food shortage in the town of Iferouane for several weeks during the year. In September landmines and roadblocks placed by the MNJ and bandits prevented a humanitarian aid convoy from reaching Iferouane.

Food shortages and fighting between MNJ and government troops displaced civilians. Most of Iferouane's 5,000 residents left the town. Residents of several other towns north of Agadez were also displaced.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of expression; however, the Government did not respect press freedom in practice, particu-

larly in relation to the conflict in the north. Journalists practiced self-censorship. The state of alert in the north restricted both journalists' travel and reporting on the conflict (see Section 1.g.).

Individuals generally could criticize the Government publicly or privately without reprisal; however, the Government occasionally attempted to impede criticism. For example, on August 27, the police arrested Issoufou Bachard, an opposition political party leader who had criticized the Government on a private radio broadcast. He was held for 2 days and then released without charge.

The Government published a daily newspaper. There were approximately 60 private newspapers, some of which were affiliated loosely with political parties. The private press criticized government actions.

Radio was the most widely accessible medium. A government-owned radio station provided news and other programs in French and local languages. The station generally provided equitable broadcasting time for all political parties. There were 15 private radio stations; eight were owned locally and featured news in local languages. Private radio stations were generally less critical of the Government than private newspapers.

Unlike in previous years, there were no reported complaints of unequal coverage of political party activities by the government-owned media.

The two government-owned television stations broadcast in French and the major national languages. Three private television stations broadcast local and foreign programming. A fourth private channel broadcast religious programming. Access to international channels was available in Niamey.

International media were not allowed to operate freely. The Government did not allow the international media to freely cover events in the north (see Section 1.g.). In July Radio France International (RFI) was forced to suspend broadcast for 1 month for allegedly biased coverage of events in the north. BBC World Service was available in Niamey and Zinder. Private radio stations carried Voice of America and Deutsche Welle.

Security forces arrested and detained journalists during the year, mostly in relation to reporting on the conflict in the north; however, journalists were also arrested under libel laws for reporting on other subjects.

On September 20, RFI correspondent Moussa Kaka was arrested and charged with allegedly collaborating with the MNJ. In November a judge rejected the state's evidence against Kaka; however, he remained in prison at year's end pending an appeal by the state prosecutor.

On October 5, a French journalist was expelled from the country. The journalist had been arrested while on a reporting assignment in the north, and was detained for several weeks.

On December 17, security forces arrested two French journalists. The journalists had entered the country ostensibly to report on the avian flu; however, they were found with footage of the MNJ. Both remained jailed at year's end.

There were developments regarding Mamane Abou and Oumarou Keita, respectively the director and editor of *Le Republicain* newspaper, who were arrested and jailed in August 2006. On February 12, the Niamey Court of Appeals dismissed the charges against them for lack of evidence.

On August 28, the Government banned all live private broadcasts of debates on the conflict in the north. Rebroadcast of taped debates was permitted, implying that broadcasters should edit out unfavorable or controversial commentary. In practice the media widely ignored the order. During the year the Government repeatedly called on journalists to self-censor their reporting in the interest of "national unity" and patriotism.

Government officials continued to use criminal libel laws and the media regulatory body to intimidate critics.

On June 29, the High Council of Communication (CSC) suspended publication of the private newspaper *Air Info* for 3 months for publishing reports of fighting between the army and the MNJ. *Air Info* editor Manzo Diallo reacted to the suspension by launching a new newspaper *Infos de l'Air*. The gendarmerie subsequently detained him for several hours and questioned him about his reasons for creating the new newspaper. On October 9, airport police arrested Diallo before his scheduled departure for France, he was still in jail at year's end.

In June 2006 the CSC closed the private newspaper *l'Opinion*. The newspaper's owner continued publication of a new newspaper that was begun immediately after *l'Opinion's* closure.

In January Amadou Issoufou, a journalist for the national television network, was reinstated after having been suspended in December 2006 for reporting on Mamane Abou and Oumarou Keita's release from prison that year.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. However, few citizens used the Internet.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The Constitution and law provide for freedom of assembly; however, police forcibly dispersed demonstrators. The Government retained authority to prohibit gatherings either under tense social conditions or if 48-hour advance notice was not provided.

On March 17, University of Niamey students held a violent demonstration against poor living condition on campus. The police used tear gas and force to disperse the demonstrators. Police arrested several students. On March 22, students wrecked and burned an administrator's office. Other students attempted to set fire to the administrator's home. The violence resulted in the closure of the campus on March 24. Six student leaders were arrested, and at year's end University of Niamey Nigerian Students Union leaders Ibrahim Diori and Hama Hamadou remained in detention. On April 25, students clashed with police, resulting in 15 student injuries. On May 2, police swarmed the student union headquarters and arrested five more students. Other student demonstrations in the country resulted in 13 arrests. On May 22, 12 students were arrested when the police dispersed a rally on campus. All students involved in the April and May incidents were later released.

There were no further developments regarding the July 2006 case in which police used force to disperse a protest relating to events in Lebanon.

*Freedom of Association.*—The law provides for freedom of association; however, citizens may not form political parties based on ethnicity, religion, or region.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

Islam was the dominant religion, and the Islamic Association, which acted as an official advisory committee to the Government on religious matters, broadcast bi-weekly on the government-controlled television station. On government-controlled media, Christian programs generally were broadcast only on special occasions, such as Christmas and Easter, although the independent media regularly broadcast such programs.

Religious organizations must register with the Interior Ministry. Approval is based on submission of required legal documents and the vetting of organization leaders.

The Constitution specifies that the president, prime minister, the National Assembly president, and Constitutional Court president must take an oath on a holy book of their own choosing. Members of the Constitutional Court, Independent National Election Commission, and CSC must do the same.

The Ministry of Religious Affairs (MRA) was created on March 1 to foster interfaith dialogue, elicit religious viewpoints on government policies and programs, coordinate religious organizations' humanitarian projects, and establish religious schools. The Niger Islamic Council, an organization composed of representatives from Muslim organizations and government agencies, reported to the MRA.

*Societal Abuses and Discrimination.*—In December the Niger Islamic Council held a training session for Islamic leaders on general sermon guidelines meant to prevent the use of provocative language that could cause disagreement among Muslims.

There was no significant Jewish community in the country, and there were no reports of anti-Semitic acts.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution and law provide for freedom of movement, foreign travel, emigration, and repatriation; however, unlike the previous year the Government did not allow some individuals to leave the country, and freedom of movement was restricted in the north (see Section 1.g.).

On August 22, police questioned and stopped former secretary of the Government Laouel Kader from leaving the country. He had accepted a position with a French mining company, Areva, that was suspected of providing support to the MNJ. Authorities claimed that Kader provided sensitive government information to Areva.

Throughout the country security forces at checkpoints monitored the travel of persons and the circulation of goods, particularly near major population centers, and sometimes demanded bribes. Transportation unions and civil society groups contin-

ued to criticize such practices. No investigation was conducted in response to the Anticorruption Commission's call for an investigation into checkpoint corruption. During the year bandits set up roadblocks along highways and robbed and killed travelers.

The law prohibits forced exile, and there were no reports that the Government used it.

There were no further developments regarding the case of the Mahamid Arab community in Diffa, a group of nomadic Arabs of Chadian origin that had settled in the eastern Diffa region in the 1970s and 1980s. In October 2006 the Government announced that the group would be expelled from the country; however, the Government reversed this decision 4 days later. At year's end no Mahamid Arabs had been forced to move.

*Protection of Refugees.*—The law does not provide for granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has not established a system for providing protection to refugees. The Government did not routinely grant refugee status or asylum. In practice the Government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and its 1967 protocol and provided it to approximately 338 persons during the year. The Government cooperated with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

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

The Constitution and law provide citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic and generally free and fair elections held on the basis of universal suffrage.

*Elections and Political Participation.*—In December 2004 Mamadou Tandja was elected to his second 5-year presidential term with 65 percent of the vote in an election that international observers described as generally free and fair, despite some irregularities on election day. A coalition composed of the MNSD, CDS, the Rally for Social Democracy, the Rally for Democracy and Progress, the Nigerien Alliance for Democracy and Progress, and the Social-Democratic Party of Niger backed Tandja and, in legislative elections held at the same time, won 88 of the 113 seats in the National Assembly. The opposition Nigerien Party for Democracy and Socialism won 25 seats. Tandja reappointed MNSD party President Hama Amadou as prime minister.

On May 31, a National Assembly vote of no confidence forced prime minister Hama Amadou and his cabinet to resign. The president appointed a new prime minister, who formed a new cabinet. The transition occurred peacefully and followed constitutional guidelines.

Political parties operated without restriction and outside interference. Individuals and political parties can freely declare candidacies and stand for election.

The societal practice of husbands voting their wives' proxy ballots effectively disenfranchised many women in the 1999 elections; however, female voter turnout substantially increased during the local, legislative, and presidential elections held in 2004. There were 14 women in the 113-member National Assembly and eight female ministers in the 31-member cabinet; six of the country's 20 ambassadors were women. The law mandates that women receive 25 percent of senior government positions and fill 10 percent of elected seats; women held at least 10 percent of the 3,747 local council positions.

All major ethnic groups were represented at all levels of government. There were eight seats in the National Assembly designated for representatives of "special constituencies," specifically ethnic minorities and nomadic populations. President Tandja, who reportedly is half Fulani and half Kanouri, is the country's first president who is not from either the Hausa or the Zarma ethnic groups, which make up approximately 56 percent and 22 percent, respectively, of the population.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. The World Bank's worldwide governance indicators reflect that corruption was a severe problem. The Government publicly acknowledged that corruption was a problem.

Citizens sometimes paid bribes to civil servants to circumvent bureaucratic obstacles. Corruption was compounded by a poorly financed and trained law enforcement system and weak administrative controls. Other underlying causes of corruption

were poverty; low salaries; the politicization of the public service; the influence of traditional kinship, ethnic, and family ties on decision making; a culture of impunity; and a lack of civic education. Nevertheless, during the year continued pressure from foreign donors, civil society organizations and many citizens led to some progress in the fight against corruption.

On February 24, Jules Ouguet, Director General of the government-owned Nigerien City Planning and Construction Corporation, was arrested and jailed for embezzling \$53,600 (24 million CFAF) from the company. Ouguet was released on March 21 after his family and friends paid back the money.

On November 1, the president of the Niamey City Council, Aboubacar Seydou Ganda, was arrested and jailed for embezzling \$205,000 (92 million CFAF) and corruption in regards to public contracts. Five of his senior staff members were also arrested and all remained in jail at year's end. On November 19 and 20, an additional 12 businessmen were also arrested and jailed in connection with the case.

On December 17, the president of the Maradi City Council, Idi Malle, was arrested and jailed for misuse of public funds. He was released on bail a week later after he paid back \$89,000 (40 million CFAF).

On June 15, the High Court of Justice (HCJ) granted provisional release to two ministers, Ari Ibrahim and Hamani Harouna, jailed in October 2006 on corruption charges related to the Ministry of Basic Education scandal. The HCJ reopened the case on December 26, and subsequently postponed the case. No action was taken against three national assembly deputies, Bonkano Maifada, Intarou Hassane, and Raja Chaibou, who were also allegedly involved in the scandal. The HCJ denied provisional release for civil servants arrested in the case, and they remained in jail at year's end.

In July 2006 the Government dismissed 19 teachers for fraud, forgery, and influence peddling in connection with school exams. On December 26, the Supreme Court ruled that 10 of the teachers should be reinstated, but rejected the complaints of nine of the teachers.

There were no further developments in the August 2006 case of three school principals and two teachers charged with committing fraud in connection with school exams.

On February 16, Almoustapha Soumaila, the country's former Francophone Games director general, was granted provisional release in relation to corruption charges. The case was still pending at year's end.

There were no further developments in the case of Ministry of Finance Deputy Director Cheffou Aboubacar, who was arrested for fraud in 2005.

The National Commission on Corruption's ability to investigate corruption remained limited.

There were no laws that provided for public access to government information; however, many documents could be obtained from individual ministries and the National Archives. The Government granted access to government information to both citizens and noncitizens, including foreign media.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views, but insecurity and travel restrictions in the north limited the ability of human rights groups to investigate human rights violations.

In April the Government ordered the World Food Program and several international NGOs to stop food for work programs. The Government expressed a preference for cash for work programs, and stated that food for work activities were inappropriate as the country had had two successive good harvests. Humanitarian organizations contended that food for work activities were already planned and that some food was already in the country. The ban remained in effect at year's end.

The government-established National Commission on Human Rights and Fundamental Liberties operated without government interference; however, it lacked resources, was generally considered ineffective, and issued few reports or recommendations. During 2007 new commission elections were held but controversy over the selection process continued, with representatives of two human rights associations contesting each other's participation. The Government attempted to mediate the controversy, but one of the groups requested the Supreme Court's arbitration, while representatives of the second group had assumed seats on the commission.



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

The law prohibits discrimination based on race, gender, disability, language, or social status and the Government generally effectively enforced these prohibitions.

*Women.*—Rape is punishable by 10 to 30 years' imprisonment, depending upon the circumstances and age of the victim. The law does not explicitly recognize spousal rape but appears to cover it in practice. Authorities made efforts to enforce the law. In many cases spousal rape did not lead to prosecution, as victims often sought to resolve the issue within the family, or were pressured to do so. Reliable statistics on the prevalence of rape were not available.

Domestic violence against women was widespread, although reliable statistics were not available. Husbands commonly beat their wives. The law does not explicitly prohibit domestic violence; however, a woman can sue her husband or lodge criminal charges for battery, penalties for which ranged from 2 months in prison and a \$22 (10,000 CFAF) fine to 30 years' imprisonment. The Government tried with limited success to enforce these laws. No data were available on how many abusers were prosecuted or convicted during the year. Charges stemming from family disputes were often dropped in favor of traditional dispute resolution mechanisms. While women have the right to seek redress for violence in the customary or modern courts, few did so due to ignorance of the legal system and fear of repudiation or social stigma.

According to the U.N. Children's Fund (UNICEF), 429 cases of violence against women were reported from October 2006 through September 2007. Battery represented 44.9 percent of the cases, indecent assault 17.6 percent, and rape or attempted rape 16.4 percent.

Prostitution is illegal, but remained prevalent in big cities and near major mining and military sites.

Sexual harassment is a crime punishable by prison sentences from 3 to 6 months and fines from \$22 to \$223 (10,000 to 100,000 CFAF). If the violator is in a position of authority, the prison sentence is from 3 months to 1 year, and the fine is increased to \$45 to \$446 (20,000 to 200,000 CFAF).

The Constitution provides for equal rights regardless of sex; however, women do not have the same rights as men under family law. Legal rights as heads of household applied only to men; divorced or widowed women, even with children, were not considered to be heads of households.

Traditional and religious beliefs resulted in discrimination in education, employment, and property rights. Discrimination was worse in rural areas, where women helped with subsistence farming and did most of the childrearing, water- and wood-gathering, and other work. Despite constituting 47 percent of the formal sector work force, only 26 percent of civil service workers and 22 percent of professionals were female in 2006. In the absence of a formal will stating otherwise, women received only one-third of a deceased parent's property. In the east there were reports that some husbands cloistered wives and prevented them from leaving their homes unless escorted by a male relative and usually only after dark.

National service, which lasted from 18 months to 2 years, was mandatory for all young men and women who completed university studies or professional training. Men were required to serve at least part of their national service in the military, while women could fulfill their obligation through either military service or by serving as teachers, health service workers, or technical specialists.

*Children.*—The Constitution and law require that the Government promote children's welfare; however, financial resources for this purpose were extremely limited.

In principle education was compulsory, free, and universal for a minimum period of 6 years, although only a fraction of children attended school. The Government estimated that the gross national primary school enrollment rate was 52 percent in 2006, while the net primary school enrollment rate was 41 percent; 60 percent of those who finished primary school were boys. Most parents kept young girls at home to work, and girls rarely attended school for more than a few years. This resulted in estimated literacy rates of 15 percent for girls and 42.9 percent for boys, according to a 2006 U.N. Development Program report. Literacy rates, particularly for girls, were even lower in rural areas.

Boys and girls had equal access to state-provided medical care.

Certain ethnic groups practiced FGM, predominantly the Fulani and Zarma in the western region of the country. According to UNICEF, the FGM rate decreased from 5 percent in 1998 to 2.2 percent in 2006. FGM was practiced on young girls, and clitoridectomy was the most common form. FGM is against the law, and punishable by 6 months to 3 years in prison. If an FGM victim dies, the practitioner can be sentenced from 10 to 20 years' imprisonment. The Government actively combated FGM. The Government continued its close collaboration with local NGOs, commu-

nity leaders, UNICEF, and other donors to distribute educational materials at health centers and participated in educational events.

Child marriage was a problem, especially in rural areas and in traditional communities. The law allows a girl deemed to be “sufficiently mature” to marry as young as 15. Some families entered into marriage agreements under which young girls from rural areas were sent by the age of 10 or 12 and sometimes younger to join their husband’s family under the tutelage of their mother-in-law. The Ministry of Women’s Promotion and Child Protection cooperated with women’s associations to sensitize rural communities and their traditional chiefs and religious leaders to the problem of underage marriage.

Infanticide occurred, and approximately 60 percent of the female prison population was charged with the crime.

There were many displaced children, mostly boys, begging on the streets of the larger cities. Most of these boys came from rural areas and were indentured to Islamic schools. The Government developed a plan to restructure Islamic schools, including improving teacher payment as a means to address problems such as child begging and trafficking by some teachers.

*Trafficking in Persons.*—The law does not specifically prohibit trafficking in persons, and persons were trafficked to, from, and within the country. Traffickers could be prosecuted under a law that criminalizes slavery and coerced labor; punishments ranged from 10 to 30 years’ imprisonment. Child prostitution is not criminalized specifically; however, the law prohibits indecent acts toward minors. Such activity and a corollary statute against “the incitement of minors to wrongdoing” were punishable by 3 to 5 years in prison.

A 2005 NGO survey found that 5.8 percent of households interviewed claimed that at least one member of their home had been a trafficking victim.

A traditional form of caste-based servitude was still practiced by the Tuareg, Zarma, and Arab ethnic minorities.

The country was a transit point for persons trafficked between Nigeria, Benin, Togo, Ghana, Burkina Faso, and Mali; final destinations also included North African and European countries. The country was a destination for a small number of trafficked persons. Female victims trafficked into the country worked as domestic servants and prostitutes. Young boys from neighboring countries were trafficked into the country to work in mines, on farms, as mechanics, or as welders. The country was a source of women trafficked to Nigeria, North Africa, Europe, and the Middle East for domestic servitude and commercial sexual exploitation.

Child trafficking also occurred within the country.

Young girls were trafficked from rural to urban areas for domestic service and prostitution. Some girls were forced or falsely enticed into prostitution, sometimes with their family’s complicity. Child prostitution was especially prevalent along the main East-West highway, particularly between the cities of Birni n’Koni and Zinder.

There was internal trafficking of boys. Some rural parents sent their sons to learn the Koran in the cities, where the boys worked for their teachers (marabouts) as beggars or provided manual labor. Boys were also trafficked to Mali and Nigeria for this purpose.

Children were also internally trafficked for work in mines.

Trafficking in persons generally was conducted by small operators who falsely promised well-paid employment in the country. Victims usually had to perform poorly paid domestic work or prostitution upon arrival, and had to pay off a debt to the trafficker. Traffickers had victims sign agreements before departing their country of origin, and retained the victims’ travel documents. Similar methods were used to traffic victims from Niger to other countries.

The ministries of justice, interior, and the promotion of women and protection of children shared responsibility for combating trafficking in persons. The National Commission for the Coordination of the Fight Against Trafficking in Persons existed on paper but had no budget.

Local authorities assisted UNICEF and a local NGO partner to identify and rehabilitate child victims of trafficking in the Agadez and Niamey regions. Police and prosecutors arrested and prosecuted traffickers identified by the project, and ensured that rescued victims were handed over to a local NGO for rehabilitation. During the year 125 child trafficking victims were rescued and rehabilitated in the city of Agadez. There were 18 traffickers arrested in these cases. Of these, 15 were released without charge and three were charged with the abduction of minors. During the year 11 trafficked children were also rescued and rehabilitated in Niamey.

On April 12, the lower court of Dogondoutchi sentenced a woman to 2 years’ imprisonment for abducting her 6-year-old nephew to sell him in a neighboring country.

The Government provided some services directly to trafficking victims, including basic health care and assistance in returning to their home villages. The Government also supported the efforts of NGOs and international organizations in providing food, temporary shelter, and primary health care to victims of trafficking, and sponsored public outreach sessions on trafficking and child abuse.

There were no further developments on the case of two traffickers who have been in custody since 2006.

*Persons with Disabilities.*—The Constitution and law prohibit discrimination against persons with physical and mental disabilities in employment, education, and access to health care and other state services, and the Government generally enforced these provisions. The law mandates that the state provide for persons with disabilities, but there were no specific regulations that mandated accessibility to buildings, transportation, and education for those with special needs. Limited government health care benefits were available to persons with disabilities. Societal discrimination existed against persons with disabilities, particularly mental disabilities and leprosy. The Ministry of Population and Social Welfare was responsible for protecting the rights of persons with disabilities.

*Other Societal Abuses and Discrimination.*—Persons with HIV/AIDS experienced social discrimination. There were strong government efforts to discourage such discrimination. This included the April 26 launch of an antidiscrimination campaign in conjunction with several other organizations working on HIV/AIDS issues.

Homosexuals experienced social discrimination.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution and law allow all workers to form and join trade unions without previous authorization or excessive requirements, and workers exercised this right. However, in 2006 more than 85 percent of the workforce was employed in the nonunionized subsistence agricultural and small trading sectors.

*b. The Right to Organize and Bargain Collectively.*—The law allows unions to conduct their activities without interference, and unions exercised their right to bargain collectively for wages above the legal minimum and for more favorable work conditions. Collective bargaining also existed in the public sector. The law provides for the right to strike, except for the police and other security forces, and workers exercised this right.

In December 2006 the Liptako Mining Company fired 106 union members for striking. The fired workers took their case to court, and a hearing was pending at year's end.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, except for legally convicted prisoners, and prohibits slavery; however, it does not specifically prohibit forced or compulsory labor by children, and such practices occurred. A traditional form of caste-based servitude was still practiced by the Tuareg, Zarma, and Arab ethnic minorities, particularly in remote northern and western regions and along the border with Nigeria.

Persons born into a traditionally subordinate caste sometimes worked without pay for those above them in the traditional social structure. Estimates regarding the number of persons who work under such conditions vary widely, and include a 2004 estimate of 8,800 and a 2003 estimate of 43,000. Under this system persons are forced to work without pay for their masters throughout their lives, primarily herding cattle, working on farmland, or as domestic servants. Children become the property of their masters and can be passed from one slave owner to another as gifts or as part of a dowry. Girls are forced to start work as domestic servants at a very young age. Girls may be sexually abused by men in the household or forced to marry at a young age.

The Government publicly banned slavery in 2003, and during 2007 slaves continued to be liberated and given certificates to show that they were free. Individuals had the legal right to change their situations, and it was illegal for their masters to retain them; however, in practice, most victims of slavery did not act on their rights. Fear and physical or social coercion likely played roles, although a lack of viable economic alternatives for freed slaves was also a factor.

The appeal regarding the July 2006 enslavement case Timidria and Haulata Ibrahim vs. Seidimou Hiyar was still pending at year's end. There were no further developments in three other 2006 pending slavery cases.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The employment of children under age 14 is prohibited, except as authorized by decree; however, child labor was a problem. A 1967 labor decree also regulates child labor. Chil-

dren under 12 are prohibited from working. Twelve- and thirteen-year-olds may perform nonindustrial light work for a maximum of 2 hours per day outside of school hours with a labor inspector's authorization as long as such work does not impede their schooling. Light work is defined as including some domestic work, fruit picking and sorting, and other light nonindustrial work. Those 14 to 18 years of age may work a maximum of 4½ hours per day. Children may not perform work that requires force greater than their strength, may damage their health or development, is risky, or is likely to undermine their morality. The law requires employers to ensure minimum sanitary working conditions for children.

Inspectors of the Ministry of Labor are responsible for enforcing child labor laws; however, resource constraints limited their ability to do so, and there were no labor inspections during the year.

Children worked in the agricultural, commercial, handicraft, and domestic service sectors. The majority of rural children regularly worked with their families from an early age—helping in the fields, pounding grain, tending animals, gathering firewood and water, and doing similar tasks. Some boys were kept out of school to work as beggars alongside blind relatives. Others were sent to Islamic schools where their teachers used them for work as beggars and for manual labor. Child labor also occurred in the largely unregulated gold mining sector, and also in trona (a mineral used as a source of sodium compounds), salt, and gypsum mines. Children working in gold mines were particularly vulnerable to poor ventilation, collapse hazards, and insufficient lighting; they also were susceptible to alcohol and substance abuse.

Child trafficking, prostitution, forced labor, and traditional caste-based servitude or slavery occurred.

The Ministry of Labor continued working with UNICEF and the International Labor Organization's International Program on the Elimination of Child Labor (IPEC) to determine the extent of child labor. A 2006 UNICEF and government study found that 38 percent of children between ages 5 and 14 were economically active; 38 percent of children between the ages of 5 and 9, and 39 percent of children between the ages of 10 and 14 worked; 8 percent of child workers were not paid.

The Ministry of Labor and the Ministry of Basic Education and Literacy collaborated with Catholic Relief Services on a US Department of Labor-funded (USDOL) program to remove children from exploitative work situations, encourage school attendance, and provide vocational training for at-risk children and former child laborers. The Government also worked with international partners to provide relevant education as an inducement to parents to keep their children in school. The Ministry of Basic Education conducted training sessions to help educators meet the special needs of child laborers. The Government cooperated with a USDOL-funded project that was implemented by IPEC to eliminate child labor in the mining sector.

On October 3, the Ministry of Labor's Child Labor Division and IPEC organized a workshop that established a child labor monitoring technical committee.

*e. Acceptable Conditions of Work.*—The labor code establishes a minimum wage only for salaried workers in the formal sector with fixed (contractual) terms of employment. Minimum wages are set for each class and category within the formal sector; however, minimum wages did not provide a decent standard of living for workers and their families. As of December 2006 the lowest minimum wage was \$63 (28,000 CFAF) per month, with an additional \$2 (1,000 CFAF) added per month per child. The Ministry of Labor effectively enforced minimum wage in the regulated formal sector.

The formal sector legal workweek was 40 hours with a minimum of one 24-hour rest period; however, the Ministry of Labor authorized longer workweeks of up to 72 hours for certain occupations such as private security guards, domestic workers, and drivers. Premium pay must be paid for overtime, although the rate is not set by law; employees of each enterprise or government agency negotiate with their employer to set the rate. These formal sector standards were effectively enforced.

The labor code establishes occupational safety and health standards. The Ministry of Labor is charged with enforcing these standards, although due to staff shortages inspectors focused on safety violations only in the most dangerous industries: Mining, building, and manufacturing. The standards were effectively enforced within those three industries, except that gold mining was largely unregulated. Although generally satisfied with the safety equipment provided by employers, citing in particular adequate protection from radiation in the uranium mines, union workers in many cases were not well informed of the risks posed by their jobs. Workers have the right to remove themselves from hazardous conditions without fear of losing their jobs.

## NIGERIA

Nigeria is a Federal republic composed of 36 states and a capital territory, with a population of approximately 140 million. In April Umaru Musa Yar'Adua of the ruling People's Democratic Party (PDP) was elected to a 4-year term as president; the PDP won 70 percent of the seats in the national legislature and 75 percent of the state governorships. The election was marred by what international and domestic observers characterized as massive fraud and serious irregularities, including vote rigging and political violence. Election tribunals, which continued at year's end, contested the results at all levels, resulting in the nullification of nine local-level elections, six senatorial elections, and five gubernatorial elections. While civilian authorities generally maintained effective control of the security forces, there were some instances in which elements of the security forces acted outside the law.

The Government's human rights record remained poor, and government officials at all levels continued to commit serious abuses. The most significant human rights problems included the abridgement of citizens' right to change their government; politically motivated and extrajudicial killings by security forces; the use of excessive force, including torture, by security forces; vigilante killings; impunity for abuses by security forces; beatings of prisoners, detainees, and suspected criminals; harsh and life-threatening prison conditions; arbitrary arrest and prolonged pretrial detention; executive influence on the judiciary and judicial corruption; infringement on privacy rights; restrictions on freedom of speech, press, assembly, religion, and movement; domestic violence and discrimination against women; female genital mutilation (FGM); child abuse and child sexual exploitation; societal violence; ethnic, regional, and religious discrimination; and trafficking in persons for the purpose of prostitution and forced labor.

### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—There were politically motivated killings by the Government or its agents. National police, army, and other security forces committed extrajudicial killings and used excessive force to apprehend criminals and to disperse protesters during the year.

Police and the armed forces were instructed to use lethal force against suspected criminals and suspected vandals near oil pipelines in the Niger Delta region. Multinational oil companies and domestic oil producing companies often hired private security forces and subsidized living expenses for police and soldiers from area units assigned to protect oil facilities in the volatile Niger Delta region.

Military, former military, and freelance security forces accounted for a portion of the violent crime committed during the year.

The Joint Task Force (JTF) conducted raids on militant groups in the Niger Delta region, resulting in numerous deaths and injuries (see Section 1.g.).

Police officers were not held accountable for excessive or deadly force or for the deaths of persons in custody. Police generally operated with impunity in the apprehension, illegal detention, and sometimes execution of criminal suspects. Abuses against civilians by poorly trained, poorly equipped, poorly supervised, and underpaid police were common, and the police were rarely held accountable.

On November 14, the new Inspector General of Police (IGP) announced official statistics showing that 785 suspected "armed robbers" had died in encounters with police in the 3 months since his tenure began. IGP Michael Okiro reported that 62 officers had been killed during the same time frame while attempting to apprehend suspected armed robbers. The statistics also indicated that police killed at least 8,564 persons between 2000 and October 2007. As a result of these announcements, the nongovernmental organization (NGO) Human Rights Watch called for a public inquiry into the disproportionate use of lethal force. The Government did not open such an inquiry by year's end.

On July 21, police from the Federal Capital Territory (FCT) Command shot and killed Mallam Ibrahim, a respected Islamic cleric who was staying at the house of friend. According to eyewitnesses, four armed soldiers led by a civilian entered the house, followed by a team of police officers. When the police left, they claimed to have interrupted an armed robbery and to have loaded the corpse of one of the perpetrators in their vehicle.

There were no developments in the January 2006 case in which police officers killed two suspected thieves in the Rivers State city of Port Harcourt; the February 2006 case in which four persons were killed when military and police officers stormed the Ariaria market in Aba, Abia State, on the pretext of preventing vigilantes from operating there; the June 2006 case in which the media reported that

brothers Juth and Romanus Akpowbo were arrested in Kano State after having been accused of armed robbery of the staff quarters of Bayero University; or the August 2006 case in which police in Umuahia North Local Government Area killed 12 suspected robbers.

Violence and lethal force at unauthorized police and military roadblocks and checkpoints continued during the year, despite multiple announcements by the inspector-general of police that independent police roadblocks would be eliminated. Police generally ignored the orders. Security forces were known to kill persons while trying to extort money from them. For example, on November 8, a police officer in Anambra State shot and killed 15-year-old Daniel Offiali and wounded six other bus passengers after the driver refused to pay a \$0.16 (20 naira) bribe. The police officer was reportedly dismissed from the national police Force and arrested, but at year's end the status of the case was unknown.

There were no developments in the June 2006 case in which Delta State police officers beat Peter Osimiri and left him for dead when he refused to pay a \$156 (20,000 naira) bribe, or in the December 2006 case in which police officers in the FCT outside Abuja shot and killed a driver who refused to pay a \$0.16 (20 naira) bribe.

The murder trial of a Delta State police officer who in 2005 shot and killed a commercial bus driver who was unable to pay a bribe had not begun by year's end.

The trial of six police officers from the Apo area continued, although with frequent and extended adjournments.

Police and military personnel used excessive force and sometimes deadly force in the suppression of civil unrest, property vandalism, and interethnic violence.

At year's end a police investigation was ongoing regarding a January 30 incident in which one person was killed and 20 others injured when violence erupted at the Oshogbo Local Government Office after several members of the local government council (LGC) asked the council's chairman to explain the expenditure of funds from the Federal accounts. Police detained LGC Chairman Liadi Gbadamosi and declared 15 councilors wanted.

On July 24, police shot and killed two persons in Omi-Adio in Oyo State during a clash with members of the National Union of Road Transport Workers, who accused police of torturing and killing a union member the day before. The union members set the police station on fire and attacked the officer on duty. Police arrested 49 persons.

There were reports of summary executions, assaults, and other abuses carried out by military personnel and paramilitary mobile police across the Niger Delta (see Section 1.g.).

There were several killings by unknown assailants that may have been politically motivated. For example, on February 2, unknown gunmen killed PDP Chieftain Lawson Onokpasa of Delta State at his residence.

On March 6, unidentified gunmen assassinated Taofiki Onigboho at his residence in Ibadan. Onigboho was related to Sunday Igboho, a suspected thug of Governor Rasheed Ladoja, who was being sought by police in connection with the February violence in Akure.

On August 19, Victor Obafaiye, the principal witness for the Action Congress in the Kogi State election tribunal, was assassinated. Obafaiye was crucial to the case as he was supposedly in possession of documents that would have served as evidence of election tampering by PDP House of Assembly candidate Dino Melaye.

On May 25, nine suspects allegedly connected to the July 2006 killing of Lagos State gubernatorial candidate Funsho Williams—including the three mobile policemen responsible for guarding him and four colleagues close to him—were imprisoned without trial; former IGP Sunday Ehindero declared the case closed despite the lack of a conviction. On June 9, Ehindero's successor, Michael Okiro, announced that the case would be reopened and investigated further, but there were no additional developments by year's end.

Also on June 9, IGP Okiro announced the reopening of the case of Bola Ige, the former attorney general of the Federation whose killing in 2001 is widely believed to be linked to a political dispute between the then-governor and deputy governor of Osun State. On October 25, four persons who were detained by former IGP Ehindero on suspicion of involvement with the case were released due to lack of evidence.

On December 9, President Yar'Adua directed the IGP to reopen investigations into all unresolved cases of killings of political figures.

There were no developments in the following 2006 killings, which may have been politically motivated: The January killing by unknown assailants of Hajiya Saudatu Rimi, wife of former Kano State Governor Alhaji Abubakar Rimi; the June abduction and July killing of Plateau State gubernatorial aspirant Jesse Aruku of the Ad-

vanced Congress of Democrats party; the August killing of Ekiti State PDP gubernatorial candidate Ayodeji Daramola; and the December killing by unknown assailants of Timothy Ageba Uttah, the former council chairman of Gboko Local Government Area and PDP aspirant for the state House of Assembly of Benue State.

There were no developments in the July 2006 killings of four persons in Emohua and six persons in Gokana that resulted from violence between gangs controlled by rival political leaders in Rivers State.

By year's end no charges had been filed against five men accused of killing PDP politician Alhaji Lateef Olani-yan in Ibadan, Oyo State, in July 2005.

Killings carried out by organized gangs of armed robbers remained common during the year. In Oshodi, Lagos State, a group of armed robbers, popularly known as "area boys," operated illegal highway checkpoints at which they demanded money from motorists. There were no developments in the case of six area boys arrested in July 2006 for allegedly killing two Federal Road Management Agency officers.

Soldiers arrested 62 suspected area boys and remanded them to police for prosecution on charges related to a 2005 clash between soldiers and area boys. The incident followed the killing of a soldier near a military command in the Ikeja suburb of Lagos. Twelve of the area boys were arraigned before a magistrate's court and placed in custody to await trial.

Other organized vigilante groups continued to detain and kill suspected criminals. Police generally did not have a significant impact upon vigilante groups. They sometimes detained members of these groups during the year, but those arrests were sporadic, and none was known to result in prosecution. Initiatives announced in 2006 to control the vigilante groups were not successful during the year.

There continued to be reports of street mobs apprehending and killing suspected criminals during the year. There were no arrests reported from these mob actions, and there were no developments in cases from previous years. The practice of "necklacing" suspected criminals (placing a gasoline-soaked tire around a victim's neck or torso and then igniting it to burn the victim to death) by street mobs continued, according to persons who had witnessed burned corpses on the side of the road.

Lethal societal violence (including interethnic, intraethnic, and interreligious violence) continued.

There were cases of killings in connection with the conflict in the Niger Delta, including Port Harcourt (see Section 1.g.).

*b. Disappearance.*—There were no reports of politically motivated disappearances; however, there were kidnappings in connection with the conflict in the Niger Delta, particularly Port Harcourt (see Section 1.g.). One abduction resulted in death.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—Although the Constitution and law prohibit such practices and provide for punishment of such abuses, security services personnel, including police, military, and State Security Service (SSS) officers regularly beat protesters, criminal suspects, detainees, and convicted prisoners. Police physically mistreated civilians regularly to extort money from them. The law prohibits the introduction into trials of evidence and confessions obtained through torture.

There were reports that security forces tortured persons and used excessive force during the year. In March the U.N. Special Rapporteur on Torture visited the country at the Government's invitation to assess the situation of ill treatment in the country. On the basis of discussions with detainees, visits to prisons and police stations, and forensic medical evidence collected over a 1-week period, the rapporteur reported that torture was endemic in law enforcement operations, including police custody, and was often used to extract alleged confessions of guilt. According to his report, the methods of torture included flogging with whips; beating with batons and machetes; shooting a suspect in the foot; threatening a suspect with death and then shooting him with powder cartridges; suspension from the ceiling; and denying food, water, and medical treatment.

On September 27, 25-year-old Surajo Mohammed died in detention while being interrogated by a Katsina State police sergeant who had arrested him for stealing a bottle of palm wine. State Police Commissioner Dan Doma announced that the officer had been arrested, but no trial had been scheduled by year's end.

There were no developments in the May 2006 case in which police in Delta State allegedly arrested Segun Pioko, tortured him, and killed him; in the October 2006 case in which Kano State police beat unruly youth with sticks and whips to clear the way for the motorcade of the governor; or in the April 2006 case in which four protesters died and 50 persons were arrested when police in the Njaba local government area of Imo State carried out reprisal attacks after youths rioted outside the local police station to protest police roadblocks in the area.

There were credible reports during the year that security forces committed rape and other forms of sexual violence on women and girls with impunity. Police officials acknowledged that rape was a problem. Amnesty International (AI) reported that women were frequently raped while in detention but did not report the abuse because of the social stigma attached to rape and the fact that police officers were the perpetrators. On December 10, the Network on Police Reform in Nigeria said it had monitored 400 police stations in 13 states for a year and found that killings, torture, extortion, and rape had become routine because the authorities shielded police officers from the law.

There were reports that security forces beat journalists during the year.

Different formulations of Shari'a penal codes (Islamic law) were in place in 12 northern states, and Shari'a courts delivered "hadd" sentences such as caning for minor offenses such as petty theft, public consumption of alcohol, and prostitution; it was unknown if any of the sentences were carried out by year's end. The term hadd refers to those crimes mentioned explicitly in the Koran. For example, those guilty of adultery are subject to death by stoning, but there were no such sentences imposed during the year, and no death sentences were carried out in cases originating in earlier years. In contrast to the previous year, there were no sentences of amputation handed down. However, there were numerous Shari'a cases from previous years pending appeal or implementation of sentence, including pending amputation and stoning sentences in Jigawa, Bauchi, Niger, Kano, and Zamfara States.

Statutory law mandates that state governors either impose a stay or implement amputation or death sentences. Sentences under Shari'a often were not carried out because of the lengthy process for appeals. Because no applicable case had been appealed to the Federal level, Federal appellate courts had yet to decide whether such punishments violate the Constitution. Stoning and amputation sentences were previously overturned on procedural or evidentiary grounds but had not been challenged on constitutional grounds. Caning is also a punishment under common law in the Northern Region Penal Code and had not been challenged in the courts as a violation of the statutory law. In some cases convicted persons were allowed to choose to pay a fine or go to jail instead of being caned. These sentences were usually carried out immediately, while the Shari'a criminal procedure code allows defendants 30 days to appeal sentences involving mutilation or death. In practice appeals often took much longer than 30 days.

On August 4, Bauchi State police arrested 18 men and charged them with "addressing each other as women and dressing themselves as women," which is illegal under the Shari'a penal code. The men, all in their twenties, were also originally charged with sodomy, but the charges were later changed to "vagrancy" under the Bauchi State Islamic code. After being released on bail, all 18 men were rearrested on September 14 on new charges of criminal conspiracy, membership in an unlawful society, and obscene or indecent acts, which are collectively punishable by 8 years in prison, caning, and fines. At a November 29 hearing, the Director of Public Prosecution (DPP) asked for postponement due to witnesses traveling. No trial date was announced by year's end.

In May the Shari'a court of Bauchi State sentenced Ade Dabo to death by stoning for the alleged rape of two female minors in 2003. Dabo appealed, and at year's end the case was pending confirmation by the newly elected Bauchi State governor. If confirmed, this case would represent the second stoning sentence carried out since Shari'a penal code was implemented in 2000.

There were numerous ethnic or communal clashes during the year. The Government generally did not provide police in rural areas with sufficient resources to control societal violence.

Vigilante groups such as the Bakassi Boys, which continued to exist despite reports that it had been disbanded by the Federal Government, held detainees in informal detention centers, and detainees died during the year.

*Prison and Detention Center Conditions.*—Prison and detention conditions remained harsh and life threatening. Most of the 227 prisons were built 70 to 80 years ago and lacked basic facilities. Lack of potable water, inadequate sewage facilities, and severe overcrowding resulted in dangerous and unsanitary conditions. With an estimated population of 45,000, some prisons held 200 to 300 percent more persons than their designed capacity. The Government acknowledged overcrowding as the main cause of the harsh conditions common in the prison system. Excessively long pretrial detention contributed to the overcrowding.

In March the U.N. Special Rapporteur on Torture reported that prison conditions were deplorable, that those awaiting trial suffered more than those already convicted due to lack of funding for their care, and that inadequate medical treatment allowed many prisoners to die of treatable illnesses.



Following a July visit to 10 prisons in the states of Enugu, Kano, Lagos, and the FCT, AI issued a report citing appalling prison conditions, noting that many prisoners were considered “forgotten inmates” because they had been incarcerated for years without trial.

Disease was pervasive in the cramped, poorly ventilated facilities, and chronic shortages of medical supplies were reported. HIV/AIDS and tuberculosis were of particular concern within the prison population, and infections were exacerbated by substandard living conditions. Only those with money or whose relatives brought food regularly had sufficient food; petty corruption among prison officials made it difficult for money provided for food to reach prisoners. Poor inmates often relied on handouts from others to survive. Beds or mattresses were not provided to many inmates, forcing them to sleep on concrete floors, often without a blanket. Prison officials, police, and security forces often denied inmates food and medical treatment as a form of punishment or to extort money from them. The International Committee of the Red Cross (ICRC) continued to provide health and hygiene items to prisoners during the year.

Harsh conditions and denial of proper medical treatment contributed to the deaths of numerous prisoners. For example, on September 8, inadequate medical attention allegedly contributed to the death of Olawale Daniel, an inmate at the Agodi Federal Prison in Ibadan. His death sparked a riot between inmates and guards on September 11, which resulted in the deaths of 11 prisoners and the injury of an estimated 60 others, including four staff members.

Women were held with male prisoners, especially in rural areas. Although the law precludes the imprisonment of children, AI reported that children under 18 were held together with adults in at least four of the largest prisons. In Kuje prison 30 boys, some as young as 11, shared their living quarters with over 175 men. Detainees often were housed with convicted prisoners.

The Government allowed international and domestic NGOs, including AI, Prisoners Rehabilitation and Welfare Action (PRAWA), and the ICRC, regular access to prisons. PRAWA and the ICRC published newsletters on their work. The Government admitted that there were problems with its incarceration and rehabilitation programs and worked with groups such as these to address those problems.

*d. Arbitrary Arrest or Detention.*—The Constitution and law prohibit arbitrary arrest and detention; however, police and security forces continued to employ these practices.

*Role of the Police and Security Apparatus.*—The national police Force (NPF) is responsible for law enforcement. Internal security is the duty of the SSS, which reports to the president through the national security advisor. Due to the inefficacy of the police, who were often unable to control societal violence, the Government continued to rely on the army in some cases. Each NPF state unit was commanded by an assistant inspector general. The Constitution prohibits state- and local-level governments from organizing their own police forces. The NPF committed human rights abuses and generally operated with impunity in the apprehension, illegal detention, and sometimes execution of criminal suspects. The SSS also was responsible for a variety of human rights abuses, particularly in limiting freedom of speech and press.

Corruption was rampant, most often taking the form of bribes at highway checkpoints. Police routinely stopped drivers who had committed no traffic infraction, refusing to allow a car to continue until the driver agreed to pay a bribe. On November 16, IGP Okiro dismissed nine police officers for alleged extortion and mounting of illegal road blocks in Lagos.

Although citizens could report incidents of police corruption to the National Human Rights Commission (NHRC), this agency was not empowered to act in response to such complaints.

*Arrest and Detention.*—Police and security forces were empowered to arrest without warrant based on reasonable suspicion that a person had committed an offense; they often abused this power. Under the law police may detain persons for 48 hours before charging them with an offense. The law requires an arresting officer to inform the accused of charges at the time of arrest and to take the accused to a police station for processing within a reasonable time. By law police must provide suspects with the opportunity to engage counsel and post bail. However, suspects were routinely detained without being informed of the charges, denied access to counsel and family members, and denied the opportunity to post bail for bailable offenses. Detainees often were kept incommunicado for long periods. Provision of bail was often arbitrary or subject to extrajudicial influence. In many areas there was no functioning bail system, so suspects were held in investigative detention for prolonged periods. Numerous suspects alleged that police demanded payment before they were

taken to court to have their cases heard. If family members attended court proceedings, police often demanded additional payment.

Persons who happened to be in the vicinity of a crime when it was committed were reportedly held for interrogation for periods ranging from a few hours to several months. After their release, those detained were frequently asked to return repeatedly for further questioning.

There were many alleged cases of arbitrary arrest based on political motives. For example, on April 15, the All Nigeria Peoples Party (ANPP) governorship candidate in Kaduna State and other key officials of the party were arrested and detained by security agents. Some were released immediately following the presidential elections.

On April 18, the ANPP governorship candidate in Ebonyi State, Chief Ogbonnaya Onu, was beaten and arrested after his supporters protested the results of the gubernatorial elections. Onu was released after the presidential elections.

On April 30, Emmanuel Ezeazu, secretary general of the Alliance for Credible Elections, was detained and questioned by the SSS in connection with a planned demonstration against the conduct of the April 22 elections. He was asked to sign an agreement not to organize or protest, but he declined to do so and was released on May 1.

Members of the Movement for the Actualization of the Sovereign State of Biafra (MASSOB), a separatist group espousing Igbo unity and the secession of Igbo states, initiated frequent violent clashes with the Government, particularly in Onitsha, Anambra State. Police sometimes reacted by arresting large numbers of MASSOB members. Most of the 69 members arrested in a June 2006 sweep remained in detention at year's end.

In July a hearing resumed on the bail application of detained MASSOB leader Ralph Uwazurike, who was arrested with six of his deputies on treason charges in 2005. On October 26, a Federal high court judge permitted Uwazurike to leave detention for 3 months to attend his mother's funeral. At year's end Uwazurike had not returned to detention, and it was unclear whether his trial would begin.

On June 14, a Federal high court in Abuja granted bail to Mujahed Asari Dokubo, the leader of the Niger Delta People's Volunteer Force, who was arrested in 2005 for treason. Although the court cited Dokubo's reportedly deteriorating health, DPP Saliu Aliu attached conditions to the bail, noting Dokubo was still a threat to national security. The conditions included restrictions on traveling abroad, and if it was necessary to travel abroad, the requirement that he first inform the SSS and report to the nearest Nigerian Embassy upon arrival. Dokubo was also barred from attending political rallies in Nigeria or abroad. Press reports indicated that Asari Dokubo's bail may have been discreetly approved by the Federal Government in a bid to appease militants in the Niger Delta region and bring them into negotiations.

In August three newspapers published articles calling for the release of Hamza Al Mustapha and four codefendants charged with the 1996 attempted murder of Alex Ibru, the minister of internal affairs under the Abacha regime and publisher of *The Guardian* newspapers. The Christian Association of Nigeria in 19 northern states and Abuja called for the immediate release of all five defendants in the interest of the peace and unity of the nation. Former head of state and retired general Ibrahim Babangida also made an appeal for their release in the interest of peace, development, and economic improvement. One defendant, Ishaya Bamaiyi, was granted temporary bail at the end of 2006 to seek medical treatment abroad, but was later returned to prison in Lagos. Despite the attention given in the press, there were no developments in the pending trial by year's end.

The Economic and Financial Crimes Commission (EFCC) arrested and detained numerous government officials on corruption charges during the year. Critics charged that some arrests were politically motivated and that periods of investigative detention at times exceeded those allowed under the law.

Security forces detained journalists and demonstrators during the year.

Lengthy pretrial detention remained a serious problem, and human rights groups reported that detainees awaiting trial composed 60 percent of the prison population. Serious backlogs, endemic corruption, and undue political influence continued to hamper the judicial system. In a statement issued on September 4, Kano State Controller of Prisons, Muhammad Habib Iiyasu, said the Kano prison had over 900 inmates awaiting trial, some of whom would likely wait over 10 years before receiving a trial. The congestion in Kano Prison led to a clash between guards and detainees awaiting trial, resulting in the deaths of three guards and two detainees, and the hospitalizations of more than 20 inmates. Multiple adjournments in some cases led to serious delays. Police cited their inability to supply secure transportation for detainees on their trial dates as one reason why so many were denied a trial. The

NHRC reported that some detainees were held because their case files had been lost. Some state governments released inmates detained for longer than potential maximum sentences without trial. Although detainees had the right to submit complaints to the NHRC, the commission had no power to respond. Detainees could also complain to the courts, but they often lacked the means of communicating with the court. Even detainees with legal representation often waited years to gain access to the courts.

*Amnesty.*—Despite the Government’s announcement in January 2006 that it planned to relieve prison overcrowding by granting amnesty to 25,000 of the country’s 45,000 prisoners, little progress was made on implementing this plan. However, the Government often extended amnesties to those whose pretrial detention period exceeded the maximum sentence they would have received if convicted. In November 2006 then-President Obasanjo ordered an audit of the cases of all prisoners awaiting trial with an announced goal of releasing those who had been detained for long periods of time, those in ill health, or those over age 60, but there was no evidence that the audits took place. In May the Government announced that it would free all prisoners over age 70 and all those over 60 who had been on death row for more than a decade; however, there was no evidence that any inmates were released.

On October 25, Kano State Governor Ibrahim Shekarau granted amnesty to 48 inmates in the Kano prison system.

On November 26, Chief Judge of Kwara State Raliat Elelu-Habeeb released 21 of the 200 pretrial detainees due to deteriorating health or unnecessary detention.

On December 23, Kwara State Governor Bukola Saraki granted amnesty to 30 inmates at the Oke-Kura Federal Prison in Ilorin. The 30 included 14 pretrial detainees, eight condemned prisoners, and eight additional prisoners who were close to completing their sentences.

*e. Denial of Fair Public Trial.*—Although the Constitution and law provide for an independent judiciary, the judicial branch remained susceptible to executive and legislative branch pressure. Political leaders influenced the judiciary, particularly at the state and local levels. Understaffing, underfunding, inefficiency, and corruption continued to prevent the judiciary from functioning adequately. There was a widespread perception that judges were easily bribed and that litigants could not rely on the courts to render impartial judgments. Citizens encountered long delays and frequent requests from judicial officials for bribes to expedite cases or obtain a favorable ruling. Judges frequently failed to appear for trials, often because they were pursuing other sources of income, and sometimes because of threats against them. In addition court officials often lacked the proper equipment, training, and motivation to perform their duties, with lack of motivation primarily due to inadequate compensation.

The Ministry of Justice implemented strict requirements for levels of education and length of service for judges at the Federal and state level; however, there were no requirements or monitoring body for judges at the local level, leading to corruption and miscarriages of justice in those courts.

The regular court system is composed of Federal and state trial courts, state appeals courts, the Federal court of appeal, and the Supreme Court. There are Shari’a and customary (traditional) courts of appeal in states that use Shari’a for civil or criminal law, including a customary court in the FCT. Courts of first instance include magistrate or district courts, customary or traditional courts, Shari’a courts, and for some specified cases, the state high courts. The Constitution also provides that the Government establish a Federal Shari’a Court of Appeal and Final Court of Appeal, but these courts had not been established by year’s end.

The Constitution provides that states may establish courts based on common law or customary law systems. The law also provides that states may elect to use the Shari’a Penal Code in the courts. While the Shari’a courts had been in operation throughout the northern part of the country for centuries, in 2000, Shari’a courts were empowered to hear criminal cases and pass sentences based on the Shari’a penal code, which outlines hadd offenses and punishments, including caning, death by stoning, and amputation.

The nature of the case usually determined which court had jurisdiction. The return to the Shari’a courts stemmed at least in part from inefficiencies and corruption in the regular court system.

Defendants have the right to challenge the constitutionality of Shari’a criminal statutes through the common law appellate courts; however, no challenges with adequate legal standing reached the common law appellate system. The Constitution also provides for the Government to establish a Federal Shari’a court of appeal; however, this had not been done by year’s end. The highest appellate court for the

Shari'a remained the Supreme Court, staffed by common law judges who were not required to have any formal training in the Shari'a penal code.

*Trial Procedures.*—According to the Constitution, persons charged with offenses have the right to an expeditious trial. Criminal justice procedures call for a trial within 3 months of arraignment for most categories of crimes; however, there were considerable delays, often stretching to several years, in bringing suspects to trial. The law did not provide for juries to be used in trials. Most detainees were poor and could not afford to pay the informal costs associated with moving their trials forward, and as a result they remained in prison. Wealthier defendants employed numerous delaying tactics and in many cases used bribes to persuade judges to grant numerous continuances. Such practices clogged the court calendar and prevented trials from starting or progressing.

Trials in the regular court system were public and generally respected constitutionally protected individual rights in criminal cases, including a presumption of innocence, and the right to be present, to confront witnesses, to present evidence, and to be represented by legal counsel. Although an accused person is entitled to counsel of his choice, there is no law preventing a trial from going forward without counsel, except for certain offenses such as homicide or other offenses for which the penalty is death. The Legal Aid Act provides for the appointment of counsel in such cases, and stipulates that a trial does not go forward without counsel.

In both common law and Shari'a courts, indigent persons without legal representation were more likely to have their sentences carried out immediately upon being sentenced, although all accused persons have the right to appeal. The Federal Government instituted a panel of legal scholars in 2003 to draft a uniform Shari'a penal code to replace divergent Shari'a codes adopted by various northern states; however, the panel did not produce its report during the year, and states continued to apply their individual codes.

There were no legal provisions barring women or other groups from testifying in civil or criminal proceedings or giving their testimony less weight, but the testimony of women and non-Muslims usually was accorded less weight in Shari'a courts. Some "qadis" (Shari'a court judges) allowed separate evidentiary requirements to prove adultery or fornication for male and female defendants. For women, the incidence of pregnancy, which customarily is disallowable as evidence, was deemed permissible in some Shari'a courts. By contrast, men could only be convicted by confessing to the crime or by eyewitness testimony. However, Shari'a courts did provide women with some benefits, including increased access to divorce, child custody, and alimony, because it was significantly easier, faster, and cheaper to get an audience in a Shari'a court.

*Political Prisoners and Detainees.*—There were no reports of political prisoners or detainees; however, persons arrested in previous years for alleged treason remained in detention at year's end.

*Civil Judicial Procedures and Remedies.*—The Constitution and law provide for an independent judiciary in civil matters; however, the executive and the legislature also exerted undue influence and pressure in civil cases. A widespread lack of will by authorities to implement court decisions interfered with due process even when the executive branch did not attempt to compel a civil court to make a particular decision. The law provides for access to the courts for the redress of grievances, and courts can award damages and issue injunctions to stop or prevent a human rights violation. However, the decisions of civil courts were extremely difficult to enforce.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law prohibits such actions, but authorities at times continued to infringe on these rights. Police raided homes without warrants during the year.

The Federal Capital Development Authority (FCDA) continued to demolish homes and businesses in the FCT in spite of multiple court injunctions prohibiting further demolitions. The Government typically claimed that the homes or offices that were demolished lacked proper permits and consequently did not provide compensation to the owners, who were sometimes able to produce paperwork indicating the structures were built legally. There was no transparent legal process for deciding which homes would be bulldozed, and those who had their homes bulldozed had no recourse to appeal and received no compensation. The FCDA maintained the public position that the homes and offices did not comply with the master plan for the city. Hundreds of thousands of persons had been left homeless by demolitions that occurred over the past 3 years, and estimates of the number of homes and offices destroyed varied widely. There was widespread opinion that the demolitions were primarily motivated by corruption and discrimination based on socioeconomic class since mostly lower and middle class persons lost their homes, which were then sold to wealthy persons with connections to government officials.

On June 14, the FCDA demolished part of the office complex of Daar Communications PLC, owner of Africa Independent Television (AIT) and Ray Power Radio in the Asokoro area of Abuja. Three buildings, including those housing the studios and operations center, were destroyed. The FCDA claimed the station disregarded FCT planning rules, encroached on neighboring property, and was using residential premises for commercial purposes. However, Ladi Lawal, Managing Director of Daar, said that the FCDA visited and inspected the site on several occasions while it was being built.

Following his July appointment as minister of the FCT, Aliyu Modibbo Umar launched an investigation into the demolitions conducted by the previous minister and soon announced that demolitions would continue in order to restore the city's "master plan." On August 11, he ordered the demolition of the FCT Police Command, claiming the building lacked approval to be there.

On August 20, the governor of Nassarawa State, Aliyu Akwe Doma, announced plans to demolish the "slums" bordering the FCT. The unplanned housing areas expanded in Nassarawa over the year due to the forced eviction of persons from Abuja.

*g. Use of Excessive Force and Other Abuses in Internal Conflicts.*—The Niger Delta region of the country was home to Africa's largest oil industry, which exported an estimated 2.4 million barrels of crude per day. Particularly since 2006, militant groups increasingly employed violence, including kidnapping of oil company workers, to demand greater control of the region's resources. Abductions for ransom, armed robberies, gang turf wars, and fighting connected to the theft of crude oil, known as oil bunkering, continued during the year and contributed to a sharp decline in the region's general security and economic vitality.

Criminal gangs in areas such as Port Harcourt, Rivers State, were widely believed to be sponsored by politicians to intimidate opponents and aid election rigging. Some of these gangs (called "cults" locally) had amassed significant wealth and power. Violent power struggles between gangs resulted in hundreds of deaths, including of civilian bystanders, and reportedly damaged personal property and homes.

Numerous hostage situations occurred during the first 8 months of year. In some areas tensions remained high between oil producing communities and oil company employees and contractors. Over 200 persons (Nigerian nationals and expatriates) were kidnapped in approximately 60 incidents during the year. Many kidnappings were perpetrated by militant groups trying to force the Government to develop local economies, increase local control of oil revenues, or release prisoners; others were conducted primarily for financial gain. Oil facility guards and JTF soldiers were among those killed in these incidents. During the year Port Harcourt criminals began to kidnap the relatives (usually children or mothers) of prominent state politicians for ransom or to force payment for services, such as protection detail and voter intimidation, that were rendered during the elections.

Government authorities responded to a number of these incidents by deploying the JTF to the region. The JTF—a unit composed of the various military branches that was established by the Government in 2003 to restore stability in the Niger Delta region—reportedly used excessive force and engaged militants and criminals in gun battles, which occasionally resulted in civilian casualties and worsened security.

According to a report from Doctors Without Borders, violence in Port Harcourt reached unusually high levels during the first 2 weeks of August, resulting in 71 gunshot wounds, 27 stabbings, 16 serious beatings, and one rape; seven persons died from their injuries. On August 6, doctors reported an influx of patients arriving from all across the city. Most of the injured were innocent bystanders who were either at a market or near a bus station when armed gangs began shooting indiscriminately into crowds. The Government deployed troops and helicopter gunships to the city. There were numerous reports that military fire reached civilian targets.

*Killings.*—On March 4, after several days of rival gang clashes in Port Harcourt, 10 persons were killed. While it was not often clear which gang was responsible, violence was often attributed to militant group leaders Soboma George and rival Ateke Tom.

On May 29, gang leader Prince Igodo was killed during a gun battle allegedly led by Soboma George. It was widely believed that a former governor contracted George to kill Igodo to prevent his disruption of the new governor's inauguration and as retribution for Igodo's role in kidnapping the incoming governor's mother earlier in the year.

On June 21, JTF troops killed a dozen gunmen who were holding two dozen workers and soldiers hostage at a flow station run by Italian energy company Eni Spa. The gunmen had seized the oil installation 4 days earlier.

On August 16, the JTF launched a raid on an alleged hideout of militants who had been fighting in the streets of Port Harcourt for days. The raid initiated a day-long gun battle between the JTF and rival militant groups, resulting in the deaths of at least 40 persons, including innocent civilian bystanders.

On September 14, the JTF launched an attack on a suspected criminal hideout near Ogbogoro, Rivers State, using helicopter gunships and ground troops; an undetermined number of killings resulted. According to a JTF spokesman, the target was a criminal gang suspected of killing three village chiefs and two others in Port Harcourt.

Although the JTF contributed to the level of violence in some situations, observers reported that the force added to the region's overall level of security by filling a void left by the ineffective Nigerian Police Force.

There were no developments in the August 2006 case in which military security forces in the Niger Delta opened fire on a boat conveying suspected militants, killing 10 persons.

*Abductions.*—Militants and criminals abducted more than 200 persons during the year, including women, children, and foreign citizens. The majority of abductions took place at oil facilities despite the presence of armed guards and military police escorts.

For example, on July 6, the 3-year-old daughter of a British national in Port Harcourt was abducted on her way to school and released 3 days later. On July 13, the 3-year-old son of the traditional ruler of Iriebe, Rivers State, was abducted on his way to school and released the following day.

On August 16, John Hana-Daher, a Syrian national, died after spending 31 days as a hostage in Bayelsa State. Bayelsa State Governor Chief Timipre Sylva said five suspects were arrested in conjunction with Hana-Daher's kidnapping; no names or further information was provided.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution and law provide for freedom of speech and of the press; however, the Government sometimes restricted these rights in practice. Security forces beat, detained, and harassed journalists, some of whom practiced self-censorship.

There was a large and vibrant private domestic press that frequently criticized the Government. Only one national, government-owned daily newspaper was published. Several states owned daily or weekly newspapers that also were published in English. These publications tended to be poorly produced, had limited circulation, and required large state subsidies to continue operating. There were more than 14 major daily newspapers, 6 weekly newsmagazines, and several sensationalist evening newspapers and tabloid publications.

Because newspapers and television were relatively expensive and literacy levels were low, radio remained the most important medium of mass communication and information. The Government owned and controlled much of the electronic media. The National Broadcasting Commission (NBC) was responsible for the deregulation and monitoring of the broadcast media.

The national television station, Nigerian Television Authority, was federally owned. The law requires local television stations to limit programming from other countries to 40 percent and restricts the foreign content of satellite broadcasting to 20 percent. The NBC's 2004 ban on live broadcast of foreign news and programs remained in force, although there were no restrictions on live news broadcast through international cable or satellite services.

Unlike in the previous year, there were no reports that journalists were killed.

There were no developments in the 2006 killing by unknown assassins of Godwin Aybroko, editor and columnist of *This Day* newspaper in Lagos.

Security forces beat journalists. For example, on May 1, journalist Dare Folorunso was taken to a hospital in a coma after several Ondo State policemen, including Deputy Commissioner Joshua Mumbo, beat him. Police objected to Folorunso taking photos during a May Day rally at Akure Stadium and attempted to confiscate his camera, at which point Folorunso defended himself. He later recovered and was discharged. The local Union of Journalists asked police to pay compensation and offer Folorunso a public apology; however, no action was taken by year's end.

Security forces detained journalists and seized newspapers during the year. For example, on January 9, SSS agents raided the offices of the daily newspaper *Leadership*. Agents seized documents and detained reporter Danladi Ndayebo for 9 hours, questioning him about his sources for a January 6 story that contended presidential candidate Peter Odili was forced out of the primaries by then-President Obasanjo. The SSS sealed the *Leadership* offices, questioned staff, and demanded copies of the original draft of the story. SSS agents also detained Editor Bashir Bello Akko for

15 hours, General Manager Samuel Nda-Isaiiah for 9 hours, and staff member Abubakar Dzukogi for 2 hours.

On January 10, SSS officials detained Abuja Inquirer publisher Dan Akpovwa and editor Sode Abbah in connection with a story that claimed a military coup was possible because of a public disagreement between former President Obasanjo and former Vice President Atiku Abubakar. SSS agents sealed the newspaper's office and seized computer discs, a hard drive, and copies of the newspaper. Akpovwa was released after 36 hours, and Abbah was released after 48 hours.

On June 27, 15 armed men, including two police officers in uniform, stormed the printing plant of privately owned weekly paper Events in Uyo, Akwa Ibom State, and allegedly seized about 5,000 copies of the newspaper. The men arrived in five vehicles, one of which had a government license plate from southern Akwa Ibom State. The raid was linked to an article in the paper reporting an alleged criminal indictment against Governor Godswill Akpabio over illicit business transactions in neighboring Abia State. Although Governor Akpabio had been indicted by a commission of inquiry, he had not been formally indicted by a court. The paper republished the story the following day without incident. On October 10, the SSS arrested Events editor Jerome Imeime and charged him with sedition for criticizing the state's governor on the front page of the paper. Imeime was released 3 weeks later, and no further information was available at year's end.

At year's end journalist Rotimi Durojaiye remained free on bail while an appeals court considered the constitutionality of the June 2006 sedition charge against him for reporting that former President Obasanjo had purchased a secondhand airplane.

The Government suspended television and radio stations during the year.

On April 16, the SSS, backed by the police, forcefully entered the transmission studio of AIT and forced the staff to stop transmitting a documentary critical of President Obasanjo and the ruling PDP. In place of the documentary, a tape conveying campaign activities of PDP presidential candidate Yar'Adua and highlights of Obasanjo's achievements was played. SSS agents seized tapes of all commercially sponsored programs that were scheduled for that day and also shut down AIT's sister radio station, Ray Power FM. Press reports quoted SSS Spokesman Ado Muazu as saying that the programming had "security implications." The NBC warned the station that it would face "serious sanction" if it aired the program again.

On May 23, armed men invaded the Broadcasting Corporation of Oyo State, where the Oyo State radio and television stations were located. Some workers were injured as the men vandalized the studios, carted away broadcast equipment, and disrupted broadcasting. The affiliation of the armed men had not been determined by year's end.

Local NGOs suggested that newspaper editors and owners underreported actual human rights abuses and killings, particularly election-related violence, due in part to government intimidation.

The law criminalizes libel and requires defendants to prove the truth of opinion or value judgment contained in news reports or commentaries. This limited the circumstances in which media defendants could rely on the defense of "fair comment on matters of public interest" and restricted the right to freedom of expression. Penalties for libel ranged from 1 to 7 years' imprisonment.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. However, several Internet news sites critical of the Government experienced server problems which site owners attributed to government interference. Such disruptions in service usually lasted a few hours to a day.

Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. A 2006 survey revealed that only 1.3 percent of households owned a personal computer and that 1.5 percent of households had fixed line telephone service. However, these limits were attributed to poverty rather than government restriction. Cyber cafes were widely available in metropolitan areas and unmonitored by the Government.

*Academic Freedom and Cultural Events.*—State governments continued to restrict academic freedom by controlling curriculum at all levels, including mandating religious instruction. Student groups alleged that numerous strikes, inadequate facilities, and the rise of gangs on campuses, particularly in the south, continued to hamper educational progress.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The Constitution and law provide for freedom of assembly, and the Government generally respected this right for progovernment rallies, while opposition gatherings continued to be restricted. In areas that experienced societal

violence, police and security forces permitted public meetings and demonstrations on a case-by-case basis.

Police frequently cited the 1990 Public Order Act to disband meetings critical of the Government, in spite of the Abuja High Court's 2005 decision to strike down the Act, which required a police permit to be issued for all public rallies and processions. The attorney general and the Nigerian Police Force filed an appeal over the High Court's decision, and on December 11, the Court of Appeal in Abuja declared that it would no longer be necessary to obtain a permit for any assembly and that the Public Order Act infringed upon the fundamental rights provided for in the Constitution. On December 14, however, the inspector general of police announced that the police force would appeal the decision to the Supreme Court. The case was ongoing at year's end.

The Government occasionally banned gatherings whose political, ethnic, or religious nature might lead to unrest. Open-air religious services held away from places of worship remained prohibited in many states due to fears that they might heighten interreligious tensions. The Kaduna State government ban on processions, rallies, demonstrations, and meetings in public places still was enforced on a case-by-case basis. A security forces committee ban on all political, cultural, and religious meetings in Plateau State continued to be implemented on an ad hoc basis.

On March 10, groups affiliated with the PDP and DPP went on a 48-hour vandalism spree in Sokoto, destroying each other's party offices and members' vehicles. Several injuries were reported, and the police responded by banning all political rallies in the state, a decision that remained in effect through the April elections.

On April 29, then-IGP Ehindero told the media that he instructed state commissioners not to grant permits for political rallies or processions and that any rally held without police permit would be dispersed forcefully. The use of tear gas was approved as a means of dispersal.

Security forces forcibly dispersed and arrested demonstrators during the year, resulting in numerous injuries. On May 1, during the nationwide Labor Day celebrations, Abuja police detained over 235 persons for attempting to protest the recent elections, and police in Lagos arrested approximately 80 others. In Benin City, Edo State, the SSS beat the presidential candidate of the National Conscience Party, Osagie Obayuwana, as he and his followers tried to take part in the annual Labor Day celebration. Obayuwana and Chief Dide Adodo, an official of the Labour Party, were arrested by the SSS but were subsequently released.

On July 12, a team of mobile police officers accompanied by officials on the Abuja Environmental Protection Board (AEPB) disbanded an Abuja rally to launch the HungerFREE campaign to draw attention to hunger in the country. AEPB officers arrested Ojobo Atuluku, the country's nominee to the U.N. Committee on the Rights of the Child, and 20 other employees of ActionAid International, Nigeria (AAIN). AEPB official Muhammed Abuja, who led the arrest, stated that the march was illegal since the organizers did not obtain the board's permission. The police officers roughly handled the AAIN employees and sprayed teargas to disperse the crowd.

The court case remained pending for the 24 civil society representatives arrested in February 2006 for protesting a proposed constitutional third term; the 24 were granted bail.

There were no developments in other numerous 2006 cases in which police and army units forcibly deployed demonstrators.

*Freedom of Association.*—The Constitution and law provide for the right to associate freely with other persons in political parties, trade unions, or special interest associations, and the Government generally respected this right in practice. The Constitution and law allow the free formation of political parties. There were 51 parties registered with the Independent National Electoral Commission (INEC) at year's end.

*c. Freedom of Religion.*—The Constitution and law provide for freedom of religion; although the Federal Government generally respected religious freedom, there were instances in which limits were placed on religious activity to address security and public safety concerns.

The Constitution prohibits state and local governments from adopting or giving preferential treatment to a religious or ethnic community; however, states, whether predominately Christian or Muslim, generally favored the faith practiced by the majority of their residents. Some Christians alleged that the 2000 reintroduction and enforcement of criminal aspects of the Shari'a legal system and the continued use of state resources to fund the construction of mosques, the teaching of qadis (Shari'a court judges), and subsidies for the pilgrimage to Mecca across the 12 northern states amounted to the adoption of Islam as a de facto state religion. Moreover, the Civil Liberties Organization (CLO) contended that the establishment of a Ministry



of Religious Affairs and the creation of a preacher's council in Zamfara State was tantamount to adopting Islam as a state religion. However, several states, including northern states, apportioned funds to finance Christian pilgrimages to Jerusalem and to construct churches.

The Constitution provides that states may establish courts based on the common law or customary court law systems. Individual states in the north had elected to create Shari'a courts alongside the common law and customary courts. Many other states, including central states Benue and Plateau, had Shari'a appellate courts. In 2000, 12 northern states (Sokoto, Kebbi, Niger, Kano, Katsina, Kaduna, Jigawa, Yobe, Bauchi, Borno, Zamfara, and Gombe) reintroduced criminal law aspects of the Shari'a legal system. Prior to 2000 the courts used the Shari'a system to adjudicate civil matters only. Adherence to Shari'a criminal law was compulsory for Muslims in some states and optional in others. While the Constitution technically does not permit non-Muslims to consent to Shari'a jurisdiction, in practice non-Muslims have the option of submitting to Shari'a jurisdiction when the penalty under the Shari'a is less severe than under civil law (e.g., a fine rather than a prison sentence).

Although several northern states continued to ban public proselytizing to forestall ethnoreligious violence, some Christian proselytizing groups remained active despite these formal bans. The bans generally were enforced on a case-by-case basis.

The Constitution does not require students to receive religious instruction in secular public schools. However, state governments occasionally passed laws seeking to incorporate religious studies into the curriculum. NGOs such as the CLO claimed that the 12 northern states had made Islamic religious education compulsory in previously secular public schools. Authorities of several of these states claimed that schools did not require students to attend classes of a religious group other than their own, and that students could request a teacher of their own religious beliefs to provide alternative instruction. However, there were often no teachers of "Christian Religious Knowledge" in many northern schools or of "Islamic Religious Knowledge" in southern schools.

Although the Government generally did not restrict distribution of religious publications, it sporadically enforced a ban against broadcasting religious advertisements on state-owned radio and television stations. Private radio stations regularly broadcast religious programming.

Although the expanded jurisdiction of Shari'a did not apply to non-Muslims in civil and criminal proceedings, certain social mores inspired by Shari'a, such as the separation of the sexes in public schools, health care, and transportation services, affected non-Muslim minorities in the north. Although most Shari'a states did not criminalize alcohol consumption by non-Muslims, Kano State maintained laws providing for steep fines and prison sentences for the distribution and public consumption of alcohol. However, there were no reports of non-Muslims being penalized during the year. In spite of the ban, alcohol was available in Kano at hotel bars and restaurants. In some northern states, government officials restricted the sale and public consumption of alcohol to Federal Government installations, such as military and police barracks.

Some states continued to offer gender-segregated transportation. State governments in Bauchi, Kano, Niger, and Zamfara provided motorcarriages—similar to a motorized rickshaw—for Muslim women who were not permitted to ride on motorcycle taxis ("okadas").

A number of states with expanded Shari'a laws sanctioned enforcement of such laws by private groups known as the Hisbah, which were funded by state governments. In some cases these groups had authority to make arrests, but they primarily served as traffic wardens and helped regulate commercial activity in the marketplace. The Hisbah groups were active during the year in Zamfara, Niger, and Kano States.

*Societal Abuses and Discrimination.*—The law prohibits religious discrimination in employment and other practices; however, private businesses frequently discriminated on the basis of religion or ethnicity in their hiring practices and purchasing patterns. In nearly all states, ethnic rivalries between "indigenes" and "settlers" led to some societal discrimination against minority ethnic and religious groups.

Religious differences often mirrored regional, tribal-ethnic, and occupational differences. For example, in many areas of the Middle Belt, Muslim Fulani tended to be pastoralists, while the Muslim Hausa and most Christian Igbo and other ethnic groups tended to be farmers or work in urban areas. Consequently ethnic, regional, economic, and land use competition often correlated with religious differences between the competing groups. Interreligious tension between Christians and Muslims remained in some areas, and conflicts of a seemingly socioeconomic or political nature often divided persons along religious lines.

There were a few instances of societal abuse and discrimination against members of Jehovah's Witnesses who refused for religious reasons to join local age-grade associations or women's associations. Communities in Abia State sometimes ostracized Jehovah's Witnesses, denying them the right to sell goods in the public market or to retrieve water from the public tap.

Ethnoreligious violence resulted in numerous deaths and the displacement of hundreds of persons throughout the country. Most persons displaced by violence sought refuge with family, friends, or communities where their ethnic group was in the majority. Most displacement was temporary, however, as the majority of persons—including most of the 50,000 persons displaced in 2006—returned to their homes once the violence subsided.

For example, on April 13, unknown assailants shot and killed prominent Islamic cleric Ustaz Ja'afar Adam and one of his followers inside a mosque in the northern city of Kano. The killing of Adam, a member of the strict Wahabbi strain of Islam, was allegedly due to a dispute between Islamic sects.

On September 29, violence erupted in the Tudun Wada area of Kano State after a Christian teacher allegedly displayed a caricature of the Prophet Muhammad in his classroom. Nine persons were killed and churches were razed during altercations between Muslim and Christian youths.

On December 11, violence erupted in Yelwa, Bauchi State, following the demolition of a mosque by persons who were allegedly upset that it was being constructed on the grounds of a public secondary school. In retaliation, Muslim youths destroyed churches and properties belonging to Christian residents. Many residents fled their homes during the violence and remain in neighboring villages. The military was deployed to the area and imposed a curfew to calm the violence.

In July interreligious riots were sparked between Sunni and Shi'a residents of Sokoto following the July 18 shooting and killing of Sunni cleric Umaru Dan-Maishiyya, allegedly by members of Sokoto's Shia minority. Police arrested 112 persons, and the SSS detained Shia leader Malam Kasimu Tawaye and several dozen of his followers for several days without formal arraignment. The press reported that the SSS destroyed a clinic, school, and living quarters of the Shia community in Sokoto. The Sokoto State government and Federal Government pledged to investigate fully Dan-Maishiyya's killing; however, little progress has been made in the investigation by year's end.

There were no developments in the 2006 case in which thousands of persons were internally displaced as a result of widespread rioting and sectarian violence sparked by protests over caricatures of the Islamic Prophet Muhammed; in the February 2006 rioting in Maiduguri, Borno State; in the February 2006 case in which 25 persons were reportedly arrested in a demonstration in Bauchi State; in the February 2006 case in which a riot broke out when unidentified Muslim students at a nursing school in Sokoto threatened a female Christian student after she used inflammatory language denigrating the prophet Muhammed; or in the September 2006 case in which churches in Jigawa State were burned. There were no reports that the Government took action on a 2006 petition for aid by members of Jehovah's Witnesses victimized in 2005.

There were no reports of anti-Semitic acts during the year.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution and law provide for freedom of movement, foreign travel, emigration, and repatriation, and while the Government generally respected these rights, police occasionally restricted freedom of movement by enforcing curfews in areas experiencing ethnoreligious violence. Security and law enforcement officials continued to use excessive force at checkpoints and roadblocks and engaged in extortion and violence. On some stretches of road police maintained checkpoints every few miles.

A September 2006 ban imposed by FCT authorities on okadas continued in the city of Abuja. The FCT claimed the okadas were dangerous, but they were the sole source of transportation for many. The ban forced commuters to walk many miles or hitch a ride in private vehicles to get to and from work every day.

Kano State's 2005 ban prohibiting okadas from taking female passengers continued during the year. The ban did not affect non-Muslim women, and the Government provided private motorcarriages for Muslim women to use.

The law prohibits the expulsion of citizens, and the Government did not use forced exile. Ismaila Gwarzo, national security advisor to former President Abacha, remained restricted to his hometown in Kano State after former President Obasanjo issued the informal injunction to prevent Gwarzo from allegedly plotting against him.

The FDCA continued to demolish homes and businesses in the FCT, which left numerous persons homeless.

*Internally Displaced Persons (IDPs).*—Ethnic conflict along the Benue State and Taraba State border resulted in the displacement of hundreds of persons in July and August as they fled their homes to avoid further persecution in the decades old tribal feud over farmland and political power. The governors of Benue and Taraba states held several “peace summits” with local leaders and tribal chiefs that helped subdue the violence, but most of those displaced had not returned home by year’s end.

*Protection of Refugees.*—The law provides for the granting of asylum and refugee status to persons in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. The Government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution, and granted refugee status or asylum. The Government cooperated with Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers through the National Commission for Refugees, its Federal commissioner, and the National Emergency Management Agency. The Eligibility Committee (on which the UNHCR had observer status), governed the granting of refugee status, asylum, and resettlement, and reviewed refugee and resettlement applications.

Refugee camps were generally overcrowded, and refugees’ requests for police and judicial assistance generally received little attention. Refugees had poor access to the courts, but observers noted that it was no worse than that of citizens.

The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol and provided it to a small number of persons during the year.

In August the Government signed a multipartite agreement with the Governments of Liberia and Sierra Leone, the Economic Community of West African States, and UNHCR to locally integrate Liberian and Sierra Leonean refugees in Nigeria. On November 27, the Government held a national conference in Abuja to develop a plan to implement the integration.

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

The Constitution and law provide citizens with the right to change their government peacefully through periodic, free, and fair elections held on the basis of universal suffrage; however, citizens’ right to change their government was abridged during the most recent national and state elections in April, which were conducted amid widespread fraud and numerous incidents of violence.

*Elections and Political Participation.*—On May 29, Umaru Musa Yar’Adua was sworn in as president with his vice president, Goodluck Jonathan. The inauguration marked the first transition from one elected presidential administration to another since the country gained independence from colonial power Britain in 1960. Unfortunately, the April election that brought them to power was deemed fundamentally flawed by citizens and international observers alike. On August 28, as part of his pledge to address the shortcomings in the electoral system, President Yar’Adua established the Electoral Reforms Panel, comprised of governmental and NGO representatives, which was charged with bringing the electoral process up to international standards.

The April 2007 presidential, national assembly, gubernatorial, and state-level elections were marred by poor organization, widespread fraud, and numerous incidents of violence. The Government, through INEC, undertook voter registration; however, this effort was poorly organized, seriously flawed, incomplete, and not widely publicized. Although INEC claimed 60 percent voter turnout nationwide, most independent observers estimated it at less than 20 percent. In some states, local and international observers reported that they were unable to locate any open polling stations where voting was supposed to be taking place, despite INEC’s later claims of voter turnout well above 50 percent for those polling stations. In other states, observers noted polling stations did not open until the late afternoon and were forced to close in the early evening due to darkness or state curfews, thereby restricting the number of voters who could be processed and allowed to vote.

A total of 43 parties participated in the national assembly elections, and 24 parties fielded candidates in the presidential election. The European Union Election Observation Mission stated that the elections “fell far short of basic international and regional standards for democratic elections,” while the Transition Monitoring Group—a coalition of over 60 organizations throughout the country that monitors

elections, encourages participation, and promotes proper voting procedures—described the elections as “a charade.” All major independent observer groups, international and domestic, issued questioning statements about the fairness of the elections and cited problems throughout the country including ballot stuffing, intentional miscounting at both polling stations and ballot compilation stages, underage voting, multiple voting, intimidation, violence, and political killings resulting in at least 300 deaths. Although all parties participated in the misconduct, observers cited violations by the ruling PDP significantly more often than those other parties.

Following the elections, election tribunals received over 1,250 legal motions filed across the country to overturn the results of individual elections for all levels of government posts, including the presidency. Both major rival candidates of Yar’Adua—Atiku Abubakar and Muhammadu Buhari—petitioned for the annulment of the presidential race. The cases filed to overturn National Assembly results included a case contesting the election of Senate President David Mark in Benue State. By year’s end several tribunals had concluded their deliberations, resulting in the nullification of nine local-level elections, six senatorial elections, and five gubernatorial elections. Due to discrepancies during the 2003 elections, the Government passed the Electoral Act of 2006, which outlines the legal procedures for conducting and contesting an election. Although it was widely accepted that the 2007 elections were fraudulent, most of the tribunals overturned elections based on technicalities such as not having the party logo on the ballot or not having the party name listed, rather than for criminal activity related to the elections.

Political violence occurred at federal, state, and local levels, as well as within political parties, but statistics on political violence were difficult to obtain. Even NGOs within the country could not agree on what constituted political violence or how many such incidents occurred. By March 30, 51 cases of killings, kidnappings, and clashes among supporters in Bayelsa, Bauchi, Benue, Rivers, and Delta states were recorded by the Nigerian Alliance for Peaceful Elections. The South Africa-based Institute for Democracy claimed that as many as 280 persons were killed in the country between February and March. The Government made little effort to investigate or bring charges in any of these cases of political violence.

Incidents of political violence include the February case in which at least 35 persons were killed during 7 days of clashes in the Ogoni region of Rivers State, where two of Governor Peter Odili’s associates were fighting over political control.

On March 10, fighting broke out between PDP and ANPP supporters in Abeokuta, Ogun State, after PDP supporters allegedly forced ANPP vehicles to stop. Four persons died and others were critically injured, several vehicles were destroyed, and ANPP gubernatorial candidate Senator Ibikunle Amosun was arrested on March 11 for inciting the violence. Amosun was held for 2 days before being released, and no charges were ever filed.

On March 20, armed DPP supporters in Gombe stormed a magistrate’s court, forcibly freeing DPP gubernatorial candidate Abubakar Habu Hashidu and wounding the judge presiding over his case. On March 18, Hashidu and 14 of his supporters were arrested for allegedly inciting a riot in Gombe. Hashidu and his supporters maintained they were defending themselves against an attack by a group called Yan Kalare, widely believed to be a PDP-supported group.

There were no developments in the 2006 cases in which violence marred PDP local government congresses in several states.

The electoral law allowed those who felt they had been disenfranchised to leave their existing party and form a new one. There were allegations that new parties were established by the PDP for the purpose of confusing voters with large numbers of candidates.

There were no developments in the 2006 cases in which the SSS detained and questioned the leader of the Advanced Congress of Democrats, a political party that had recently been formed by former members of the ruling PDP; or in which eight leaders of the Turaki Vanguard, a campaign group supporting the vice president, were charged with belonging to an unlawful society.

Although there were more than 500 ministerial and National Assembly positions, there were only six female ministers, nine female senators, and 27 female representatives at year’s end.

To promote national unity and loyalty, the law mandates that the composition of the federal, state, and local governments and their agencies, as well as the conduct of their affairs, reflect the diverse character of the country. The Government was an example of this diversity: President Yar’Adua is a Fulani from the northern city of Katsina, the vice president is an Ijaw from the southern state of Bayelsa, and the senate president is an Idoma from the central state of Benue. The Government also attempted to balance other key positions among the different regions and ethnic groups. The political parties also engaged in “zoning,” a practice of rotating positions

within the party among the different regions and ethnic groups to ensure that each region was given adequate representation. Despite this effort, with more than 250 ethnic groups, it was difficult to ensure representation of every group in the Government.

*Government Corruption and Transparency.*—Corruption was massive, widespread, and pervasive, at all levels of the Government and society. The Constitution provides immunity from civil and criminal prosecution to the president, vice president, governors, and deputy governors.

The EFCC continued a strong anticorruption campaign during the year, arresting a number of federal, state, and local officials and seizing millions of dollars in assets. Some observers lauded the commission's actions as a centerpiece of the Obasanjo administration's war on corruption, but critics claimed that some EFCC investigations were politically motivated, singling out political opponents of the administration, and that the EFCC did not always follow proper criminal procedure. During the year the EFCC brought or threatened criminal charges against several persons intending to run as presidential candidates.

On December 27, IGP Michael Okiro announced that EFCC Chairman Nuhu Ribadu was being sent to a year-long training course. Ribadu's sudden and unexpected transfer was protested by domestic civil society and international anticorruption and human rights groups, who feared that it was an attempt to weaken the effectiveness of the country's premier antigraft institution. The Government responded that the transfer was a routine administrative matter and pledged to continue the anticorruption drive.

On July 13, the EFCC arrested and charged four former governors—Chief Orji Kalu of Abia State, Saminu Turaki of Jigawa State, Reverend Jolly Nyame of Taraba State, and Joshua Dariye of Plateau State—at Kuje Medium Security Prison in Abuja with laundering money totaling almost \$400 million (50 billion naira). On August 13, the Federal High Court granted Turaki bail, and he was released.

The EFCC prosecuted former governor of Abia State, Orji Kalu, for allegedly laundering an estimated \$24.5 million (3.1 billion naira) from Abia State. The Federal High Court in Abuja remanded Kalu to Kuje Medium Security Prison, where he spent 16 days before posting bail on August 2. The attorney general attempted to have the trial discontinued based on an earlier Abia State High Court ruling that was intended to shield Kalu from arrest and trial. The EFCC and attorney general battled openly in the press over the matter, and on September 28, the EFCC filed a motion for appeal and insisted that it had the right to arrest and prosecute Kalu. The investigation and hearings continued at year's end.

On December 12, the EFCC arrested former Delta State governor James Ibori on a 103-count charge of abuse of office, corruption, and money laundering. On December 18, the Federal High Court in Kaduna denied Ibori bail and scheduled his trial to begin on January 11, 2008.

The EFCC also investigated numerous Federal Government officials for allegedly accepting bribes from international companies. On December 5, the Government suspended dealings and canceled a supply contract with telecommunications company Siemens pending an investigation into allegations it gave more than \$14 million (1.6 billion naira) in bribes to Federal officials. Also in December, the EFCC investigated numerous Federal officials over a \$6 million (700 million naira) bribe paid by Wilbros Group Incorporated to facilitate a gas pipeline contract. Investigations were ongoing at year's end.

On December 4, former governor of Ekiti State, Ayodele Fayose—who went into hiding soon after his October 2006 impeachment for his role in embezzling \$9.4 million (1.2 billion naira) from the state—returned home to Ado, the capital of Ekiti State. On December 17, Fayose surrendered to the EFCC to defend himself against allegations that he took money totaling \$101 million (11.8 billion naira) from Ekiti State. The Federal High Court in Lagos remanded Fayose to Ikoyi Prison in Lagos on a 51-count charge of fraud, money laundering, and illegal diversion of public funds. Fayose pleaded not guilty but was denied bail. On December 22, while still in custody, the Ekiti High Court issued a warrant for Fayose's arrest for the murder of Tunde Omojola in 2005. At year's end Fayose was scheduled to appear in the Ekiti High Court on January 10, 2008.

In August former Plateau State governor Joshua Dariye was released on bail following his November 2006 impeachment on corruption charges for allegedly embezzling money intended for the Plateau State treasury. On March 10, after a court of appeals ordered Dariye reinstated as governor, the Plateau State government announced its intention to appeal to the Supreme Court. On April 27, the Supreme Court refused the appeal of the Plateau State government and ordered Dariye's immediate reinstatement. He remained in office until the inauguration of new gov-

ernor on May 29. On July 19, Dariye was remanded to prison by the Abuja High Court for alleged corruption and granted bail on July 29.

Complicit prison and hospital officials reportedly forged death certificates for convicted drug offenders to aid their escape from prison. In the 18-month period between January 2005 and August 2006, approximately 200 convicted drug offenders escaped in this manner. In some cases drug offenders paid other persons to serve their prison sentences. Despite reports that in 2006 President Obasanjo ordered the attorney general to form a commission to further investigate these preliminary findings, there was no evidence that a committee was formed during the year.

On July 26, Bayelsa State Governor Diepreye Alamieyeseigha, who was arrested in the United Kingdom in 2005 on charges of money laundering and was denied bail in 2006, pleaded guilty before a Nigerian court to six of the charges and was sentenced to 2 years in prison on each charge. However, since the sentences were set to run concurrently and the time was counted from the point of his arrest nearly 2 years prior, he was released due to time already served 2 hours after being taken to prison. The court also ordered the confiscation and forfeiture of his assets, which allegedly consisted of six companies, nine properties located in several countries, and funds in excess of \$20.4 million (2.4 billion naira). The Federal Government also brought charges against Alamieyeseigha, but they were dropped on December 13, when the attorney general withdrew the case, citing double jeopardy since the charges were identical to those Alamieyeseigha was found guilty of previously.

There were no laws providing for access to information, and the Government provided limited access in practice. Although both houses of the National Assembly passed a Freedom of Information Bill earlier in the year, the bill had to be resubmitted after the new administration took office in May. At year's end the bill was again before the House and Senate.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

On September 26, in an incident that observers described as a government effort to intimidate local civil society groups, the SSS detained and charged with espionage the director of an NGO that worked to promote conflict management in the Delta region, Judith Asuni, and her Nigerian colleague Danjuma Saidu. Two German filmmakers, Florian Optiz and Andy Lehmann, were arrested on related charges for filming oil installations in the Delta. In the process of trying to collect evidence, the SSS searched other NGO offices in the Port Harcourt area that were known to have a connection to Asuni. On November 5, Asuni was released on her own recognizance on the condition that she appear at her trial on November 12. On November 6, however, the attorney general filed a motion for the dismissal of the charges against Asuni and the other three defendants.

Numerous domestic and international NGOs were active in the country. Significant NGOs included AI, the Campaign for Democracy, the Center for Law Enforcement Education, the Committee for the Defense of Human Rights, Global Rights, Human Rights Watch (HRW), Women Trafficking and Child Labor Eradication Foundation (WOTCLEF), and the Women's Consortium of Nigeria. NGOs were generally independent of the Government although some, such as WOTCLEF, which the previous vice president's wife chaired, had close government ties.

The Government met with NGOs, and civil society organizations facilitated government/NGO communications.

International NGOs, including AI, HRW, and the U.N. Special Rapporteur on Torture, actively addressed human rights issues in the country during the year.

The NHRC, which the Government tasked with monitoring and protecting human rights, had zonal affiliates in each of the country's six political regions. Since its inception, the NHRC's operations were limited by insufficient funding. The commission also lacked judicial authority and could only make nonbinding recommendations to the Government.

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

The Constitution and law prohibit discrimination based on community, place of origin, ethnic group, sex, religion, or political opinion; however, the Government did not enforce the law effectively.

*Women.*—The law criminalizes rape and provides substantial penalties for convictions, but societal pressures and the stigma associated with being a rape victim reduced both the percentage of rapes reported and the penalties imposed for convicted

tion. The law recognizes spousal rape as a separate offense; however, spousal rape was difficult to prove in court, and no such prosecutions were reported during the year. Rape continued to be epidemic in universities. In November 2006 AI issued a report criticizing the judicial system for a conviction rate of only 10 percent of the total number of rape prosecutions.

Domestic violence was widespread and often considered socially acceptable. Reports of spousal abuse were common, especially wife beating. Police normally did not intervene in domestic disputes, which seldom were discussed publicly. The law permits husbands to use physical means to chastise their wives as long as it does not result in "grievous harm," which is defined as loss of sight, hearing, power of speech, facial disfigurement, or life-threatening injuries. In more rural areas, courts and police were reluctant to intervene to protect women who formally accused their husbands of abuse if the level of alleged abuse did not exceed customary norms in the areas. According to the 2003 Nigeria Demographic and Health Survey (NDHS), 64.5 percent of women and 61.3 percent of men agreed that a husband was justified in hitting or beating his wife for at least one of six specified reasons, including burning food and not cooking on time.

AI estimated that two-thirds of the women in certain communities in Lagos State experienced physical, sexual, or psychological violence in the family, with husbands, partners, and fathers responsible for most of the violence. Discriminatory laws exacerbated the problem. For example, the penalty for sexual assault of a man is more severe than the penalty for the same offense against a woman.

The NDHS estimated that approximately 19 percent of the female population had been subjected to FGM, although the incidence had declined steadily in recent years. While practiced in all parts of the country, FGM was much more prevalent in the southern region among the Yoruba and Igbo. Women from northern states were less likely to undergo the most severe type of FGM known as infibulation. The age at which women and girls were subjected to the practice varied from the first week of life until after a woman delivered her first child; however, three-quarters of the NDHS 2003 survey respondents who had undergone FGM had the procedure before their first birthday. According to the survey, the principal perceived "benefits" of FGM included maintaining chastity/virginity before marriage, giving the victim better marriage prospects, providing more sexual pleasure for men (primarily according to male respondents), and aiding safe childbirth.

The Federal Government publicly opposed FGM but took no legal action to curb the practice. Because of the considerable impediments that anti-FGM groups faced at the Federal level, most refocused their energies on combating the practice at the state and local levels. Bayelsa, Edo, Ogun, Cross River, Osun, and Rivers states banned FGM. However, once a state legislature criminalized FGM, NGOs found that they had to convince the Local Government Area authorities that state laws were applicable in their districts. The Ministry of Health, women's groups, and many NGOs sponsored public awareness projects to educate communities about the health hazards of FGM. They worked to eradicate the practice, but financial and logistical obstacles limited their contact with health care workers on the medical effects of FGM.

During the year there were no known prosecutions resulting from a 2005 Osun State law intended to punish persons who encouraged FGM. The law criminalizes the removal of any part of a sexual organ from a woman or a girl, except for medical reasons approved by a doctor. According to the provisions of the law, an offender is any female who offers herself for FGM; any person who coerces, entices, or induces any female to undergo FGM; and any person who other than for medical reasons performs an operation removing part of a woman or girl's sexual organs. The law provides for a fine of \$385 (50,000 naira), 1 year's imprisonment, or both for a first offense, and doubled penalties for a second conviction.

Prostitution was pervasive, particularly in urban areas. There are statutes at both the Federal and state levels criminalizing prostitution. All states that had adopted Shari'a had criminalized prostitution, and this ban was enforced with varying degrees of success. The police frequently used the antiprostitution statutes as tools for harassment, arresting offenders and holding them until they paid a bribe, but rarely prosecuting the cases in court. Corporate prostitution—the hiring of women as corporate employees in the formal sector to perform sexual acts to attract or retain clients to a company—was a problem, particularly in the banking industry.

Trafficking in women was a problem.

Sexual harassment was a problem. There were no statutes against sexual harassment, but violent forms were adjudicated under assault statutes. The practice of demanding sexual favors in exchange for employment or university grades continued to be common. In some parts of the country, women continued to be harassed for social and religious reasons. Purdah, the cultural practice of secluding women and

pubescent girls from unrelated men, continued in various parts of the north. Although women's movement was restricted during daylight hours, many women pursued economic and social activities outside the home in the evening.

Women also experienced considerable economic discrimination. While there are no laws barring women from particular fields of employment, women often experienced discrimination under traditional and religious practices. The Nigerian NGOs Coalition expressed concern regarding continued discrimination against women in the private sector, particularly in access to employment, promotion to higher professional positions, and salary equality. There were credible reports that several businesses operated with a "get pregnant, get fired" policy. Women remained underrepresented in the formal sector but played an active and vital role in the country's informal economy. While the number of women employed in the business sector increased every year, women did not receive equal pay for equal work and often found it extremely difficult to acquire commercial credit or to obtain tax deductions or rebates as heads of households. Unmarried women in particular endured many forms of discrimination.

Although some women made considerable individual progress in both the academic and business worlds, women overall remained marginalized. Although women were not legally barred from owning land, under some customary land tenure systems only men could own land, and women could gain access to land only through marriage or family. In addition many customary practices did not recognize a woman's right to inherit her husband's property, and many widows were rendered destitute when their in-laws took virtually all of the deceased husband's property.

In some parts of the country, widows experienced unfavorable conditions as a result of discriminatory traditional customs and economic deprivation. "Confinement," which occurred predominantly in the east, was the most common rite of deprivation to which widows were subjected. Confined widows were under social restrictions for as long as 1 year and usually were expected to shave their heads and dress in black as part of a culturally mandated mourning period. In other areas a widow was considered a part of her husband's property, to be "inherited" by his family. Shari'a personal law protects widows' property rights, and an NGO reported that many women succeeded in protecting their rights in Shari'a courts.

Polygyny is legal and continued to be practiced widely among many ethnic and religious groups.

Women in the 12 northern states were affected to varying degrees by Shari'a. In Zamfara State local governments enforced laws requiring the separation of Muslim men and women in transportation and health care. Kano State's 2005 ban prohibiting commercial motorcycle taxis from taking women as passengers continued. The state government did not cite any specific Koranic references in announcing the ban. However, non-Muslim women were not affected by the ban, and the state government purchased motorcarriages (similar to motorized rickshaws) for the use of Muslim women. Bauchi, Niger, and Zamfara states offered similar transportation options.

The testimony of women was not given the same weight as that of men in many criminal courts.

*Children.*—The Government seldom enforced even the inadequate laws designed to protect the rights of children.

Public schools continued to be substandard, and limited facilities precluded access to education for many children. The law calls for the Government, "when practical," to provide free, compulsory, and universal primary education; however, compulsory primary education rarely was provided, and the numerous required school fees meant schooling was not free. A 2004 NDHS survey showed primary school net attendance rates of 64 percent for boys and 57 percent for girls, with approximately 96 percent of those attending completing 5 years of primary education. Secondary school net attendance was considerably lower, at 38 percent for boys and 33 percent for girls. In many parts of the country, girls were discriminated against in access to education for social and economic reasons. When economic hardship restricted families' ability to send girls to school, many girls were directed into activities such as domestic work, trading, and street vending. Many families favored boys over girls in deciding which children to enroll in secondary and elementary schools. The literacy rate was 58 percent for men but only 41 percent for women.

While most schools in the north traditionally separated children by gender, the law requires this practice in Zamfara, Sokoto, and Kebbi state schools.

To produce a smaller gap between boys' and girls' access to education, the U.N. Children's Fund (UNICEF) collaborated with the Government on a Strategy for Acceleration of Girls Education in Nigeria, which resulted in the launch of the Girls' Education Project (GEP) in 2004. The GEP proved to be successful as enrollment for girls improved as did attendance and retention rates. During the year the Gov-



ernment allocated \$7 million (822 million naira) for the provision of water and sanitation facilities at schools. However, the GEP was scheduled for completion by year's end, leaving the local governments responsible for maintaining the progress.

Girls and boys had equal access to government health care. However, girls were much more likely than boys to receive complete immunizations from childhood diseases. Complete immunization rates were 17 percent for girls and 9.1 percent for boys.

FGM was commonly performed on girls in southern areas of the country.

Cases of child abuse, abandoned infants, child prostitution, and physically dangerous child labor practices remained common throughout the country. The Government criticized child abuse and neglect but did not undertake any significant measures to stop traditional practices harmful to children, such as the sale of young girls into marriage. There were credible reports that poor families sold their daughters into marriage as a means to supplement their incomes. Young girls sometimes were forced into marriage as soon as they reached puberty, regardless of age, to prevent the "indecent" associated with premarital sex or for other cultural and religious reasons. Human rights groups reported sexual assaults and rapes of young girls, especially in the north.

Numerous children were homeless and lived on the streets. According to the Consortium for Street Children, there were no known statistics on numbers of street children in the country. Major factors that caused children to turn to the streets included instability in the home, poverty, hunger, abuse and violence by parents, and displacement caused by clashes in the community. HIV/AIDS also had a tremendous impact on the numbers of orphaned street children.

In the north, an estimated 2 million children were "almajirai," or children whose parents sent them from their rural homes to urban areas with the expectation that they would study and live with Islamic teachers. Instead of receiving an education, however, many almajirai became child beggars who were forced to work manual jobs or beg for money that was then turned over to their teacher. The religious leaders often did not provide the almarajai with sufficient shelter or food, and many of these children were effectively homeless.

*Trafficking in Persons.*—Although the law prohibits trafficking in persons, persons were trafficked to, from, and within the country.

The country was a source, transit, and destination country for trafficked persons during the year. No government or NGO estimates on the extent of trafficking were available, but the magnitude of the problem was believed to be significant. This was based on several factors, including the number of deportees returned to the country and reports of Nigerians stranded along trafficking routes, particularly in North African countries. The largest segment of trafficking victims rescued by the National Agency for Prohibition of Trafficking in Persons (NAPTIP) came from Akwa Ibom and Edo states. In August 2006 the executive director of the Women's Consortium for Nigeria stated that the country, and Ogun State in particular, was a strategic location for traffickers engaged in sourcing, transit, and exporting persons to other countries. In 2005 the International Labor Organization (ILO) estimated that 40 percent of child street peddlers were trafficking victims.

Nigerians were trafficked to Europe, the Middle East, and other countries in Africa for the purposes of forced labor, domestic servitude, and sexual exploitation. Girls and women were trafficked for forced prostitution and domestic labor to Italy, France, Spain, Norway, Belgium, the Netherlands, Ireland, the United Kingdom, and countries in West and Central Africa. UNICEF estimated between 50,000 and 70,000 African female trafficking victims were in Italy for prostitution, of which 70 percent were from Nigeria. Children were trafficked for involuntary domestic and agricultural labor and street peddling within the country and to countries in West and Central Africa. Both women and children were trafficked to Saudi Arabia for the purposes of prostitution, sexual exploitation, and labor. There also were reports that trafficked children were used as camel jockeys in the Middle East. The country was a destination country for children trafficked for forced labor from other West African countries, primarily Benin. UNICEF estimated approximately 5,000 Beninese children were trafficked into Abeokuta, Ogun State, and forced to work in the granite mines.

Women and children were most at risk of being trafficked. Boys were trafficked primarily to work as forced bondage laborers, street peddlers, and beggars, while girls were trafficked for domestic service, street peddling, and commercial sexual exploitation. Trafficking in children, and to a lesser extent in women, occurred within the country's borders. Children in rural areas were trafficked to urban centers to work as domestics, street peddlers, merchant traders, and beggars.

The U.N. Office of Drugs and Crime reported that individual criminals and organized criminal groups conducted trafficking, often involving relatives or other per-

sons already known to the victims. Traffickers employed various methods during the year. Many were organized into specialties, such as document and passport forgery, recruitment, and transportation. To recruit young women, traffickers often made false promises of legitimate work outside the country. Traffickers also deceived child victims and their parents with promises of education, training, and salary payments. Once away from their families, children were subjected to harsh treatment and intimidation. Traffickers subjected victims to debt bondage, particularly victims forced into prostitution. In some cases traffickers employed practitioners of traditional magic to threaten victims with curses to procure their silence. Victims were transported by air, land, and sea. Established land routes to Europe transited Benin, Togo, Ghana, Cote d'Ivoire, Guinea, Mali, Niger, Libya, and Morocco.

The law prohibits human trafficking and provides for penalties including monetary fines, imprisonment, deportation, forfeiture of assets and passport, and liability for compensation to victims in civil proceedings. Imprisonment terms range from 12 months to life, while fines range from \$375 (50,000 naira) to \$1,500 (200,000 naira).

NAPTIP, a 200-employee agency with 60 investigators and 30 prosecutors dedicated to trafficking, bears primary responsibility for combating trafficking. The NPF and the Nigerian Immigration Service (NIS) also had antitrafficking units. Following his election, President Yar'Adua dismissed the special assistant on trafficking named by former President Obasanjo.

The Government continued to devote resources to curb trafficking during the year but it was not enough to adequately combat the problem. Enforcement efforts continued to improve, the number of trafficking cases investigated and prosecuted during the year increased, and recordkeeping improved as NAPTIP, NPF, and NIS roles were more clearly defined through a series of NAPTIP-sponsored meetings, conferences, training sessions, and networking events.

Preliminary data indicated that during the year NAPTIP investigated 80 new cases, prosecuted 23 new cases, and obtained four convictions. At year's end there were 34 cases pending. Observers attributed the low conviction rate to witnesses' reluctance to testify and the slow progress of cases through the courts.

The NPF antitrafficking Task Force was established in 2005 and staffed 22 units in states with the worst trafficking problems. Officials complained of inadequate resources, citing insufficient funding to support investigative field work.

The Government increased collaboration on investigations with concerned law enforcement agencies in the Netherlands, France, Spain, Italy, and Benin. Officials attended international workshops on trafficking, and the Government collaborated with Benin to arrest traffickers and repatriate trafficking victims. In August UNICEF and NAPTIP held a border coordination forum along the Nigeria-Benin border to discuss cross-border trafficking issues.

Reports continued from informants and foreign officials that law enforcement officers and individuals in the immigration and airport authorities collaborated in trafficking persons across the country's borders. NAPTIP was very active in providing sensitization, including to police and customs in attending training. The law provides punitive measures for officials who aid or abet trafficking; however, NAPTIP and NPF had found no evidence of official complicity, and no officials were prosecuted, tried, or convicted of trafficking-related charges. In 2006 one police inspector was arrested in Abuja for releasing two trafficking suspects after receiving specific orders to hold them, but he was later released due to lack of evidence.

The Government provided limited funding for assistance to victims. NAPTIP served as the point of contact for immigration and police officials when victims were found; 615 victims passed through the agency during the year. NAPTIP directly provided overnight shelter to victims, and agency officials connected victims to non-governmental or international organizations for shelter, counseling, and reintegration assistance. NAPTIP maintained a hot line for victims and anyone seeking or wanting to provide information regarding trafficking. The hot line received approximately 50 calls during the year, which was significantly fewer than the 500 reported for 2006. This decrease was largely due to a change in the hot line number when NAPTIP headquarters was relocated and the Government's inadequate effort to publicize the new number. During the year the Government helped victims in some cases to repatriate to their home countries and reunited trafficked children with their families.

The Ministry of Employment, Labor, and Productivity, in collaboration with the ILO, NAPTIP, the police, and other Federal agencies, provided food, transportation, and other logistical assistance to reunite internally and externally trafficked children with their families. In 2006 the ministry used funding from the ILO International Program on the Elimination of Child Labor (IPEC) to repatriate 350 trafficked child laborers to their countries of origin; however, this funding was not available during the year, and the ministry did not repatriate any child trafficking

victims during the year. The Government continued to operate the 120-bed shelter in Lagos, with involvement by the International Organization for Migration and the American Bar Association. NAPTIP also operated shelter facilities at secure locations in Abuja, Benin City, Uyo, and Kano.

The Government provided some funding for protection activities. For victims serving as witnesses, divisional police officers were appointed to serve as witness protection officers. NAPTIP officials and the police officers worked together to provide assistance. NAPTIP outreach efforts were based on a series of "townhall" meetings organized in conjunction with NGOs to bring together community leaders, traditional leaders, teachers, school children, and other groups to raise awareness of the dangers of trafficking, legal protections, and available resources. Several state governments in the south continued strong efforts to protect victims. In Edo State Idia Renaissance operated a youth resource center, funded by UNICEF and foreign organizations, that provided job-skill training and counseling to trafficking victims and other youths.

The stakeholder forum, established by NAPTIP in 2003, met monthly in each state and quarterly in Abuja, conducted training of security and immigration officials, and held meetings with local government leaders to raise awareness of trafficking issues. NAPTIP officials met with several major traditional leaders to raise their awareness regarding trafficking and the antitrafficking law. NAPTIP also worked with the media to raise awareness among the public, and officials appeared on national talk shows and state programs. The Government continued implementing the ILO/IPEC West Africa Cocoa Agriculture Project to prevent the trafficking or employment of children in commercial agriculture, especially cocoa production.

Twenty-nine state-level antitrafficking committees consisted of immigration officials, civil society organizations, law enforcement agents, and Federal ministries in 29 states. These groups were charged with coordinating action in trafficking cases among their respective organizations. Several state governments continued to make significant prevention efforts during the year, including awareness campaigns among at-risk populations. NAPTIP's Public Enlightenment Unit also conducted several awareness events throughout the country.

*Persons with Disabilities.*—There are no laws that prohibit discrimination against persons with physical and mental disabilities in employment, education, access to health care, or the provision of other state services. There are no laws requiring physical accessibility for person with disabilities.

Persons with disabilities faced social stigma, exploitation, and discrimination, and were often regarded by their own families as a source of shame. Children with disabilities who could not contribute to family income were seen as a liability, and in some cases were severely neglected. Significant numbers of indigent persons with disabilities begged on the streets.

The Federal Government ran vocational training centers in Abuja and Lagos to provide training to indigent persons with disabilities. Individual states also provided facilities to assist blind and physically incapacitated individuals to become self-supporting. Persons with disabilities established a growing number of self-help NGOs such as the Hope for the Blind Foundation in Zaria and the Kano Polio Victims Trust Association.

*National/Racial/Ethnic Minorities.*—The country's population was ethnically diverse and consisted of more than 250 groups, many of which were concentrated geographically and spoke distinct primary languages. There was no majority ethnic group. Societal discrimination on the basis of ethnicity was practiced widely by members of all ethnic groups and was evident in private-sector hiring patterns, de facto ethnic segregation of urban neighborhoods, and a low rate of intermarriage across major ethnic and regional lines. There was a long history of tension among some ethnic groups.

Many groups complained of insufficient representation in government office.

The law prohibits ethnic discrimination by the Government, but claims of marginalization continued, particularly by members of southern groups and Igbos. In particular the ethnic groups of the Niger Delta continued their calls for high-level representation on petroleum problems and within the security forces. The Constitution requires that the Federal Government have a "national character," meaning that cabinet and high-level positions are distributed to persons representing each of the 36 states. Traditional relationships continued to be used to impose considerable pressure on individual government officials to favor their own ethnic groups for important positions and patronage.

In April 2006 HRW published a report describing discrimination against nonindigenes. While all citizens have the right to live in any part of the country,

state and local governments frequently discriminated against those not judged to be indigenous to the area, occasionally compelling individuals to return to a part of the country from which their ethnic group originated but to which they have no personal ties. On different occasions, individual nonindigenes were compelled to move by government use of bulldozers, threats with clubs and torches, and discrimination in hiring and employment. When they were allowed to stay rather than be removed, these persons experienced discrimination including denial of scholarships and exclusion from employment in the civil service, police, and the military.

In Plateau State, the Hausa and Fulani, most of whom were Muslim and considered nonindigenes, claimed to face significant discrimination from the local government in scholarships and government representation.

Ethnic groups claimed environmental degradation and government indifference to their status in the oil-producing Niger Delta region. Groups continued to express unhappiness regarding the economic exploitation and the environmental destruction of their homelands, and incidents of ethnic conflict and confrontation with government officials and forces continued in the Delta area.

Religious difference often mirrored regional and ethnic differences and resulted in numerous deaths and the displacement of thousands of persons during the year.

Interethnic fighting in Warri, Delta State, continued to wane following a 2004 ceasefire between rival ethnicities.

Interethnic fighting elsewhere in the Delta also led to the displacement of tens of thousands of local inhabitants. For example, on August 21, Rivers State Governor Celestine Omehia announced plans to demolish 25 slum districts along the waterfront in the southern city of Port Harcourt. According to Omehia, the slums, which housed between 50,000 and 100,000 persons, have become hiding places and landing points for the militia fighters and armed gangs that have terrorized the city. Ethnic leaders expressed fear that clearing these districts could cause ethnic conflict between the local Ijaws and Ikwerres who live in the affected areas. On October 26, the Supreme Court nullified Omehia's election and replaced him with Rotimi Ameenchi, who put the plans on hold for the time being.

Conflict over land rights and ownership continued among members of the Tiv, Kwalla, Jukun, and Azara ethnic groups; each of these groups resided at or near the convergence of Nassarawa, Benue, and Taraba states.

*Other Societal Abuses and Discrimination.*—Homosexuality is illegal under Federal law; homosexual practices are punishable by prison sentences of up to 14 years. In the 12 northern states that had adopted Shari'a law, adults convicted of engaging in homosexual intercourse are subject to execution by stoning, although no such sentences were imposed during the year. Because of widespread taboos against homosexuality, very few persons were openly homosexual.

During the year the National Assembly considered an antigay marriage bill that would duplicate existing laws on marriage and sexual relations while making it more difficult for advocacy groups to operate. The bill had not passed by the end of the year.

There was widespread discrimination against persons living with HIV/AIDS, which the public considered a disease resulting from immoral behavior. Persons living with HIV/AIDS often lost their jobs or were denied health care services. However, public education campaigns were implemented to reduce stigma and change perceptions of the disease.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law provides all citizens with the right to form or belong to any trade union or other association for the protection of their interests, and while workers exercised this right in practice, some statutory limitations on the right of association and on trade unions restricted this right. Some of these restrictions were put in place to curb the practice of forming thousands of small unions with as few as three or four employees each.

Workers, except members of the armed forces and employees designated as essential by the Government, may join trade unions. Essential workers included government employees in the police, customs, immigration, prisons, the Federal mint, and the Central Bank. The Government's application of the "essential worker" designation was broad compared to the ILO definition. Employees working in a designated Export Processing Zone (EPZ) may not join a union until 10 years after the establishment of the enterprise.

According to figures provided by the Michael Imoudou National Institute for Labor Studies, 8 million workers belonged to unions. Approximately 60 percent of formal sector workers belonged to a union. With the exception of a small number of workers engaged in commercial food processing, the agricultural sector, which

employed the majority of the work force, was not organized. The informal sector, and small and medium enterprises, remained largely unorganized.

Trade union federations, now called “central labor organizations,” must be registered formally by the Government. Each federation must consist of 12 or more trade unions, and trade union membership in a federation must be exclusive. A minimum of 50 workers per enterprise is required to form a trade union.

*b. The Right to Organize and Bargain Collectively.*—The law allows unions to conduct their activities without interference; however, the law also narrowly defines what union activity is legal. The law provides for the right to both organize and bargain collectively between management and trade unions, and collective bargaining occurred throughout the public sector and the organized private sector. However, collective bargaining in the private sector was restricted. The law limits the right to strike to matters pertaining to breach of contract or wages and conditions of work, thereby prohibiting strikes over matters of national economic policy; however, the ILO ruled that this policy is contrary to ILO conventions. The Government chose not to enforce this provision of the law during the June strike over fuel prices and other national policy issues.

Workers outside the legally defined category of “essential” had the right to strike, although they were required to provide advance notice of a strike. A worker under a collective bargaining agreement cannot participate in a strike unless his union complied with the requirements of the law, which included provisions for mandatory mediation and for referral of the dispute to the Government. Workers can bring labor grievances to the judicial system for review; however, the courts did not ensure due process in the protection of workers’ rights. Workers are specifically prohibited from forcing persons to join a strike or from closing airports or obstructing public by-ways. Stiff fines and/or prison sentences are imposed on law breakers.

There were no developments in the June 2006 case in which at least four representatives of the National Association of Telecommunications Employees were released without charge after being arrested when employees of the national telephone company went on strike because they had not been paid in months.

There are no laws prohibiting retribution against strikers and strike leaders, but strikers who believed they were victims of unfair retribution could submit their cases to Industrial Arbitration Panel (IAP), with the approval of the Labor Ministry. The IAP’s decisions were binding on parties but could be appealed to the National Industrial Court. In practice the decisions of these bodies infrequently carried the force of law. Union representatives described the arbitration process as cumbersome, time-consuming, and an ineffective deterrent to retribution against strikers.

Workers and employers in EPZs were subject to sections of the national labor laws pertaining to EPZs, which provided for a 10-year prohibition on trade unions, strikes, or lockouts following the commencement of operations within a zone. In addition the law allows the EPZ Authority, instead of workers’ organizations or unions, to handle the resolution of disputes between employers and employees.

*c. Prohibition of Forced or Compulsory Labor.*—Although the law prohibits forced or compulsory labor, including by children, there were reports that it occurred. Enforcement of the law was not effective in many parts of the country. During the year the Government undertook training and sensitization programs in several regions to improve enforcement.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—In most sectors the minimum work age is 15 years, which is consistent with the age for completing educational requirements; however, child labor remained a problem. The law prohibits employment of children less than 15 years of age in commerce and industry and restricts other child labor to home-based agricultural or domestic work. The law states that children may not be employed in agricultural or domestic work for more than 8 hours per day. Apprenticeship of youths at the age of 13 is allowed under specific conditions.

High numbers of children worked as beggars, street peddlers, bus conductors, and domestic servants in urban areas. Children were also involved in the agricultural sector. Little data was available to analyze the incidence of child labor. The National Modular Child Labour Survey Nigeria, which conducted the only survey available between 2000 and 2001, reported approximately 15 million children working in the country. Of these, more than 6 million were not attending school and more than 2 million were working 15 or more hours per day.

The Ministry of Employment, Labor, and Productivity dealt specifically with child labor problems and had an inspections department whose major responsibilities included enforcement of legal provisions relating to conditions of work and protection of workers. Although the inspectorate employed nearly 400 total inspectors for all business sectors, there were fewer than 50 factory inspectors for the entire country.

The agency reportedly received no complaints of child labor. The ministry conducted inspections mostly in the formal business sector, in which the incidence of child labor was not a significant problem. NAPTIP bears some responsibility for enforcing child labor laws, though it primarily rehabilitates trafficking victims and child labor victims.

The Government's child labor policy focused on intervention, advocacy and sensitization, legislation, the withdrawal of children from improper labor situations, and rehabilitation and education for children following their withdrawal. The Ministry of Employment, Labor, and Productivity was responsible for enforcement of the law. During the year the ministry conducted 110 child labor inspections, 410 regular labor inspections, and four comprehensive inspections. In 2006 the ministry also trained approximately 120 labor inspection officers on child labor laws; trained 80 officers to perform inspections in high-risk sectors such as agriculture, mining, and the informal sector; and trained 20 officers to perform rapid assessment surveys in these critical sectors. Reports of the surveys conducted by these officers were not yet available at year's end. The ministry also sponsored awareness-raising and law-familiarization training programs for local law enforcement, customs, and other government officials. Despite these advances, forced child labor and trafficking in children continued during the year.

Awareness of child labor increased throughout civil society, and the Government demonstrated its commitment to addressing the problem throughout the year. The Ministry of Employment, Labor, and Productivity drafted a National Policy on Child Labor as well as a National Plan of Action for the Elimination of the Worst Forms of Child Labor in Nigeria. By year's end both drafts had been submitted to the Federal Executive Council for approval.

In an effort to prevent and withdraw children from the worst forms of child labor, the Ministry of Labor established and upgraded skills acquisition and vocational training centers.

Private and government initiatives to stem the incidence of child employment continued but were ineffective. The Government continued to implement the ILO/IPEC Sustainable Tree Crop Program (STCP) in the cocoa and other agricultural subsectors to combat hazardous child labor and to prevent child trafficking for labor exploitation. Akwa Ibom, Ondo, Cross River, and Abia states participated in the STCP during the year.

*e. Acceptable Conditions of Work.*—The law sets a minimum wage, which was reviewed infrequently by a tripartite committee which provides recommendations to the National Assembly. Real wages greatly exceeded the minimum wage. Following the June national labor strike, the minimum wage was increased 15 percent to \$68.45 (8,625 naira) per month (with a 13-month year as the law mandates an extra month's pay for the Christmas holiday). The national minimum wage did not provide a decent standard of living for a worker and family. The Government directed each state administration to establish its own salary structure based on its ability to pay, with a floor of at least the national minimum wage. Some Federal ministries, states, and private sector companies raised their minimum wage for all employees to \$71.42 (9,000 naira). However, there were complaints that the minimum wage was not being implemented in some states. In Ekiti, Oyo, and Ondo, public sector workers protested the late payment or nonpayment by state governments of the 15 percent raise. As of early September workers in Ekiti and Ondo were able to reach an agreement with their governors, and the increase was implemented. The Ministry of Employment, Labor, and Productivity is responsible for monitoring compliance of the minimum wage which was strictly enforced for companies with more than 50 employees. When a company with fewer than 50 employees was found to pay less than the minimum wage, the ministry reviewed the company's records to determine whether it was capable of paying the minimum wage and then issued a ruling.

The law mandates a 40-hour workweek, 2 to 4 weeks' annual leave, and overtime and holiday pay, except for agricultural and domestic workers. The law prohibits excessive compulsory overtime for civilian government employees. Labor leaders reported that the law can be interpreted as prohibiting some forms of excessive, compulsory overtime; however, workplace health and safety conditions were not properly patrolled, and enforcement was irregular due to insufficient police and the small number of factory inspectors. The law also establishes general health and safety provisions, some of which were aimed specifically at young or female workers. It requires that the inspectorate division of the Ministry of Employment, Labor, and Productivity inspect factories for compliance with health and safety standards. However, this agency was greatly underfunded, lacked basic resources and training, and consequently did not sufficiently enforce safety oversight at many enterprises, particularly construction sites and other nonfactory work locations. The law requires

employers to compensate injured workers and dependent survivors of those killed in industrial accidents; however, the law was not strictly enforced. The Factories Law provides for the protection of employees in hazardous situations, including the right to remove themselves from such situations; however, the law did not provide similar provisions for other workers.

The labor laws apply to legal foreign workers, but not all companies respected these laws in practice.

---

## RWANDA

Rwanda is a constitutional republic dominated by a strong presidency. The population was approximately 9 million. In 2003 President Paul Kagame was elected to a 7-year term in largely peaceful but seriously marred elections. The Rwanda Patriotic Front (RPF) continued to dominate the legislature. Government authorities did not always maintain effective control of the security forces, and security forces acted independently.

Significant human rights abuses occurred, although there were important improvements in some areas. Citizens' right to change their government was restricted, and extrajudicial killings by security forces increased. There were reports of torture and abuse of suspects, although significantly fewer than in previous years. Police sometimes imposed collective punishments, including beatings, on residents of communities in which the property of genocide survivors had been damaged or destroyed. Prison and detention center conditions remained harsh, although overcrowding decreased significantly during the year. Security forces arbitrarily arrested and detained persons. Prolonged pretrial detention was a problem, and government officials attempted to influence judicial outcomes, mostly regarding the community-based justice system known as *gacaca*. There continued to be limits on freedom of speech and association, and restrictions on the press increased. Official corruption was a problem. Restrictions on civil society, societal violence and discrimination against women, recruitment of child soldiers by a DRC-based armed group, trafficking in persons, child labor, and restrictions on labor rights occurred.

The Government took demonstrable, concrete steps to advance human rights, which resulted in a June law that abolished restrictions on political party organizational efforts at the local level, a dramatic drop in reports of the torture and abuse of suspects, and passage of legislation that significantly expedited the *gacaca* process. In April President Kagame pardoned former President Pasteur Bizimungu, who was serving a 15-year prison sentence for trying to establish an opposition party in 2002.

### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—There were no reported political killings by the Government or its agents; however, police officers and the local defense forces (LDF) allegedly committed several unlawful killings during the year, and there were credible allegations of extrajudicial killings by police, some of which were still under investigation at year's end. The Government regularly investigated killings committed by police officers and members of the LDF, and reports generally indicated that persons accused of killings were arrested and charged.

Local human rights organizations in May reported 10 separate incidents, from January 3 to May 9, in which police officers at various detention facilities around the country shot and killed 22 criminal suspects, allegedly while they were attempting to escape police custody.

In May senior police command responded to these reports with a detailed report acknowledging 10 incidents and 20 deaths from November 2006 to May 2007. The report described each incident as involving either an attempt by a criminal suspect to escape police custody or to disarm police officers and do them physical harm. The report recorded the need for further training in the use of firearms, upgrades of detention facilities, and acquisition of restraint devices. According to the report, investigations continued; no further updates were received by year's end.

In July Human Rights Watch (HRW) released its own report on these incidents, based in some cases upon extensive interviews with local residents where the killings occurred. Witnesses stated that some bullet wounds appeared to have been inflicted at close range, including wounds to the temple, the back of the neck, and the throat. HRW asserted that "many of these killings appear to be extrajudicial

executions” and recommended an independent investigation and prosecution of perpetrators.

No action was taken, and none was expected, against military police officers who killed three Rwandan Defense Force (RDF) soldiers and wounded between 8 and 20 others during an altercation between prisoners and guards at Mulindi military prison in December 2005, despite calls by the Governmental National Human Rights Commission (NHRC) for legal proceedings against those responsible.

No action was taken against police officers who arrested and subsequently killed three persons suspected of involvement in the 2005 killing of Egide Ndadakuranye, president of one of the gacaca courts in Rwamagana District. Police claimed they shot the suspects in self defense while they were trying to escape; however, an HRW report concluded that the injuries inflicted on the three suspects were inconsistent with self defense.

The results of a police investigation into the 2005 case of Saidi Hakizimana, who died while in police custody, had not been released by year’s end.

In several cases, LDF personnel shot and killed local residents. For example, in February near Ruhengeri, an LDF member killed his wife, allegedly for engaging in an affair. In Marchin Musanze District, an LDF member killed Jean Paul Serugendo for unknown reasons. Police arrested both LDF members, whose cases were being investigated at year’s end. In Musenze, the district police commander subsequently removed weapons from district LDF personnel, making reissuance of the weapons contingent on training and oversight by police personnel.

No judgment had been issued by the High Court in the November 2005 killing of a suspect by an LDF member in Cyangugu Province, Gitambi Sector.

Two LDF members arrested and charged in 2005 with the 2004 killing of Jean Baptiste Nsekanabo were put on trial in 2006; however, no judgment had been rendered by year’s end.

Unidentified individuals reportedly killed several witnesses to the genocide throughout the country to prevent testimony and undermine the gacaca, which the Government established to address certain categories of crimes related to the 1994 genocide (see Section 1.e.). According to Ministry of Justice figures, between 11 and 25 genocide survivors and witnesses were killed during the year. The survivors’ organization Ibuka reported 16 killings of survivors from January through December.

The Government investigated and prosecuted individuals accused of threatening, harming, or killing genocide survivors and witnesses. At year’s end a special protection bureau in the Prosecutor General’s Office had begun investigation of 324 cases reported since mid-2006.

During the year police arrested seven additional suspects in the reprisal killings of eight persons following the November 2006 killing of genocide survivor Frederic Murasira.

*b. Disappearance.*—There were no reports of politically motivated disappearances within the country.

There were no developments, and none were expected, in the 2003 disappearances of two prominent citizens and four high-level government officials, including former supreme court vice president Lieutenant Colonel Cyiza and former parliamentarian Leonard Hitimana, a member of the Democratic Republican Movement (MDR); the MDR had been a part of the multiparty government but had become increasingly critical of it prior to the Parliament’s recommendation to ban the MDR in 2003—shortly before Hitimana disappeared—and the party’s subsequent dissolution.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution and law prohibit torture, and there was a sharp decrease in reports of torture and abuse of detainees and prisoners by police or prison officials, according to the Rwandan League for the Promotion and Defense of Human Rights (LIPRODHOR) and an international monitoring organization. Instances of abuse were reportedly rare and not tolerated by officials. Reports of torture and abuse by the LDF continued, although there were fewer reports than in the previous year.

A local NGO that assists torture victims reported 18 new cases of abuse by authorities during the year; in 2006 the same NGO reported that it had assisted between 180 and 240 persons, although an undetermined number of these victims may have been tortured in previous years. Authorities dismissed or disciplined some police officers for use of excessive force during the year.

In its July report, HRW noted several cases of collective punishment of residents by local authorities, involving fines, involuntary labor, or beatings, generally in cases where violence or threats had been reported against genocide survivors or witnesses.

For example, in February police from Ngoma ordered two LDF members from a neighboring town to beat male residents of Sovu after the crops of Husepha



Mukarwego, one the female villagers of Sovu, had been destroyed. Mukarwego had lost her six children, husband, and mother-in-law in the genocide and had recently testified in gacaca. The police officers threatened more drastic consequences against residents if they had to come back to Sovu for any similar case.

There were reports that police beat one member of the Jehovah's Witnesses who refused to participate in nighttime security patrols.

No action was taken against LDF members who in 2006 allegedly tortured a 17-year-old boy accused of theft in Muhanga District.

There were reports that unknown assailants on occasion harassed and threatened journalists and citizens (see Section 2.a.).

Mob violence during the year resulted in injuries.

*Prison and Detention Center Conditions.*—Conditions in prisons and detention centers were harsh. Due to the large number of individuals convicted of genocide-related offenses since gacaca hearings began nationwide in July 2006, the population in the country's 16 central prisons rose to approximately 98,000 persons in July (compared with 87,000 at the end of 2006), but then declined to 58,598 prisoners at year's end as a result of the Government's change in the gacaca sentencing structure (see Section 1.e.). In the fall the Government closed two of the more decrepit of the 16 central prisons; 14 prisons remained. The Government remained committed to improving prison and detention center conditions, and reports of abuse of prisoners and detainees markedly declined. International observers and local human rights groups reported that torture or abuse of detainees in prisons was rare and not tolerated by officials; however, police in a few police detention facilities sometimes beat newly arrested suspects to obtain confessions, although such incidents also sharply decreased during the year. During the year authorities relieved several prison directors of their duties and dismissed several dozen other prison officials for misconduct and corruption.

Sanitary conditions in prisons and detention centers were poor and deteriorated with the rapid increase in the prison population from January to May; conditions improved somewhat as prisoners were released from June through the end of the year.

The Government continued to improve prison healthcare but was unable to provide adequate medical treatment. The International Committee of the Red Cross (ICRC) halted food assistance to the 16 main prisons in 2006; however, the Government's increased food budget to replace the ICRC contribution was insufficient, and family members supplemented food provisions. The Government did not provide food to prisoners in smaller jails. In police stations, the Government did not feed detainees awaiting hearings or transfers. Police regularly told crime victims that if they did not provide food to the accused, the accused would be released. In other cases, prisoners transferred from police jails to national prisons had not been fed for several days. The ICRC provided additional expertise and medical, logistical, and material support to improve conditions for inmates.

There were a number of deaths in prison during the year, largely the result of preventable diseases and suspected cases of HIV/AIDS. The Government began an HIV/AIDS counseling and treatment program in three prisons in 2006 and two more during the year. International observers reported that prison deaths from preventable disease and other causes had stabilized at rates approximately similar to those found in the general population.

National prison policy prohibits the hiring of prisoners to perform work at private residences and businesses. However, community service was often part of a prison sentence for those who confessed to genocide-related crimes, and prisoners may work (uncompensated) on community projects such as building roads and bridges. Prisoners charged with criminal offenses unrelated to the genocide were not eligible to volunteer for work details. Prisoners often volunteered for such details, which provided time away from overcrowded prisons and in some cases extra privileges.

Living conditions for women were generally better than those for men, as detention areas were less crowded. While male prisoners often shared large sleeping platforms, female prisoners were housed in their own block with separate beds.

In some cases adult prisoners had access to the juvenile wards. There were reports of abuse of minors, both by other minors and by the adult prison population, especially among males.

Pretrial detainees generally were separated from convicted prisoners; however, there were numerous exceptions as a result of the large number of genocide detainees awaiting trial. The remaining high-profile political prisoner, former transport minister Ntakirutinka, was kept in a special section of the Kigali "1930" prison.

The ICRC reported unimpeded access on an unannounced basis to the country's 16 prisons during the year, and LIPRODHOR reported similar ease of access to 15 of the 16 prisons. The Government also permitted independent monitoring of prison

conditions by diplomats and journalists. The ICRC continued its visits to communal jails and military-supervised jails.

*d. Arbitrary Arrest or Detention.*—The Constitution and law provided legal safeguards against arbitrary arrest and detention; however, security forces arrested and detained persons arbitrarily and without due process. Some police officers were disciplined and dismissed for such activities.

*Role of the Police and Security Apparatus.*—The RDF maintains external security. The national police, under the minister of internal security, has responsibility for internal security and is headed by a commissioner general and two deputy commissioners, one for operations and another for administration. Five assistant commissioners oversee the various units, such as traffic, intelligence, criminal investigations, protection, and the provincial areas. The police lacked basic resources such as handcuffs, radios, and patrol cars. However, they participated in extensive training programs. For example, the U.N. Children's Fund (UNICEF) worked with the national police to train approximately 300 officers on children's issues, and the police academy curriculum included training on human rights, professionalism, and nonlethal use of force. During the year there were reports of arbitrary arrest, beatings, corruption, and lack of discipline within the police force, and the police Office of Internal Affairs investigated and addressed many of them.

The Prosecutor General's Office under the Ministry of Justice was responsible for prosecuting police abuse cases. A special Internal Affairs Office that reported directly to the national police commissioner general conducted investigations. There were 67 internal investigations referred to the courts by internal affairs at year's end, and 181 officers received administrative punishment on various counts of discipline, including the solicitation of bribes, unlawfully beating persons, and absconding from duty. During the year 129 police officers were fired for misconduct: 67 of those for "gross indiscipline," including theft, drunkenness, sleeping on duty, and one murder; 62 were dismissed for corruption, mainly soliciting bribes from the public. Acts which rose to the level of criminal offenses were referred to the Prosecutor General's Office, and several prosecutions were underway at year's end. The national police advertised a toll-free number in the local radio and press encouraging citizens to report problems regarding police and the LDF.

Members of local communities chose community volunteers to serve in the LDF, a statutorily established law enforcement organization of approximately 20,000 members under the Ministry of Local Government that assisted police. The national police exercised tactical control of the LDF, while local officials had responsibility for operational oversight. LDF members performed basic security guard duties throughout the country, including maintaining a presence at gacaca proceedings. LDF members were ordinarily unpaid and received less training than the national police. They did not have powers of arrest, but in practice they made arrests on orders from local administrative officers and on their own. Among its various duties, the LDF chased illegal street vendors, petty criminals, and prostitutes away from public areas. There were reports that the LDF acted with impunity when dealing with street vendors, street children, vagrants, and undocumented residents. During the year the Government prosecuted individual LDF members who committed crimes; however, some human rights groups accused the Government of not taking sufficiently strong action against some LDF members and considered the organization to be abusive.

After abuses by LDF personnel and complaints by local citizens in Musenze and Gicumbi districts, police commanders removed weapons from district LDF personnel, tightened oversight by police personnel and local officials, and instituted firearms training. The police appointed an officer to coordinate LDF training nationwide to reduce incidents of violence and abuse.

*Arrest and Detention.*—The law requires that authorities investigate and obtain a warrant before arresting a suspect. Police may detain persons for up to 72 hours without a warrant, and prosecutors must bring formal charges within 10 days of arrest. These provisions were sometimes disregarded during the year. At times police used extrajudicial punishment when minor criminals confessed and the victims agreed to the police officer's recommended penalty, such as week-long detention or restitution. The law permits investigative detention if authorities believe that public safety is threatened or that the accused might flee. There is bail for minor crimes (with a maximum sentence of 5 years); authorities may otherwise release a suspect pending trial if they are satisfied that there is no risk that the person may flee or become a threat to public safety and order. Family members generally were promptly allowed to visit detained relatives. By law detainees are allowed access to lawyers. In practice, however, access to legal representation was impeded by the scarcity of lawyers (there were only 273 attorneys in the country, and most were located

in Kigali). The Government did not provide indigent persons with free access to lawyers, and the Kigali Bar Association lacked the resources to provide lawyers to every indigent person, although one international NGO provided limited access to defense counsel. The law requires the Government to provide minors with legal representation, which judicial observers cited as a factor in juvenile trial delays.

Security forces arbitrarily arrested journalists and members of Jehovah's Witness during the year.

The Government enforced ill-defined laws against vagrancy and illegal street vending. On several occasions police and the LDF detained street children, vendors, beggars, and undocumented nonresidents in Kigali, Butare, and other larger towns and charged them with illegal street vending or "vagrancy." Adults who could produce identification were released. During the June HIV/AIDS conference, street children were transported directly to their home districts, to government-run or government-affiliated shelters, or for processing into vocational and educational programs.

At mid-year the Kigali municipal government reopened the Gikondo transit center, which was closed in 2006 after an HRW report detailed substandard conditions and abuses, including inadequate food and beatings of the street children, vagrants, and street vendors temporarily detained in the facility. Government officials asserted that persons placed in the facility were held for no more than 10 days at a time. However, relatives of those detained were commonly denied access and sometimes waited for up to 3 weeks before their family members were released.

Unlike in the previous year, there were no reports that police arbitrarily arrested and detained persons acquitted in courts of law, a practice that was the subject of a Senate investigation in 2006.

Lengthy pretrial detention, including the detention of persons whose unresolved cases dated from 1994, was a serious problem and a consequence of the large number of persons suspected of committing genocide who continued to be held in prisons and detention centers. (The law permits the continued detention of genocide suspects long enough to allow them to face trial either in a conventional court or in the gacaca system, which began operating nationwide in July 2006.) Primarily as a result of the March 1 gacaca law that moved thousands of the less severe genocide cases from the prisons to the gacaca courts, the Government made significant progress in reducing the case backlog. The continuing efforts of the National Service of Gacaca Jurisdictions to expedite genocide-related cases also helped reduce the backlog. The majority of convicted prisoners (those who had confessed their genocide crimes) were sent home to their families, with actual prison time to be served after the suspended and community service portions of their sentences had expired. After reaching a high of 98,000 prisoners in June, the prison population leveled off and began to decline as the Government began to examine the cases and release those prisoners who had previously confessed to genocide crimes.

In February the Government conditionally released 9,000 prisoners, including 8,000 genocide suspects and 1,000 regular prisoners. In June the Government began to conditionally release tens of thousands of previously convicted gacaca prisoners to serve their sentences at home. By year's end, approximately 39,000 genocide prisoners were either in pretrial detention or serving their sentences after being convicted of genocide crimes; at the end of 2006, 66,000 prisoners were awaiting trial.

*e. Denial of Fair Public Trial.*—The Constitution and law provide for an independent judiciary, and the judiciary operated in most cases without government interference; however, there were constraints on judicial independence. Government officials sometimes attempted to influence individual cases, primarily in gacaca cases. Members of the national bar association noted increased judicial independence during the year, citing the increased willingness of judges to rule against the Government and a higher standard of judicial training and education. There were reports that some members of the executive branch considered it appropriate to call judges to discuss ongoing cases privately and to express executive preferences.

An ombudsman was mandated to conduct investigations into judicial corruption; by year's end the Ombudsman's Office had conducted several dozen such investigations and referred them to the Prosecutor General's Office. Six judges and court registrars were dismissed during the year for abuse of office or corruption after investigations by the judicial council, a body charged with oversight and discipline of the judicial branch.

The Constitution provides for the adoption of a system of ordinary and specialized courts. Ordinary courts include the Supreme Court, a high court, provincial courts, and district courts. Specialized courts include gacaca courts and military courts.

Mobile groups, whose mandate was to establish or complete files that indicated the basis for charges for all genocide-related detainees, continued to operate during

the year. Approximately 90 percent of detainees in custody during the year had files; however, the majority of those files were incomplete.

By year's end the number of criminal and civil cases pending in the regular courts decreased from 44,000 at the end of 2006 to approximately 39,000; there were 77,000 cases in January 2006. This reduction resulted from several factors, including culling of old and inactive cases, the substitution of single judge proceedings in the place of three-judge panels for all levels of trial courts, the establishment of monthly case completion targets for all courts, and streamlined case management practices. Court administrators also put in place during the year a justice working group to examine further means of reducing judicial caseloads.

*Trial Procedures.*—In the conventional court system, the law provides for public trials, although courts closed proceedings in cases involving minors, to protect witnesses, or at the request of defendants. The law provides for a presumption of innocence, although the Government sometimes restricted this provision, according to HRW. Defendants have the right to question witnesses used against them and to present witnesses and evidence on their own behalf, although in some genocide trials fear of being accused of “genocidal ideology” deterred some witnesses from testifying. Defendants have the right to consult with an attorney, although few defendants could afford counsel. During the year one lawyer fled the country as a result of threats or harassment by unknown persons resulting from his defense of persons accused of genocide or related crimes; two fled in 2006. The law provides for the right to appeal, and this provision was generally respected. Lawyers without Borders continued to provide legal assistance to some indigent defendants and to train gacaca judges but lacked the resources to provide defense counsel to all those in need. The law does not provide for an attorney at state expense for indigent defendants. New court officers continued to be sworn in and assigned to courts across the country, but the Government did not have a sufficient number of prosecutors, judges, or courtrooms to hold trials within a reasonable period of time.

The RDF routinely tried military offenders in military courts, which handed down sentences of fines, imprisonment, or both. Military courts provided defendants with an attorney at public expense, and defendants have the right of appeal and had access to government-held evidence relevant to their cases. The law stipulates that military courts should try civilians who were accomplices of soldiers accused of crimes. Military courts tried 53 civilians as coperpetrators or accomplices of military personnel during the year.

Gacaca courts, which began conducting trials nationwide in July 2006, served as the Government's primary judicial process for adjudicating hundreds of thousands of genocide cases and were created to ensure that those who participated in the genocide were brought to trial. (The Government estimated that adjudicating the caseload in conventional courts would have taken decades.) Defendants in gacaca courts can present witnesses and evidence on their own behalf, although witnesses were sometimes reluctant to testify for fear of reprisals, mainly in the form of accusations of complicity in the alleged crimes at issue. Defendants can appeal gacaca proceedings at sector-level courts. Lawyers are not permitted to participate officially in gacaca but can testify as private citizens.

The Organic Genocide Law is designed to encourage confessions in exchange for reduced sentences for individuals accused of genocide-related crimes other than Category I crimes (the most severe crimes, including rape, murder, genocide instigation, or playing a leadership role in the genocide). The majority of individuals charged with genocide-related crimes have been classified as Categories II or III, and their cases were either tried in gacaca courts (Category II cases) or settled through gacaca mediation (Category III cases). During the year the Government enhanced its policy of incentives and disincentives to elicit more confessions from detained genocide suspects by lessening overall sentences and by increasing the suspended sentence and community service portions of those sentences.

On March 1, the Government passed a new genocide statute that expedited the processing of genocide cases and provided new sentencing guidelines. The new law nearly doubled the number of gacaca trial courts (from 1,545 to approximately 3,000), reduced the number of judges sitting on each case, and allowed for gacaca administrators with low caseloads to transfer to districts with the most serious backlogs. By year's end gacaca officials claimed that more than 90 percent of the genocide-related cases dating back to 2002, when the first gacaca courts began operating, had been completed in gacaca courts. Human rights organizations expressed concern at the increased pace of adjudication and resultant magnification of due process problems inherent in a traditional system of justice run by nonprofessionals.

The March law also narrowed the definition of Category I offenses, allowing for the transfer of less serious cases to the gacaca courts, where they were tried as Category II offenses and may be sentenced under the new guidelines announced by Jus-

tice Minister Karugarama in July. The new guidelines, which were created to alleviate prison overcrowding, allow all persons convicted by gacaca courts to serve their community service and suspended portions of their sentences first, allowing for the release of thousands of prisoners, some of whom had been held since 1994. Those prisoners who confess can go home, serve their jail sentences later, and may serve no more than one-sixth of a 15- or 20-year sentence; suspects who do not confess may be sentenced to decades in jail.

There were 169,442 gacaca judges (seven per cell-level gacaca court), or “persons of integrity” elected by the community and provided with gacaca law training, serving in 12,103 cell-level gacaca courts across the country. There were 1,545 appellate courts that heard appeals from the 3,000 gacaca trial courts.

While the passage of the March law expedited the gacaca process, serious problems remained. Some gacaca judges denied defendants the right to present witnesses and ordered the imprisonment of those who questioned the impartiality of gacaca judges. Poorly qualified or trained judges and ill-defined guidelines on evidence and hearsay were problems. During the year there were reports that local gacaca officials and citizens abused the process to pursue personal matters and settle grudges unrelated to the genocide, including making false accusations to acquire land.

During the year a number of gacaca judges were implicated in the genocide and subsequently replaced. There were reports that some government officials unduly influenced gacaca judges during the course of some hearings, although there were far fewer such reports than during the pre-July 2006 pilot phase, when government officials interfered at all levels of the gacaca process, according to local NGOs.

Because the Government had not given the gacaca courts the authority to consider human rights abuses allegedly committed by the RPF during the 1994 genocide, some human rights groups criticized the gacaca courts for representing a form of incomplete or one-sided justice and for being biased against those who acted on behalf of the former government. The Government countered that RPF abuses have been addressed by requisite civil and military authorities, and that such abuses could not be equated with the genocide. During the year military courts did not hear any cases relating to abuses allegedly committed by the RPF during or shortly after the 1994 genocide.

Most gacaca hearings were held without incident, but violence and threats of violence—usually perpetrated by persons accused of crimes related to genocide—against genocide witnesses were serious problems. Some citizens were too frightened to testify in gacaca courts, and there were reports of more than 22 suicides among genocide survivors. During the year there were 324 incidents of violence involving gacaca trials during the year; between 12 and 25 genocide survivors and witnesses were killed in attacks during the year, and 36 were injured. At year’s end conventional courts were handling the cases of hundreds of persons accused of participating in the killing of witnesses, survivors, and judges. During the year the police processed 460 cases involving the charge of genocide ideology and 187 cases of divisionism; nearly all cases involved gacaca proceedings. The Government also continued to conduct criminal investigations of organized groups that targeted and killed genocide witnesses in certain provinces. Criminal investigations resulted in the prosecution of some persons.

The Government held local communities responsible for protecting witnesses and relied on the LDF, local leaders, police, and community members to ensure the safety of witnesses. The 2006 task force to review the situation of genocide survivors continued efforts to enhance surveillance of genocide survivors who were deemed most at risk and surveillance of genocide suspects considered most likely to commit violent attacks; increase joint patrols in rural areas by survivors and security personnel; use preventive detention of genocide suspects to prevent attacks deemed imminent by security officials; expand hot lines; and expedite gacaca hearings for those cases deemed most likely to involve the risk of violence against survivors and witnesses.

IBUKA, an umbrella association for genocide survivors, noted greatly improved efforts by the Government during the year to prevent the killings of genocide witnesses and survivors; in 2006 IBUKA had criticized the Government for not doing enough to prevent such killings. IBUKA also continued to call for increased cooperation between gacaca courts, police, conventional courts, and mediators and for the creation of a survivors’ compensation fund.

There were continuing concerns among observers and analysts over what was believed to be a sizable number of cases where persons had provided false testimony, despite the penalties for providing such testimony. Some human rights observers expressed concern that suspects confessed to avoid lengthy prison terms. There also

were reports during the year that some persons had been tried in both conventional and gacaca courts for the same crimes.

The March amendments to the gacaca law dropped the previous provision that anyone convicted of a Category I or II genocide-related crime is no longer eligible to vote. Those convicted of Category I or II crimes may not run for public office or hold certain positions, such as soldier, police officer, prosecutor, or community leader. The 2003 Electoral Code, however, still mandates that no person convicted or accused of participation in a Category I, II, or III genocide crime may register to vote.

During the year the National Unity and Reconciliation Commission postponed indefinitely the release of a survey on the gacaca process as it related to unity and reconciliation in the country.

The International Criminal Tribunal for Rwanda (ICTR), based in Tanzania, continued to prosecute genocide suspects during the year (see Section 4).

*Political Prisoners and Detainees.*—Local officials briefly detained some individuals who disagreed publicly with government decisions or policies; however, such reports decreased markedly during the year, according to LIPROHDOR. Such individuals were released without charge after a day in detention.

In April President Kagame pardoned former President Bizimungu, who was subsequently released from prison. Of his seven codefendants, one, former transport minister Ntakirutinka, remained in prison. In 2004 a court had convicted them of three counts—incitement of civil disobedience, formation of a criminal association, and embezzlement of public funds—in a trial that did not meet international standards. Bizimungu was sentenced to 15 years' and Ntakirutinka to 10 years' imprisonment; both sentences were upheld by the Supreme Court in March 2006. Prior to their arrest in 2002, Bizimungu and Ntakirutinka had sought to establish the Party for Democratic Renewal, a new opposition party; authorities claimed Bizimungu had used inflammatory rhetoric based on ethnicity, considered divisionism. The Government permitted the ICRC access to Ntakirutinka.

On November 15, Colonel Patrick Karegeya, former RDF spokesman and head of the National Security Services, was released from prison. A military tribunal found him guilty in June 2006 of insubordination and sentenced him to 18 months in prison.

*Civil Judicial Procedures and Remedies.*—There are mechanisms for citizens to file lawsuits in civil matters, including violations of their constitutional rights. There continued to be problems enforcing domestic court orders; however, unlike in the previous year, there were no reported instances of authorities refusing to release prisoners despite orders to do so.

*f. Arbitrary Interference with Privacy, Family, Home or Correspondence.*—The Constitution and law prohibit such practices, and authorities generally respected these prohibitions; however, there were some reports that the Government monitored homes and telephone calls.

There were reports that residents in one province were refused land rights in another province unless they provided a gacaca certificate attesting that they were not implicated in the genocide.

Due in part to the insurgency in the late 1990s, government policy requires male citizens above the age of 18 to participate in night watch patrols. During the year the Government sometimes arrested, detained, and allegedly beat individuals who refused to participate.

The U.N. High Commission for Refugees (UNHCR) received reports of recruitment of children for forced labor or child soldiering from a Rwandan camp for Congolese refugees by a DRC-based armed group.

## *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press “in conditions prescribed by the law”; however, the Government at times restricted these rights by enforcing overly broad and vaguely defined laws, resulting in decreased press freedom during the year. While the press regularly published articles critical of senior government officials and government policy, there were increased instances in which the Government harassed, convicted, fined, and intimidated independent journalists who expressed views that were deemed critical of the Government on sensitive topics or who were believed to have violated law or journalistic standards monitored by a semi-independent media regulatory council. Numerous journalists practiced self-censorship.

The law prohibits the propagation of discrimination or sectarianism based on “ethnic, regional, racial, religious, language, or other divisive characteristics.” Public incitement to what is commonly termed “divisionism” is punishable by up to 5 years

in prison, heavy fines, or both. Individuals could criticize the Government publicly or privately on most topics; however, the laws prohibiting divisionism, genocide ideology, and genocide denial continued to discourage citizens from expressing viewpoints that might be construed as promoting societal divisions. Other statutes forbid criticism “attacking the dignity of a high authority.” During the year the expression of such viewpoints sometimes resulted in imprisonment, harassment, or intimidation.

During the year there were three cases in which the Government either prosecuted or expelled members of the press for articles deemed in violation of the divisionism statute, the press law, or other articles of the criminal code. Some international human rights NGOs perceived deterioration in certain areas of press freedom and freedom of speech. The number of publications increased. However, few domestic radio stations broadcast hard news programs, and there continued to be a lack of trained journalists. Other observers perceived a lack of trust between the media and the Government, noting that government criticism of the domestic media during the year may have illustrated residual concerns stemming in part from the role the media played in provoking the 1994 genocide.

In their strongest verbal attack on the press to date, several government ministers suggested during a televised call-in show in September that journalists critical of the Government were aiding “negative forces” (armed forces in neighboring countries dedicated to overthrowing Rwanda’s elected government) and that the journalists’ editorial policy reflected the genocide ideology of such forces. The show, which was broadcast on a government station, included comments by the ministers of finance, information, internal security, and justice, as well as by the spokesperson for the national police. The minister of internal security charged that persons who insulted President Kagame were “enemies of the nation” who were attempting to destroy the country “starting from the head”; however, the justice minister disassociated himself from the more extreme remarks and noted the important role played by a free press in a democratic society. In October President Kagame and members of his staff met privately with members of the press to discuss the country’s journalism. Reports described the meeting as generally positive but noted tensions between progovernment and independent journalists. Some participants accused independent journalists of undermining the Government and the president.

On October 24, Charles Kabonero, the editor of the RIMEG group and publisher of Umuseso, announced the suspension of his newspapers pending explanation from the Government of his alleged assistance to “negative forces” opposed to the Kagame government. On October 26, Bonaventure Bizimuremye, the editor and publisher of Umuco, announced that he would also suspend his publication pending an explanation from the Government for allegedly assisting negative forces. Both newspapers resumed publication after several weeks.

There were both privately and government-owned newspapers, published in English, French, and Kinyarwanda. The New Times, an English-language paper with close ties to the Government, whose shareholders reportedly included senior government officials, was the only newspaper published daily. There were 38 newspapers, journals, and other publications registered with the Government. The country’s independent newspapers—including Newline, Umuseso, Umuco (published twice each month), and the sporadically published Umuvugizi—regularly maintained positions contrary to or critical of the Government, including pointed criticism of the performance of senior government ministers and President Kagame. The New Times also criticized government policies and officials. Some journalists said government officials pressured government institutions to withhold advertising from independent newspapers that criticized the Government.

The law authorizes private radio and TV broadcasting, subject to the approval of the Government, although some have complained that the licensing fees remained prohibitively high. Although the Government authorized the licensing of private television stations, it owned and operated the country’s only television station. In addition to Radio Rwanda, which was owned and operated by the Government, there were nine independent FM radio stations broadcasting during the year, focused primarily on music and talk shows. Foreign media groups, including Voice of America (VOA), BBC, and Deutsche Welle broadcast in Kigali throughout the year and were among the few stations in the country that regularly broadcast independent news. Radio stations broadcast increased criticism of government policies during the year, including through the use of popular citizen call-in shows featuring criticism of the Government on local government, health, media, *gacaca*, and other issues.

Radio France Internationale, which was closed after the November 2006 break in diplomatic relations with France, remained closed during the year.

During the year the Government continued to closely monitor the press and arrested several local journalists who published articles deemed in violation of the divisionism, genocide, and press laws.

For example, on January 19, police arrested Agnes Nkusi-Uwimana, editor of Umurabyo, on charges of divisionism and minimizing the genocide. In a December 2006 article, Nkusi-Uwimana equated incidents of revenge killings by Rwanda Patriotic Army (RPA) soldiers at the end of the 1994 genocide with the genocide itself. In a January article entitled "You have problems if you kill a Tutsi, but you go free if you kill a Hutu," she attacked by name senior members of the Government, calling them "dogs" and "prostitutes." Several independent journalists called upon her to apologize for her published remarks in the first article, which she initially agreed to do. However, she instead published the second article, which led to her arrest. In April she pled guilty to divisionism, defamation, and passing a bad check and received a 1-year jail term. The case was widely interpreted as demonstrating that, while the Government tolerated wide-ranging criticism of its policies, explicit ethnic attacks and genocide denial or minimizing of the genocide would be prosecuted.

In February authorities arrested Congolese journalist and professor Idesbald Byabuze on suspicion of genocide, denial, and divisionism. Byabuze, who had recently entered Rwanda and taken up a teaching position at a local university, had authored several articles in Congolese publications that denounced at length an alleged Tutsi domination of the Hutu majority population. After detaining Byabuze for approximately 1 month, authorities released and deported him.

Police summoned journalists to pressure them to reveal their sources, according to a July 17 report by the Committee to Protect Journalists. For example, police interrogated Umuseso director Kabonero and editor Didas for 3 hours in a police station in Kigali after Umuseso's June 13 and 25 articles on criminal prosecutions in South Africa against businessman Tribert Rujugiro. The journalists were also questioned about a June 28 article reporting the alleged 3-day house arrest of the country's police chief in connection with a corruption probe. The journalists, who did not reveal their sources, were released without charge.

In April the Government began prosecuting Umuco editor Bonaventure Bizumuremyi, who was charged in 2006 with defamation, divisionism, and disobeying public authorities; the charges stemmed from 2005 and 2006 Umuco articles that "insulted President Kagame" and also from Bizumuremyi's noncompliance with a police summons in 2006. Prosecution continued sporadically throughout the year, and Bizumuremyi continued to act as chief editor for Umuco. In May the information minister denied his request to register a new publication *Afrique Liberation*, citing the ongoing prosecution. At one point Bizumuremyi claimed to have gone into hiding to avoid prosecution or arrest, but he later appeared publicly and ignored several scheduled court appearances without incident.

In some cases journalists were harassed, threatened, or attacked by unidentified individuals. For example, in January three men attacked Umuvugizi editor Jean Bosco Gasasira with tire irons as he left a meeting of local journalists in Kigali, inflicting life-threatening injuries to his skull, breaking his arm, and injuring his leg. Police arrested one suspect, a demobilized ex-soldier, at the scene of the attack and began an investigation. The prosecutor general increased the original police charge of aggravated assault to attempted murder and began prosecution in June. In July the attacker received a life sentence. Gasasira, who continued to report surveillance and harassment after he resumed publication of his newspaper, was questioned by police in September about several of his articles and released the same day.

No arrests were made, and none were expected, in connection with the beating of Olivier Tibasumba, the brother of VOA stringer Lucie Umukundwa, who fled the country in 2006 after her brother's assailants warned that she should "stop interfering with our work."

In June the minister of information closed a new publication, the *Weekly Post*, after one issue, citing irregularities in its application for registration. *Weekly Post* reporter Eneus Akange subsequently reported harassment by unidentified government security personnel and left the country, claiming his arrest was imminent. The High Council of the Press formally contacted the minister for an explanation of his actions; the minister claimed that the application contained falsehoods. In September the newspaper took the information minister to court, challenging his authority to close the newspaper.

According to some of the country's journalists, government officials pressured some government institutions and local businesses to withhold advertising from independent newspapers critical of the Government and also influenced the printed press through its purchase of advertising space, upon which many private publications were financially dependent; government agencies generally did not advertise in independent newspapers. Early in the year, the president publicly asked why gov-



ernment offices should place advertisements in independent newspapers critical of his government. Print media often published abroad to avoid more expensive local publishing costs.

The High Council of the Press, which reports to the Office of the Paresident and has four Government representatives among its nine members, occasionally requested clarification from journalists on articles that potentially violated the media law or criminal libel statutes. Some domestic and international press freedom advocates continued to criticize the council for lacking independence and focusing its energy and resources on monitoring the country's journalists while failing to defend journalists' rights or to investigate possible infringements of press freedom. However, in August the council requested an explanation from the minister of information concerning his closure of the Weekly Post; the council also sent representatives to accompany journalists called by the police for questioning.

The Government continued to use a media law that imposes criminal sanctions on the media for libel and other forms of defamation to suppress criticism and limit press freedom.

*Internet Freedom.*—There were no government restrictions on the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Internet cafes were common and used regularly in the largest towns, but the Internet was generally unavailable to the majority of people living in rural areas.

*Academic Freedom and Cultural Events.*—The Government generally did not restrict academic freedom or cultural events; however, during the year the Government arrested and subsequently expelled a foreign professor who, prior to his arrival in the country, had written articles denouncing the alleged Tutsi domination of Hutus.

There were several reports of authorities suspending secondary school students on accusations of engaging in genocide ideology. For example, in June eight students and three teachers were expelled from a secondary school in Nyamirama for defecating on the beds of genocide survivors and harassing them with unsigned letters.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The Constitution and law provide for freedom of assembly, and the Government generally respected this right in practice; however, there were some exceptions. Authorities legally may require advance notice for outdoor rallies, demonstrations, and meetings. There were no reports that authorities prohibited nighttime meetings, although some groups avoided nighttime meetings to avoid possible disruption.

Unlike in the previous year, there were no reports that the Government cancelled local marches.

The Government continued to limit the type of locations where religious groups could assemble, at times citing municipal zoning regulations as the reason.

*Freedom of Association.*—The Constitution provides for freedom of association; however, the Government limited this right in practice. Private organizations were required to register, and the Government generally granted licenses without undue delay; however, there were some exceptions. The Constitution provides for a multiparty system of government and for the free operation of political organizations. The Government restricted political party activities in practice by requiring membership in the Political Party Forum; however, on June 1, a new political party law abolished restrictions on political party organizational efforts at the district, sector, cell, and village level (see Section 3).

To obtain a provisional 6-month approval, domestic NGOs must present their objectives, plan of action, and financial information to local authorities of every district in which the organizations intend to work. After obtaining provisional agreement, domestic NGOs must apply for registration (legal recognition) each year under the authority of the Ministry of Justice. If a local NGO is initially denied registration, the NGO sometimes must renew its registration documents. These requirements made registration extremely difficult for some organizations. Domestic NGOs were required to submit financial and activity reports each year to the National Government.

The Government also required international organizations to register each year and to obtain yearly provisional authorization from the local governments of every district in which the organizations intend to work, followed by final authorization from the requisite ministry. This requirement made registration difficult for some organizations. The Government also required international organizations to submit yearly reports with the relevant local governments and national level ministries. The paperwork involved was burdensome.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, there were some exceptions. Local government officials detained members of Jehovah’s Witnesses for refusing to participate in security patrols; however, there were substantially fewer such reports than in previous years.

The law requires that all nonprofit organizations, including churches and religious organizations, register with the Ministry of Local Government and with the Ministry of Justice to acquire the status of “legal entity.”

There were reports that some religious organizations operated without legal recognition because the registration process was arduous, which government officials confirmed. Members of unregistered groups were vulnerable to censorship and possible detention. The Government did not deny any new applications during the year.

The Government ended the suspension of two Pentecostal churches led by foreign pastors; one of the pastors left the country in 2006.

Unlike in the previous year, no religious workers were arrested for comments that could be construed as negating the 1994 genocide.

There were reports of police detaining, arresting, and in one case beating members of Jehovah’s Witnesses because they refused—on religious grounds—to participate in nighttime security patrols; however, there were significantly fewer reports than in previous years. In 2005 a few judges ruled that there is no law requiring mandatory nighttime patrols and that the Prosecutor’s Office had wrongly applied a law requiring some form of “community work.”

The 15 members of Jehovah’s Witnesses arrested in 2006 were released during the year.

During the year the Government and Jehovah’s Witnesses authorities continued to address problems and misunderstandings through a collaborative mechanism begun in 2005. The Government responded to reports that local authorities had detained members of Jehovah’s Witnesses and secured their release in all cases. Unlike in the previous year, the Government allowed new Kingdom Halls or churches to be built throughout the country. Church leaders reported improved relations with the Government and better communication between the National Government and local leaders.

The Government continued to require religious groups to hold services at their established places of worship and to ban the use of private homes for this purpose. Some small religious groups that met in private homes were forced to move to new locations.

Government officials presiding over wedding ceremonies generally required couples to take an oath while touching the national flag, a practice that members of Jehovah’s Witnesses objected to on religious grounds. This practice made it difficult for church members to marry as they had to find officials willing to perform the ceremony without the flag requirement.

According to church officials, three primary student children of Jehovah’s Witnesses were suspended from school for refusing to attend Christian services in May and three more in July. Active engagement by local Jehovah’s Witnesses leaders with government officials resulted in the resolution of the issue and the readmission of the students.

*Societal Abuses and Discrimination.*—There was a very small Jewish community, and there were no reports of anti-Semitic acts.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution and law provide for freedom of movement, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

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

During the year the country accepted 16,000 Rwandan nationals expelled by the Tanzanian Government, most of whom were settled in their districts of origin. The Government worked with the UNHCR and other aid organizations to assist the returnees who were resettled. Government mediators handled land disputes resulting from the large number of returnees.

The Government continued to accept former combatants who returned to the country from the Democratic Republic of the Congo (DRC) as part of the ongoing peace process between the two countries. A total of 6,676 former combatants from armed groups in the DRC, including 671 former child soldiers, had been demobilized and peacefully resettled in Rwanda since the beginning of the disarmament, demobilization, and reintegration program in 2001. During the year 202 adult former combatants from armed groups and 50 children were demobilized; 1,667 RDF soldiers

were demobilized in December. With international support, the Government's Demobilization and Reintegration Commission, the lead agency for the reinsertion of returned former combatants, placed such persons in a 2-month reeducation program at demobilization and reintegration centers in the Northern Province. There also was a center solely for former child combatants in the Eastern Province. After the 2-month reeducation period, each adult former combatant was given approximately \$90 (50,000 Rwandan francs) and allowed to return to his village. Returnees who were accused of committing genocide and were over 25 years of age (or 14 years old at the time of the genocide) were subject to gacaca trials.

Following a July agreement with the Government of Uganda, approximately 2,200 Rwandan citizens were repatriated from Uganda and resettled in their home villages. UNHCR monitored the population movement, which was not voluntary, but had no legal mandate to assist a nonrefugee population.

*Protection of Refugees.*—The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 Protocol, and the Government has established a system for providing protection to refugees. The Constitution recognizes the right to asylum “under conditions determined by law,” and there was a law in place to recognize refugees. However, the Government was slow to implement refugee registration procedures, and most persons seeking asylum or refugee status had to seek private assistance (finding housing, food, and other supplies) while awaiting formal recognition by the Government.

In practice the Government provided some protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. The Government granted refugee status and asylum during the year.

The UNHCR continued to assist refugees and asylum seekers and provided temporary protection to 53,201 persons, the vast majority of whom were refugees from the DRC. The Government generally cooperated with the UNHCR.

During the year there were reports of a DRC-based armed group recruiting children and adults from Rwandan refugee camps to be combatants or forced laborers. The Government initially denied the reports of recruitment but subsequently sent counselors to educate the refugee population on the dangers of child soldiering and publicly urged camp populations and others to report any recruiting attempts. The Government noted that it was difficult to control camps that had no fences and populations that regularly crossed borders.

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

The Constitution and law provide for the right of citizens to change their government peacefully; however, this right was effectively restricted.

*Elections and Political Participation.*—In 2003 President Paul Kagame won a landslide victory against two independent presidential candidates, receiving 95 percent of the vote. In legislative elections the same year, President Kagame's political party, the RPF, won the majority of the seats in the Chamber of Deputies and Senate. International election observers, representing both foreign governments and NGOs, noted that the country's first postgenocide elections, although peaceful, were marred by numerous serious irregularities—including ballot stuffing, “guarded” polling booths, and irregular ballot counting in at least two of the 12 provinces—and fraud. There also were numerous credible reports that during the 2003 presidential and legislative campaigns, opposition candidates and their supporters faced widespread harassment and intimidation, including detention.

On June 1, a new law on political parties abolished restrictions on party organizational efforts at the district, sector, cell, and village level, allowing parties to open offices at every administrative level in the country; previously parties could have offices at the national and provincial levels only. After the new law came into effect, several parties began vigorous efforts to both elect local party leadership and open offices at the local level. During the year there were no reported efforts to form a political party opposed to the Government, and there were no reports that the Government denied registration to any party.

During the year the electoral commission took measures to comply with the 2006 African Peer Review Mechanism (APRM) country report, released by the New Partnership for Africa's Development, a mandated initiative of the African Union. The report recommended that secret ballots be used in local elections and that the voters' register be updated and modernized. During the year the commission purchased 16,000 modern ballot boxes, hired a consultant to digitize the voting process, and in September began a nationwide voter re-registration process linked to the issuance of national identity cards.

The RPF continued to dominate the Parliament and the political arena. Eight other political parties sought support in the country. Seven political parties were represented in the Chamber of Deputies and the Senate; however, most chose to associate themselves with the RPF rather than assert independent positions. In accordance with the Constitution, which states that "a political organization holding the majority of seats in the Chamber of Deputies may not exceed 50 percent of all the members of the cabinet," independents and members of other political parties held key positions in government and Parliament, including that of the prime minister and the speaker of the Chamber of Deputies. In the Chamber of Deputies, 13 of the 53 directly elected members belonged to parties other than the RPF. All political parties represented in Parliament held regular meetings and were authorized to recruit new members and stand for election.

The Constitution provides for a multiparty system but offers few rights for parties and their candidates. According to the 2006 APRM report, the country had made significant progress toward political pluralism, but parties were still "not able to operate freely" and faced legal sanctions if accused of engaging in divisive acts. The Government's continuing campaign against divisionism discouraged debate or criticism of the Government and resulted in brief detentions and the holding of one political prisoner, former minister Ntakirutinka.

All political organizations were constitutionally required to join the Forum for Political Organizations, which continued to limit competitive political pluralism, according to the 2006 APRM report. The law regulates the formation, structure, and functioning of political organizations and monitors their use of the media, management of financial assets, and relations between political organizations and other institutions. The law outlines a code of conduct for political organizations. The law also outlines the Government's ability to cancel an organization's mandate.

The Constitution requires that at least 30 percent of the seats in Parliament be reserved for women, who won approximately 40 percent of the seats during the 2003 legislative elections. At year's end there were nine women in the 26-seat Senate and 38 women in the 80-seat Chamber of Deputies. There were nine women in ministerial positions, representing 32 percent of cabinet positions.

There was one member of the Batwa ethnic group in the 26-seat Senate but none in the Chamber of Deputies.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption, and the Government implemented these laws with increasing effectiveness. The World Bank's worldwide governance indicators reflected that corruption in the country was a problem.

The Government's Office of the Ombudsman had an active good governance program and several anticorruption units that worked at the local level. Although the office does not have the authority to prosecute cases, it can recommend cases to the Prosecutor General's Office, and during the year the office pursued several thousand corruption cases, the majority of which involved land. The Government began a broad inquiry into misuse of public funds by 46 government institutions. There were reports that some corruption charges and prosecutions were directed at political opponents of the RPF. The inspector general of government worked to prevent corruption. The law provides for annual reporting of assets by public officials but not public disclosure of those assets. During the year the police and prosecution service used the auditor general's annual report to begin detailed investigations into the conduct of government business. There were several high-level officials convicted of corruption.

During the year the Government prosecuted several senior officials on corruption charges, including the secretaries general of the ministries of labor, defense, and health. Charges against the secretary general of labor were dropped; the secretary of defense was convicted of embezzlement and sentenced to 18 months' imprisonment; and the secretary of health was acquitted.

The law does not provide for access to government information, and in practice it remained difficult for citizens and foreigners, including journalists, to obtain access to government information.

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

A variety of international NGOs and several increasingly independent domestic human rights groups operated in the country, investigating and publishing their findings on human rights cases. Some domestic NGOs said the Government was intolerant of criticism and had a tendency to be suspicious of local and international human rights observers, often rejecting their criticism as biased and unfounded. During the year some NGOs expressed fear of the Government and self-censored their activities and comments. Despite continued government restrictions, relations

between the Government and domestic NGOs improved during the year. International and local NGOs reported unfettered access to the country's prisons.

Domestic NGOs LIPRODHOR and LDGL focused on human rights abuses. Other local NGOs, including ADL, ARDO, AVP, FACT, Kanyarwanda, CCOAIB, CESTRAT, CLADHO, Profemmes, and Civil Society Platform, dealt with at least some human rights issues and conducted activities such as lobbying the legislature to provide more protection for vulnerable groups; facilitating dialogue on the death penalty; observing elections; raising awareness of human rights among youth; and providing explanations of legislation, legal advice, and advocacy. LIPRODHOR employed its 600 members and 106 district volunteers to conduct field investigations of alleged abuses, and both LIPRODHOR and LDGL published their findings and discussed them with government officials—including on sensitive cases—and raised concerns about false accusations in gacaca trials. A few domestic NGOs produced publications regularly on general human rights issues.

The law on nonprofit associations allows government authorities to control projects, budgets, and the hiring of personnel. NGOs often found the registration process and government reporting requirements difficult and burdensome. For example, civil society groups were required to submit quarterly financial statements and lists of staff and assets in each of the districts where projects occurred. NGOs were also required to provide reports on their activities to the Ministry of Local Government. Members of NGOs complained that these requirements and near-compulsory participation in the Joint Action Forum strained their limited resources. While there was no legal requirement to contribute financially, some organizations felt pressured to do so. Unlike in previous years, there were no reports that the Government required NGOs to obtain authorization for projects before they could access funds provided by international donors.

Domestic NGOs noted that relations with the Government generally improved during the year and that consultations were positive between the Government and civil society on a proposed bill reforming the regulation of NGOs. Nevertheless, several domestic NGOs expressed disappointment that civil society's recommendations were often sought on short notice, giving them little time to prepare their responses, and that their suggestions were not regularly incorporated into the draft legislation.

On May 27, a gacaca trial court sentenced Francois Byuma, the head of a local human rights group, to 19 years' imprisonment on genocide charges. Several other local human rights groups charged that the court had been biased, as Byuma's organization, Protect Our Children, had been investigating the president of the gacaca court on a sex-with-minors charge. (The president did not recuse himself from presiding in the case.) In August a gacaca appeals court, which took new testimony, upheld the sentence. Noting that evidence of Byuma's direct involvement was limited and unpersuasive, some observers considered the sentence unduly harsh. In an August 22 report, HRW noted that the appeals court "gave no reasons for its decision." Byuma conceded that he participated—although tangentially and by order of local authorities—in efforts to locate Tutsis for slaughter, but denied that he participated in any beatings or killings.

Unlike in the previous year, the Government cooperated with domestic and international NGOs to facilitate prison access. In July ICRC officials noted that they were granted access with or without providing advance notice to authorities. In September a LIPRODHOR representative noted that the organization had "almost-automatic" access to 15 of the country's 16 prisons in unannounced visits; authorities in the 16th prison reportedly were uncooperative.

There was a restricted atmosphere for the functioning of civil society due to the legacy of the genocide. In 2006 the New York-based NGO Freedom House reported that human rights NGOs were generally reluctant to express critical views to avoid being accused by the Government of engaging in divisive political activity and of opposing the Government. During the year the Government continued to claim that calls by human rights groups or opposition figures for investigations of alleged RPF war crimes constituted attempts to equate the genocide with abuses committed by RPF soldiers who stopped the genocide. There were reports that some NGOs were pressured to cooperate with the Government to provide information on the activities of other NGOs.

In April the Senate released the results of a 2005 study to identify divisionism and "genocide ideology" (support for genocide or its principal tenets) among international NGOs and scholars. Unlike the 2004 parliamentary report, which the Government used to effectively dismantle the country's independent human rights organizations, the 2005 study did not accuse specific organizations of supporting genocide ideology or make recommendations for action against them, but rather offered an analysis of the historical origins in the years before the genocide and suggested strategies for constructing a society free of corrosive attitudes. The 2004 report ac-

cused 13 domestic and international civil society groups, religious institutions, journalists, local government leaders, secondary schools, and the national university of engaging in divisionist activities and genocide ideology. LIPRODHOR stopped operating in 2005, and many of its members sought asylum abroad.

By the end of 2005, LIPRODHOR had rebuilt its organization, rebuilt its relationships with local government officials, and begun to travel throughout the country, conduct investigations, criticize the Government, and seek redress for its clients. During the year LIPRODHOR was one of two domestic human rights NGOs that vigorously investigated violations by the Government and engaged in discussion and lobbying with officials to address abuses. By year's end LIPRODHOR's caseload exceeded pre-2004 levels.

During the year a progovernment NGO platform group continued to manage and direct some NGOs through the use of umbrella groups, which theoretically aggregated NGOs working in particular thematic sectors; however, many observers believed that the Government controlled some of these umbrella NGOs. Other umbrella organizations exercised considerable independence. In 2006 the U.N. Development Program and the NHRC, the Government's lead agency for human rights, inaugurated a framework for cooperation among human rights NGOs including a permanent secretariat, quarterly meetings of a guiding council, and biannual plenary sessions to discuss and address human rights issues.

During the year the NHRC released its 2006 report, which criticized government action in a number of areas, including illegal detentions, police beatings, and prison conditions. However, the NHRC did not have adequate resources to investigate all reported cases of violations, and according to some observers, the NHRC remained biased towards the Government in its investigations and reporting.

The ICTR continued to prosecute genocide suspects during the year. Since 1994 the ICTR has completed 27 cases, with 22 convictions and five acquittals. At year's end, there were 29 individuals on trial, six individuals awaiting trial, six individuals on appeal, and one individual transferred to The Hague, for a total of 63 individuals in custody in the court's seat in Tanzania. During the year the ICTR prosecutor began the process of transferring cases to Rwanda for trial, and the Government took steps to prepare its facilities and legal system to meet international standards for these cases.

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

The Constitution provides that all citizens are equal before the law, without discrimination on the basis of ethnic origin, tribe, clan, color, sex, region, social origin, religion or faith opinion, economic status, culture, language, social status, or physical or mental disability. The Government generally enforced these provisions; however, problems remained.

*Women.*—The law criminalizes rape, and the Government continued taking steps to enforce the law more effectively. The Government handled rape cases as a priority within its courts and tribunals. In recent years those convicted of rape generally received sentences of between 20 and 30 years' imprisonment. The Government recognized rape as a problem, and in 2005 classified rape and other crimes of sexual violence committed during the genocide as a Category I genocide crime. It also improved protection at the local level for rape victims testifying at gacaca courts. During the year police investigated 1,435 rape cases.

The law does not specifically prohibit domestic violence, and domestic violence against women, including wife beating, was common. Cases normally were handled within the context of the extended family. In October officials at police headquarters in Kigali established a hot line for domestic violence together with an examination room, trained counselors, and easy access to a police hospital for more intensive interventions. Each of the 62 police stations nationwide had its own gender desk, trained officer, and public outreach program. The national gender desk in Kigali also monitored investigations and prosecutions nationwide into gender-based violence.

Prostitution is illegal, but trafficking in women for sexual exploitation remained a problem.

Women continued to face societal discrimination, but the Government had multiple programs to combat these traditional practices. Women traditionally performed most of the subsistence farming. Since the 1994 genocide, which left numerous women as heads of households, women assumed a larger role in the formal sector, and many operated their own businesses. Nevertheless, women continued to have limited opportunities for education, employment, and promotion. The Government made an effort to expand opportunities for women. The government-funded Women's Council served as a forum for women's issues and consulted with the Government on land, inheritance, and child protection laws. Other efforts included scholarships

for girls in primary and secondary school, loans to rural women, and the appointment of a minister in the Prime Minister's Office for family and gender promotion to train government officials and NGOs in methods to increase the role of women in the workforce. The law allows women to inherit property from their fathers and husbands, and it allows couples to choose the legal property arrangements they wish to adopt; however, in practice, it was much more difficult for women than for men to successfully pursue property claims.

The minister of gender and family promotion in the Office of the Prime Minister was the lead government official handling problems of particular concern to women, coordinating programs with other ministries, police, and NGOs. A number of women's groups were active in promoting women's concerns, particularly those faced by widows, orphaned girls, and households headed by children.

*Children.*—The Government was committed to children's rights and welfare and worked to improve education and health care for children, who headed at least 106,000 households. The Government worked closely with international NGOs to secure assistance for children who were heads of households and sensitized local officials to the needs of children in such situations.

Education is compulsory through primary school or until age 13. While primary school fees were abolished, most parents still had to pay unofficial fees to support basic school operations. However, children were not dismissed from school for their parents' failure to pay such fees. A survivor's fund assisted with the secondary school fees for school-age genocide survivors.

Public schools lacked essential and basic supplies and could not adequately accommodate all children of primary school age. Private primary schools often were too distant or too expensive to serve as an alternative for many children. According to the Ministry of Education, 92.4 percent of primary school-age children were enrolled in school. According to UNICEF, the net primary school attendance/enrollment ratio was 75 percent. Of the children who entered the first grade, 46 percent reached the fifth grade. Equal numbers of boys and girls began primary school, but attendance by girls declined at a faster rate than for boys. Children took entrance exams to enter secondary school, and 17 percent of secondary school-age children were enrolled in school during the year.

Boys and girls had equal access to state-provided medical care.

There were no statistics available on child abuse; however, it was a problem.

According to UNICEF, 20 percent of women between the ages of 20 and 24 had married or entered into a union before they were 18 years old. The legal age for marriage for both males and females is 21.

Due to the genocide and deaths from HIV/AIDS, there were numerous households headed by children, some of whom resorted to prostitution to survive.

During the year there were reports that an armed group from the DRC recruited children from Rwandan refugee camps for use as combatants or forced laborers (see Section 2.d.).

The Government continued to support a demobilization and reintegration program. During the year 50 children who had served as soldiers in the DRC received care and reintegration preparation from the Muhazi demobilization center for children in the Eastern Province.

There were approximately 7,000 street children throughout the country. Authorities rounded up street children and placed them in foster homes or government-run facilities. In midyear the Kigali municipal government reopened the Gikondo transit center, where street children, vagrants, and street sellers were held in substandard conditions (see Section 1.d.). The Government supported 12 childcare institutions across the country that provided shelter, basic needs, and rehabilitation for 2,950 street children. The Government also worked with international organizations and NGOs to provide vocational training and psychosocial support to street children, to reintegrate them into their communities, and to educate parents on prevention of street children.

*Trafficking in Persons.*—While there was no specific antitrafficking law, laws against slavery, prostitution by coercion, kidnapping, rape, and defilement were available to prosecute traffickers. There were reports that persons were trafficked from and within the country during the year.

The country was a source for small numbers of women and children trafficked for sexual exploitation, domestic labor, and soldiering. The largest trafficking problem was underage prostitution; small numbers of impoverished girls, typically between the ages of 14 and 18, used prostitution as a means of survival, and some were exploited by loosely organized prostitution networks. Due to the genocide and deaths from HIV/AIDS, numerous children headed households, and some of these children resorted to prostitution or may have been trafficked into domestic servitude. While

police reportedly conducted regular operations against prostitution, no statistics were available on prosecutions of those who utilized or exploited children in prostitution. When the Government dismantled prostitution rings, it offered women rehabilitation programs sponsored by the Ministry of Gender and Family Promotion that included work retraining.

During the year there were reports of a DRC-based armed group recruiting and trafficking Congolese from refugee camps for use as forced laborers or child soldiers in the DRC (see Section 2.d.).

No traffickers were prosecuted during the year; however, several investigations were ongoing at year's end. The Rwanda national police, under the Ministry of Internal Security, is the lead government agency responsible for combating trafficking of persons.

The Government made significant efforts to fight trafficking despite resource constraints. The Government provided training on sex crimes and crimes against children to police as part of the police training curriculum. During the year the police offered specialized training in recognizing trafficking, particularly trafficking involving children, to many police cadets. The Government also monitored immigration and emigration patterns, as well as border areas that were accessible by road.

*Persons with Disabilities.*—The Constitution provides that all citizens are equal before the law and prohibits discrimination on the basis of physical or mental disability, and during the year the Government promulgated a law that specifically prohibits discrimination against persons with disabilities in regard to employment, education, and access to social services. The law also mandates access to public facilities, accommodations for taking national exams, provision of medical care by the Government, and monitoring of implementation by the NHRC. The Constitution mandates that one member of the Chamber of Deputies be appointed by the Federation of the Associations of Persons with Disabilities.

*National/Racial/Ethnic Minorities.*—Before the 1994 genocide, an estimated 85 percent of citizens were Hutu, 14 percent Tutsi, and 1 percent Batwa. Prior to the 1994 genocide, citizens were required to carry identity cards that indicated ethnicity. Following the genocide, the Government banned all identity card references to ethnic affiliation as divisionist or contributing to genocide ideology. As a result, the Batwa, purported descendants of Pygmy tribes of the mountainous forest areas bordering the DRC and numbering approximately 33,000, were no longer designated as an ethnic group. On this basis the Government no longer recognized groups advocating for Batwa needs. Some Batwa said their rights as an indigenous ethnic group were denied as a result of such government policies. The Government recognized the Community of Indigenous Peoples of Rwanda (CAURWA), a Batwa advocacy organization, although it was not formally acknowledged as an organization supporting an “indigenous group.” Despite the recognition of CAURWA and joint health and education projects with the Government, most Batwa continued to live on the margins of society with very limited access to education, and they continued to be treated as inferior citizens by both the Hutu and Tutsi groups.

Large-scale interethnic violence in the country between Hutus and Tutsis erupted on three occasions since independence in 1962, resulting on each occasion in tens or hundreds of thousands of deaths. The most recent and severe outbreak of such violence, in 1994, involved genocidal killing of much of the Tutsi population under the direction of a Hutu-dominated government and in large part implemented by the Hutu-dominated national army and armed youth militia called the Interahamwe. The genocide ended later the same year when the predominantly Tutsi RPA, operating out of Uganda, occupied Rwandan territory, overthrew the Hutu-dominated government, and established the Government of National Unity, which was composed of members of eight political parties and which ruled until the elections in 2003.

Since 1994 the Government has called for national reconciliation and abolished policies of the former government that were perceived to have created and deepened ethnic cleavages. The Government eliminated all references to ethnicity in written and nonwritten official discourse, and there was no government policy of ethnic quotas for education, training, or government employment. The Constitution provides for the eradication of ethnic, regional, and other divisions and the promotion of national unity. Some organizations and individuals continued to accuse the Government of favoring Tutsis—particularly English-speaking Tutsis—in government employment, admission to professional schooling, recruitment into or promotion within the army, and other matters; however, there was no evidence suggesting that the Government practiced ethnic favoritism. University admissions demonstrated that a substantial majority of entering students were French speaking.



*Other Societal Abuses and Discrimination.*—Discrimination based on sexual orientation occurred, and in September some members of Parliament publicly called for legislation criminalizing homosexuality. There were reports that police officers assaulted and arrested homosexuals. There were also reports of landlords evicting tenants based on sexual orientation.

Discrimination against persons living with HIV/AIDS occurred, although such incidents dramatically decreased in recent years, and the Government actively supported public education campaigns on the issue, including the establishment of HIV/AIDS awareness clubs in secondary schools. Members of the military with HIV/AIDS are allowed to serve domestically but do not take part in peacekeeping missions abroad.

*Section 6. Worker Rights*

*a. The Right of Association.*—The law provides all salaried workers, except for civil servants, with the right to form and to join unions of their choice without previous authorization or excessive requirements, and workers exercised this right in practice; civil servants were prohibited from organizing. Between 20 and 30 percent of the total workforce, including agricultural workers, was unionized.

While all unions must register with the Ministry of Labor for official recognition, there were no known cases in which the Government denied recognition during the year.

The law prohibits antiunion discrimination, but there were no functioning labor courts to resolve complaints involving discrimination against unions. According to the Central Union of Rwandan Workers (CESTRAR), employers frequently intimidated unionists through the use of transfers, demotions, and dismissals. The law requires employers to reinstate workers fired for union activity.

*b. The Right to Organize and Bargain Collectively.*—The law allows unions to conduct their activities without interference, and while the Government respected this right in practice, some private sector employers did not and often harassed union members to discourage their activities. In addition, the law does not extend this right to agricultural workers. The law provides for collective bargaining, but this right was severely limited.

The Government was heavily involved in the collective bargaining process since most union members were in the public sector. Only CESTRAR had an established collective bargaining agreement with the Government.

The law provides some workers with the right to strike, but in practice this right was severely restricted. Participation in unauthorized demonstrations could result in employee dismissal, nonpayment of wages, and civil action against the union. The law does not allow civil servants to strike. For workers who are allowed by law to strike, a union's executive committee must approve any strike, and the union must first try to resolve its differences with management according to steps prescribed by the ministry of labor. This process essentially prohibits strikes. There were no demonstrations by union members during the year.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, and the Government generally enforced this right; however, prisoners were assigned work details that generally involved uncompensated public maintenance duties. Gacaca courts sentenced convicts to perform community service, and those suspected of committing genocide who confessed were given sentences involving community service. By year's end approximately 45,000 persons had been registered for community service and were either working as day laborers, as residents in one of 26 community service camps, or awaiting community service assignments.

There were reports indicating that an armed group based in the DRC recruited children from Rwandan refugee camps for labor and soldiering in the DRC (see Section 2.d.).

Forced child labor and trafficking of children for sexual exploitation occurred.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—While the law does not specifically prohibit forced or compulsory labor by children, there are laws to protect children from exploitation in the workplace; however, the Government did not effectively enforce them, and child labor, including forced prostitution, was prevalent. Except for subsistence agricultural workers, who account for more than 85 percent of the workforce, the law prohibits children under the age of 16 from working without their parents' or guardians' permission and prohibits children under 16 from participating in night work (between 7 p.m. and 5 a.m.) or any work deemed hazardous or difficult by the minister of labor. Children also must have a rest period of at least 12 hours between work engagements. The minimum age for full-time employment is 18 years (14 years for apprenticeships), provided that the child has com-

pleted primary school. In June the Government indicated that approximately 450,000 children (approximately 9 percent of the country's 4 million children under 18) were engaged in child labor. However, a U.N. report released in 2006 suggested that 36 percent of children between the ages of 5 and 14 (approximately 1 million children) were engaged in child labor.

The Government identified five forms of child labor as those that should be considered as the "worst forms of labor," including domestic work outside the family sphere; agricultural activities on tea, rice, and sugar cane plantations; work in brickyards and sand extraction quarries; crushing stones; and prostitution. During the year child labor persisted in the agricultural sector (particularly on tea plantations), among household domestics, in small companies, and in the brickmaking industry. Children received low wages, and abuse was common. In addition, child prostitution and trafficking of children were problems. There were reports of a DRC-based armed group recruiting children in refugee camps to be used as combatants or forced laborers.

The Government made efforts to improve its enforcement, but it did not have the capacity or a sufficient number of labor inspectors to effectively enforce laws restricting and regulating child labor.

The Government worked with NGOs to raise awareness of the problem and to identify children involved in child labor, and to send them to school or vocational training. Since March 2005, in collaboration with the NGO KURET, the Government rescued 3,485 children from exploitative labor conditions and provided training and prevention services to another 2,582 children considered at risk for trafficking or other exploitation. The Government also consulted NGOs on the formulation of a national child labor policy and on integrating child labor issues into its poverty reduction strategy. The Government imposed fines against those who illegally employed children or sent their children to work to the detriment of their education. The Government continued to support 30 child labor inspectors in 12 regional offices; however, the Government was unable to provide them with adequate resources to effectively identify and prevent the use of child labor.

*e. Acceptable Conditions of Work.*—The Ministry of Public Service, Skills Development, and Labor set minimum wages in the small formal sector. The Government, the main employer, effectively set most other wage rates as well. There was no single minimum wage; minimum wages in the formal economy did not provide a decent standard of living for a worker and his family, although it did provide a higher standard of living than that of the 85 percent of the population relying only on subsistence farming. In practice some workers accepted less than the minimum wage. Families regularly supplemented their incomes by working in small businesses or subsistence agriculture.

Officially, government offices and private sector entities had a 40-hour workweek; the maximum workweek was 45 hours. Aside from a 30-minute break for lunch, there is no mandated rest period. The law regulates hours of work and occupational health and safety standards in the formal wage sector, but inspectors from the Ministry of Public Service did not enforce these standards aggressively. Workers did not have the right to remove themselves from dangerous work situations without jeopardizing their jobs. The same standards applied to migrant and foreign workers.

## SAO TOME AND PRINCIPE

The Democratic Republic of Sao Tome and Principe is a multiparty democracy with a population of approximately 160,000. International observers deemed presidential and legislative elections, held in 2006, to have been free and fair. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens. However, there were problems in some areas, including: Harsh prison conditions, prolonged pretrial detention, official corruption, impunity, violence and discrimination against women, child labor, and harsh labor conditions.

### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—There were no reports that the Government or its agents committed any politically motivated killings. There were no reports that security forces arbitrarily or unlawfully used excessive force.

Police officer Larry Alberto Paris remained in pretrial detention at year's end for the June 2006 shooting of Gustavo Sidonio Pinto. While on traffic duty, Paris shot

and killed Pinto in the village of Almas; Pinto was arguing with another motorist at the time.

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution and law prohibit such practices, and, unlike in the previous year, security forces generally observed these prohibitions.

The public prosecutor's investigation into the shooting of Argentino dos Ramos Taty remained open at year's end. In September 2006 soldiers accompanying forestry guards shot Taty. Taty was cutting a log on private property when the mixed patrol approached him, and he was shot in the leg. He told journalists he received no warning, and the patrol left him lying on the ground. Police claimed to have no information on the incident.

*Prison and Detention Center Conditions.*—Prison conditions were harsh but generally not life threatening. Facilities were overcrowded, sanitary and medical conditions were poor, and food was inadequate. Pretrial prisoners were held with convicted prisoners, and juveniles were held with adults. There was one prison and no jails or detention centers. In general police stations had a small room or space to briefly incarcerate an offender.

The Government permitted human rights monitors to visit the prison; however, there were no visits during the year.

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

*Role of the Police and Security Apparatus.*—The Ministry of National Defense and Internal Affairs supervises and controls the military, national police, and immigration service. The police were ineffective and widely viewed as corrupt. Impunity was a problem, and efforts to reform the Criminal Investigation Police, a separate agency under the Ministry of Justice, were unsuccessful primarily due to inadequate resources.

Reports indicated that police corruption became worse during the year, likely due to continued low salaries and rampant inflation.

In October and November, the Special Intervention Police Unit of Sao Tome, known as the "Ninjas," demanding back pay for a training exercise conducted several years previously, carried out a series of armed sieges of police headquarters that culminated in soldiers shooting and killing one Ninja. Ten members of the small, now-disbanded unit were arrested and remained in army custody at year's end.

*Arrest and Detention.*—The law requires arrest warrants issued by an authorized official to apprehend suspects, unless the suspect is caught during the commission of a crime. The law requires a determination within 48 hours of the legality of a detention, and authorities generally respected this right. Detainees were promptly informed of charges against them, were allowed access to attorneys and family members, and the state provided attorneys for indigent detainees. There was a functioning bail system.

Severe budgetary constraints, inadequate facilities, and a shortage of trained judges and lawyers resulted in lengthy pretrial detention. According to the director of the Sao Tome prison, 34 percent of the country's prisoners were awaiting trial as of November and some pretrial detainees had been held for more than a year. This represented an improvement following a concerted effort to reduce the number of pretrial detainees, who in 2005 constituted 75 percent of the prison population.

*e. Denial of Fair Public Trial.*—The Constitution and law provide for an independent judiciary; however, at times the judicial system was subject to political influence or manipulation. Judicial salaries remained low, and credible suspicions persisted that judges were tempted to accept bribes. In 2006 the Government took steps to strengthen the judiciary by creating a new Constitutional Court and decreasing docket backlogs to reduce the number of persons in pretrial detention.

The legal system is based on the Portuguese model. The court system has three levels: Circuit courts, the Supreme Court, and the Constitutional Court, which is the highest judicial authority.

*Trial Procedures.*—The Constitution provides for the right to a fair public trial by a judge (juries are not used), the right of appeal, the right to legal representation, and, if a person is indigent, the right to an attorney provided by the state. Defendants are presumed innocent, have the right to confront their accusers, confront witnesses, access government evidence, and present evidence and witnesses on their own behalf. However, inadequate resources continued to result in lengthy pretrial detention and greatly hindered investigations in criminal cases.

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

*Civil Judicial Procedures and Remedies.*—The same courts consider both criminal and civil cases, but different procedures are used in civil cases. Plaintiffs may bring lawsuits seeking damages for, or cessation of, a human rights violation as well as administrative and judicial remedies for alleged wrongs.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution and law prohibit such actions, and the Government generally respected these prohibitions.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution and law provide for freedom of speech and of the press, and the Government generally respected these rights; however, journalists practiced self-censorship.

Individuals could privately or publicly criticize the Government, including specific officials, without fear of reprisal. There were no reports of the Government impeding criticism.

Two government-run and seven independent newspapers and newsletters were sporadically published, usually on a monthly or biweekly basis; resource constraints determined publishing frequency. International media operated freely.

The Government operated television and radio stations. In 2005 the Government authorized three new independent local radio stations, and two had begun broadcasting by the end of 2006. The Voice of America, Radio International Portugal, and Radio France International also were rebroadcast locally. The law grants all opposition parties access to the state-run media, including a minimum of 3 minutes per month on television.

*Internet Freedom.*—There were no government restrictions on access to the Internet, or reports that the Government monitored e-mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Severe lack of infrastructure, including inadequate electricity and communications networks, limited public access to the Internet; however, a number of Internet cafes recently opened in the capital to address this limited access.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution and law provide for freedom of peaceful assembly and association, and the Government generally respected these rights.

*c. Freedom of Religion.*—The Constitution and law provide for freedom of religion, and the Government generally respected this right.

*Societal Abuses and Discrimination.*—There were no reports of discrimination against members of religious groups. There was no known Jewish community and no reports of anti-Semitic acts.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights.

The law does not prohibit forced exile; however, there were no reports that the Government used it.

*Protection of Refugees.*—The law does not specifically provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has not established a system for providing protection to refugees. In practice the Government provided protection against “refoulement,” the return of persons to a country where there is reason to believe they feared persecution. During the year there were no known requests for refugee or asylum status. In the past the Government cooperated with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

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

The Constitution and law provide citizens the right to peacefully change their government, and citizens exercised this right in practice through periodic and generally free and fair elections based on universal suffrage.

*Elections and Political Participation.*—The March 2006 legislative elections gave a plurality of seats in the National Assembly to a coalition of parties, the Democratic Movement of Forces for Change/Party for Democratic Convergence (MDFM/PCD), supporting President De Menezes. The MDFM/PCD subsequently formed a government. President De Menezes was reelected in July 2006 with 60 percent of the vote. International observers deemed both elections generally free and fair. In August 2006, for the first time in over a decade, local elections were held; on the same date, regional elections were held on the island of Principe. The MDFM/PCD won control of five of the six districts in these elections; the principal opposition party, the Movement for the Liberation of Sao Tome and Principe (MLSTP/PSD), won one district, and a new party, Novo Rumo, won the presidency of the regional government on Principe.

Political parties operated without restriction or government interference.

Women held positions throughout the Government, including two seats in the 55-seat National Assembly, three of 12 cabinet positions, one seat on the three-member Supreme Court, and two judgeships in the Circuit Court.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption; however, the law is outdated, a relic from colonial days.

Official corruption was widespread. The World Bank's Worldwide Governance Indicators for 2007 reflected that corruption was a serious problem. In 2005 the attorney general presented to the National Assembly the results of his investigation into allegations of corruption in the awarding of oil blocks. The investigation uncovered serious procedural deficiencies in the process and raised questions about the actions of members of the current and former governments. Lack of cooperation from Nigerian authorities (whose government shares control of the oil blocks) impeded follow-up, and no further action was taken by year's end. Low salaries for civil servants contributed to public corruption.

Public officials were not subject to financial disclosure laws.

There are no laws that provide for public access to government information; however, there were no reports that the Government restricted access to information by citizens or noncitizens, including foreign media.

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

In the past a small number of domestic human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. However, because of the general improvement in respect for human rights, during the year such groups were inactive. Government officials generally were cooperative and responsive to their views.

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

The Constitution provides for the equality of all citizens regardless of gender, race, social origin, political views, creed, or philosophical convictions; however, women still faced discrimination. The Office of Women's Affairs, created in 2006, established a Gender Equality Institute that held numerous seminars and workshops to raise awareness about discrimination against women.

*Women.*—Rape, including spousal rape, is illegal and punishable by 2 to 12 years' imprisonment. Rape occurred occasionally, with prosecution most likely in cases where there was evidence of violent assault as well as rape, or if the victim was a minor. However, no statistics on prosecutions were available. Government family planning clinics and nongovernmental organizations (NGOs) sought to combat rape by raising awareness of the problem.

Reports of domestic violence, including rape, against women increased. Although women have the right to legal recourse—including against spouses—many were reluctant to bring legal action or were ignorant of their rights under the law. Tradition inhibited women from taking domestic disputes outside the family. The law does not specifically address domestic violence; however, there are provisions for assault that may be used in cases of domestic violence. If the victim loses fewer than 10 days of work, the penalty for assault is 6 months in prison, while for 10 to 20 workdays lost the sentence is 1 year, and so forth. The law was strictly enforced, including in cases of domestic violence, but there was no data on the number of prosecutions for domestic violence. The Office of Women's Affairs set up a counseling center with a hot line. While the hot line did not receive many calls due to unreliable telephone service, the counseling center received numerous walk-ins. For example, from November 3, 2006, to November 9, 2007, the center attended to 150 victims.

Prostitution is illegal but did occur. Prostitution was rare in the past, but observers estimated its prevalence was increasing with the growing number of foreign workers in the country.

The law does not prohibit sexual harassment, and it was a problem. No data was available on its extent.

The Constitution stipulates that women and men have equal political, economic, and social rights. While many women have access to opportunities in education, business, and government, women in general continued to encounter significant societal discrimination. Traditional beliefs left women with most child-rearing responsibilities and with less access to education or entry into the professions. A high teenage pregnancy rate further reduced economic opportunities for women.

*Children.*—A number of government- and donor-funded programs operated to improve conditions for children, notably an ongoing malaria control project and a program for acquisition of school and medical equipment.

By law, education is universal, compulsory through sixth grade, and tuition-free to the age of 15 or sixth grade. In practice many rural students stopped attending school after the fourth grade. Schools providing education up to sixth grade were located only in district capitals. Enrollment in primary school was estimated at 73 to 78 percent. During the year the Government built many schools and classroom extensions with World Bank funding in an attempt to lessen the problem of the multiple-shift system in primary schools.

Students were responsible for buying books and uniforms, although the Government provided both free to children from poor families. Transportation and tuition costs prevented some poor or rural-based students from attending secondary school. There were no reported differences in the treatment of girls and boys in regard to education.

Boys and girls had equal access to state-provided medical care.

Mistreatment of children was not widespread; however, there were few protections for orphans and abandoned children.

Child labor was a problem.

During the year the Ministry of Labor and Solidarity operated a social services program that collected street children in three centers, where they attended classes and received training. Conditions at the centers were good; however, because of overcrowding, some children were returned to their families at night, and a few of these children ran away.

*Trafficking in Persons.*—The law prohibits trafficking in persons, and there were no reports that persons were trafficked to, from, or within the country. During the year the U.N. Children's Fund (UNICEF) and the Economic Community of Central African States held a conference in the country that addressed trafficking in persons.

*Persons with Disabilities.*—The law does not prohibit discrimination against persons with physical or mental disabilities; however, there were no reports of discrimination against such persons. The law does not mandate access to buildings, transportation, or services for persons with disabilities. Local nongovernmental organizations (NGOs) that criticized the Government in the past for not implementing accessibility programs for such persons were not active during the year.

*Other Societal Abuses and Discrimination.*—There was societal discrimination based on sexual orientation.

Persons with HIV/AIDS were often rejected by their communities and shunned by their families. However, unlike in the previous year, there were no reports that workers were discriminated against due to their HIV/AIDS status. There were a number of government-sponsored workshops and awareness campaigns to reduce such instances. The Government also provided free AIDS testing and distributed antiretroviral drugs to all recognized patients.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution and law allow workers to form and join unions of their choice without previous authorization or excessive requirements, and workers generally exercised this right in practice. Only two unions existed in the very small formal wage sector: The General Union of Workers, and the National Organization of Workers of Sao Tome and Principe. Both represented government workers, who constituted the majority of formal sector wage earners, and members of farmers' cooperatives.

There were no laws prohibiting antiunion discrimination; however, there were no reports such discrimination occurred.

*b. The Right to Organize and Bargain Collectively.*—The Constitution and law state that workers may organize and bargain collectively; however, due to its role

as the principal employer in the formal wage sector, the Government remained the key interlocutor for organized labor on all matters, including wages. The Constitution provides for the freedom to strike, including by government employees and other essential workers, although during the year no strikes occurred.

The law does not prohibit retaliation against strikers, but there were no reports of such actions during the year.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—Employers in the formal wage sector generally respected the legally mandated minimum employment age of 18; however, child labor was a problem. The law prohibits minors from working more than 7 hours a day and 35 hours a week. Children worked in subsistence agriculture, on plantations, in informal commerce, and in domestic work. No cases of child labor abuses were prosecuted, although the law states that employers of underage workers can be fined. The Ministry of Labor is responsible for enforcing child labor laws.

There were initiatives taken to prevent child labor. The Ministry of Education extended compulsory school attendance from the fourth to the sixth grade, and the Government granted some assistance to several low-income families to keep their children in school. The Ministry of Labor also increased inspections at work sites.

*e. Acceptable Conditions of Work.*—There is no national minimum wage. Although the legal minimum wage for civil servants increased from \$35 (500,000 dobras) to \$46 (650,000 dobras) per month, it was still insufficient to provide a decent standard of living for a worker and family. Working two or more jobs became even more common than during the previous year. The labor law specifies occupations in which civil servants may work if they pursue a second job. Civil servants in “strategic sectors,” such as the court system, the ministries of finance, customs, and education, and the Criminal Investigation Police, earned up to 400 percent more than other public sector employees.

Working conditions on many of the cocoa plantations—the largest informal wage sector—were extremely harsh. The average salary for plantation workers did not provide a decent standard of living for a worker and family, and the purchasing power of their pay was further eroded by a high rate of inflation.

The legal workweek was 40 hours, with 48 consecutive hours mandated for rest. However, shopkeepers could work 48 hours a week. The law provides for compensation for overtime work. The law prescribes basic occupational health and safety standards; however, due to resource constraints, the Ministry of Justice and the Ministry of Labor and Solidarity’s enforcement of these standards was not effective. Employees have the right to leave unsafe working conditions, but none sought to do so, and enforcement of the right was very limited.

## SENEGAL

Senegal, with an estimated population of 12.5 million, is a moderately decentralized republic dominated by a strong presidency. In February Abdoulaye Wade was reelected president in an election generally viewed as free and fair despite sporadic incidences of violence and intimidation. In June the ruling Senegalese Democratic Party (PDS) won the majority of seats in National Assembly in elections that were boycotted by the country’s leading opposition parties; international observers characterized the elections as free and transparent. The civilian authorities generally maintained effective control of the security forces.

The Government generally respected citizens’ rights; however, there were problems in some areas. Cruel and degrading treatment of detainees and prisoners and overcrowded prisons were problems. Questionable investigative detention and long pretrial detention existed. Corruption and impunity were problems. There were limits on freedom of speech, press, and assembly. Domestic violence, rape, sexual harassment, and discrimination against women were serious problems. Female genital mutilation (FGM) was widespread. Child abuse, child marriage, male and female infanticide, trafficking in persons, and child labor were reported.

Rebels from the Movement of Democratic Forces of the Casamance (MFDC) and a splinter group, the Movement for the Liberation of the People of the Casamance, killed civilians, committed robberies, and harassed local populations while fighting each other. There was an increase in violence against and killings of civilians as

a result of fighting between government forces and Atika, a separatist movement led by rebel leader Salif Sadio.

RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—Neither the Government nor its agents committed any politically motivated killings; however, security forces killed three persons during the year. Perpetrators were rarely punished.

On January 30, a police officer shot and killed a young man in Diourbel while trying to arrest him. No investigation or prosecution was reported.

On April 14, Dominique Lopy, who was accused of stealing, died in police custody in Kolda. Human rights groups and Lopy's family claimed his death was a result of police torture to force a confession. An investigation was conducted but did not result in the arrest or prosecution of the officers involved.

On June 3, customs officers in Mbour shot and killed Cheikh Ahmet Tidian Fall after seizing his boat, which contained smuggled sugar from The Gambia. Customs officers claimed they acted in self-defense. No investigation or prosecution was reported.

On December 11, police in Kaolack arrested Badara Diop for not paying a debt owed to a local businessman. On December 12, the police announced that Diop had hanged himself with his shirt while in custody. Diop's family and many human rights observers rejected police explanations and demanded an autopsy of Diop's body. The prosecutor ordered the police to open an investigation, and the case was pending at year's end.

The results of the 2006 investigation by the Criminal Investigations Division (DIC) into the police killing of a merchant in Dakar had not been released by year's end. No action was taken against responsible police.

There were no developments in the investigations of the 2005 killing by customs officers of Libasse Kane or the 2005 killing by police of 13-year-old Assane Fall.

There were no developments in the 2005 death of Amadou Moctar Beye, whose family rejected police claims that Beye had committed suicide in his jail or in the 2005 police killing of a fisherman in Kayar.

On September 26 in Thies, children playing on a military shooting ground picked up unexploded ordnance, which exploded and instantly killed three of them, while severely injuring four others.

According to statistics from Handicap International, there was one landmine accident in the Casamance region during the year. The Government made efforts to remove landmines and unexploded ordnance in the areas of Bignona and in southern Casamance, especially near villages to be resettled and main roads.

Fighting between soldiers and rebels as well as internal fighting among rival MFDC factions resulted in civilian deaths and injuries and the displacement of numerous persons during the year. Attacks and highway robberies by suspected rebels also occurred.

On April 14, armed gunmen in Bignona opened fire on a public transportation vehicle, killing one person and injuring three others.

On July 3, armed individuals in Bignona attacked the vehicle of Mamadou Lamine Drame, president of the Regional Council of Kolda. Drame was not in the vehicle, but four persons were injured and one of them, Abdoulaye Seck, died as a result of his injuries.

On December 20, armed gunmen shot and killed Cherif Samsidine Nema Aidara after invading his home in Diouloulou. Aidara was the Government's special advisor on the Casamance peace process. During their retreat, according to media reports, the gunmen also opened fire on a public transportation vehicle and killed a passenger named Mamadou Sakho Badji.

There were no confirmed developments in the January 2006 killing by MFDC rebels of the subprefect of Diouloulou.

Suspects had not been identified by year's end in the December 2006 kidnapping and killing of Oumar Lamine Badji, president of the Regional Council of Ziguinchor.

*b. Disappearance.*—There were no reports of politically motivated disappearances during the year.

Although human rights groups noted the Government took steps to prevent disappearances, they continued to criticize the Government for its unwillingness to resolve older cases of disappearances linked to government security forces, particularly in the Casamance.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution and law prohibit such practices; however, there were occasional reports that government officials employed them.



Although human rights groups noted examples of physical abuse committed by security forces, they claimed poor training and supervision resulted in cruel and degrading treatment in prisons and detention facilities. In particular, they criticized strip-search and interrogation methods. Police also reportedly forced detainees to sleep on bare floors, directed bright lights at their pupils, beat them with batons, and kept them in cells with minimal access to air. During the year authorities took no action against police involved in these abuses.

On January 31, the National Assembly passed a law to criminalize participation in torture, genocide, and crimes against humanity; the law was passed to facilitate the prosecution of former Chadian dictator Hissene Habre.

During his April 27 trial, Bathie Gueye claimed that he had been tortured by police in Joal, according to the ONDH. Gueye removed his clothes in court to show burn and whip marks on his body. No action was taken against offenders regarding Gueye's claim.

No action was taken during the year against gendarmes who in September 2006 allegedly stripped and beat Bineta Gueye with clubs and rifle butts; Gueye was detained following a demonstration.

Forced dispersals of demonstrators by police resulted in injuries.

There was at least one report that police arrested and beat a journalist.

Landmines severely injured four children during the year.

Rebel attacks on vehicles resulted in deaths and injuries. For example, on June 25, approximately 10 suspected MFDC rebels opened fire on the convoy of the Cabrousse District Administrator Ousmane MBodj. Six persons were injured, including MBodj.

There were several cases of mob violence. Due to a weak judiciary and widespread impunity, civilians often administered punishment themselves by beating thieves before handing them over to security forces. On March 13, traders of the Dakar Tilene Market severely beat Ibrahima Saliou Barry for alleged theft. On March 17, Barry died during his trial as a result of his injuries. No known action was taken against any perpetrators of mob violence during the year.

*Prison and Detention Center Conditions.*—Prison and detention center conditions were poor. The National Organization for Human Rights (ONDH), which visited prisons and met with prisoners during the year, reported that several inmates complained about inhuman treatment and showed marks resulting from corporal punishment. The ONDH identified overcrowding and a lack of adequate sanitation as major problems. Dakar's Central Prison, which has a maximum capacity of 700 persons, held approximately 1,600 persons, while the penal camp in Dakar, which had a capacity of 400 persons, held approximately 800 detainees. Human rights activists noted that the prison of Nioro was severely overcrowded and resembled a chicken coop more than a prison. Detainees in Diourbel were sometimes held outside in a former horse stable.

Prisons lacked doctors and medicine. The ONDH reported a national ratio of one doctor per 5,000 inmates and claimed that the Government spent only \$.66 (340 CFAF) daily per inmate to cover all costs. There was one mattress for every five detainees. Due to an old and overburdened infrastructure, prisons had drainage problems during the rainy season and stifling heat during the summer. According to media reports, one of five prisoners who escaped during the year did so in September when heavy rains collapsed the wall in Thies prison. Prisons were infested by bugs, and prisoners faced sexual assaults, suffocating heat, and extremely low-quality food.

Media reports charged that prison conditions resulted in numerous escape attempts. On August 19, Ndiaga Drame from the Saint-Louis prison jumped into the Senegal River to avoid being caught by guards, and subsequently drowned. On August 22, another prisoner escaped from the same prison, was chased for 30 minutes through the city streets, and was caught after guards hit him with their vehicle.

During the year the Government recruited 260 new prison guards, in line with a commitment made by the justice minister after 52 prisoners escaped Thies Prison in September 2006. As part of a new 3-year investment plan, prisons also received funds to renovate and purchase equipment.

Local NGOs reported that prisoner separation regulations were not always enforced. Pretrial detainees were occasionally held with convicted prisoners, and juveniles were occasionally held with adults.

The ONDH, the Senegalese Committee for Human Rights, Amnesty International, the Parliamentary Network for Human Rights, and other NGOs conducted prison visits during the year. For unknown reasons, representatives of the Assembly for the Defense of Human Rights (RADDHO) were denied access to prisoners during the year. RADDHO also reported that the lack of adequate health care facilities meant that some people with mental disorders were being kept in prisons.

*d. Arbitrary Arrest or Detention.*—The Constitution and law prohibit arbitrary arrest and detention; however, authorities at times arbitrarily arrested and detained persons. Human rights groups saw arbitrary detention as a growing problem.

*Role of the Police and Security Apparatus.*—Both police and gendarmes are responsible for maintaining law and order in the country. The army shares that responsibility in exceptional cases, such as a state of emergency. The police force includes 10 departments as part of the Directorate General of National Safety. In each of the country's 11 regions, police have at least one police station and at least one mobile safety brigade. Dakar has more than 15 police stations, which are spread throughout the city. The police force effectively maintained law and order.

Impunity and corruption were problems. An amnesty law covers police and security personnel involved in "political crimes," except those who committed assassinations "in cold blood."

According to human rights groups, attorneys, and alleged victims, security forces regularly and openly extorted money from detainees in exchange for release and from prostitutes to overlook noncompliance with the legalized prostitution regime and other laws (see Section 5). Human rights groups and the media also reported that security forces accepted and occasionally demanded money from persons seeking to illegally emigrate to Spain (see Section 5).

The DIC is in charge of investigating police abuses. According to human rights groups, new members of the police force received training in human rights protection.

On July 17, police in Kolda arrested two prison guards, Waly MBodj and Edmond Gomis, from the Velingara Prison for robbing \$1,700 (850,000 CFAF) from a local shop. According to media reports, the Mbodj and Gomis were charged for extortion but then freed on October 3 by the judge for lack of evidence.

*Arrest and Detention.*—Although the law specifies that warrants issued by judges are required for arrests, in practice police often lacked warrants when detaining individuals. The law grants police broad powers to detain prisoners for long periods of time before filing formal charges. The DIC may hold people up to 24 hours before releasing them. Suspects often were held at least 6 hours before being questioned. Many detainees were not promptly informed of the charges against them. Police officers may hold suspects for up to 48 hours as part of an investigation without filing formal charges. Investigators can request that a prosecutor double this to 96 hours. For cases involving threats to state security, both detention periods are doubled. Thus, someone accused of threatening public order can be held up to 192 hours. The detention period does not formally begin until authorities formally declare that an individual is being detained, a practice human rights groups criticized for creating unjustly long detention periods. Bail is possible, but was rarely used. In the first 48 hours of detention, the accused has no access to an attorney but has the right to a medical exam and possible access to family. Family access was not generally allowed as police tended to isolate detainees during the investigation phase. If necessary, a prosecutor can also demand a medical examination of the accused. The accused has the right to an attorney after this initial period of detention at the accused's expense. Attorneys are provided at public expense to all criminal defendants who cannot afford one. A number of non-governmental organizations (NGOs) also provided legal assistance or counseling to those charged with crimes.

The Government used security forces, especially the DIC, to harass journalists and a member of RADDHO; however, unlike in the previous year, there were no reports that security forces harassed and arrested political opponents and labor leaders.

Judicial backlogs and absenteeism of judges contributed to long pretrial detention periods. The law states that an accused person may not be held in pretrial detention for more than 6 months for minor crimes; however, persons were routinely held in custody until a court demanded their release. Despite the 6-month limit on detention for most crimes, the average time between charging and trial was 2 years. The ONDH, which during the year worked on behalf of 23 detainees in pretrial detention between 2 and 6 years, claimed that some persons had been in pretrial detention for more than 6 years. In many cases persons were freed without any charges ever being pressed.

In cases involving murder, threats to state security, and embezzlement of public funds, there are no limits on the length of pretrial detention. Judges are allowed the time necessary to investigate these more serious cases, but may order release pending trial with the prosecutor's consent. If a prosecutor disagrees with a judge's decision to order release, the order is frozen until the appeals court decides to grant or deny the release. Under the law, the prosecutor has total discretion to deny provisional release pending trial for cases involving threats to state security. However,

since judges lacked sufficient time to review all cases, orders to extend detention were often signed without individual consideration of the facts to avoid releasing potentially guilty detainees.

*Amnesty.*—Unlike in the previous year, no amnesties were granted.

*e. Denial of Fair Public Trial.*—Although the Constitution and law provide for an independent judiciary, the judiciary was subject to corruption and government influence.

Magistrates continued to publicly criticize their working conditions, including overwhelming case loads, lack of equipment, and inadequate transportation. Magistrates also openly questioned the Government's commitment to protecting judicial independence. While the Superior Council for the Magistrate had responsibility over judicial assignments and promotions, several attorneys stated that the council did not meet regularly to take action on appointments, leaving the decisions to the executive branch. Even when the council met, magistrates stated the president could veto council decisions.

Based on French civil law, the judiciary is composed of ordinary courts and several higher and special courts. There are three high courts with different jurisdictions: The Council of State (which has jurisdiction over administrative affairs); the Constitutional Council; and the Court of Final Appeal (which has jurisdiction over criminal and civil cases). A special criminal court, the "Cour d'Assises" is attached to the Court of Final Appeal and meets once or twice a year for cases involving serious crimes such as murder. All of these courts remained understaffed and many were dormant during the year.

The High Court of Justice is an exceptional court that presides over cases against senior government officials for acts committed in an official capacity. The court has the authority to convict and sentence or acquit. It is composed of eight national assembly deputies and one professional judge. The National Assembly elects the eight deputy members of the high court plus eight substitutes at the beginning of each session. Three-fifths of all deputies must vote to pass a resolution to permit prosecution of a head of state or minister. If a resolution is so passed, the high court can convene.

While civil court judges are empowered to preside over civil and customary law cases, one option available is to turn disputes involving family matters over to religious judges, who act as advisors. Religious law has been incorporated into the country's laws.

There is a separate system of military courts for the armed forces. Military courts may try civilians only if they were involved with military personnel who violated military law.

In July 2006 the African Union requested that the Government prosecute former Chadian leader Hissene Habre for his alleged sanctioning of 40,000 political killings and the torture of 200,000 persons during his 8-year presidency. Noting that local law would not facilitate such a trial, the Government initially refused to proceed. On January 31, the Government amended the country's criminal code to incorporate the crimes Habre is accused of and to address jurisdiction. However, the judicial process subsequently stalled due to lack of funding for a new courthouse. In mid-September the Government announced it would hold a donor's conference to discuss funding and the future trial; however, the conference was not held and Habre had not been arrested by year's end.

*Trial Procedures.*—Defendants have the right to a public trial, to be present in court, confront witnesses, present evidence, and have an attorney, even if provided at public expense. Only defendants charged with serious crimes, such as murder, have the right to a jury trial. Evidentiary hearings may be closed to the public and the press. Although defendant and counsel may introduce evidence before the investigating judge decides to refer a case for trial, they do not always have access to all evidence presented prior to trial.

A panel of judges presides over ordinary courts in civil and criminal cases. Jurors also sit on the panels during special sessions of the criminal court. Defendants are presumed innocent. The right of appeal exists in all courts, except for the Cour d'Assises and the High Court of Justice.

*Political Prisoners and Detainees.*—Unlike in the previous year, when the Government arrested and subsequently pardoned several opposition leaders and members of their families, no such arrests were made during the year.

*Civil Judicial Procedures and Remedies.*—Citizens must seek cessation of and reparation for human rights violations in regular administrative or judicial courts. Administrative remedies also can be sought by filing a complaint with the High Commission for Peace and Human Rights based in the Office of the President. However, corruption and lack of independence hampered judicial handling of these cases. At

times prosecutors refused to prosecute security officials, and violators often went unpunished. In addition, there were problems of enforcing court orders, since the Government can ignore court orders without legal consequences.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution and law prohibit such actions, and the Government generally respected these prohibitions in practice; however, human rights organizations stated that illegal phone monitoring by security services was common practice.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution and law provide for freedom of speech and of the press; however, the Government limited these rights in practice. Journalists practiced limited self-censorship.

Individuals could generally criticize the Government publicly or privately without reprisals.

There were several dozen independent newspapers and three government-affiliated periodicals. Because of high adult illiteracy rates, radio was the most important medium of mass information and the main source of news. Approximately 80 radio frequencies have been assigned to community radio stations, public stations, and private commercial stations.

Although an administrative law is in place to regulate radio frequency assignments, government officials and operators disagreed on its utility, and community radio operators criticized what they viewed as a lack of transparency in the allocation of frequencies. In a June 20 press release, the National Union of Journalists criticized the lack of transparency and what it called scandalous allocation of radio frequencies by the Agency for Regulation and Communication (ARTP). Radio stations, often controlled by a single religious, political, or ethnic group continued to be opened during the year. Although their frequencies were legally obtained, these stations often failed to follow labor and other business rules, such as tax requirements.

Although the Government continued to maintain an effective monopoly on locally televised news and information through the parastatal corporation Radio Television Senegal (RTS), there were signs of liberalization in the television sector. Under national media laws, the Government must hold a majority interest in RTS at all times, and the president directly or indirectly controlled selection of all members of the 12-person RTS executive staff. The RTS' broadcasting fee structure left RTS officials with significant discretion when demanding fees for programs not financed through government funds (the Government paid for some broadcasts). Several human rights and journalist groups criticized the fact that some religious leaders were able to broadcast for free, while other groups paid.

Government failure to enforce regulations on establishing media outlets and government-provided media assistance resulted in an increase of unprofessional or politicized media outlets. Journalists and human rights groups maintained that some media outlets—such as the dailies Express News and Le Messenger and FM radio stations Anur and RMD—were created solely to refute antigovernment criticism.

The international media were active and expressed wide variety of views without restriction.

Journalists continued to convey concern over government efforts to control media content by selectively granting or withholding state subsidies, which were given to both government-affiliated and private independent media. The Government frequently used subsidies or more direct means to pressure the media not to publicize certain issues.

Security forces harassed and arrested journalists during the year.

There was an increase in the short-term detention of journalists for offending President Wade or the state. On October 8, DIC officers beat and detained Moussa Gueye, managing editor of the small private daily L'Exclusif, according to the NGO Reporters Without Borders. The officers wanted Gueye to reveal the name of a colleague who had written an article discussing President Wade's nighttime whereabouts. Police subsequently returned Gueye to L'Exclusif's headquarters, arrested owner Pape Moussa Doucar, punctured the tires of all the vehicles at the headquarters, and seized the paper's computer. Gueye and Doucar were taken to a police station, where they were detained and charged with breaching state security for publishing the article. On November 8, Gueye and Doucar reportedly were released by executive order.

On November 1, Pape Amadou Gaye, managing editor of Le Courrier newspaper, was arrested and charged with offending the state, risking the security of the state, and inciting disobedience in the army after he published an article that criticized the Government for the rising cost of living; Gaye suggested that only the army

could fix the situation. On November 8, Gaye was reportedly released by executive order.

On November 7, authorities in Thies arrested El Malick Seck, administrator of an Internet Web site that posted a story printed in the daily newspaper *L'Observateur* regarding President Wade's purchase of a limousine. Members of the chat forum had criticized the president for the purchase while Senegalese citizens were starving. On November 8, Seck was reportedly released by executive order.

Journalists reported being both courted and threatened by politicians during the year. For example, on August 7, the minister of transport threatened to beat a journalist from the daily newspaper *Walf Grand-Place* after the journalist reportedly accused the minister of lying about his educational degree. On April 18, PDS political leader Moustapha Cisse threatened to shoot Ibrahima Benjamin Diagne, a reporter for the Diourbel-based Radio Disso FM station, after an anonymous listener criticized Cisse in during a radio talk show.

The Government also closed down media outlets during the year. On May 31, approximately 70 police officers accompanied by ARTP representatives shut down the radio station *Premiere FM* and seized its equipment on the grounds that the transfer of ownership of the frequency allocated to that radio was not conducted legally. On September 3, the radio station reopened.

Unlike in the previous year, there were no reports that religious followers attacked journalists.

Unlike in the previous year, there were also no reports that the Government tried to prevent the distribution of foreign books or reports that criticized the Government.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. With more than a dozen Internet Service providers and an estimated 2.3 million subscribers, the country had excellent online access. Cyber cafes were easily accessible in Dakar and often available in provincial urban centers. However, approximately 60 percent of the country had no electricity, and the popularity of Internet-based information dissemination lagged far behind traditional media.

*Academic Freedom and Cultural Events.*—Unlike in the previous year, there were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—Although the Constitution and law provide for freedom of assembly, the Government interfered with this right in practice. During the year the Government repeatedly denied public permits for civil society and opposition demonstrations. Groups complained of undue delays when waiting for a government response to authorization requests of majority-organized "counter demonstrations" to show popular support for the Government.

RADDHO and ONDH both issued press releases condemning recurrent police violence during demonstrations, the violation of citizens' constitutional right to hold demonstrations, and the apathy of legal authorities in the face of these violations.

Unauthorized demonstrations were often met with disproportionate police brutality, which resulted in injuries and one death. No action was taken against the perpetrators.

For example, on April 21, riot police in Kolda shot and killed Dioutala Mane, who was participating in a demonstration to protest the death of Dominique Lopy in police custody (see Section 1.a.). No investigation or prosecution was reported.

On May 15, NDoumbe Ba and six other female elementary teachers were beaten with truncheons by riot police in Ziguinchor while participating in a peaceful demonstration to demand better working conditions. The authorization for the demonstration was cancelled by the prefect who had previously issued the authorization. Ba was flown to Dakar for treatment of her injuries and no action was taken against the police officers.

During the year no action was taken against police who clubbed a group of disabled former servicemen in September 2006.

*Freedom of Association.*—The Constitution and law provide for freedom of association, and the Government generally respected this right in practice.

*c. Freedom of Religion.*—The Constitution and law provide for freedom of religion, and the Government generally respected this right in practice.

Any religious group seeking to form an association with legal status must register with the Ministry of Interior in accordance with the civil and commercial code. Registration was generally granted.

Unlike other religious groups, Muslims have the right to choose Muslim-based laws contained in the family code for marriage and succession cases. Civil court judges can preside over civil and customary law cases, but many disputes were turned over to religious leaders for adjudication, particularly in rural areas.

*Societal Abuses and Discrimination.*—There were no reports of societal violence, harassment, or discrimination against members of religious groups. There were approximately 120 resident Jews in country; there were no reports of anti-Semitic activities during the year.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

The Government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, asylum seekers, and stateless persons.

Some public employees, including teachers, are required by law to obtain government approval before departing the country; however, human rights groups noted that this law was not generally enforced against many public servants.

The Constitution and law prohibit forced exile, and the Government did not employ it.

Some local leaders advised NGOs to gauge MFDC reaction in the Casamance region before undertaking projects or circulating in areas with a strong combatant presence. Military check points were still erected by the army, but no restriction of movement was noted. However, highway robberies deterred many from traveling by road; instead, they preferred to travel by air or sea.

*Internally Displaced Persons (IDPs).*—During the 22-year-old Casamance conflict, tens of thousands of persons have fled villages in the region due to fighting, forced removal, and landmines, and many persons were reportedly displaced during the year in the region. Approximately 60,000 IDPs remained in the country as a result of the conflict.

The Government provided returning IDPs with food and non food assistance. The Government allowed IDP access to domestic and international humanitarian organizations.

*Protection of Refugees.*—The law provides for the granting of refugee or asylum status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. Since the president approves each case, delays of 1 to 2 years in granting refugee status remained a concern during the year. In practice the Government provided some protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. The Government granted refugee status or asylum, and provided refugees with food and non-food assistance.

Since 1989 the country has offered temporary protection to Mauritanian refugees, who generally lived in dispersed locations in the river valley along the Mauritanian border and enjoyed free movement within the country. However, most refugees could not obtain current refugee documents from authorities and sometimes encountered administrative difficulties when using their expired refugee application receipts. While no formal repatriation agreement exists with Mauritania, the Government continued to permit generally unsupervised and largely informal repatriation.

During the year RADDHO stated that the Government violated the rights of asylum seekers and was not offering them due process or security since appeals filed by denied asylum seekers were examined by the same committee that examined the original case, and since a denied asylum seeker can be arrested for staying illegally in the country. Those arrested sometimes remained in “administrative detention” for up to 3 months before being deported.

During a July 9 visit to the country, Mauritanian President Sidi Ould Cheikh Abdellahi appealed to the UNHCR to help with the voluntary repatriation of Mauritanian refugees. On July 18 President Wade offered to grant Senegalese citizenship to any Mauritanian refugee who might not wish to return to Mauritania. According to the UNHCR, there were approximately 30,000 Mauritanian refugees, although this number remains in flux due to the transient nature of this population, the absence of identification documents, and fraud. On November 12, the UNHCR and the Senegalese and Mauritanian Governments signed a tripartite agreement re-

garding the repatriation process. Repatriations were scheduled to begin in December, but were postponed to 2008.

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

The Constitution and law provide citizens with the right to change their government peacefully, and citizens generally exercised this right during the year in February presidential elections and June legislative elections. For the first time in the country's history, military and paramilitary forces were allowed to vote.

*Elections and Political Participation.*—On February 25, President Abdoulaye Wade was reelected to a second term with 55.86 percent of the vote, ensuring a first round victory over 14 other candidates. Observers from the Economic Community of West African States, the Autonomous National Election Committee, and the European Union declared that the voting was generally free and fair; however, there were reports of preelection violence and irregularities, especially in the issuance of voter registration cards. Noting that numerous persons voted multiple times and that voter registration cards were deliberately issued late in non-PDS dominated areas, a significant number of opposition parties announced that they would not accept the election results and petitioned the Constitutional Council to void the elections. The Council rejected this petition.

There were a number of minor incidents of election-related violence prior to the presidential election. In the most significant and widely condemned incident, five persons were seriously hurt in a fight between supporters of Abdoulaye Wade and his former prime minister Idrissa Seck.

In the June 3 legislative election, President Wade's PDS coalition won 131 out of 150 parliamentary seats. National and international observers declared the elections were free and fair. Opposition parties, organized under the umbrella organization Front Siggil Senegal, boycotted the elections, resulting in an historically low turnout of 34.7 percent.

Violence also attended the June 3 legislative election, during which Modou Diop, a PDS member, died after being shot during a fight between rival political factions in the small town of Darou Mouthy. Media reports indicated that local police opened an investigation, but no arrest or prosecution occurred by year's end.

On January 31, the Government passed a law to reestablish a senate, and senate elections were held on August 19. Only local officials and members of Parliament were allowed to vote for the indirectly elected 35 senators; the remaining 65 were appointed by the president. The PDS won 34 of the 35 contested seats. The main opposition parties boycotted the elections, noting that the majority of senate seats were appointed.

The country's 100 registered political parties operated without restriction or outside interference.

At year's end there were 33 women in the 150-seat National Assembly and 12 women in the 39-member cabinet. Only 13 percent of locally elected leaders were women. Even in areas where women won local leadership positions, they often remained a minority in the local bureaucracy. The newly established 100-member Senate had 37 women. Women's groups argued that the Senate should be declared unconstitutional, as the Constitution states that two-fifths or 40 seats should be allocated to women.

There were approximately 39 members of minority groups in the 150-seat National Assembly and approximately 12 members of minority groups in the 39-member cabinet.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively and officials often engaged in corrupt practices with impunity.

The World Bank's worldwide governance indicators reflected that corruption was a serious problem. There was a widespread public perception of government corruption, and it was a problem. The perception was exacerbated by salary increases over the last few years for National Assembly deputies and civil servants at all levels, and the provision of all-terrain vehicles and land to deputies.

The National Commission to Fight Non Transparency, Corruption, and Government Fraud had no authority to initiate investigations or prosecutions. It remained inefficient in fighting corruption during the year, and no government officials were prosecuted for corruption.

On January 16, Pape Malick Ndiaye was freed on bail after being arrested and charged with libel and fraud in June 2006. Ndiaye had accused Abdoulaye Balde, Secretary General of the National Agency for the Organization of the Islamic Conference (ANOI), of taking a kickback in connection with public works undertaken

by ANOCI for a 2008 Organization of the Islamic Conference. Ndiaye's case was still pending at year's end.

The Constitution and law provide citizens the right to access government information freely; however, the Government rarely provided access in practice.

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

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials somewhat were cooperative and responsive to their views. However, some human rights organizations alleged that their telephones were regularly tapped during the year.

The Government's National Committee on Human Rights had a broad membership, including government representatives, civil society groups, and independent human rights organizations. The committee has the authority to investigate abuses on its own initiative; however, the committee lacked credibility since it was poorly funded, did not meet regularly, and did not release a report during the year.

Death threats against leaders of opposition political parties, unions, journalists, and NGOs were common and generally believed to originate in circles close to the ruling party.

Although the Government did not prevent visits by international organizations, no such visits were reported during the year.

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

The law provides that men and women are equal under the law and prohibits discrimination based on gender, race, class, or language; however, gender discrimination was widespread in practice, and antidiscrimination laws often were not enforced. Domestic violence, rape, sexual harassment, discrimination against women, FGM, child abuse, child marriage, and trafficking in persons were problems.

*Women.*—Rape was a widespread problem, while spousal rape remained difficult to quantify since it was a taboo subject and very seldom reported. The law prohibits rape, but not spousal rape; however, the Government rarely enforced the law. Sentences for rape range from 5 to 10 years' imprisonment, and rapes resulting in death qualify for life imprisonment. It was nearly impossible for victims to provide judges with proof sufficient to merit convictions. There was no government system to collect statistics on the extent of rape or convictions for rape. A women's rights NGO criticized the country's lack of rape shield laws and the common practice of using a woman's sexual history to defend men accused of rape.

Domestic violence, including spousal abuse, was a widespread problem. Several women's groups and the local NGO, Committee to Combat Violence against Women (CLVF), reported a rise in cases of violence against women during the year. Violence against women is against the law, but the law was not enforced in practice. The law criminalizes assaults and provides for a punishment of 1 to 5 years in prison and a fine. If the victim is a woman, the prison term and fine are both increased. Domestic violence that causes lasting injuries is punishable with a prison sentence of 10 to 20 years; if an act of domestic violence causes death, the law prescribes life imprisonment. The CLVF criticized the failure of some judges to apply the law, citing cases where judges claimed lack of adequate evidence to issue lenient sentences.

Police usually did not intervene in domestic disputes, and most persons were reluctant to go outside the family for redress. There were no statistics available on the number of abusers prosecuted under the law during the year. The CLVF indicated that the availability of more shelters and its successful campaign to sensitize women to their rights resulted in a substantial increase of reports of domestic violence.

Organizations combating violence criticized the Government's failure to permit associations to bring suit on behalf of victims. The Ministry of Women, Family, Social Development, and Women's Entrepreneurship worked with several NGOs in an attempt to curb domestic violence. The ministry supported the construction of women's shelters for women and children having difficulties at home. The NGO Ginndi Center also provided shelter to abused women and girls and provided a hotline.

Prostitution is legal if individuals are at least 21 years of age, register with the police, carry a valid sanitary card, and test negative for sexually transmitted infections, although soliciting customers is illegal. NGOs working with prostitutes claimed that police targeted prostitutes for abuse and extortion. There were arrests of illegal foreign prostitutes, underage prostitutes, and pimps during the year. Evidence suggested foreign prostitutes' entry into the country was professionally organized.



The law calls for prison terms of 5 months to 3 years, and fines of \$100 to \$1,000 (50,000 to 500,000 CFAF) for sexual harassment; however, the practice was common. The Government did not effectively enforce the law, and women's rights groups claimed sexual harassment victims found it difficult, if not impossible, to present proof sufficient to justify prosecutions.

Under national law, women have the right to choose when and whom they marry, but traditional practices restricted a woman's choice. The law prohibits marriage for girls younger than 16, although this law was not enforced in some communities where marriages were arranged. Under certain conditions, a judge may grant a special dispensation for marriage to a person below the age of consent. Women typically married young, usually by the age of 16 in rural areas.

Women faced pervasive discrimination, especially in rural areas where traditional customs, including polygyny, and rules of inheritance were strongest. According to the law, a woman's approval is required for a polygynous union, but once in such a union, a woman need not be notified nor give prior consent for the man's subsequent marriage. Approximately 50 percent of marriages were polygynous. Although protected under the law, marriage rights were not enforced due to sociocultural pressures, judicial reluctance to enforce the law, and a lack of information on marriage laws.

The Family Code's definition of paternal rights remains an obstacle to equality between men and women, as men are considered the head of household and women cannot take legal responsibility for their children. Women can only become the legal head of family when the father formally renounces his authority before the administration. This makes it particularly difficult for the 20 percent of families that are supported and led by women. The problems between the law and traditional practices also made it difficult for women to purchase property.

Women represented 52 percent of the population, but were held responsible for 90 percent of domestic work and 85 percent of agricultural work.

On December 30, the National Assembly passed a law ending fiscal discrimination which had caused women to pay higher taxes than men on the same salary (they were taxed as single individuals without children), and which had allowed employers to pay child allowances to men only.

From October 25 to December 10, women were recruited for the first time into Senegal's national army. Three hundred candidates were selected from across the country to ensure equal opportunity in terms of social and geographic distribution.

*Children.*—The Government was somewhat committed to children's rights and welfare. The Ministry of Women's Affairs, Family, Social Development, and Women's Entrepreneurship was responsible for promoting children's welfare and was assisted by the health, education, and labor ministries.

Government failure to register births did not result in discrimination or the denial of public services to children.

The law provides for free education, and education is compulsory for all children ages 6 to 16; however, many children did not attend school due to lack of resources or available facilities. Students must pay for their own books, uniforms, and other school supplies. Due to the efforts of the Government, NGOs, and international donors, primary school enrollment reached 82.3 percent during the year.

The highest level of education attained by most children was elementary school. The middle school enrollment rate was 31.9 percent, and the secondary school enrollment rate was 10.9 percent. In the 2006–7 academic year, more girls than boys were enrolled in elementary school; however, young girls still encountered greater difficulties in receiving an education. For example, when families could not afford for all of their children to attend school, parents tended to remove their daughters rather than their sons from school. Only 23 percent of women over 15 years of age were literate, compared with 43 percent of men.

The Government took steps to provide religious education classes in the formal school system as an alternative to parents sending their children to Koranic schools, where trafficking in the form of forced begging often occurred. The Government also has a program to provide education and social services to at-risk children.

Boys and girls generally had equal access to medical care.

Child abuse was common. Easily observable were the many poorly dressed, bare-foot young boys, known as "talibes," begging on street corners for food or money for their Koranic teachers, known as marabouts. These children are exploited by their teachers and exposed to dangers. Physical abuse of talibes was widely known and discussed.

The law punishes sexual abusers of children with 5 to 10 years' imprisonment. If the offender is a family member, the punishment is 10 years' imprisonment. Any offense against the decency of a child is punishable by imprisonment for 2 to 5 years and in some aggravated cases up to 10 years. Procuring a minor for prostitution is

punishable by imprisonment for 2 to 5 years and a fine of \$575 to \$7,600 (300,000 to 4 million CFAF).

There were periodic reports of child rape and pedophilia. On March 6, a 13-year-old girl was raped in Keur Massar and, on May 17, a 9-year-old girl was kidnapped, raped, and abandoned in Guediawaye. In both cases the alleged perpetrators were arrested by the police, but no prosecutions occurred during the year.

Due to social pressures and fear of embarrassment, incest remained taboo and often went unreported and unpunished. A women's rights NGO stated that, of all cases of violence committed against girls, paternal incest was rising the fastest.

The NGO Tostan estimated FGM was practiced in thousands of villages throughout the country. Almost all women in the country's northern Fouta region were FGM victims, as were 60 to 70 percent of women in the south and southeast. Sealing, one of the most extreme and dangerous forms of FGM, was sometimes practiced by the Toucouleur, Mandinka, Soninke, Peul, and Bambara ethnicities, particularly in rural and some urban areas. Some girls were as young as 1 when FGM was performed on them.

FGM is a criminal offense under the law, carrying a prison sentence of 6 months to 5 years for those directly practicing FGM or ordering it to be carried out on a third person. However, many persons still practiced FGM openly and with impunity. The Government prosecuted those caught engaging in the practice and fought to end FGM by collaborating with the NGO Tostan and other groups to educate people about its inherent dangers. Tostan reported that 2,336 out of an estimated 5,000 communities had formally abandoned the practice by year's end. According to Tostan the movement to abandon FGM and forced child marriage accelerated, with 40 percent of previously practicing communities in Senegal ending the harmful practice.

Family ministry officials and women's rights groups considered child marriage a significant problem in parts of the country, particularly in rural areas. Girls, sometimes as young as 9 years old, were married to older men due to religious, economic, and cultural reasons.

On March 20, an 18-year-old girl from Kolda committed suicide to protest a forced marriage arranged by her parents. On September 1, a second girl in Kolda reportedly committed suicide for the same reason.

Women's rights groups highlighted infanticide, usually due to poverty or embarrassment, as a continuing problem. Domestic workers or women from villages working in cities who became pregnant sometimes killed their babies, since they could not care for them. Others, who were married to men working outside the country, killed their infants out of shame. In some cases, the families of the women shamed them into killing their own babies. Methods ranged from burying them alive, putting them in septic tanks, or simply abandoning them along the road. When the identity of the mother was discovered, the police arrested and prosecuted her.

Many children were displaced due to the Casamance conflict and often lived with extended family members, neighbors, in children's homes, or on the streets. The Government lacked adequate resources to effectively support these children. According to NGOs in the Casamance, displaced children suffered from the psychological effects of conflict, malnutrition, and poor health. According to the U.N. Children's Fund, the country had an estimated 100,000 talibe boys and 10,000 street children.

*Trafficking in Persons.*—The Constitution and law prohibit trafficking in persons; however, there were reports that persons were trafficked to, within, and from the country. Laws that prohibit pimping and kidnapping can be used in some trafficking cases.

Reliable statistics on the extent of the trafficking problem were unavailable. However, studies have shown the extent of trafficking in and through the country to be significant, especially with regard to child begging. Talibes were trafficked from surrounding countries, including The Gambia, Mali, Guinea, and Guinea-Bissau, and internally to participate in exploitive begging for some Koranic schools.

Young girls were trafficked from villages in the Diourbel, Fatick, Kaolack, Thies, and Ziguinchor regions to urban centers for work as underage domestics. On April 13, media and human rights groups reported that five female adolescents from Wak Ngouna, aged between 13 and 15, were sold by their parents to Mauritanian traders for \$160 to \$200 (80,000 to 100,000 CFAF). One of the parents stated that she allowed her 15-year-old daughter to go to work in Mauritania after having received financial compensation. The local police opened an investigation, but no prosecution occurred by year's end. Parents in the area continued to allow their female children to be taken to Mauritania to allegedly work as domestics.

Young girls from both urban and rural areas were involved in prostitution, which NGOs claimed involved an adult pimp to facilitate commercial sex transactions or

provide shelter. Young boys also were involved in prostitution, particularly to support their families.

The country was believed to be a transit point for women en route to Europe for sexual purposes.

Under the law, those who recruit, transport, transfer, or harbor persons, whether by means of violence, fraud, abuse of authority, or otherwise for the purposes of sexual exploitation, labor, forced servitude, or slavery are subject to punishment of 5 to 10 years' imprisonment and a fine of \$10,000 to \$40,000 (5 to 20 million CFAF). When the crime involves torture, barbarism, the removal of human organs, or exposing the victim to a risk of death or injury, prison terms range from 10 to 30 years. The human rights commissioner and the family ministry were the Government coordinators on human trafficking issues.

Most government efforts to combat trafficking in persons were centered in the Ministry of Women, Family, Social Development, and Women's Entrepreneurship. The ministry operated the Ginddi Center, a children's center where child trafficking victims received nutritional, medical, and other assistance. The center has accommodated children from The Gambia, Mali, Guinea-Bissau, and Guinea. The center also operated a toll-free child protection hot line that fielded many calls. With assistance from a foreign government, the police have established a trafficking-in-persons database. There were no government programs to protect or assist trafficked women.

*Persons with Disabilities.*—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services, and the Government effectively enforced it. The law also mandates accessibility for persons with disabilities; however, there was a lack of infrastructure to assist them. The Ministry of National Solidarity is responsible for protecting the rights of persons with disabilities.

The law reserves 15 percent of new civil service positions for persons with disabilities. However, according to the Senegalese National Association of People with Physical Disabilities, the National Assembly must pass a pending implementation bill to make the law operational. The Government operated schools for children with disabilities, provided grants for persons with disabilities to receive vocational training, and managed regional centers for persons with disabilities to receive training and funding for establishing businesses.

In 2006 the leader of a women's association for persons with disabilities questioned the lack of attention paid to persons with disabilities in national poverty reduction strategies. Several programs, which appeared to be earmarked for persons with disabilities, offered services to other vulnerable populations, reducing resources for persons with disabilities. Due to a lack of special education training for teachers and a lack of facilities accessible to children with disabilities, approximately 40 percent of such children were enrolled in school.

The Government began construction of five multipurpose social centers in Bambey, Louga, Darou Mousty, and Kaolack as part of the Government's 5-year national program for community-based rehabilitation of persons with disabilities. The centers in Bambey and Kaolack were completed and operational during the year. However, the other centers were still under construction at year's end.

During the year, the Association of Handicapped Students of the University of Dakar demanded better living conditions, noting that many of their members had to abandon their studies due to poor lodging and working conditions. The 210 students of the university lived six persons to a room that was built to house two. In March the Association of Female Handicapped of MBour denounced the stigmatization they suffered from employment discrimination and mobility problems.

Unlike in the previous year, there were no reports that persons with disabilities were raped.

The following May 2006 cases remained pending at year's end: The rape of a 16-year-old deaf and mute girl in Thiaroye, and the rape of a 15-year-old girl with disabilities in Yeumbeul.

*National/Racial/Ethnic Minorities.*—While the country's many ethnic groups have coexisted relatively peacefully, interethnic tensions between Wolofs and southern ethnic groups played a significant role in the long-running Casamance rebellion that was characterized by grievous human rights abuses.

*Other Societal Abuses and Discrimination.*—Homosexuality is a criminal offense, and homosexuals faced widespread discrimination and social intolerance. However, they were not generally targeted for violence and harassment.

As a result of both government and NGO HIV/AIDS awareness campaigns, persons with HIV or AIDS were increasingly accepted in society.

*Section 6. Worker Rights*

*a. The Right of Association.*—By law, all workers, except security forces, including police and gendarmes, customs officers and judges, are free to form and join unions, and workers exercised this right in practice. However, the labor code requires the interior minister to give prior authorization before a trade union can exist legally. The Government can also dissolve trade unions by administrative order, but did not do so during the year. The labor code does not apply to the agricultural or informal sectors, and thus the majority of the workforce. Approximately 4 percent of the workforce was employed in the private industrial sector, of which 40 to 50 percent belonged to unions. Antiunion discrimination is prohibited by law, and the law also provides protection for workers' right to strike.

*b. The Right to Organize and Bargain Collectively.*—The law allows unions to conduct their activities without interference, and the Government protected this right in practice. The law provides for the right to collective bargaining, and it was freely practiced everywhere but in private security companies. Collective bargaining agreements applied to approximately 44 percent of union workers.

The law provides for the right to strike, and workers exercised this right; however, there were significant restrictions. The law states that workplaces may not be occupied during a strike. Waste collectors, as well as health, transportation, and education sector employees held strikes during the year. Unions representing members of the civil service must notify the Government of their intent to strike at least 1 month in advance; private sector unions must notify the Government 3 days in advance.

There are no special laws or exemptions from regular labor laws in the country's one export processing zone.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children; however, there were reports such practices occurred.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The law bans the exploitation of child labor, and there are regulations on child labor that set the minimum working age, working hours, working conditions, and bar children from performing particularly dangerous jobs; however, child labor was a problem. Most child labor occurred in the country's informal economy where labor regulations were not enforced. Economic pressures and inadequate educational opportunities often pushed rural families to emphasize labor over education for their children.

The minimum age for employment was 15; however, children under the age of 15 continued to work in traditional labor sectors, particularly in rural areas where there was no enforcement of child labor laws. According to the International Labor Organization (ILO), 36.7 percent of children between the ages of 5 to 14 were engaged in child labor, including primarily agriculture, fishing, and hunting, but also mining, construction, transportation, domestic work, commerce, restaurant and hotel work, and manufacturing.

Some religious instructors in Koranic schools brought young boys from rural villages to urban areas and held them under conditions of servitude, forcing them to beg on a daily basis in unsanitary and dangerous conditions under the threat of physical punishment.

One particularly egregious area of child labor was in the mining and rock quarry sector. Child gold washers, mostly between the ages of 10 and 14, worked approximately 8 hours per day without training or protective equipment. Children worked long hours in rock quarries, crushing rock, and carrying heavy loads without protection. Both types of work resulted in serious accidents and long-term illness.

On October 11, the National Agency of Statistics and Demography published the results of a 2005 study on child labor which found that 90 percent of children in the cities of Kaolack, Fatick, and Ziguinchor regions carry out tasks that are detrimental to their health and education. The study also found that 75 percent of girls were responsible for domestic chores, leading to many dropping out early from school.

The labor ministry and social security inspectors were in charge of investigating and initiating lawsuits in child labor cases. Inspectors can visit any institution during work hours to verify and investigate compliance with labor laws and can act on tips from trade unions or ordinary citizens. In practice inspectors did not initiate visits because of a lack of resources and relied on unions to report violators. Labor inspectors closely monitored and enforced minimum age rules within the small formal-wage sector, which included state-owned corporations, large private enterprises, and cooperatives. However, there were no statistics available on the number of violations found.

The Government has raised awareness of the dangers of child labor and exploitive begging through seminars with local officials, NGOs, and civil society. The Government also participated in a project funded by a foreign government to withdraw 3,000 children and prevent 6,000 others from exploitive child labor in agriculture, fishing, begging, and domestic service. The Government also participated in an ILO project to combat child labor.

To reduce the incidence of exploitive begging, the Ministry of Women, Family, Social Development, and Women's Entrepreneurship is implementing a program to help support 48 Koranic schools whose teachers do not force their students to engage in begging.

*e. Acceptable Conditions of Work.*—The national minimum wage was \$0.42 (209 CFAF) per hour, which did not provide a decent standard of living for a worker and family. The Ministry of Labor was responsible for enforcing minimum wages. Labor unions also acted as watchdogs and contributed to effective implementation of minimum wage in the formal sector. The minimum wage was not respected in the informal sector, especially for domestic workers.

Within the formal sector, the law mandates for most occupations a standard workweek of 40 to 48 hours with at least one 24-hour rest period, 1 month per year of annual leave, enrollment in government social security and retirement plans, safety standards, and other measures; however, enforcement was irregular. The law does not cover the informal sector. Premium pay for overtime was required in the formal sector.

While there are legal regulations on workplace safety, they often were not enforced. There is no explicit legal protection for workers who file complaints about unsafe working conditions. Workers, including foreign or migrant workers, had the right to remove themselves from situations that endangered health or safety without jeopardy to their employment; however, it was seldom exercised due to high unemployment and a slow legal system. The Ministry of Labor, through the Labor Inspection Office, enforced labor standards. However, labor inspectors had very poor working conditions and lacked transportation to conduct their mission effectively.

## SEYCHELLES

Seychelles is a multiparty republic of approximately 81,000 citizens. In July 2006 President James Michel, who assumed power in 2004 when former President France Albert Rene resigned, was elected in a process deemed credible and organized by international observers; however, there were complaints of unfair campaign practices. The president and the Seychelles People's Progressive Front (SPPF) dominated the country through a pervasive system of political patronage and control over government jobs, contracts, and resources. The May National Assembly elections did not result in any change in the balance of power between the ruling SPPF and the opposition Seychelles National Party (SNP). International observers found the elections to be credible. The civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens. However, the following human rights problems were reported: Prolonged pretrial detention; abuse of detainees; an inefficient and politically influenced court system; restrictions on speech, press, and assembly; official corruption; violence against women and children; violations of and restrictions on labor rights; and discrimination against foreign workers.

### RESPECT FOR HUMAN RIGHTS

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

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

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution and law prohibit such practices, but prison officers were accused of inhumane treatment of detainees. On July 6, *Le Nouveau Seychelles Weekly* reported that a prisoner was physically abused at the Montagne Posee Prison after he became involved in an argument with a prison warden. The prisoner, who had converted to Islam, had his beard shaved and was told that Muslims were not tolerated in prison. The same newspaper reported that a supreme court judge expressed concerns over the increasing number of physical abuse cases involving detainees reported in court every week.

Unlike in the previous year, there were no reports that police forcibly dispersed demonstrators.

*Prison and Detention Center Conditions.*—Detention centers included the Grand Police High Security Prison for violent inmates and the Montagne Posee Prison for all other prisoners and those awaiting trial or sentencing. On June 23, the Grand Police High Security Prison was relocated to Montagne Posee Prison, and was the only prison in the country. Prison officials stated that staff shortages forced guards to limit prisoner time outside their cells. The new facility housed high security and other prisoners, female prisoners, as well as those on pretrial. The prison, which had a maximum capacity of 400, held 221, including 74 men in pretrial detention and 15 women.

The Government permitted independent monitoring of prison conditions by local and international human rights groups and diplomats. However, no request for prison visits was made by the International Committee of the Red Cross (ICRC).

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

*Role of the Police and Security Apparatus.*—The president has complete control over the security apparatus, which includes the National Guard, army, Presidential Protection Unit, Coast Guard, and police. The police commissioner, who reports to the president, commands the unarmed police and the armed paramilitary Police Mobile Unit, which together have primary responsibility for internal security. When necessary, the police were assisted by the army on matters of internal security, as police resources were limited. The Special Support Unit (SSU), a division of the police force, is responsible for crowd and riot control. Corruption remained a problem. The Enquiry Board, a police complaint office, existed but was rarely used. In practice private attorneys filed complaints or published them in the opposition party newspapers Regar and Le Nouveau Seychelles Weekly. Although human rights is included as a core precept in officer training, such training was limited in practice.

*Arrest and Detention.*—The Constitution and law provide that persons arrested must be brought before a magistrate within 24 hours, with allowances made for boat travel from distant islands; however, police did not always uphold this requirement. The Constitution and law also provide for detention without charge for up to 7 days if authorized by court order, and police generally respected this provision. Detainees have the right to legal counsel. Free counsel is not a legal right, but courts usually provided it to the indigent. Courts provided bail for most offenses. Although warrants are required by law, police made some arrests and detentions without a warrant.

Although SNP supporters alleged that the October 2006 detention of one of its members, Roger Mancienne, was arbitrary, the police accused Mancienne of organizing an unlawful assembly.

Unlike in the previous year, there were no reports that police arrested demonstrators.

Prolonged pretrial detention was a problem. Prisoners often waited more than 2 years for trial or sentencing due to the inefficiency of the judicial system. Approximately a third of the prison population consisted of pretrial detainees.

*e. Denial of Fair Public Trial.*—The Constitution and law provide for an independent judiciary; however, the judiciary was inefficient and subject to executive influence. Both civil and criminal court cases generally lasted years. There were no reports of judicial corruption.

The judicial system includes magistrates' courts (or small-claims court), the Supreme (or trial) Court, the Constitution and Law Court, and the Court of Appeal.

One supreme court judge, one appeals court judge, and two magistrate court judges were citizens of the country by birth. All others were either naturalized citizens or citizens of other Commonwealth countries. The bar association criticized the Government for not advertising domestically that judicial positions were available. Critics widely believed that some foreign justices bent to the will of the executive branch due to fear of deportation.

Several justices of the peace were responsible for small-claims cases, and there were allegations that many of the justices were appointed because of their affiliation with the SPPF.

An 18-member, part-time family tribunal heard and decided all matters relating to the care, custody, access, and maintenance of children, except paternity cases, which remained under the courts. The Government empowered the family tribunal to offer protection orders to victims of family violence. Most members of the tribunal were not legally trained and were affiliated with the SPPF.

*Trial Procedures.*—Defendants have the right to a fair public trial, and trials were public in practice. A magistrates' court or the Supreme Court heard criminal cases, depending on the gravity of the offense. Cases involving murder or treason use juries. Defendants were considered innocent until proven guilty. Defendants have the right to be present at their trial, to confront witnesses, and to appeal.

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

*Civil Judicial Procedures and Remedies.*—The Constitution and law provide for an independent and impartial judiciary in civil matters; however, the judiciary was inefficient and subject to executive influence. There were no reports of any problems regarding enforcement of domestic court orders.

There is no institution set up to examine cases of human rights abuses. However, citizens have turned to the Ombudsman Office to investigate human rights abuses and to seek redress for other issues.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution and law prohibit such actions, and the Government generally respected these prohibitions in practice. However, there remained widespread suspicion of government monitoring of private communication without legal process.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution and law provide for freedom of speech and of the press; however, the Government did not respect these rights in practice. The law provides restrictions “for protecting the reputation, rights, and freedoms of private lives of persons” and “in the interest of defense, public safety, public order, public morality, or public health.” As a result, civil lawsuits could be filed to penalize journalists for alleged libel. Journalists practiced self-censorship.

The only daily newspaper was the government-owned Nation, which adhered closely to the Government's position on policy issues and gave limited attention to the opposition and news adverse to the Government. There were three weekly political party newspapers; Regar, The People, and le Nouveau Seychelles Weekly.

The law allows the minister of information technology to prohibit the broadcast of any material believed to be against the “national interest” or “objectionable.” The law also requires telecommunications companies to submit subscriber information to the Government.

Agents of the State House Security Unit, a detachment of the army, reportedly harassed employees of Le Nouveau Seychelles Weekly on their work site. In August one agent physically assaulted the editor in public.

On August 24, the Court of Appeal overturned a supreme court conviction of libel against Regar, which had alleged in 2006 that a government official was fishing in protected waters. Regar which had closed in October 2006 due to its inability to pay the \$43,730 (350,000 rupees) fine associated with the libel suit, resumed operations. At year's end no one had been charged in the 2005 arson at the Regar office, which Reporters Without Borders criticized as “politically motivated.”

The Government continued to own the only television station and all radio stations. The law allows for independent radio and television, but the exorbitant licensing fee of approximately \$100,000 (800,000 rupees) per year discouraged the opening of any independent outlets. Following the July 2006 elections, the opposition SNP collected funds for the radio licensing fee and announced plans to apply for a license. The National Assembly subsequently passed an amendment to the Broadcasting and Telecommunications Act which prevents political parties and religious groups from obtaining radio licenses. An appeal to the amendment was pending before the Constitutional Court.

During the year the president established a law and order committee in response to an October 2006 SNP demonstration against an amendment to the Broadcasting and Telecommunications Act. At the demonstration three SNP members were beaten by the SSU. One SSP member was detained and accused of organizing an unlawful assembly, according to the provisions of the Public Order Act. The Law and Order Committee, which was composed of government officials, representatives of opposition parties, and members of the clergy, recommended that the Public Order Act be amended to conform to the Constitution and the country's international obligations. At year's end the Committee had not made recommendations on the amendment to the Telecommunications Act.

*Internet Freedom.*—There were no government restrictions on access to the Internet; however, there were reports that the Government monitored e-mail and Internet chat rooms. Individuals and groups engaged in the peaceful expression of views via the Internet, including by e-mail. Internet access was widely available to and used by citizens.

*Academic Freedom and Cultural Events.*—The Government limited academic freedom so that persons could not reach senior positions in the academic bureaucracy without demonstrating at least nominal loyalty to the SPPF. The Government controlled faculty appointments to the Polytechnic, the most advanced learning institution; there were no universities.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The Constitution and law provide for freedom of assembly and association; however, the Government did not always respect it.

Unlike in the previous year, no demonstrations were forcibly dispersed.

No action was taken against SSU members who forcibly dispersed an October 2006 demonstration resulting in the hospitalization of an opposition leader and the editor of Regar.

*Freedom of Association.*—The Constitution and law provide for freedom of association; however, the Government did not always respect this right. There were complaints that government officials intimidated and harassed civil servants who participated in opposition political party activities. These civil servants were then dismissed after the May Legislative Assembly elections.

*c. Freedom of Religion.*—The Constitution and law provide for freedom of religion, and the Government generally respected this right in practice.

*Societal Abuses and Discrimination.*—There were fewer than 10 individuals in the Jewish community, and there were no reports of anti-Semitic acts.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. Although it was not used during the year, the law allows the Government to deny passports to any citizen if the minister of defense finds that such denial is “in the national interest.”

According to foreign exchange regulations, citizens could exchange only \$400 (3,200 rupees) worth of foreign currency, without having to resort to the growing black market, which severely hindered their ability to pay for foreign travel.

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

*Protection of Refugees.*—The law provides for the granting of refugee status or asylum in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, but the Government has not established a system for providing protection to refugees. In practice, the Government provided protection against “refoulement,” the return of persons to a country where there is reason to believe they feared persecution. The Government did not grant refugee status or asylum during the year, as the issue did not arise.

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

The Constitution and law provide citizens with the right to change their government peacefully, and citizens exercised this right in the July 2006 presidential elections and May National Assembly election, both deemed credible by international observers.

*Elections and Political Participation.*—Approximately 87 percent of eligible voters participated in the May 10–12 National Assembly elections, resulting in no change in the balance of power between the ruling SPPF and the opposition SNP. The SPPF won 23 seats, just one seat shy of being able to amend the Constitution, and the SNP retained 11 seats. International observers found the elections to be credible. Minor complaints of electoral irregularities were filed with the Electoral Commissioner.

In July 2006 approximately 88 percent of eligible voters elected incumbent and SPPF presidential candidate James Michel with 54 percent of the vote; SNP candidate Wavel Ramkalan received 45 percent, and independent candidate Philip Boule received 1 percent. International observers characterized the electoral process as credible and well-organized despite reports that campaign and electoral practices were not fair.

The ruling SPPF, which assumed power in a 1977 coup, continued to use its political resources and those of the Government to develop and maintain a nationwide organization that extended to the village level. Opposition parties have been unable to match the SPPF’s organization and patronage, in part because of financial limitations.



There were reports that SPPF membership conferred advantage. Some members of opposition parties claimed that they lost their government jobs because of their political beliefs and were at a disadvantage when applying for government licenses and loans.

There were 10 women in the 34-seat National Assembly, seven elected by direct election and three by proportional representation. Following the July cabinet reshuffle, there were two women in the cabinet.

*Government Corruption and Transparency.*—There was widespread public perception of corruption at all levels of government. The World Bank's Worldwide Governance Indicators reflected that corruption was a problem. In particular, there were reports of rewards to SPPF supporters in the form of job assistance, land distribution, free building materials, and monetary payments. An ombudsman has legal authority to investigate and report on allegations of official fraud and corruption. He investigated 91 cases during the year involving problems such as labor law litigations, allegations of fraud and corruption, human rights abuse, and land and property litigations.

There are laws allowing public access to government information, although the Government did not enforce them, and citizens routinely did not have access to such information.

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

A small number of international human rights nongovernmental organizations (NGOs) and one domestic human rights group, the Centre for Rights and Development (CEFRAD), generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to the views of international NGOs; however, cooperation with CEFRAD, which was perceived as being aligned with the opposition, was limited. For example, the Government refused to permit CEFRAD and other local groups to observe the July 2006 presidential election as well as the legislative elections in May.

A government-run National Humanitarian Affairs Committee (NHAC) operated with a range of members from both civil society and the Government. The ICRC acted as a technical adviser to the NHAC.

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

The Constitution and law affirm the right to be free from all types of discrimination, but do not prohibit discrimination based on specific factors. In practice there was no overt discrimination in housing, employment, education, or other social services based on race, gender, ethnicity, nationality, or disability.

*Women.*—Rape, spousal rape, and domestic abuse are criminal offenses punishable by a maximum 20 years' imprisonment. During the year the Family Tribunal registered 74 domestic violence complaints. The police registered 56 rape cases and four cases of attempted sexual assault. The Social Affairs Division of the Ministry of Health and Social Development and Women in Action and Solidarity Organization, a local NGO, provided counseling services to rape victims.

Domestic violence against women was a continuing problem. Police rarely intervened in domestic disputes unless it involved a weapon or major assault. The authorities often dismissed the few cases that reached a prosecutor, or the court gave the perpetrator a light sentence. There was growing societal concern about domestic violence and increased recognition of the need to address it.

Prostitution is illegal but remained prevalent. Police generally did not apprehend prostitutes unless their actions involved other crimes.

The law prohibits sexual harassment but was rarely enforced.

The society is largely matriarchal. Unwed mothers are the societal norm, and the law requires fathers to support their children. There was no officially sanctioned discrimination in employment and women were well represented in business. Inheritance laws do not discriminate against women.

*Children.*—The Division of Social Affairs in the Ministry of Health and Social Development worked to protect children's rights, and in practice they were somewhat effective.

The Government requires children to attend school through the 10th grade and made tuition-free public education available through the secondary level until age 18. Students had to buy school uniforms but did not have to pay for books. According to government figures, all children between the ages of 6 and 16 attended school, and the percentages of boys and girls enrolled were roughly equal. There is a noncompulsory fifth year of secondary school. After completing secondary school, students can attend the Polytechnic School for Vocational Training, travel abroad

for university studies, or go to apprenticeship or short-term work programs. Children in the apprenticeship or short-term work programs received a training stipend, which was less than the minimum wage.

Boys and girls have equal access to healthcare, which is free for all citizens.

The law prohibits physical abuse of children. Sexual abuse of children, usually perpetrated by stepfathers and older brothers, was a problem. Rape of girls under the age of 15 continued to be a problem, according to the Ministry of Health and Social Development. Authorities prosecuted very few child abuse cases in court due to lack of efficient working relations among government agencies and departments. The strongest public advocate for young victims was a semiautonomous agency, the National Council for Children.

The age of consent for marriage is 15 years. Girls were not allowed to attend school when they were pregnant, and many did not return to school after the birth of a child. Unlike in 2005 when a young girl attempted suicide to avoid a forced marriage, there were no reports of early marriage cases.

There was no report of street children.

*Trafficking in Persons.*—The law prohibits trafficking in persons, and there were no reports that persons were trafficked to, from, or within the country.

*Persons with Disabilities.*—The Constitution and law provide for the right of persons with disabilities to special protection, including reasonable provisions for improving the quality of life; however, there were no laws providing for access to public buildings, transportation, or state services, and the Government did not provide such access for persons with disabilities. There was no discrimination reported against persons with disabilities in housing, employment, or education, or in the provision of other state services.

*Other Societal Abuses and Discrimination.*—There were no reports of discrimination based on sexual orientation or against persons with HIV/AIDS.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law provides workers with the right to form and join unions of their choosing; however, police, military, prison, and fire fighting personnel may not unionize. The law is silent regarding the rights of foreign or migrant workers to join a union. Some citizens were reluctant to join the non-government-sponsored labor union due to fear of government reprisal. Unions organized between 15 and 20 percent of the workforce, and the law prohibits antiunion discrimination.

The Seychelles Federation of Workers Union (SPPF-associated) is the only trade union still in operation, while the Seychelles National Trade Union (SNTU, SNP-associated) ceased operations in February. Despite the legal provisions allowing workers to form and join unions, membership in the SNTU had continued to decrease because workers feared losing their jobs. The SNTU claimed that employers did not reinstate workers fired for union activity.

*b. The Right to Organize and Bargain Collectively.*—The law allows for unions to organize and conduct their activities without interference. The law provides workers with the right to engage in collective bargaining, but collective bargaining seldom occurred. The Government has the right to review and approve all collective bargaining agreements in the public and private sectors. There was little flexibility in setting wages. In the public sector, which employed over 50 percent of the labor force, the Government set mandatory wage scales for employees. The employer generally set wages in the private sector through individual agreements with the employee, but the Government set wage rates in the few larger businesses.

The law authorizes the Ministry of Employment and Human Resource Development to establish and enforce employment terms, conditions, and benefits, and, in practice, workers frequently obtained recourse against their employers through the ministry.

Unions engaged in collective bargaining in the private sector; however, observers noted that private sector employers were reluctant to engage in collective bargaining.

Strikes are illegal without first exhausting arbitration procedures. Observers noted that the Industrial Relations Act provisions regarding the holding of strikes hinder unions' strike initiative. It took 6 months for a union to gain permission to hold a strike. Unlike the previous year, there was no report that authorities denied permission to hold a strike.

There is one export processing zone, the Seychelles International Trade Zone (SITZ), with 25 participating companies. Only the Seychelles Trade Zone Act applied in the SITZ, and the Government did not require the SITZ to adhere to labor, property, tax, business, or immigration laws.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The law states that the minimum age for employment is 15, “subject to exceptions for children who are employed part time in light work prescribed by law without harm to their health, morals, or education;” in practice, the Government followed these requirements. It is a criminal offense punishable by a fine of \$750 (6,000 rupees) to employ a child under the age of 15. The Ministry of Employment and Human Resource Development enforced child labor laws. The ministry handled such complaints within its general budget and staffing and did not report any case requiring investigation. No children were found working in the fishing, tourism, agricultural, boat building, and processing industries, as the Ministry of Education carried out regular checks to ensure that children were actually attending school.

*e. Acceptable Conditions of Work.*—There is no official private sector minimum wage. The Government encouraged but did not require the private sector to grant the minimum public sector wage. The minimum public sector wage was \$290 (2,325 rupees) per month as of January. Even with free public services, primarily health care and education, a single salary at the low end of the pay scale did not provide a decent standard of living for a worker and family. Private employers generally paid higher wages than the Government to attract qualified workers.

The legal maximum workweek varied from 45 to 55 hours, depending on the economic sector; in practice, some workers worked up to 60 hours per week. Government employees worked fewer hours. Regulations entitled each full-time worker to a 30-minute break per day and a minimum of 21 days of paid annual leave. The Government permitted workers to work overtime up to 60 additional hours per month. The Government generally enforced these regulations.

Foreign workers did not enjoy the same legal protections as citizens and were employed in the construction and commercial fishing sectors. Companies sometimes paid foreign workers lower wages, forced them to work longer hours, and provided them with inadequate housing.

The Ministry of Health and Social Development has formal responsibility for drafting the Government’s comprehensive occupational health and safety regulations, and the ministry enforced these standards, although safety and health inspectors rarely visited job sites. Occupational injuries were most common in the construction, marine, and port industries. The law has been amended to allow workers to remove themselves from dangerous or unhealthy work situations, report the employer to the Health and Safety Commission, and seek compensation without jeopardizing their employment.

---

## SIERRA LEONE

Sierra Leone is a constitutional republic with a directly elected president, a unicameral legislature, and a population of approximately 5 million. In peaceful presidential and parliamentary elections held in August and September, the opposition All People’s Congress (APC) won a majority in Parliament, and citizens elected party leader Ernest Bai Koroma president. Domestic and international observers characterized the elections as credible and free but noted irregularities that did not affect the outcome. In 2002 the devastating 11-year civil conflict officially ended, and the Government, backed by a United Nations peacekeeping force (UNAMSIL), asserted control over the whole country. In 2004 UNAMSIL handed responsibility for security countrywide to the Republic of Sierra Leone Armed Forces (RSLAF) and Sierra Leone Police (SLP). In 2005 UNAMSIL withdrew all remaining peacekeepers and transferred nonpeacekeeping responsibilities to a follow-on peacebuilding U.N. mission (UNIOSIL). Civilian authorities maintained effective control of the security forces.

The Government generally respected the human rights of its citizens. However, there were serious problems in a number of areas, including: Security force abuse, including rape, and use of excessive force with detainees, including juveniles; police theft and extortion; poor conditions in prisons and jails; official impunity; arbitrary arrest and detention; prolonged detention, excessive bail, and insufficient legal representation; restrictions on freedom of speech and press, although fewer than in the previous year; government and chiefdom detention and harassment of journalists; forcible dispersion of demonstrators; harassment of opposition party supporters by ruling party members; widespread official corruption; societal discrimination and vi-

olence against women; female genital mutilation (FGM); child abuse; trafficking in persons, including children; forced labor, including by children; and child labor.

During the year the Government passed a Child Rights Act that defines children as individuals under 18 years of age, provides for family courts, prohibits forced marriage of girls, prohibits exploitative labor and other harmful practices, and establishes national and local government entities to enforce children's rights. The Government also passed three gender acts that prohibit domestic violence, provide for equitable property inheritance, and call for the registration of customary marriages and divorces by protecting women's rights in a divorce.

#### RESPECT FOR HUMAN RIGHTS

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

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

There were no developments in the 2006 case of police allegedly shooting a student demonstrator who later died from his injuries.

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution and law prohibit such practices; however, there were reports that security and police forces used excessive force, including rape, and stole, extorted, and demanded bribes. The Corporal Punishment Act allows up to 36 lashes as punishment. Prison guards reportedly beat prisoners, including journalists, with impunity.

On January 27, police in Freetown reportedly used excessive force on a cab driver accused of illegally purchasing gasoline. An estimated 100 local youths intervened on the cab driver's behalf by stoning the nearby police station. Police responded with teargas, fired gunshots into the air, and arrested an estimated 20 youths who were released after a warning.

On July 21, in the Ross Road Police Station, SLP officers detained and beat a young man for not following police instructions to vacate the building.

No action was taken in the July 2006 beating and robbing of a man by RSLAF soldiers in Bo.

The trial of the police officer who raped a 10-year-old Liberian refugee in July 2006 was ongoing at year's end.

Police use of excessive force to disperse demonstrators resulted in injuries.

During the year men and women were forcibly initiated into tribal secret societies, a process that for women usually involved FGM.

Vigilante justice was common in urban areas, particularly for suspected thieves and unsettled debts. For example, on June 5, local youths attacked the Adelaide Street Police Station in Freetown seeking instant justice for the death of Ishmael Barrie, who was killed by Foday Turay for a debt of \$1.30 (4,000 leones). When police officials refused to release Turay, the crowd pelted the police station with stones.

During the year Guinean forces gradually relocated back to Guinea after occupying the Yenga area, a disputed village in the eastern part of the country. Unlike in the previous year, there were no reports that Guinean troops harassed the local population.

*Prison and Detention Center Conditions.*—Prison conditions remained poor, and overcrowding was a major problem. The Pademba Road Prison, which was designed to house 324 prisoners, held 1,161, according to the Prison Authority. In some cases, cells measuring 6 feet by 9 feet housed five prisoners. According to UNIOSIL's assessment of prisons conducted during the year, corporal punishment, solitary confinement, reduction in diets, loss of visits, and loss of exercise were routine disciplinary measures. In Kabala and Port Loko, UNIOSIL reported that officers in charge were present when guards beat inmates with canes and plastic water pipes.

Human rights observers reported that detention conditions frequently fell below minimum international standards because of overcrowding, lack of access to food, unhygienic conditions, and insufficient medical attention. Prison cells often lacked proper lighting, bedding, ventilation, and protection from mosquitoes. In August human rights observers reported that the Prison Department had been curtailing diets to inmates for several months. Twenty prisoner deaths occurred during the year, allegedly as a result of acute malnutrition, lack of hygienic conditions, malaria, and heart failure.

Few prisoners had access to adequate medical facilities, and clinics lacked supplies and medical personnel. The exclusively male medical clinic at Pademba Road, staffed with only one doctor, treated an average of 50 prisoners a day for malaria,

gastrointestinal problems, and hypertension. Only patients with emergency situations were allowed to visit the clinic outside of the assigned schedule. Women were treated as outpatients or were referred to the local hospitals for special care. However, prisoners often were refused treatment or received inferior care from doctors and nurses in these hospitals because of the social stigma associated with assisting criminals.

Prison Watch reported that there was a shortage of prison staff, and sometimes officers were not paid regularly. In Kono seven staff members were not paid for 2 months, and in Moyamba, an officer had not received his salary in 3 months. Consequently, guards provided only minimal security, and abuse of prisoners and prison breaks occurred. Prison Watch received reports that prison guards sold prisoner food rations to supplement their meager salaries.

Conditions in holding cells in police stations were poor, especially in small stations outside Freetown. Cells were dark with little ventilation. However, overcrowding in some police cells improved during the year as magistrate judges continued to be deployed to the districts to process cases.

Men and women were held in separate cells; however, in many of the prisons, men and women were held in the same block and shared facilities. In December the Pademba Road Prison held nine infants, most of whom were born in the prison and continued to be detained there with their mothers. While the women's section of the prison in Pademba Road was significantly less crowded with better facilities than the male section, officials detained together persons being tried for petty and serious offenses; the section had no shower facilities, no exercise area, and few rehabilitation programs.

While an effort was made to prevent juveniles from being detained with adults, 73 minors were imprisoned with adult offenders in Pademba, Bo, Makeni, Kambia, Kenema, and Kailahun. Police sometimes released juveniles suspected of committing crimes to avoid incarcerating them with adults. At the same time, when questioned by Prison Watch about detaining juveniles, officers alleged that in some cases, police officers inflated the ages of juveniles to escape blame of detaining and prosecuting minors. In the three juvenile facilities, detainees did not have adequate access to food, education, or vocational training, and sometimes were unable to attend court hearings due to lack of transportation from juvenile detention facilities; violence among youth was a problem.

In most cases pretrial detainees were held with convicted prisoners.

The Government permitted family visits, but according to nongovernmental organization (NGO) reports, family members had to bribe prison guards to visit. The International Committee of the Red Cross (ICRC) provided a message delivery service that allowed prisoners housed in all district prisons to communicate with their families on a quarterly basis.

International monitors, including UNIOSIL and the ICRC, had unrestricted access to the prisons, detention centers, and police holding cells. Additionally, some NGOs such as Prison Watch and Justice Sector Development Program (JSDP) monitored the prisons. Amnesty International (AI) and Lawyers Center for Legal Assistance (LAWCLA), however, reported that they did not receive permission to visit any of the prisons despite several requests.

*d. Arbitrary Arrest or Detention.*—The Constitution and law prohibit arbitrary arrest and detention; however, government forces occasionally arrested and detained persons arbitrarily.

*Role of the Police and Security Apparatus.*—The SLP has primary responsibility for maintaining internal order but was poorly equipped and lacked investigative, forensic, and riot control capabilities. Due to lack of personnel, the SLP often relied on fire forces, prison authorities, and the boy scouts to help provide security. The military is responsible for external security; however, the Military Assistance to the Police Program provided additional assistance to police in extraordinary circumstances, such as during the presidential and parliamentary elections.

There were fewer cases of police brutality during the year, but police corruption was a serious problem, in part exacerbated by poor salaries. There were continued reports that police officers took bribes at checkpoints, falsely charged motorists with violations, and impounded vehicles to extort money. Police also accepted bribes from criminal suspects in exchange for dropping charges or having their rivals arrested and charged with crimes.

Police were frequently not present or chose not to intervene when crowds beat alleged thieves. Following the national elections, for example, demonstrators ransacked and looted the headquarters of the losing party. Although in the vicinity, police forces did not intervene or stop the looting, although they subsequently arrested three individuals involved. There were numerous instances in which police refused

to make arrests when warranted, or arrested persons without charge for civil causes, such as alleged breach of contract or failure to satisfy debt, in exchange for kickbacks.

During the year there were still many who feared the SLP, particularly traffic officials who were notorious for harassing motorists, taking bribes at checkpoints, falsely charging motorists with violations, and impounding vehicles to extort money. Police also accepted bribes from criminal suspects in exchange for dropping charges and/or having their rivals arrested and charged with crimes.

According to JSDP, impunity was less of a problem than in the past, and there were several mechanisms available to investigate police abuses. The Police Complaints Commission and the Complaints, Discipline and Internal Investigations Department (CDIID) heard complaints against police officers. There was also a Police Council, composed of the vice president, minister of internal affairs, inspector general, and others who accepted written complaints against police officers. The CDIID facilitated all hearings and trials related to police officer complaints. An appeals process was available. After disciplinary measures by the CDIID were issued, the SLP officer was subject to the civilian court if criminal action was involved. SLP newsletter published disciplinary action against officers.

Between January and July CDIID received 306 complaints countrywide. Of those complaints, 16 officers were dismissed or asked to resign, 36 received a written letter of reprimand, 16 were fined, and 27 were resolved informally. The remaining cases were at various stages of investigation or review. The most common complaints lodged against police were corruption, unfair treatment, lack of professionalism, and assault. Cases requiring dismissal of an officer most commonly involved criminal cases or officers fraudulently posing as land owners or businessmen to extort money. For example, in one of the CDIID cases an officer was dismissed for extorting \$8,700 (26 million leones). In another case, an SLP officer was dismissed for his involvement in a traffic accident that killed two civilians.

Police continued to receive professional, leadership, and human rights training, and new recruits received a 6-month introductory course before deployment. The SLP retained a full-time U.N. technical advisor and a number of U.N. Civil Police (UNCIVPOL) police advisors. The SLP was considered corrupt. As a result of training programs during the year and the introduction of community policing conducted by the Department for International Development, the Commonwealth, and the JSDP, professional conduct of the police force improved.

UNIOSIL worked with the JSDP to implement its strategic plan and develop a training program to enhance the SLP's capacity to provide security for the presidential and parliamentary elections.

*Arrest and Detention.*—The law requires warrants for searches and arrests in many cases; however, arrest without warrant was common. According to UNIOSIL's assessment of prison conditions, adjournment dates on some warrants were altered and not endorsed by the magistrate, while other warrants were signed, but not by the presiding magistrate. Once arrested, a detainee must be told the reason for arrest within 24 hours, and a case must be charged to court within 72 hours, or in the case of serious crimes, within 10 days. However, detainees often were held without charge or trial for minor offenses for long periods.

Three notable pretrial treason detainees—Omrie Gollie, former Revolutionary United Front (RUF) spokesman, Mohamed Alpha, and David Kaitongay—were denied bail and kept in a separate section of the Pademba Road Prison, with poor, but significantly better conditions than other prisoners. On November 1, the three were released unconditionally after being detained for nearly 2 years on charges of treason and the attempted assassination of former Vice President Solomon Berewa. A press release from the Office of Attorney General and Minister of Justice stated that the court had found no evidence to sustain the allegations.

Detainees have the right of access to family and legal representation; however, due to a lack of financial resources, only 10 percent of inmates had access to legal representation. Regular family visits were permitted with the frequency and duration of the visits varying from prison to prison. According to NGO reports, however, family members were required to pay bribes to gain visitation rights. Lawyers were allowed unrestricted access to detainees. Although the Constitution provides for legal aid, there were only six state counsels serving the entire country, and they were only available in the more serious criminal cases.

There were provisions for bail, and there was a functioning bail system; however, the bail regime was rigorous, excessive, and inconsistent. For example, bail was set at approximately \$68,000 (200 million leones) for the release of newspaper editor Philip Neville, who was arrested during the year for libel.

Security forces arbitrarily arrested demonstrators and a journalist.

Lengthy pretrial detention was a problem. According to AI, as a result of case backlogs in the courts, pretrial and remand detainees spent an average of 3 to 5 years in pretrial detention before courts examined their cases or filed formal charges. In Makeni a juvenile was in remand (being tried in magistrate court for petty offenses) for 2 years on the allegation of stealing six cups of rice. Approximately 60 percent of the country's detainees in prison were in pretrial detention. According to the Open Society Initiative for West Africa, remand prisoners frequently changed their pleas from "not guilty" to "guilty" to be removed from the remand section to the better areas of the prison.

*Amnesty.*—The law provides the president with the power to grant amnesty by the "Prerogative of Mercy," which former President Kabbah exercised on Independence Day (April 27) and his last day in office prior to national elections (August 9). The former president released 82 prisoners using this power.

*e. Denial of Fair Public Trial.*—The Constitution and law provide for an independent judiciary, and the Government generally respected this provision; however, the judiciary at times was subject to government influence and corruption.

The judicial system consists of the Supreme Court, Court of Appeal, High Court of Justice, and magistrate courts. There was also one juvenile court. The president appoints and Parliament approves justices for the courts. Local chieftaincy courts administer customary law with lay judges; appeals from these lower courts are heard by the superior courts.

Judicial presence outside the capital district increased during the year, and magistrate judges were assigned to all provincial capitals. The newly established rotation system between wards in specific districts continued to improve magistrate presence. However, with inexperienced new magistrates, high court fees, and fewer than 10 lawyers practicing outside of Freetown, access to justice remained limited for most citizens.

Traditional justice systems supplemented the central government judiciary, especially in rural areas. Paramount chiefs maintained their own police and courts to enforce uncodified local laws, which acted in parallel with the Government's own civil police and court system. Chieftaincy police and courts exercised the authority to arrest, try, and incarcerate individuals.

*Trial Procedures.*—The law provides for a fair trial; however, in practice, the lack of judicial officers and facilities often produced long delays in the judicial process. Trials are public. Persons accused of crimes have a limited right to a trial by jury in the magistrate courts. Juries were drawn from a list maintained by the master and registrar of active and retired civil servants and youth groups; however, the attorney general frequently exercised his power to determine that cases be heard by a judge alone. While defendants have the right to be present and to consult with an attorney in a timely manner, access to counsel often was delayed. The law provides for attorneys at public expense if defendants could not afford their own; however, state-appointed attorneys often were overburdened and poorly paid, and indigent detainees usually did not receive legal advice prior to trial. Defendants can confront or question witnesses against them, present witnesses and evidence on their own behalf, and access government-held evidence relevant to their cases. Defendants generally enjoyed a presumption of innocence. Although the law provides defendants with the right to appeal, in practice, the appeals process was excessively delayed, sometimes over 2 years. Trials were generally fair; however, there was credible evidence that corruption influenced many cases. A majority of cases on the magistrate level were prosecuted by police officers, many of whom had little or no formal legal training.

In May UNIOSIL noted wide disparities in sentencing patterns from district to district. There were numerous cases in which the sentences imposed were grossly disproportional to the offenses. Many prisoners were serving excessively long sentences for noncapital offenses, such as sacrilege (50 years), larceny (25 years), and larceny and burglary (45 years). For example, a 12-year-old boy was sentenced to 2 years' imprisonment for stealing a plastic chair. In April a magistrate court issued a sentence of 10 years' imprisonment and a \$10,000 (30 million leones) fine for the possession of marijuana, according to LAWCLA.

Traditional justice systems continued to supplement extensively the central government judiciary, especially in rural areas, in cases involving family law, inheritance, and land tenure. However, the customary law guiding these courts is not codified, causing decisions in similar cases to be inconsistent. Paramount chiefs acting as judges were notorious for accepting bribes and favoring wealthier defendants. During the August 11 elections, paramount chiefs in Kono, Kailahun, and other districts in the north were accused of coercing persons to support preferred candidates. Local chieftains at times exceeded their mandates and administered harsh punish-

ments; however, unlike in the preceding year, there were no reports that paramount chiefs ordered rape victims to marry their attackers.

The law does not limit the rights associated with a fair trial to any group; however, there are a number of civil laws and customary laws that discriminate against women.

During the year the remaining former combatants who fought for the RUF, the rebel group that started the country's 11-year civil war; the Armed Forces Revolutionary Council (AFRC) junta; and the West Side Boys, a splinter group of the AFRC, were sentenced to death and were on death row at year's end.

Trials continued before the Special Court for Sierra Leone (SCSL) of those bearing the greatest responsibility for crimes against humanity, war crimes, and other serious violations against international law committed during the civil war.

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

*Civil Judicial Procedures and Remedies.*—Both the central government judiciary and customary law courts handled civil complaints; however, there was evidence that corruption influenced some cases. Customary law is not codified, and decisions in similar cases often were inconsistent. Administrative and judicial remedies were available for alleged wrongs, but enforcement was difficult, and there are a number of civil laws and customary laws that discriminate against women.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution and law prohibit such actions; however, there were multiple reports of such interference, particularly based on political party affiliation.

There were fewer, and unconfirmed, reports than in the previous year that the former Sierra Leone People's Party (SLPP) government punished members of the opposition by firing them from jobs, removing them from public housing, suspending their salaries, or threatening to demolish their houses. Reports of similar activity by the new APC government appear to be unjustified claims regarding bona fide political appointments.

There were reports, however, that under the former ruling SLPP, membership in the party was required to obtain certain government benefits, particularly micro-credit and other development assistance.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution and law provide for freedom of speech and of the press; however, the Government at times restricted these rights in practice. The press frequently published stories critical of the Government; however, self-censorship occurred.

Individuals who criticized the Government occasionally experienced government reprisals. Unlike in previous years, there were no reports that security forces intimidated journalists.

More than 35 newspapers were published in Freetown during the year, covering a wide spectrum of interests and editorial opinion. Most of the newspapers were independent, and several were associated with opposition political parties. Reporting was often politicized and inaccurate, in large part because of poor journalistic skills, insufficient resources, and lack of professional ethics. Corruption among journalists was widespread. Newspapers openly and routinely criticized the Government and its officials, as well as opposition parties, but also libeled individuals.

Due to the low level of literacy and the relatively high cost of newspapers and televisions, radio remained the most important medium for public dissemination of information. During the year over 30 government and private radio and television stations provided domestic news and political commentary. The APC and the SLPP set up radio stations; however, there were calls from different sectors of the society to ban them as they broadcast propaganda that could incite violence such as libeling electoral candidates and political party leaders. U.N. Radio provided additional coverage of news and other current events.

International media could operate freely but were required to register with the Ministry of Information and Broadcasting and the Independent Media Commission (IMC) to obtain a license. There were no cases of local or international media being denied registration.

On May 24, Parliament passed an amendment to the media code of practice that provides for the media to be guided by the following principles: Democratization, popular participation, equity and access to information and communication, freedom of expression, pluralism and diversity, cultural promotion and preservation, responsibility and communication rights, and coherence with other social/sectorial policies. The media also signed a code of conduct on electoral reporting to refrain from publishing or broadcasting any matter likely to promote or incite racial, tribal, or regional hatred, bias or contempt, public disorder, or pose or become a threat to the



security of the nation. The media also agreed to refrain from ridiculing, stigmatizing or demonizing individuals on the basis of gender, race, class, ethnicity, language, sexual orientation, or physical or mental ability, and to guarantee equal coverage of women and men candidates.

During the year one radio station was closed after criticizing the Government. The station in Yele was briefly shut down for broadcasting anti-SLPP materials. There were also a number of disk jockeys harassed for expressing antigovernment sentiments. On June 29, Ansu Kaikai, a member of Parliament, shut down Pujehun District Community Radio after a broadcast criticized the SLPP for being corrupt and inept. Kaikai claimed that the radio was being operated by amateurs who were not objective.

The Public Order Act of 1965 criminalizes both defamatory and seditious libel; however, the law was rarely applied. Punishment for first-time offenders can be up to 3 years' imprisonment, and subsequent seditious libel convictions are punishable by prison terms of up to 7 years. The IMC continued to lobby Parliament to amend the act without success.

In early February the attorney general ordered security forces to arrest Philip Neville, editor of the Standard Times and vice-president of the Sierra Leone Association of Journalists, on libel charges; Neville was fined \$167 (500,000 leones). On June 28, Neville was arrested again, detained at the Criminal Investigations Department (CID), and charged under the Public Order Act 1965 with "libel, malicious propaganda, and publishing false news," after printing an inaccurate article that was critical of the president. The CID also raided the Standard Times office in search of seditious material. Bail was set at approximately \$68,000 (200 million leones), and on July 6, the Standard Times printed a retraction.

The extradition request for those who attacked Harry Yansaneh, the former newspaper editor who died in 2005 after being beaten, remained pending at year's end. Yansaneh allegedly was attacked by the children of then-SLPP member Fatmata Hassan. The children, who held British passports, fled to Great Britain.

The IMC regulated independent media organizations and demonstrated independence from government influence. During the year the IMC considered 31 complaints claiming libel and false reporting in various newspapers.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. There were at least five Internet service providers in the country. In Freetown there were many Internet cafes but few in rural areas due to infrastructure constraints.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The Constitution and law provide for freedom of assembly, and the Government generally respected this right in practice; however, there were numerous reports that the former SLPP government monitored meetings of opposition political parties. Civil servants who attended such meetings were at risk of losing their jobs or government housing. Opposition political parties also had difficulty obtaining permission from traditional chiefs to hold meetings, especially in remote areas.

As they campaigned for the September 8 presidential runoff election, party leaders Charles Margai and Ernest Koroma of the People's Movement for Democratic Change (PMDC) and APC respectively, were prevented from entering Segbwema in the Kailahun District by alleged SLPP supporters. Some of their vehicles were destroyed, and the traveling party had to be escorted by the UK-led International Military Advisory and Training Team and SLP to Kenema.

Occasionally, police forcibly dispersed demonstrators, resulting in injuries. Police were sometimes unable to control demonstration violence, and demonstrators at times attacked police stations.

*Freedom of Association.*—The Constitution and law provide for freedom of association, and the Government generally respected this right; however, there were reports that civil servants, traditional leaders, and others affiliated with opposition political parties lost jobs and faced other forms of discrimination.

During the year no new parties were registered by the Political Parties Registration Commission (PPRC).

*c. Freedom of Religion.*—The Constitution and law provide for freedom of religion, and the Government generally respected this right in practice.

*Societal Abuses and Discrimination.*—There were no reports of discrimination against members of religious groups.

There reportedly was a very small Jewish community; there were no reports of anti-Semitic acts. An application filed in 2006 to the Inter-Religious Council for official recognition of the approximately 20 Jews in Makeni remained pending at year's end.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution and law provide for the freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. However, there were reports that police officers who operated security roadblocks outside of the capital often extorted money from motorists.

The law does not provide for forced exile, and the Government did not use it.

The border shared with Liberia was officially open, and authorities generally permitted refugees, returnees, and other persons to move regularly between the two countries; however, there were reports that police, customs, and army personnel demanded bribes at border crossing points.

*Internally Displaced Persons (IDPs).*—Combatants from all sides targeted civilians during the country's 11-year civil war. Estimates of the number of IDPs in past years varied from 750,000 to 2 million persons.

No officially registered IDPs remained; however, one settlement for war-wounded persons and their families unofficially remained open in Grafton. The National Commission for Social Action estimated the camp population at 200.

*Protection of Refugees.*—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees or its 1967 protocol, but the Government has established a system for providing protection to refugees through the U.N. High Commissioner for Refugees (UNHCR). The Government granted refugee status or asylum and cooperated with UNHCR and other organizations in assisting refugees.

In practice the Government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution.

According to UNHCR, the Government did not provide temporary protection to certain individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol.

The Refugee Protection Act, passed May 3, provides for refugee status, as defined by international convention, to be granted to eligible asylum seekers. Female asylum seekers have the right to be interviewed by female officers. Asylum seekers may appeal decisions not to grant refugee status.

There were reports that two Liberian refugee minors were victims of sexual abuse perpetrated by adult members of the refugee community. The victims sought legal action through the UNHCR lawyer, and their cases were pending at year's end.

There were two reported cases of rape by refugees against members of the host community in Tobanda Refugee Camp. The victims were children from the host community, and the alleged perpetrators were male refugees. In both cases the girls had been entrusted to the men to assist them with farm work. One case resulted in a conviction, with the perpetrator currently serving a 3-year sentence. The second case was being tried in the High Court in Kenema at year's end.

At the Jimmi Bagbo Refugee Camp, a refugee woman was assaulted allegedly by three juvenile males. The assumed perpetrators were remanded at the juvenile facility and subsequently returned to their villages, while the woman was relocated to the Gondoma Refugee Camp. The second case, involving the alleged rape of a refugee girl by a refugee adult male, was closed by the magistrate court due to lack of evidence.

Two lawyers were employed by UNHCR during the year to represent victims of rape; however, few were willing to pursue legal action because of cultural pressure from elders and community members. UNHCR worked closely with the Network Movement for Justice and Democracy in educating refugees and the host community through educational workshops focused on sexual and gender-based violence.

The police officer who raped a 10-year-old Liberian refugee near the Liberian border at Zimmi in 2006 remained in custody, and his case was pending at year's end.

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

The Constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right during presidential and parliamentary elections held during the year.

*Elections and Political Participation.*—On August 11, presidential and parliamentary elections took place. Since no candidate received the requisite 55 percent of the vote, a runoff was held on September 8, during which the opposition APC candidate Ernest Bai Koroma won the presidency, and the APC ousted the ruling SLPP as majority members of Parliament. The APC won 59 seats, the SLPP 43, and the PMDC 10. Paramount Chiefs hold 12 seats and were selected through a separate process. During the year there were multiple reports of harassment and intimidation of members of opposition parties. There also were reports of voter coercion by party bosses and traditional leaders. However, observers characterized the elections as generally free and fair, adding that irregularities did not affect the final outcome.

In advance of national elections in August, the two major opposition political parties complained that their members were harassed. Before the elections the Government used informer systems and tried to coerce or forbid membership in political organizations. There were reports that SLPP members monitored opposition political party meetings. Civil servants who attended such meetings risked losing their jobs or government housing. There also were reports that the Government pressured paramount chiefs (who in turn pressured subordinate chiefs) to discourage the activities of opposition political parties in the provinces, particularly in remote areas.

In July a paramount chief in Kono suppressed various political activities associated with the APC by using the police to prevent their supporters from assembling.

Although there were no formal government restrictions on the political opposition, there were numerous reports that under the former ruling SLPP, party members of opposition parties were denied government jobs and government benefits. There were similar reports and allegations leveled at the new ruling APC party.

The PPRC, which governed the behavior of political parties, did not sanction any political party for inappropriate behavior despite numerous complaints of abuse.

A parallel unit of local government is the paramount chief, who is elected for a life term. Candidates for the position are limited to members of local ruling houses. Only tribal authorities (those who collected local taxes from at least 20 taxpayers) were allowed to vote for paramount chief, and in the north only men could be designated as tribal authorities. Although paramount chiefs' authority exists independently of the central government and local councils, they frequently displayed party affiliations and were influenced by the party in power. The election of paramount chiefs at times exacerbated ethnic tensions.

Of the 124 parliamentary members, 16 were women. The minister of foreign affairs also was a woman. There were four female judges out of seven judges on the High Court, and three out of six judges on the Court of Appeal were women.

Only citizens can vote, and the Citizenship Act restricts the acquisition of citizenship at birth to persons of "patrilineal Negro-African descent." Legal requirements for naturalization effectively denied citizenship to many long-term residents, and a large number of persons of Lebanese ancestry, who were born and resided in the country, could not vote. While a small percentage of the Lebanese population was naturalized, some insisted that naturalization implied second-class citizenship and refused to vote.

Ethnic affiliations have traditionally been a strong influence in political party membership for the country's two dominant ethnic groups, the Mende and Temne, each of which included approximately 30 percent of the population. The Mende traditionally supported the SLPP and the Temne the APC. Other than ethnic Limbas, the third most populous ethnic group who have traditionally supported the APC, the country's other ethnic minority groups had no strong political party affiliations. The new cabinet consisted of 12 Temnes, four Mendes, two Fullahs, one Krio, and one Limba.

*Government Corruption and Transparency.*—Corruption in the executive, legislative, and judicial branches was widespread. Official corruption was exacerbated by low salaries and a lack of accountability. The World Bank's Worldwide Governance Indicators reflected that corruption was a severe problem.

The Anticorruption Commission (ACC) made little progress in curbing corruption during the year or in improving transparency. Many observers complained that the work of the ACC's investigations department was politicized, ineffective, lacked a political will to prosecute. On May 11, the U.N. secretary general's fourth report on UNIOSIL criticized the Government's efforts on anticorruption, noting "the failure to prosecute alleged offenders on the grounds of insufficient evidence raises ques-

tions of investigative capacity of the ACC and, more importantly, of political will.” The ACC investigated and recommended seven cases to the Attorney General’s Office, but only one was charged in court.

The ACC continued its focus on corruption prevention by sponsoring “integrity clubs” at 27 schools across the country, and anticorruption community theater performances in 64 communities to help citizens identify and discuss corrupt practices that prevailed in their communities.

There is no provision in the law for public access to government information; however, the Government at times provided access to citizens and noncitizens, including foreign media.

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

A number of domestic and international human rights groups generally operated with few government restrictions, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

The National Forum for Human Rights (NFHR) served as an umbrella organization for human rights groups in the country. There were 41 human rights NGOs registered with the NFHR, and all reportedly were active. Most domestic human rights NGOs focused on human rights education. A few NGOs, including the Campaign for Good Governance, LAWCLA, and Access to Justice actively monitored and reported on human rights abuses. During the year the Human Right Commission became operational.

Human rights monitors traveled freely throughout the country. Representatives of international and domestic NGOs, foreign diplomats, the ICRC, and U.N. human rights officers were able to monitor trials and to visit prisons and custodial facilities during the year; however, AI and LAWCLA reported that despite several attempts requesting permission to visit the prisons, they were unable to receive a response.

On June 21, UNIOSIL released a critical report on what it characterized as abysmal conditions in the country’s prisons.

On May 11, the U.N. secretary general’s fourth report on UNIOSIL strongly criticized the Government’s lack of effort to curb official corruption.

The National Human Rights Commission, which the Government established during the year, generally operated without government interference; however, government agencies were slow to support the commission, and it was also hampered by lack of funds. In July the commission appealed for the release of a detainee who was sentenced to a period less than his pretrial detention. Three weeks after his court date, the detainee remained in prison.

The Parliamentary Human Rights Committee took an active role in protecting human rights during the year. It operated without government or party interference. The committee’s resources were limited, but it received support from the UNDP and the UNHCR. The Human Rights Committee was one of the more effective oversight committees in Parliament, and it enjoyed government cooperation. The committee also passed legislation on women’s and children’s rights.

The SCSL was established in 2002 to try those, including former Liberian President Charles Taylor, who “bear the greatest responsibility for the commission of crimes against humanity, war crimes, and serious violations of international humanitarian law.” The trial in The Hague of Charles Taylor was scheduled to resume in January 2008. During the year Taylor boycotted the proceeding alleging that he was not ensured a fair and impartial trial. The judge ordered legal aid to be substantially increased to \$100,000 a month, and a new defense team was put in place.

On July 19, the SCSL sentenced Alex Brima, Brima Kamara, and Santigie Kanu, senior commanders of the AFRC, to 50 years, 45 years, and 50 years respectively. The three were found guilty on 11 of 14 charges, including murder and extermination, the recruitment of child soldiers, sexual violence and rape, malicious mutilation and amputation, slavery, and pillage during the country’s civil war. The court’s sentencing was the first in the SCSL’s history for the crime of the recruitment and use in hostilities of child soldiers.

On October 9, the SCSL sentenced Moinina Fofanah and Allielu Kondewa of the Civil Defence Force (CDF) to 6 and 8 years’ imprisonment, respectively, for unlawful killings, physical violence and mental suffering, pillage, and collective punishment. In addition, Kondewa was found guilty of enlisting child soldiers. Fofanah and Kondewa were sentenced to 6 and 8 years in prison respectively. Former CDF leader Sam Hinga Norman, who had also been indicted for war crimes, died on February 22 during a trip overseas for medical treatment.

The case of RUF leaders Issa Sesay, Morris Kallon, and Augustine Gbao was in the defense stage at year’s end.

While important recommendations have yet to be implemented, the country continued to make progress in implementing the recommendations of the Truth and Reconciliation Commission (TRC), established to provide a forum for publicly airing the grievances of victims and the confessions of perpetrators during the civil war. The National Human Rights Commission broadened the Judicial and Legal Service Commission, adopted a binding code of conduct for judges and magistrates, and passed the Child Rights Bill and three gender bills. The Government also took steps to implement a reparations program for the victims of the conflict, as recommended by the TRC. Efforts were underway to establish a trust fund for war victims. Many NGOs were disappointed with the slow progress of the Government in implementing many the TRC recommendations, such as the trust fund, identification database of war victims, and splitting of the attorney general and minister of justice positions, requiring constitutional reform.

The U.N. and numerous NGOs, domestic and international, continued to educate and sensitize the population about the TRC and the SCSL, and the Government generally supported these efforts.

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

The law prohibits discrimination on the basis of race, tribe, sex, place of origin, political opinions, color (although citizenship is generally limited to persons of “patrilineal Negro-African descent”), or creed; however, the Government did not effectively enforce these provisions, and a number of legal acts and customary law contravene these constitutional provisions.

*Women.*—The law prohibits rape, which is punishable by up to 14 years’ imprisonment; however, rape was common and viewed more as a societal than a criminal problem. The law did not specifically prohibit spousal rape. Rape cases frequently were settled out of court, and rape victims sometimes were ordered to marry their attackers. Cases of rape were underreported and indictments were rare, especially in rural areas; this reluctance to pursue justice for women, combined with a lack of income and economic independence, helped perpetuate a cycle of violence and a culture of impunity for violence against women. Since the establishment of the Family Support Units (FSUs), however, reports of rapes, especially involving child victims, steadily increased. In 2006 the FSUs reported that 91 percent of sexual assaults reported during the year involved girls under the age of 18. Rapes were documented of children as young as a few months old. The most recent FSU statistics available recorded 823 cases of sexual assault reported during 2006. Of these cases, 311 perpetrators were charged, of whom five were convicted. Most perpetrators were known to their victims and included teachers, family friends, relatives, and neighbors.

Medical and psychological services for rape victims were very limited. Rape victims were required to obtain a medical report to file charges; however, government doctors charged \$20 (50,000 leones) for such an exam, which was prohibitively expensive for most victims. In 2006 the Ministry of Social Welfare, Gender, and Children’s Affairs concluded agreements with doctors at some government hospitals to waive the fee. The International Rescue Committee ran centers in Freetown, Kenema, and Koidu to perform medical examinations, provide counseling for victims of sexual assault, and offer legal assistance for victims who wanted to prosecute their cases; however, most cases did not make it to trial because of inefficiencies in the judicial system. Some improvements were made for the protection of victims in court. Although perpetrators had the opportunity to cross-examine victims directly, judges more frequently heard such cases privately.

On June 14, Parliament unanimously passed the Domestic Violence Bill and two other bills related to gender issues. The bill provides a comprehensive definition of domestic violence, including physical and sexual abuse, emotional, verbal, and psychological abuse, economic abuse, intimidation, harassment and stalking, damage to property, entry into residence without consent, and any abusive or threatening confrontation. The bill also provides mechanisms to address domestic violence, including mediation, punishment of the perpetrator through criminal law, and protection of victims through civil law.

Domestic violence against women, especially wife beating and rape, was common and often surrounded by a culture of silence. The police were unlikely to intervene in domestic disputes except in cases involving injury or death. The most recent statistics available from FSUs in 2006 showed that 990 women reported domestic violence. Of these cases, 153 perpetrators were charged, but only 13 were convicted. These crimes reportedly occurred more frequently in the northern provinces but were prevalent throughout the country. According to the U.N. Children’s Fund (UNICEF), 85 percent of women felt that domestic beating was justified for actions such as going out without telling a husband, neglecting the children, arguing with

a husband, refusing sex, or burning food. Women suspected of marital infidelity often were subjected to physical abuse; frequently, women were beaten until they divulged the names of their partners. Because husbands could claim monetary indemnities from their wives' partners, beatings often continued until the women named several men, even if there were no such relationships. There also were reports that women suspected of infidelity were required to undergo animistic rituals to prove their innocence.

Some international NGOs complained that the FSUs lacked basic infrastructure and communications support, and that FSU officers often told female victims of domestic abuse to go back to their families, to the chief, or to simply survive on their own; however, the UNIOSIL reported that the FSUs played a leading role in investigating cases of violence against women and children. They also engaged in community education and sensitization through radio and television programs.

Prostitution was widespread and not prohibited by law; however, prostitutes sometimes were arrested and charged with loitering or vagrancy. Many women and girls, particularly those displaced from their homes and with few resources, resorted to prostitution to support themselves and their children.

Sexual harassment is not specifically prohibited by law, and it was widespread. In 2002 a women's parliamentary conference identified sexual harassment as a barrier to women standing for office.

On June 14, Parliament passed the bill on customary marriages and divorce, which empowers either spouse to acquire property and guarantees that gifts, payments, or dowries upon marriage are non-refundable, allowing women suffering from unhappy marriages to divorce without being forced to make decisions based on paid dowries.

On June 14, Parliament passed the Devolution of Estate Act, which provides for intestate succession including the transmission of property to the deceased's spouse and/or children. The new act also recognizes 'spouse' to signify persons legally married to the deceased as well as single persons who cohabited with the deceased for 10 or more years.

In practice women faced both widespread legal and societal discrimination. They faced discrimination in matters of marriage, divorce, property, and inheritance, which are guided by customary law that applies in all areas except for the capital. Chiefs sometimes colluded with men to forcibly evict women and children from their homes or subject them to arbitrary detention. In some cases chiefs imposed arbitrary and exorbitant fines, imprisoned women unlawfully in their homes or "chiefdom jails," and expelled them from the community. Their rights and status under customary law varied significantly depending upon the ethnic group to which they belonged, but was routinely inferior to that of men. Under customary law women's status in society is equal to that of a minor. Legally, the formal law, including this act, applies also in customary court. However, in practice, customary judges have no legal training and may ignore or be unaware of many formal laws. A woman was frequently perceived to be the property of her husband, to be inherited on his death with his other property. In rural areas, polygyny was widespread; UNICEF estimated 43 percent of women were involved in polygynous unions. All women in the Western (Freetown) Area, which is governed by general law, had a statutory right to own property in their own names. Women in the provinces, which are governed by customary laws that vary from chiefdom to chiefdom, did not.

In the Temne ethnic group, women could not become paramount chiefs, subordinate chiefs, or chiefdom authorities; however, in the Mende tribe, there were several female leaders. Women did not have equal access to education, economic opportunities, health facilities, or social freedoms. In rural areas women performed much of the subsistence farming and had little opportunity for formal education.

The Ministry of Social Welfare, Gender and Children's Affairs has a mandate to protect the rights of women; however, the ministry was underfinanced and relied on the assistance of international organizations and NGOs to help combat women's rights violations.

Women were active in civic and philanthropic organizations. Domestic NGOs, such as 50/50, the Forum for African Women Educationalists, and Women's Forum raised awareness of the lack of gender equality and other women's issues, and they encouraged women to enter politics as candidates for Parliament.

*Children.*—The Government was committed to improving children's education and welfare; however, it lacked the means to provide basic education and health services.

Public education is available up to the university level. The law requires school attendance through primary school. Primary school education is tuition-free country-wide, and secondary school education is tuition-free for girls in the north. However, many parents were unable to put their children through primary school because

they could not afford school uniforms, books, and other fees charged by school authorities. According to UNICEF, the attendance rate of primary school-aged children was 69 percent; the attendance rate for secondary school was 19 percent. Many children received little or no formal education. Formal and informal fees largely financed schools, but many families could not afford to pay them. The average educational level for girls was markedly below that of boys, and only 25 percent of women were literate.

Government medical care was extremely limited throughout the country, but boys and girls had equal access.

Sexual violence against children was a problem. The Government took no steps to address the problem.

No law specifically prohibits female FGM, and it was practiced widely and supported by politicians and community members. UNICEF and other groups estimated that 80 to 90 percent of women and girls had been victims of the practice; however, some local groups believed that this figure was overstated. FGM was practiced on girls as young as 5 years old.

Although a number of NGOs worked to eradicate FGM and to inform the public about its harmful health effects, active resistance by women's secret societies, in which FGM commonly occurred as part of initiation rites, hindered these efforts. However, there was progress in reducing the practice. In 2006 an anti-FGM NGO reported that by year's end, 1,800 "degas" (practitioners) had agreed to "lay down their knives." However, many practitioners still engaged in the practice because it represented their sole source of income. As a result, multiple programs were created to help former practitioners find alternative sources of income. The Amazonian Initiative Movement, another anti-FGM NGO, reported 35 practitioners ceased performing FGM in Lunsar to conduct agricultural projects.

Although police occasionally detained practitioners on accusations of forced mutilation or manslaughter, human rights workers reported that police remained hesitant to interfere in cultural practices.

Unlike the previous year, there were no reports that girls had died following FGM; however, no arrests were made by year's end in connection with such deaths.

On June 6, the Parliament passed the Child Rights Act, which makes it illegal to subject anybody under the age of 18 to harmful treatment, including any cultural practice which dehumanizes or is injurious to the physical and mental welfare of the child; however, the act does not explicitly address FGM. The act prohibits marriage of girls under the age of 18, including forced marriage, which was a problem. The bill also provides for the creation of family courts and child committees at the local government level. UNICEF estimated that 62 percent of females under the age of 18 were married.

The June 14 act on registration of customary marriages and divorce prohibits the marriage of girls under the age of 18 without their consent.

Child prostitution continued to be a problem. A UNICEF analysis of Freetown and Bo indicated that over half of the street children survived through prostitution.

The number and plight of street children were problems.

*Trafficking in Persons.*—The law prohibits trafficking in persons; however, there were reports that persons were trafficked to, from, and within the country.

The country continued to be a source, transit point, and destination for internationally trafficked persons. The majority of victims were women and children, and the majority of traffickers were family members or friends who lured victims from their home villages with false promises of education, caretaking, or employment. Approximately 11.3 percent of children were orphans and were the most vulnerable population for trafficking. There was no evidence of trafficking through employment agencies, organized crime, or marriage brokers.

Anecdotal reports indicated that women and children were trafficked from the provinces to work in the capital as laborers and commercial sex workers and to diamond areas for labor and sex work; persons were trafficked from neighboring countries for domestic and street labor and for commercial sex work; persons were trafficked out of the country to destinations in west Africa, including Liberia, Nigeria, Cote d'Ivoire, Guinea, Guinea-Bissau, and the Gambia for labor and sex work; persons were also trafficked to Lebanon, Europe, and North America; and the country served as a transit point for persons trafficked from elsewhere in west Africa and possibly the Middle East. According to a center for street children, 80 to 90 percent of the cases they dealt with involved internal trafficking.

A person convicted of trafficking can be sentenced to up to 10 years in prison. The most recent statistics from FSU in 2006 reported that 21 cases of human trafficking were reported, of which more than half were girls under the age of 16. Of the 21 cases reported, 11 individuals were charged with trafficking, but only one was convicted. On July 19, Nasiru Mustapha was arrested for abducting a 5-year-old boy

for the purpose of child trafficking. On July 31, two minors, Abu Bakarr Koroma and Nasira Mansaray, were arrested for trafficking a 5-year-old boy in the provinces. At year's end the case was being tried. In 2006 a woman from Goderich was convicted of trafficking and sentenced to 5 years in prison. This was the first conviction under the new antitrafficking law, and occurred in a community whose parliamentary representative—also a member of the Parliamentary Human Rights Committee—had hosted a training session on trafficking for members of the community. Concerned community members had reported the woman's actions to the police.

A number of government agencies are responsible for combating trafficking, including the SLP, Ministry of Social Welfare, Gender and Children's Affairs, the Immigration Department, and the Office of National Security. The Government assisted in reintegrating trafficking victims when requested; however, there were no known requests for assistance with international investigations or extraditions.

Document fraud was common and government registry officials, police, immigration officials, and border guards frequently accepted bribes. Although there was no proof that forged documents were used to facilitate trafficking, government officials who forged documents such as birth, marriage, and death certificates rarely suffered punishment.

A shelter for trafficking victims, run by the International Office of Migration, has been operational since late 2006 and provided support in the form of safe haven, medical care, counseling, and reintegration for over 60 victims of trafficking during the year.

Government officials continued to work with NGOs on trafficking-related issues and attended NGO training sessions on trafficking. The Ministry of Social Welfare, Gender, and Children's Affairs and the SLP publicly supported NGO antitrafficking efforts.

*Persons with Disabilities.*—The law does not prohibit discrimination against persons with physical and mental disabilities. No law mandates accessibility to buildings or assistance to disabled persons. There was no government policy or program to assist persons with disabilities; public facility access and discrimination against persons with disabilities were not considered public policy priorities. A few private agencies and organizations provided job training for such persons.

There was no outright discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services; however, given the high rate of general unemployment, work opportunities for persons with disabilities were few. Despite the sizeable numbers of persons disabled by polio, there was little government assistance to this group.

Some of the many individuals maimed in the civil war, or who had their limbs amputated by rebel forces, received special assistance from local and international humanitarian organizations. Such programs involved reconstructive surgery, prostheses, and vocational training to help victims acquire new work skills; however, amputees complained that they did not receive sufficient assistance compared to former combatants, who received aid through the demobilization process. In response to the recommendations of the TRC, the Government accepted in principle the need to develop an aid program for war wounded, amputees, and victims of sexual violence; however, assistance to these groups remained limited and mostly funded by outside entities.

The president of the Amputees and War-Wounded Association located in the Jui Amputee Camp complained that many of the services and reparations promised by the Government were never implemented.

*National/Racial/Ethnic Minorities.*—The ethnically diverse population consists of about 18 ethnic groups of African origin, many of whom spoke distinct primary languages and were concentrated outside urban areas. In addition there are significant Lebanese and Indian minorities, and small groups of European and Pakistani origin. Little ethnic segregation was apparent in urban areas, where interethnic marriage was common. The two largest ethnic groups were the Temne in the north and the Mende in the south. These groups each constituted an estimated 30 percent of the population; however, the Krio, who constituted 10 percent of the population, have historically dominated the civil service and judiciary. Strong ethnic loyalties, bias, and stereotypes existed among all ethnic groups. The Temne and Mende have vied historically for political power, and the violence during the 11-year civil war had some ethnic undertones. For example, the Minorities at Risk Project reported that although the RUF did not specifically advocate for Temne issues, ethnic Temnes predominated in the RUF leadership and ranks. Ethnic loyalty remained an important factor in the Government, armed forces, and business. Complaints of ethnic discrimination in government appointments, contract assignment, and mili-



tary promotions were common both with the former SLPP and current APC ruling parties.

Unlike in the previous year, there were no reports of injuries due to ethnic clashes between Limbas and Mandingos.

Residents of non-African descent faced institutionalized political restrictions. Legal requirements for naturalization, such as continuous residence in the country for 15 years, or the past 12 months and 15 of the previous 20 years, effectively denied citizenship to many locally born residents, most notably members of the Lebanese community.

*Other Societal Abuses and Discrimination.*—The Prevention and Control of HIV/AIDS Act of 2007 prohibits discrimination based on actual, perceived, or suspected HIV status; however, persons with HIV/AIDS were stigmatized in society. There was no official discrimination against HIV/AIDS positive persons.

The law prohibits homosexual acts, and there was official and societal discrimination based on sexual orientation. There was societal discrimination based on sexual orientation, but homosexual concealed their sexual orientation.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law allows workers to join unions of their choice without previous authorization or excessive requirements; however, civil service, police, and members of the armed services are prohibited from joining unions. According to the Ministry of Labor, approximately 35 to 40 percent of workers were unionized, including mainly agricultural workers, mineworkers, and health workers.

The law does not prohibit antiunion discrimination against union members and does not prohibit employer interference in the establishment of unions; however, during the year there were no reports of such occurrences.

*b. The Right to Organize and Bargain Collectively.*—The law allows unions to conduct their activities without interference, and the Government generally protected this right; however, by year's end the Government had not granted a bargaining certificate to the Civil Servant's Union, whose application had been on file since 1986. The law provides for collective bargaining, and the Government protected this right in practice. Collective bargaining must take place in trade group negotiating councils, each of which had an equal number of employer and worker representatives. Collective bargaining was widespread in the formal sector, and most enterprises were covered by collective bargaining agreements on wages and working conditions. Unions have the right to strike, although the Government could require 21 days' notice, and workers exercised this right in practice. The law does not prohibit retaliation against strikers, even for a lawful strike. The Government did not take action against strikers during the year.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced and compulsory labor, including by children; however, the Government did not effectively enforce the law, and forced and bonded child labor remained a problem. Under the Chiefdom's Council Act, individual chiefs may impose forced labor as punishment and have done so in the past; however, there were no reported occurrences during the year. Chiefs also may require villagers to contribute to the improvement of common areas, a practice that occurred in rural areas. There is no penalty for non-compliance.

There were reports of bonded labor in rural areas, and debt bondage was common among the thousands of alluvial diamond diggers and miners.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The law prohibits forced and bonded labor by children; however, the Government did not effectively enforce the law, and child labor remained a problem due to strong tradition and high levels of extreme poverty—defined as income of less than \$1 (3,000 leones) a day—which averaged 80 percent in rural areas. Almost half of children aged 15–14 years were engaged in some form of child labor, but the rate varied from 27 percent in urban areas to 57 percent in rural areas. On June 6, Parliament passed the Child Rights Act aimed at protecting children under 18 from early marriage, conscription into the armed forces, trafficking, domestic violence and exploitation. It also severely limits child labor, allowing light work at age 13, full-time work at age 15, and hazardous work at age 18. The law states that children under 13 should not be employed in any capacity. The Ministry of Mineral Resources enforced regulatory prohibitions against the worst forms of child labor. The ministry also was charged with protecting children working in the diamond mining areas; however, enforcement was not effective.

Children aged 15 may be apprenticed (provided they have finished schooling) and employed full-time in non-hazardous work. The law also proscribes work by any

children under 18 between 8 p.m. and 6 a.m. The law sets health and safety standards and requires school attendance through the age of 15, but the Government did not enforce this. Many of the laws were not enforced because of lack of knowledge, societal perception of children's roles, and poverty.

In rural areas children worked seasonally on family subsistence farms. Children also routinely assisted in family businesses and worked as petty vendors. Adults engaged a large number of street children to sell, steal, and beg. Because the adult unemployment rate remained high, few children were involved in the industrial sector or elsewhere in the formal economy.

There were reports that foreign employers hired local children to work as domestic laborers outside the country at extremely low wages and in poor conditions. The Ministry of Social Welfare, Gender, and Children's Affairs was responsible for reviewing the issuance of passports to minors, but did not do so effectively, and the prevalence of document fraud made effective government oversight difficult.

There were reports that children whose parents sent them to friends or relatives in urban areas for education were forced to work on the street. There also were reports that adults asked orphanages for children to be used as household help.

Many girls, particularly those displaced from their homes and with few resources, resorted to prostitution as a means to support themselves.

Children continued to work in alluvial diamond mining, particularly in areas that were less accessible to government monitors, although the Ministry of Mines and Mineral Resources did not effectively enforce rules against child labor in diamond mining areas. In many cases, children worked alongside parents or relatives. Children who engaged in diamond mining often abandoned educational or vocational training. In October 2006 the Network Movement for Justice and Development reported that mine work was inherently exploitative and that 49 percent of the 267 children interviewed no longer attended school.

Bonded child labor occurred in alluvial diamond mining. Some of the children who were hired by employers outside the country may have been victims of trafficking.

The Ministry of Labor was responsible for enforcing child labor laws.

*e. Acceptable Conditions of Work.*—The national minimum wage, covering all occupations, including in the informal sector, was set at \$16 (48,000 leones) per month, which did not provide a decent standard of living for a worker and family. The Ministry of Labor is responsible for enforcing the minimum wage, but it lacked the resources to effectively do so, and compliance was difficult to monitor in the informal sector. Most workers supported an extended family, often including relatives who had been displaced by the insurgency in the countryside. It was common to pool incomes and to supplement wages with subsistence farming and child labor.

Although not stipulated by law, the standard workweek was 40 hours (60 hours for security personnel). Employers negotiated work hours with employees at the time of hiring, and overtime was to be paid if an employee's work hours exceeded the standard workweek. There was no prohibition on excessive compulsory overtime.

The Ministry of Health and Sanitation was responsible for setting and enforcing health and safety standards. Although the Government set these standards, it lacked the funding to enforce them properly. Trade unions provided the only protection for workers who filed complaints about working conditions. Initially, a union could make a formal complaint about a hazardous working condition; if this complaint was rejected, the union could issue a 21-day strike notice; however, no such actions were reported during the year. If workers were to remove themselves from dangerous work situations without making a formal complaint, they risked being fired.

The law protects both foreign and domestic workers; however, there were fewer protections for illegal foreign workers.

## SOMALIA

Somalia<sup>1</sup> has an estimated population of 8.5 million. The territory, which was recognized as the Somali state from 1960 to 1991, was fragmented into regions led in whole or in part by three distinct entities: The Transitional Federal Institutions, with the Transitional Federal Parliament (TFP) in Baidoa, and the presidency and most of the Transitional Federal Government (TFG) in Mogadishu; the self-declared Republic of Somaliland in the northwest; and the semi-autonomous region of

<sup>1</sup>The United States does not have diplomatic representation in Somalia, nor were U.S. Government personnel permitted to travel into any of the territory of the former state of Somalia during the year. This report draws in large part on non-U.S. Government sources.

Puntland in the northeast. The TFG was formed in late 2004, with a 5-year transitional mandate to establish permanent, representative government institutions following national elections scheduled for 2009. A political process to establish peace and stability in the country continued; however, significant problems remained. Ethiopian National Defense Forces (ENDF) entered the country in December 2006 at the request of the TFG to combat the Council of Islamic Courts and its associated armed militants, who had captured Mogadishu and were expanding control in south central Somalia. During the year the ENDF remained in south central Somalia, and an influx of weapons and small arms to all parties contributed to the conflict. Fighting between TFG/ENDF forces and their militias against antigovernment forces and extremist elements increased and resulted in widespread human rights abuses, including the killing of more than 1,000 civilians, the displacement of approximately 700,000 persons, and widespread property damage, particularly in Mogadishu. The larger clans had armed militias at their disposal, and personal quarrels and clan disputes frequently escalated into killings. Targeted assassinations, once rare, became frequent. Suicide and roadside bombings, previously unheard of, regularly occurred. Civilian authorities did not maintain effective control of the security forces in any area of the country, although elected civilian authorities in Somaliland and Puntland maintained some control over security forces in their respective regions.

The country's poor human rights situation deteriorated further during the year, exacerbated by the absence of effective governance institutions and the rule of law, the widespread availability of small arms and light weapons, and ongoing conflicts. As a consequence citizens were unable to change their government. Human rights abuses included unlawful and politically motivated killings; kidnapping, torture, rape, and beatings; official impunity; harsh and life-threatening prison conditions; and arbitrary arrest and detention. In part due to the absence of functioning institutions, the perpetrators of human rights abuses were rarely punished. Denial of fair trial and limited privacy rights were problems, and there were restrictions on freedoms of speech, press, assembly, association, religion, and movement. Discrimination and violence against women, including rapes; female genital mutilation (FGM); child abuse; recruitment of child soldiers; trafficking in persons; abuse and discrimination against clan and religious minorities; restrictions on workers' rights; forced labor, including by children; and child labor were also problems.

Members of antigovernment and extremist organizations like al-Shabaab, some of whose members were affiliated with al-Qa'ida, committed numerous human rights violations, including killings of TFG members and civilians; kidnappings and disappearances; restrictions on freedom of movement; displacement of civilians; and attacks on journalists and human rights activists.

#### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—Fighting between TFG/ENDF forces and antigovernment groups resulted in more than 1,000 civilian deaths in south central Somalia, particularly Mogadishu; political killings and assassinations also occurred (see Section 1.g.).

Politically motivated killings by antigovernment groups and extremist elements resulted in the deaths of approximately 30 senior TFG officials (see Section 1.g.).

Prominent peace activists, clan elders, and their family members became targets and were either killed or injured for their role in peace-building. In March gunmen killed Issa Abdi Issa, a prominent Kismayo peace activist who was attending a workshop in Mogadishu. Like all previous killings of peace activists, the perpetrators were not arrested by year's end.

The Government summarily executed persons during the year. For example, in July two former members of the TFG forces were executed at a police station in Hamar Jajab district for killing a TFG police officer at Ex Control Point Balad 2 months prior. Unconfirmed reports indicated that one of the men was executed for assisting anti-TFG militia.

Use of excessive force by government forces, TFG militia, and ENDF troops resulted in the deaths of demonstrators during the year (see Section 2.b.).

Throughout the year government and ENDF forces and security forces killed street children. In at least two incidents, militia members or soldiers shot and killed shoe-shine boys in disputes over payment. In July TFG militia reportedly attacked and beat a 13-year-old boy on his way to a madrassa.

Former prime minister Ali Mohamed Gedi survived three attacks by suicide bombers, but several persons near him were killed. In June a suicide bomber rammed a vehicle loaded with explosives through the security gate of the prime minister's Mogadishu home, killing six of his bodyguards; the prime minister was

unhurt. In October, in Baidoa, a suspected suicide bomber detonated his car next to the hotel where Gedi was staying; two persons were killed.

Several deaths resulted from random shootings by Islamic extremists trying to impose strict social edicts. For example, a May explosion at a cinema hall in Bardera resulted in the deaths of three adults and two children. In June five persons were killed in a Baidoa cinema after Islamic extremists lobbed an explosive device inside the hall.

There were several killings of high-profile actors by unknown assailants. For example, in October gunmen killed General Ahmed Jiliow, head of the National Security Service (NSS) in the previous government of Siad Barre, and two of Jiliow's bodyguards.

During the year eight journalists and media owners were killed, generally by unknown assailants (see Section 2.a.).

Attacks on humanitarian workers, NGO employees, and foreign peacekeepers resulted in deaths during the year (see Section 4).

During the year an estimated hundreds of civilians were killed in inter- or intra-clan militia clashes. Killings resulted from clan militias fighting for political power and control of territory and resources, revenge reprisals; criminal activities and banditry; private disputes over property and marriage; and revenge vendettas after such incidents as rapes, family disagreements, murders, and abductions. With the breakdown of law and order, very few of these cases were investigated by the authorities, and there were few reports that those cases resulted in formal action by the local justice system.

In April seven persons were killed and an estimated 15 injured in fighting between Haber Gedir subclans of the Sa'ad and Saleban; fighting between the same subclans in May resulted in 10 deaths and a dozen other persons injured. Also in April, in Lower Juba, clashes between Darood subclans of the Marehan and Majerten over revenue collection resulted in 12 deaths and 18 persons injured. Clashes in June between the Marehan and Majerten over control of Kismayo resulted in approximately 10 deaths and numerous injured.

No action was taken against the responsible members of the security forces or militias who committed killings in 2006 or 2005, nor were there any developments in the reported killings due to inter- or intra-clan fighting in prior years.

Landmines throughout the country resulted in numerous civilian deaths (see Section 1.g.).

*b. Disappearance.*—There were no reports of politically motivated disappearances, although cases could be concealed due to the thousands of refugees and IDPs. Abduction was common and generally used to extort ransom, as a tactic in clan disputes, or to attain political ends. The U.N. Independent Expert on Human Rights in Somalia (UNIE) noted in its September 2006 report that the incidence of kidnapping remained high.

During the year there were a few kidnappings by militia groups and armed assailants who demanded ransom for hostages. The majority of reported kidnappings were in the southern regions, especially in Kismayo, where ransoms allegedly funded purchases of weapons and ammunition. Foreign aid workers and Non Governmental Organization (NGO) workers were kidnapped during the year (see Section 4).

Maritime piracy and the kidnapping of crews, especially along the eastern and northeastern coasts, hampered humanitarian efforts to provide essential commodities to thousands of IDPs in the country (see Section 1.g.).

There were no investigations or action taken against the perpetrators of any kidnappings during the year, nor were there any developments in the cases of kidnappings from previous years.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Transitional Federal Charter (TFC) prohibits torture. The Puntland Charter prohibits torture “unless sentenced by Islamic Shari’a courts in accordance with Islamic law.” However, there were reports of the use of torture by the Puntland and Somaliland administrations and warring militiamen against each other and against civilians. Observers believed that many incidents of torture were not reported. The TFG, militias allied to the TFG, and various clan militias across the country tortured and abused detainees. Unlike in the previous year, there were no reports of public floggings; in 2006 such floggings were frequently ordered by the Council of Islamic Courts.

Persons assembled at food distribution centers were killed and injured. In March TFG-allied militias injured two elderly women when they shot into the air to disperse a crowd gathered at a food distribution centre in Jilib, lower Juba.

Police raped women, and there continued to be reports of rape by militias, which used rape to punish and intimidate rivals. Rape was commonly perpetrated in inter-clan conflicts.

There were no reports of action taken against Somaliland or Puntland forces, warlord supporters, or members of militias responsible for torturing, beating, raping, or otherwise abusing persons in 2006 or 2005. There also was no action taken against members of the defunct Council of Islamic Courts for torture and abuse committed in 2006.

*Prison and Detention Center Conditions.*—Prison conditions remained harsh and life-threatening in all regions of the country. The main Somaliland prison in Hargeisa, designed for 150 inmates, held more than 700 prisoners. Overcrowding, poor sanitary conditions, lack of access to health care, and inadequate food and water persisted in prisons throughout the country. Tuberculosis, HIV/AIDS, and pneumonia were widespread. Abuse by guards was common. Detainees' clans generally were expected to pay the costs of detention. In many areas prisoners depended on food received from family members or from relief agencies.

TFG-allied militias, antigovernment groups, extremist elements, warlords, and clan leaders reportedly ran their own detention centers, in which conditions were harsh and guards frequently abused detainees. Human rights organizations and civil society leaders in Mogadishu reported the existence of makeshift prisons in Mogadishu where large numbers of prisoners were held during and after heavy fighting in March and April.

In prisons and detention centers, juveniles frequently were held with adults. The incarceration of juveniles at the request of families who wanted their children disciplined continued to be a major problem. Female prisoners were separated from males; however, particularly in south central Somalia, pretrial detainees were not necessarily separated from convicted prisoners.

The Puntland administration permitted prison visits by independent monitors. An agreement between Somaliland and the U.N. Development Program (UNDP) allows for the monitoring of prison conditions. There were no visits by the International Committee of the Red Cross to prisons in Somaliland during the year, but a Prisons Conditions Management Committee organized by the UNDP and comprised of medical doctors, government officials, and civil society representatives, visited five of the 11 prisons in Somaliland in 2006.

*d. Arbitrary Arrest or Detention.*—In the absence of enforced constitutional or other legal protections, the TFG, militias allied to it, and various clan militias across the country continued to engage in arbitrary arrest and detention, and there was no system of due process. Though precise figures were unobtainable, local human rights organizations and some international organizations claimed that by the end of June, TFG and ENDF forces had arrested up to 10,000 persons, most of whom were quickly released. However, approximately 3,000 were detained for longer periods in up to eight detention facilities and allegedly subjected to beatings, mistreatment, and torture. The August Human Rights Watch report stated that released individuals described serious abuses by TFG and ENDF forces against detainees.

*Role of the Police and Security Apparatus.*—The police were generally ineffective, underpaid, and corrupt. With the possible exception of approximately 2,000 U.N.-trained police known as the Somali Police Unit, members of the TFG titular police forces throughout the country often directly participated in politically based conflict and owed their positions largely to clan and familial linkages to government authorities. There were continued allegations that TFG security officials were responsible for extrajudicial killings, indiscriminate firing on civilians, arbitrary arrest and detention, rape, extortion, looting, and harassment.

In Somaliland an estimated 60 percent of the budget was allocated to maintain a militia and police force comprised of former soldiers. Abuses by police and militia members were rarely investigated, and impunity was a problem. Police generally failed to prevent or respond to societal violence.

In May more than 800 Puntland militia members, who were employed as Puntland's security force, reportedly abandoned their posts in protest over unpaid wages. In July police from Bossaso erected a roadblock to protest not receiving wages.

*Arrest and Detention.*—Judicial systems were not well established, were not based upon codified law, did not function, or simply did not exist in most of the country. The country's previously codified law requires warrants based on sufficient evidence issued by authorized officials for the apprehension of suspects; prompt judicial determinations; prompt access to lawyers and family members; and other legal protec-

tions for the detained. However, adherence to these procedural safeguards was rare. There was no functioning bail system or the equivalent.

Arbitrary arrest was a problem in southern and central Somalia, Somaliland, and Puntland.

Authorities in each region arbitrarily arrested journalists during the year (see Section 2.a.). TFG forces also arrested NGO and U.N. employees during the year (see Section 4.).

TFG-allied militia, who were not paid wages, arrested persons at random and demanded "bail" from their family members as a condition for their release, according to international and local NGOs.

TFG police often detained persons without charge. For example, in June TFG forces arrested without charge Haji Abdi Imam, a key leader of the Hawiye Traditional and Unity Council who openly opposed the TFG; Imam was released 2 days later.

During the year there were also reports of politically motivated arrests. For example, in September Yusuf Ali Harun, the TFG's chief justice, and Justice Mohamed Nur were arrested by the NSS on orders from Abdullahi Barre, the attorney general. At year's end, Harun and Nur remained in detention on charges of corruption and misuse of office. During the year there were reports that arrested persons were sometimes held for extended periods while awaiting trial. Militias and factions held pretrial detainees without charge and for lengthy periods.

During and following the December 2006 fighting inside Somalia, authorities in Somalia arrested and detained numerous persons accused of terrorism and support for the former Islamic Courts. Authorities in Kenya subsequently arrested other suspected terrorists after they fled Somalia for Kenya. According to media reports and human rights NGOs, some of those detained were released, while others were transferred without judicial process to Ethiopia, where they remained in secret detention at year's end. In May Ethiopian authorities acknowledge that 41 suspected foreign terrorists were being held and investigated, though most were released by year's end.

*e. Denial of Fair Public Trial.*—The TFC provides for an independent judiciary, but there was no functioning judicial system for the TFG to administer. The TFC outlines a 5-year transitional process that includes the drafting of a new Constitution to replace the 1990 Constitution; however, for many issues not addressed in the charter, the former Constitution still applies in principle.

The TFC provides for a high commission of justice, a supreme court, a court of appeal, and courts of first reference; however, no such courts existed. Some regions established local courts that depended on the predominant local clan and associated factions for their authority. The judiciary in most areas relied on some combination of elements from traditional and customary law, Shari'a, and the penal code of the pre-1991 government.

The Somaliland Constitution provides for an independent judiciary; however, the judiciary was not independent in practice. The Somaliland Constitution is based on democratic principles, but the region continued to use pre-1991 laws. There was a serious lack of trained judges and of legal documentation in Somaliland. Untrained police and other unqualified persons reportedly served as judges. The UNIE reported in 2006 that local officials often interfered with legal matters and that the Public Order Law in Somaliland was often used to detain and imprison persons without trial.

The Puntland Charter provides for an independent judiciary; however, the judiciary was not independent in practice. The charter also provides for a Supreme Court, courts of appeal, and courts of first instance.

Clans and subclans frequently used traditional justice, which was swift. For example, in August Mohamed Madei, a member of the Galje'el subclan, was publicly executed for a killing allegedly committed by his uncle against a Marehan man in accordance with an execution agreement between the two subclans. In October Garane Noor Mohamed was publicly put to death in Kismayo by agreement of Sade clan elders the day after he allegedly killed a policeman in downtown Kismayo. In August Horarsame Marehan subclan elders apprehended and handed over one of their kin for execution to the elders of the Rer-Ahmed Marehan subclan for allegedly killing a Rer-Ahmed Marehan subclan member. Traditional judgments sometimes held entire opposing clans or subclans responsible for alleged violations by individuals.

*Trial Procedures.*—The TFC provides for the right to be represented by counsel. That right and the right to appeal did not exist in those areas that applied traditional and customary practices or Shari'a.

In Somaliland and Puntland, the rights to be represented by counsel and to appeal were more often respected. Authorities in those regions did not recognize the TFC and continued to apply the law of a regional Constitution or charter, as well as the former government's laws.

In Puntland clan elders resolved the majority of cases using traditional methods; those with no clan representation in Puntland, however, were subject to the administration's judicial system.

*Political Prisoners and Detainees.*—There were no reports of political prisoners or detainees, although some arrests and detentions appeared to be politically motivated.

*Civil Judicial Procedures and Remedies.*—The inability of the judiciary to handle civil cases involving such matters as defaulted loans or contract disputes encouraged clans to take matters into their own hands and led to increased inter-clan conflict. With the breakdown of the rule of law and the lack of a coherent legal system or effective government, individuals were not afforded adequate protection or recourse.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The TFC provides for the sanctity of private property and privacy; however, looting, land seizure, and forced entry into private property continued in Mogadishu and elsewhere with impunity. The Puntland Charter and the Somaliland Constitution recognize the right to private property; however, authorities did not generally respect this right in practice.

In August, near K4 junction in Mogadishu, four persons dressed in TFG military uniforms carjacked a vehicle belonging to the deputy chairman of the National Reconciliation Congress (NRC) (see Section 3.).

*g. Use of Excessive Force and Other Abuses in Internal Conflicts.*

*Killings.*—Fighting during the year between TFG/ENDF troops, extremist elements, and antigovernment groups in south central Somalia resulted in the deaths of at least 1,000 persons. An estimated 5,000 others were injured, and 700,000 civilians were displaced as a result of conflict during the year. All parties to the conflict employed indiscriminate lethal tactics. Antigovernment and extremist groups, including al Shabaab, were accused of launching mortar attacks from hidden sites within civilian populated areas, and using civilians as human shields. In addition, such groups reportedly conducted suicide bombings, used landmines and remote controlled roadside bombs, and conducted targeted killings of journalists and civil society leaders. TFG/ENDF forces often responded to such attacks with disproportionate force and indiscriminate shelling of civilian populated areas where antigovernment and extremist groups attacks. Human Rights Watch accused all parties to the conflict of indiscriminate attacks, deployment of forces in densely populated areas, and a failure to take steps to minimize civilian harm. As a result they destroyed homes, hospitals, schools, mosques, and other infrastructure in Mogadishu. Since the collapse of the Government in 1991, tens of thousands of persons, mostly noncombatants, have died in inter-clan and intra-clan fighting. No action was generally taken against those persons responsible for the violence.

In its August report, Human Rights Watch documented numerous killings including summary executions of civilians by members of the ENDF, TFG forces, and antigovernment and extremist groups. Roadside bombings, suicide attacks, and armed raids targeting TFG officials and sympathizers as well as civil society groups continued throughout the year. Antigovernment and extremist groups were responsible for numerous killings of government officials and police. Politically motivated killings by antigovernment groups resulted in the deaths of approximately 30 senior TFG officials and members of the Banadir regional administration, including district commissioners and their deputies, and security and court officials. At least nine district or deputy district commissioners in and around Mogadishu were targeted by armed gunmen, bombs, or remote-controlled explosive devices between February and July alone. In March masked assailants shot and killed Abdinasir Mohamed Serjito, a former army captain who was supportive of the TFG. In June two gunmen killed Hussien Omar, the Shibis district commissioner, and in August assailants killed Moalin Harun, an NRC delegate. None of the assailants were identified by year's end. Al-Shabaab claimed responsibility for several attacks against the TFG and its supporters during the year.

During the March-April fighting in Mogadishu, antigovernment groups summarily executed several TFG prisoners of war and dragged there charred bodies through the streets.

During the year security forces killed persons waiting for food aid. For example, in Galkayo, security guards opened fire at a car speeding toward a food distribution center; one man was killed, and another was injured. Also in June, TFG security forces opened fire on a crowd waiting for food aid in Mogadishu; at least five persons

were killed, including a pregnant woman. In September TFG forces reportedly killed five persons after opening fire at a food aid distribution center in Afgoye. No action was taken against security officials responsible for civilian deaths during the year.

In August ENDF soldiers killed six civilians and injured 26 after they opened fire on a passenger bus they believed was transporting insurgents; six of the injured later died.

In May a roadside bomb killed four and wounded five Ugandan troops participating in the African Union's Peace Support Mission. The incident followed an earlier attack, which resulted in the deaths of two other Ugandan soldiers.

Landmines throughout the country resulted in human and livestock casualties, denial of grazing and arable land, and road closures. The U.N. Children's Fund (UNICEF) reported a proliferation of mines and ordnance during the year and the number of deaths and injuries due to landmines significantly increased over 2006. Antipersonnel and antivehicle landmines, most of them remotely controlled, were frequently deployed by antigovernment groups against TFG forces, ENDF troops, and civilians.

For example, in August unknown persons planted a remotely controlled explosive device to target Ali Sharmake, director of Horn Afrik Media and a prominent peace activist. The device detonated and killed Shamarke as he returned from the funeral of his colleague Mahad Ahmed Elmi, who was gunned down only hours earlier (see Section 2.a.).

Attacks and incidents of harassment against humanitarian, religious, and NGO workers resulted in numerous deaths.

Numerous children were killed while playing with unexploded ordnance. In May, in Daynile, two children died and three others were injured while playing with suspected antiaircraft ammunition they found in the trash. In July five children were killed while en route to a mosque when one of the children disturbed an unexploded ordnance. In August, in Bakol region, two children were killed and three were critically injured while playing with a grenade that exploded. Police officers also were killed by landmines. In August three TFG police were injured when their vehicle ran over a roadside bomb near Villa Somalia. Nearby security forces opened fire in response, killing four civilians. In October two persons were killed and nine others wounded in Kismayo, among them the spokesman for the Sade subclans, when a landmine destroyed the car they were traveling in.

*Physical Abuse, Punishment, and Torture.*—According to a report of the U.N. Monitoring Group for the Somalia Arms Embargo, on April 13, Ethiopian forces used white phosphorus bombs against an antigovernment group, resulting in the deaths of 35 civilians. Ethiopian forces denied they had used such weaponry.

Landmines injured numerous persons. In May a hand grenade accidentally exploded in Jilib, seriously injuring three children. The children were reportedly playing with the device before it exploded. In October two TFG police were injured when their vehicle hit a roadside bomb.

*Child Soldiers.*—The recruitment and use of children in militias and other fighting forces was a longstanding practice in the country and continued during the year. Children continued to be recruited into militias on both sides of the conflict by the TFG and its related forces, as well as by clan militias and antigovernment groups. This recruitment was on occasion forced. Local human rights organizations reported that antigovernment groups paid children \$20 (400,000 Somali shillings) to lob grenades and other explosives at TFG-allied militias and international peacekeepers.

In July the U.N. Security Council Working Group on Children and Armed Conflict called on all parties to stop recruiting children and demobilize those serving as soldiers. In some administrations in Somalia, like that of Jowhar, authorities committed to demobilize child soldiers with UNICEF's assistance.

The TFG pledged to address the issue of child recruitment when ministers signed the Paris Commitments in February; however, all parties to the conflict continued to recruit child soldiers during the year, including the TFG. UNICEF implemented a public outreach program with radio broadcasts to highlight the problem of child soldiers.

The Somaliland Constitution contains no minimum age for recruitment into the armed forces, but there were no reports of minors in its forces; however, an inadequate system of birth registration made it difficult to establish the exact age of recruits.

*Other Conflict-Related Abuses.*—Security problems complicated the work of local and international organizations, especially in the south. Attacks on NGOs, looting, and piracy disrupted flights and food distribution during the year. As a result of threats and harassment, some organizations evacuated their staffs or halted relief food distribution and other aid related activities.



Between January and October, pirates conducted nine successful hijackings and seven unsuccessful attacks on vessels along the Somali coast. Following ransom payments that in some cases reached several hundred thousand dollars, five of the nine hijacked vessels were released. In each instance, crews were held hostage until ransom was paid. Three vessels chartered by the World Food Program (WFP) were hijacked, and a fourth was fired upon.

After heavy fighting in Mogadishu in March and April, the TFG minister of interior accused the WFP of distributing expired food and halted the distribution of relief food to the tens of thousands of IDPs scattered along roads on the outskirts of Mogadishu. The mayor of Mogadishu said that the largely female and minor IDPs were family members of terrorists and should not be assisted. TFG officials demanded that humanitarian agencies operating in the country register with the Government and imposed new visa rules on all foreigners causing unnecessary delays in humanitarian interventions.

In May armed militia hijacked a vehicle belonging to a local NGO in Jidali. Clan elders apprehended the culprits and handed them over to the police.

In March assailants lobbed a hand grenade at the offices of an international NGO in Bay region, injuring one of the guards. Also in March attackers detonated a remote controlled roadside bomb against a U.N. convoy in Afgoye, injuring four personnel and damaging one of the cars in the convoy. In April a convoy hired to deliver humanitarian aid supplies was attacked in Gedo region by militia from a subclan of the Marehan, resulting in the deaths of a driver and passenger.

In April four WFP employees distributing food in Buale area were ordered to leave the area by a local elder, who then allegedly conspired with local contractors to divert part of the food aid shipment.

In October NSS officers forced their way into the U.N. compound in Mogadishu and removed and detained the WFP Officer in Charge Idris Osman. The TFG claimed Osman was under investigation for unspecified crimes. The U.N. subsequently closed all its offices in Mogadishu. Osman was released in late October after considerable international pressure. During the same month the German NGO Agro Action closed down operations in Somaliland due to heightened instability and conflict in the Sool region bordering Puntland.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The TFC and the Somaliland Constitution provide for freedom of speech and press. However, there were instances of harassment, arrest, and detention of journalists in all regions of the country, including Puntland and Somaliland. The Puntland Charter provides for press freedom “as long as they respect the law”; however, this right was not respected in practice. Freedom House ranked the country as “not free” every year from 1972 to 2007. Reporters Without Borders also gave the country a low rating for press freedom. Journalists engaged in rigorous self-censorship in order to avoid reprisals.

In September the leader of the opposition Ramaas political party was arrested and held for 12 days in Puntland for leading a demonstration against the political situation in Puntland.

The print media consisted largely of short, photocopied dailies published in the larger cities and often affiliated with one of the factions. Several of these dailies were nominally independent and published criticism of prominent persons and political leaders.

In Somaliland there were six independent daily newspapers: Jamhuuriya, Haatuf, Ogaal, Geeska, Saxansaxo, and Maalmaha. There was also one government daily, Maandeeq, and two English language weeklies, Somaliland Times and the Republic. There were two independent television stations, Hargeysa TV and Hargeysa Cable TV, and one government-owned station, Somaliland National TV. Although the Somaliland Constitution permits establishment of independent media, the Somaliland government has consistently prohibited the establishment of independent FM stations. The only FM station in Somaliland is the government-owned Radio Hargeysa.

Most citizens obtained news from foreign radio broadcasts, primarily the BBC, which transmitted a daily Somali-language program. There were reportedly eight FM radio stations and one short-wave station operating in Mogadishu. A radio station funded by local businessmen operated in the south, as did several other small FM stations in various towns in the central and southern parts of the country. There were at least a half dozen independent radio stations in Puntland and one government-owned FM radio station in Somaliland. In February the Voice of America Somali Service began Somali-language daily broadcasts.

Opposition elements, many affiliated with the ousted Council of Islamic courts and other extremists, continued to harass journalists. Journalists reported that

antigovernment groups threatened to kill them if they did not report on antigovernment attacks conducted by al-Shabaab. Journalists added that publishing criticism of the opposition ingratiated them with the TFG, but subjected them to opposition threats, and vice versa.

Journalists and media organizations in all regions reported harassment including killings, kidnappings, detention without charge, and assaults on persons and property. Most of the experienced field reporters and senior editors have fled the country due to direct threats from both the TFG security forces and antigovernment groups. On December 16 unknown gunmen in Boosaaso kidnapped French journalist Gwen Le Gouil. Numerous journalists were arrested and detained in all regions of the country. In Baidoa and Mogadishu, the TFG continued to enforce strict orders against reporting or photographing ENDF security operations.

There were eight targeted killings of journalists and media managers or owners, compared to one such killing in 2006. In February such Ali Mohammed Omar, a presenter on Radio Warsan in Baidoa, was killed by three assailants as he walked home. In May Mohamed Abdullahi Khalif of Voice of Peace Radio was killed in Puntland. In May Radio Jowhar journalists Abshir Ali Gabra and Ahmed Hasan were killed in the Middle Shabelle Region while accompanying the newly-appointed TFG regional governor on a familiarization trip. Also in August unknown gunmen killed Mahad Ahmed Elmi, head of Mogadishu-based Capital Voice, a sister radio station of HornAfrik Radio. Only hours after Elmi's burial, Ali Iman Sharmake, director and co-owner of HornAfrik Radio, was killed by a roadside bomb; journalists Sahal Abdulle from Reuters and Falastin Ahmed from VOA were slightly injured in the explosion. In late August Abdulkadir Mahad Kaskey of Mogadishu-based Radio Banadir was killed when unknown gunmen opened fire on a minibus in which he was traveling in the southwestern region of Gedo. In October Bashir Nur Gedi, acting Head of Shabelle Media Group, was killed outside his home in Mogadishu. There were no arrests in connection with any killings of journalists during the year.

There have been no arrests or developments in the case of Martin Adler, a foreign journalist and photographer who was shot and killed while covering a demonstration in Mogadishu in June 2006.

Numerous journalists were arrested and detained during the year. In January Somaliland authorities arrested journalists Yusuf Abdi Gabobe and Ali Abdi Dini at the offices of Haatuf Media Network in Hargeysa. The police originally came to arrest Dini and investigative reporter Muhamad Rashid Farah, who escaped. Later in January security forces arrested Haatuf correspondent Mohammed Omar Sheikh Ibrahim. In March, at Mandera Prison, trials took place against the three detained journalists and the fugitive Farah; their lawyers failed to appear. Gabobe was sentenced to 2 years in prison, Dini and Ibrahim to 29 months, and Farah was sentenced in absentia to 29 months. Amnesty International characterized the imprisoned journalists as "prisoners of conscience" and declared their arrest and trial a clear violation of human rights. Following local and international pressure, the Government released the three journalists in late March. In March Hasan Sade Daqane of Radio HornAfrik and Abdirahman Yusuf Al-Adala, from Shabelle Media Network, were detained by the TFG in Mogadishu for 2 weeks before being released. In April TFG security forces arrested Universal TV crew members Abdulkadir Nadara, Bashir Naleye, and Hamid Mohamed, who were held for 40 days and released after significant international pressure.

There were no developments in the 2006 or 2005 cases in which journalists were harassed or arrested.

Several broadcasting stations were closed during the year. For example, in January the TFG closed three radio stations in Mogadishu: HornAfrik, Shabelle Media Network, and Holy Koran Media Station. In October TFG security forces closed Radio Simba after it conducted a telephone interview with a former Islamist leader. The radio was later allowed to resume operations, but one of its staff and two other journalists were arrested in November and remained in jail at year's end.

In April HornAfrik Media house was hit by seven mortar shells, injuring four of the station's staff and forcing the station temporarily off the air.

In October TFG Information Minister Madobe Nunow Mohamed notified local and international NGO's and other organizations that NGOs would no longer be allowed to act on behalf of media organizations and that all media activity would be conducted through the Ministry of Information; however, Madobe's notice to NGOs was neither implemented nor enforced, and the minister lost his position when the Government of Prime Minister Gedi fell at year's end.

*Internet Freedom.*—There were no government restrictions on access to the Internet, but opposition elements in Mogadishu reportedly closely monitored Internet use and were believed to be the authors of anonymous e-mail threats to local journalists. Internet use was widespread in both rural and urban areas.

*Academic Freedom and Cultural Events.*—There were two universities in Mogadishu, two in Somaliland, and one in Puntland; however, there was no organized higher education system in most of the country. There were restrictions on academic freedom, and academicians practiced self-censorship. In Puntland a government permit was required before conducting academic research.

Unlike in the previous year, when the Council of Islamic Courts controlled much of south central Somalia, there were no restrictions on attending cultural events, playing music, or going to the cinema, although the security situation effectively restricted access to cultural events.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The TFC and the Somaliland Constitution provide for freedom of assembly; however, a ban on demonstrations continued, and the lack of security effectively limited this right in many parts of the country. Use by security personnel of excessive force to disperse demonstrators resulted in numerous deaths and injuries.

In January TFG forces shot into a crowd of approximately 100 demonstrators, killing one person and injuring another. The protestors had staged violent demonstrations in Beletweyne against the ENDF's arrest of Colonel Mukhtar, the Hiran regional commander; Mukhtar had refused to arrest Sheikh Farah Moalim, a former chairman of the Council of the Islamic Courts.

In the same month ENDF forces in Mogadishu opened fire on a group of demonstrators, killing five and injuring seven. The demonstrators, who had set bonfires and hurled stones, were protesting the TFG's call for disarmament.

Also in January, Somaliland authorities arrested four students who were peacefully demonstrating against the arrest of the three Haatuf journalists arrested earlier in the same month. The students were detained in Mandera Prison and then sentenced to 6 months' imprisonment after a secret emergency court hearing in Hargeysa. The students were denied the right to appeal the sentence. In February Ali Dool Ahmed, a writer, and Bo'aud, an activist, were arrested for distributing leaflets demanding the release of the same three journalists.

In October Somaliland forces allegedly used excessive force to disperse demonstrators opposed to their military presence in Las Anod.

The use of excessive force, by security forces in south central Somalia, resulted in the deaths and injuries of persons assembled at food distribution centers.

*Freedom of Association.*—The TFC provides for freedom of association; however, the TFG did not respect freedom of association during the year. The Puntland Charter provides for freedom of association; however, the Puntland administration continued to ban all political parties.

In May, in the Sanaag region, Puntland police reportedly arrested six persons for demonstrating in support of Somaliland. Police subsequently fired warning shots at relatives of those arrested, who had gathered at police station.

The Somaliland Constitution provides for freedom of association, and this right was generally respected in practice; however, in July Somaliland authorities arrested three opposition politicians who were planning to form a new political party. In July the Somaliland minister of interior warned that any person from Somaliland who participated in the NRC in Mogadishu would be accused of treason and punished. Police were instructed to monitor the borders for such individuals.

Legislation governing the formation of political parties in Somaliland limits the number of parties allowed to contest general elections to three. An ad hoc commission nominated by the president and approved by the legislature was responsible for considering applications. The law provides that approved parties obtaining 20 percent of the vote are allowed to operate. There were three approved political parties.

*c. Freedom of Religion.*—There were no legal provisions for the protection of religious freedom, but there were limits on religious freedom in practice. The TFC, Somaliland Constitution, and Puntland Charter establish Islam as the official religion.

In Puntland, only Shafi'lyyah, a moderate Islamic doctrine followed by most citizens, is allowed. Puntland security forces closely monitored religious activities. Religious schools and places of worship must receive permission to operate from the Ministry of Justice and Religious Affairs, but such permission was granted routinely.

In Somaliland religious schools and places of worship must obtain the Ministry of Religion's permission to operate. Proselytizing for any religion except Islam is prohibited in Puntland and Somaliland and effectively blocked by informal social consensus elsewhere in the country. Apart from restrictions imposed by the security

situation, Christian-based international relief organizations generally operated freely as long as they refrained from proselytizing.

In May TFG forces confiscated face veils from women in Mogadishu and subsequently burned the veils. TFG authorities stated that hooded criminals disguised as women had participated in attacks against security forces, which warranted banning of the face veil within the capital. Following a public outcry, the mayor of Mogadishu denied any responsibility for the ban and called for its immediate suspension.

In September police in Belet-Weyne reportedly arrested and detained an estimated 15 persons found eating during the daytime at a local restaurant during Ramadan. Those arrested were each ordered to pay \$25 (34,000 Somali Shillings) in fines.

*Societal Abuses and Discrimination.*—During the year, in the Bay and Lower Juba regions, suspected Muslim extremists killed several prominent clerics. For example, in August, inside a Mosque near Galkayo, gunmen shot and killed two Muslim clerics and seven members of the congregation. Authorities in Galkayo blamed the attack on Islamic extremists. In October, in Kismayu, unknown assailants shot and killed a prominent moderate cleric moments after he led his congregation in the late evening prayer. Also in October another prominent cleric of the Ahlusunna-wal-Jama'a tabligh group was killed in Baidoa on his way to the mosque.

Suspected Islamic extremists bombed cinemas, resulting in death and injury.

Non-Sunni Muslims often were viewed with suspicion by members of the Sunni majority. Non-Muslims who practiced their religion openly were sometimes harassed. Although not legally prohibited, conversion from Islam to another religion was socially unacceptable to the extent that conversion could lead to harassment or even death. There has been anecdotal evidence that and those who converted were harassed and sometimes killed.

The small Christian community kept a low profile. Christians, as well as other non-Muslims who proclaim their religion, sometimes faced social harassment.

There is no known Jewish community in the country, and there were no reports of anti-Semitic acts.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The TFC and the Puntland Charter provide for freedom of movement within the country; however, this right continued to be restricted in some parts of the country. Checkpoints operated by the TFG, TFG allied militias, and armed clan factions inhibited passage and exposed travelers to looting, extortion, rape, and harassment, particularly of civilians fleeing conflict. According to the U.N., there were 235 checkpoints in south and central Somalia, with 13 alone on the road between Baidoa and Mogadishu. In the absence of effective governance institutions, few citizens had the documents needed for international travel.

The law does not prohibit forced exile; however, none of the authorities used forced exile during the year.

Unlike in the previous year, there were no organized repatriations to any region of Somalia during the year.

*Internally Displaced Persons (IDPs).*—Reliable figures for IDPs in the country were difficult to obtain, but U.N. agencies estimated that by year's end approximately 700,000 persons had fled their homes in Mogadishu and its surroundings as a result of the fighting between TFG/ENDF forces and antigovernment groups. The Somalia office of the U.N. High Commission Human Rights (UNHCR), based in Kenya, estimated that there were approximately 1 million IDPs in the country as a result of internal conflict, flooding, droughts, and other causes going back to the early 1990s.

The TFG did not provide protection or assistance for those IDPs residing in Mogadishu. U.N. agencies reported that during the year persons identifying themselves as TFG authorities and TFG-allied militias evicted IDPs from makeshift shelters claiming the property belonged to the Government. In the process of eviction the IDPs were quite often robbed and harassed.

During the year there were a series of actions by Puntland authorities in Galkayo and Garowe whereby Somalis from south central Somalia were forcefully returned to their home areas. In August, authorities in Puntland are reported to have forcefully relocated 59 people from Boosaaso to Galkayo. Those affected claimed their possessions were confiscated by authorities. Approximately 43 of the 59 were reportedly taken to destinations in south central regions, while the remaining 16 persons were released and taken in by clan relations in Galkayo. In July Puntland authorities reportedly segregated on arrival Somalis by clan who had been deported from

Saudi Arabia by plane. The plane carrying approximately 120 Somalis was allowed to land, but authorities only allowed those originally from Puntland to disembark. The plane later landed in Hargeysa, Somaliland, where authorities permitted the remaining passengers, most of whom were from south central Somalia, to disembark.

*Protection of Refugees.*—The 1990 Constitution and TFC do not include provisions for granting asylum or refugee status in accordance with the definition in the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and there was no official system for providing such protection. The authorities provided some protection against “refoulement,” the return of persons to a country where there is reason to believe they feared persecution, and in practice the authorities granted refugee status or asylum.

The authorities in Somaliland cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers.

In January the Kenyan Government officially closed the border to all traffic to and from Somalia, although it later allowed humanitarian relief supplies to enter Somalia on a case-by-case basis. Despite the border closure an estimated 14,000 asylum seekers made their way to Dadaab refugee camps through the porous border.

There continued to be reports that Somali women, girls, and in isolated cases men, were raped in refugee camps in Kenya during the year.

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

In the absence of effective governance institutions, citizens could not exercise the right to change their government. The country was governed by an internationally recognized, though unelected, TFG with a 5-year mandate until 2009 to prepare the country for national elections. Clan leaders operated as de facto rulers in most regions under the nominal control of the TFG. Although many such leaders derived their authority from the traditional deference given to clan elders, they often faced opposition from intra-clan groups and political factions, as well as from the perceived central authority of the TFG.

*Elections and Political Participation.*—The TFG was formed in late 2004 and early 2005 following 2 years of negotiations in Kenya, which were led by the Intergovernmental Authority on Development (. The TFC is the legal framework for the transitional Federal institutions of Parliament and government, which operate under a 5-year mandate that expires in 2009. In 2004 the clan-based TFP elected Abdullahi Yusuf Ahmed, the former president of Puntland, as transitional Federal president, and he then appointed Ali Mohammed Gedi as prime minister.

Following the TFG/ENDF defeat of the Council of Islamic Courts in late December 2006, the Government moved its base from Baidoa to Mogadishu; however, the Parliament remained in Baidoa. In January the TFP voted out Sharif Hassan Sheikh Adan, the first speaker of the TFP, who had refused to return to Parliament since September 2006, when the TFG rejected his request to open negotiations with the former Council of Islamic Courts. The Government of Kenya expelled approximately 26 members who resided in Nairobi of the 275-member Transitional Federal Parliament. Many went to Eritrea and Djibouti with former speaker Hassan, while others went to Gulf states. In January Parliament elected Sheikh Adan Mohamed Nur to serve as the speaker. As a result of the deteriorating security situation, in January Parliament passed a law on emergency powers that allows the president to rule by decree; in July the Speaker of Parliament announced the end of the emergency law.

In late January President Yusuf called for a National Reconciliation Congress (NRC) to reconcile all Somali clans. The NRC was held July 15–August 30. Although not all clans attended, the NRC confirmed broad support for the TFC, continued reconciliation, and the transitional process to 2009. At year’s end the Government had secured parliamentary approval to implement one of the NRC recommendations, which called for the appointment of government ministers from outside Parliament.

In March Parliament issued a 30-day ultimatum to absentee members of Parliament (MPs) to attend parliamentary sessions or risk being fired. In April the Speaker of Parliament dismissed 31 MPs who failed to attend parliamentary proceedings before the expiry of the ultimatum period. In September ousted MPs and significant elements from the ousted Council of Islamic Courts held a conference in Asmara and formed a political organization called the Alliance for the Re-liberation of Somalia (. In October Prime Minister Gedi resigned after a series of disagreements with President Yusuf, bringing the TFG to a standstill. In November President Yusuf appointed, and Parliament approved Nur “Adde” Hassan Hussein to be the second TFG prime minister. Hussein nominated and subsequently dismissed his

cabinet after parliamentary criticism. At year's end the prime minister was consulting with MPs and the clans on the establishment of a new cabinet.

Somaliland has a Constitution and bicameral Parliament with proportional clan representation and an elected president and vice president. Somaliland authorities have established functioning administrative institutions in virtually all of the territory they claim, which is the same as the Somaliland state that achieved international recognition briefly in 1960 before entering into a union with the former Italian colony of Somalia. In a 2001 referendum, 97 percent of voters supported Somaliland independence.

In May 2006 president of Somaliland Dahir Riyale Kahin postponed elections for the Parliament's House of Elders and initiated a process to extend the mandate of the upper house for 4 years. Opposition parties declared the process illegal. In July authorities arrested three opposition politicians planning to form a new political party. The opposition figures—Mohamed Abdi Gaboose, Mohamed Hashi Elmi, and Jamal Aideed Ibrahim—were affiliated with the Qaran political association and charged with founding an illegal organization and creating instability. As of October they remained in detention. In October the National Electoral Commission announced that local government and presidential elections scheduled for December 2007 and April 2008 had been postponed, respectively, to July and August 2008 by agreement of the three official political parties.

In 1998 Puntland declared itself a semi-autonomous regional government during a consultative conference with delegates from six regions who included traditional community elders, the leadership of political organizations, members of local legislative assemblies, regional administrators, and civil society representatives. Puntland has a single-chamber quasi-legislative branch called the Council of Elders, which has played a largely consultative role. Political parties were banned. General Mohamud Muse Hersi was elected president by the Puntland Parliament in January 2005. Some Puntland cabinet ministers had their own militias, which contributed to a general lack of security.

Somaliland and Puntland continued to contest parts of Sanaag region, as well as the Sool region and the Buhodle district of Togdheer region during the year. Both governments maintained elements of their administrations in the Sanaag and Sool regions, and both governments exerted influence in various communities. During the year there were renewed hostilities in Las Anod, Sool region. In September and October at various times pro-Puntland and pro-Somaliland militias clashed in the Las Anod area resulting in an estimated 10 deaths and scores of injured. Humanitarian aid agencies reported that approximately 9,000 families (22,000–54,000 persons) were displaced by the fighting. Somaliland forces captured Las Anod and at year's end they remained in control of the town with Puntland forces threatening to retake it.

There were 23 women in the 275-seat TFP; the number fell short of the TFC requirement that at least 12 percent of parliamentary seats be reserved for women. The minister of health and the minister for gender and family affairs were women, as were three deputy ministers. In the Somaliland government, a woman held the post of gender and family minister, and two women were elected to the lower house of Parliament. There were four women in the 69-seat Puntland Council of Elders, and a woman held the position of minister of gender and family.

There were 31 members of the minority Bantu or Arab ethnic groups in the TFP and four in the TFG cabinet. There were no members of minority groups in the Somaliland Parliament and cabinet.

*Government Corruption and Transparency.*—Official corruption was endemic throughout the country. There were no laws providing for public access to government information.

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

A number of domestic and international human rights groups generally operated throughout the country investigating and publishing their findings on human rights cases. The Mogadishu-based Dr. Ismael Jumale Human Rights Center (DIJHRC), Isha Baidoa Human Rights Organization in the Bay and Bakol regions, KISIMA in Kismayo, and other local human rights groups were active during the year. The DIJHRC investigated the causes of the continuing conflict in the Mogadishu area and conducted human rights monitoring. The Mogadishu-based National Union of Somali Journalists (NUSOJ) continued to advocate for media freedom throughout the country. The Mogadishu-based Center for Research and Dialogue, several women's NGOs, and other civil society organizations also played a role in promoting intra-clan dialogue, national reconciliation, and dialogue between the TFG/Ethiopians and elders of the dominant Hawiye clan in Mogadishu.

Somaliland human rights organizations accused authorities of meddling in its internal affairs and promoting conflict among them. In October SHURONET, an umbrella organization for human rights organizations in Somaliland, accused authorities of supporting a parallel state-supported organization that convened a workshop in the name of SHURONET. There were reports that Somaliland authorities subsequently deported Livia Hadorn, a UNDP official in charge of human rights activities in Hargeisa, for declining to provide funding for the parallel government-convened workshop.

Attacks and incidents of harassment against humanitarian, religious, and NGO workers resulted in numerous deaths. TFG officials accused NGOs and civil society organizations of siding with opposition groups and exaggerating human rights abuses committed by TFG forces. The TFG intimidated and arrested NGO workers, who also received death threats from regional administrators, clan militias, and criminals.

There were numerous occurrences of looting, hijacking, and attacks on convoys of WFP and other humanitarian relief shipments during the year.

In May in the Boosaaso area gunmen kidnapped two foreign employees of CARE International, who were subsequently released through the efforts of clan elders. In June TFG forces arrested Raha Jinaqow, a well-known aid worker and civil society activist, and raided the offices of her organization, SAACID-Somalia. Jinaqow was released a day after her arrest following international and local intervention on her behalf.

In August Puntland presidential guards allegedly fired at the car of a local aid worker and assaulted and briefly detained him at the presidential villa.

In September gunmen killed a World Health Organization employee who was conducting an immunization campaign in Mudug region.

In October, in Puntland, a group of armed bandits stopped a WFP team traveling on a monitoring and evaluation mission at gunpoint and robbed them of their belongings and communication equipment. According to the U.N., there were no investigations or arrests in connection with any of these cases.

In December 26, in Boosaaso port, unknown persons with machine guns seized two foreign employees of Medecins Sans Frontieres when their car was ambushed.

In April the Somaliland Supreme Court upheld a lower court's conviction of Jama Abdi Ismail and Mohamed Ali Isse, who were sentenced to death in November 2005 for the killing of four foreign aid workers in 2003 and 2004.

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

The TFC prohibits discrimination on the basis of gender or national origin; however, societal discrimination and violence against women and widespread abuse of children continued to be serious problems. The Somaliland Constitution prohibits discrimination on the basis of gender or national origin, but these rights were not respected in practice.

*Women.*—Laws prohibiting rape exist; however, they were not generally enforced. There were no laws against spousal rape. There were no reports that rape cases were prosecuted during the year. NGOs documented patterns of rape of women with impunity, particularly of women displaced from their homes due to civil conflict or who were members of minority clans. Police and militia members engaged in raped, and rape was commonly practiced in inter-clan conflicts. Traditional approaches to dealing with rape tended to ignore the victim's situation and instead communalized the resolution or compensation for rape through a negotiation between members of the perpetrator's and victim's clans. Victims suffered from subsequent discrimination based on attributions of "impurity." Women and girls in IDP camps were especially vulnerable to sexual violence, contributing to the spread of HIV/AIDS. Criminal elements attacked and raped some IDPs fleeing from Mogadishu in March and April. In Somaliland there was an increase in gang rape in urban areas, primarily by youth gangs, members of police forces, and male students. Many of these cases occurred in poorer neighborhoods and among immigrants, refugee returnees, and rural displaced populations. Many cases were not reported.

Domestic violence against women remained a serious problem. There are no laws specifically addressing domestic violence; however, both Shari'a and customary law address the resolution of family disputes. No statistical information was available on the extent of domestic violence. Sexual violence in the home was reportedly a serious problem, linked to general gender discrimination. Women have suffered disproportionately in the country's civil war and inter-clan fighting.

Prostitution is illegal and there were no statistics on its prevalence. In the country's overwhelmingly patriarchal culture, women do not have the same rights as men and are systematically subordinated. Polygamy was permitted. Under laws issued by the former government, female children could inherit property, but only

half the amount to which their brothers were legally entitled. Similarly, according to the Shari'a and local tradition of blood compensation, anyone found guilty in the death of a woman must pay half the amount paid to the aggrieved family if the victim was male.

Women's groups in Mogadishu, Hargeisa (Somaliland), Bossaso (Puntland), and other towns actively promoted equal rights for women and advocated the inclusion of women in responsible government positions, and observers reported some improvement in the profile and political participation of women in the country.

*Children.*—Authorities were generally not committed to children's rights and welfare.

In the absence of a consistent central authority, births were not registered in Puntland or southern and central Somalia. Birth registration was taken seriously in Somaliland for hospital and home births; however, limited government capacity combines with the nomadic lifestyle of many Somalis made birth registration a complex undertaking.

An estimated 28 percent of the school-age population attended school, according to a recent UNICEF school survey: 34 percent of boys and 22 percent of girls. Due to the increased level of insecurity in Mogadishu, school enrollment rates in the city dropped to 18–20 percent, a 50 percent reduction from 2006. Since the collapse of the state in 1991, education services have been revived in various forms, including: A traditional system of Koranic schools; public primary and secondary school systems financed by communities, foreign donors, and the administrations in Somaliland and Puntland; Islamic charity-run schools; and a number of privately run primary and secondary schools, universities, and vocational training institutes. Few children who entered primary school completed secondary school. Schools at all levels lacked textbooks, laboratory equipment, toilets, and running water. Teachers were poorly qualified and poorly paid; many relied entirely on community support for payment. The literacy rate was estimated at 25 percent. There was a continued influx of foreign teachers to teach in private Koranic and Madrassa schools. These schools were inexpensive and provided basic education; however, there were reports that they required veiling of small girls and other conservative Islamic practices not traditionally found in the local culture.

Child abuse was a serious problem, although no statistics on its prevalence were available. A 2003 UNICEF report noted that nearly a third of all displaced children reported rape as a problem within their family, compared to 17 percent of children in the general population.

Children remained among the chief victims of continuing societal violence. Child protection monitors verified that at least 40 children were killed or wounded during the year as a direct result of conflict.

Militia members raped children during the conflict and departure of civilians from Mogadishu. In May, for example, militias stopped a minibus at a checkpoint and raped five children and eight women.

The practice of FGM was widespread throughout the country. There were estimates that as many as 98 percent of women have undergone FGM; the majority were subjected to infibulation, the most severe form of FGM. In Somaliland FGM is illegal; however, the law was not enforced. Puntland also has legislation prohibiting FGM, but the law was not effectively enforced. U.N. agencies and NGOs have made intensive efforts to educate the population about the dangers of FGM, but there were no reliable statistics to measure the success of their programs.

All parties to the conflict recruited and used child soldiers (see Section 1.g.).

In its 2006 report, the UNICEF expressed concern about the practice of "asi walid," a custom whereby parents placed their children in prison for disciplinary purposes and without any legal procedure. Many of these juveniles were incarcerated with adults.

Child prostitution was practiced; however, because it was culturally proscribed and not reported, no statistics were available on its prevalence.

*Trafficking in Persons.*—The pre-1991 law prohibits trafficking. The TFC does not explicitly prohibit trafficking. Information regarding trafficking in the country's territory was extremely difficult to obtain or verify; however, the Somali territory was known to be a source, transit, and possibly destination country for trafficked women and children, and there were reports of trafficking during the year. Ethiopian women were believed to be trafficked to and through the country to the Middle East for forced labor or sexual exploitation. Armed militias reportedly also trafficked Somali women and children for forced labor or sexual exploitation, and some of those victims also may have been trafficked to the Middle East and Europe. Trafficking networks were reported to be involved in transporting child victims to South Africa for sexual exploitation.



Puntland was noted by human rights organizations as an entry point for trafficking. The UNIE reported that trafficking in persons remained rampant and that the lack of an effective authority to police the country's long coastline contributed to trafficking. Various forms of trafficking are prohibited under some interpretations of Shari'a and customary law, but there was no unified policing in the country to interdict these practices, nor any effective justice system for the prosecution of traffickers.

There continued to be reports that children were sent out of the country to relatives and friends in western countries, where they worked or collected welfare and sent money back to family members in the country.

At various times, political authorities in the regional administrations of Somaliland and Puntland expressed a commitment to address trafficking, but corruption and lack of resources prevented the development of effective policies and programs. Many officials in these administrations were known to condone human trafficking. No resources were devoted to trafficking prevention or to victim protection. There were no reports of trafficking-related arrests or prosecutions. Somaliland and Puntland officials were not trained to identify or assist trafficking victims. NGOs worked with IDPs, some of whom may have been trafficking victims.

*Persons with Disabilities.*—In the absence of functioning governance institutions, the needs of most persons with disabilities were not addressed. Several local NGOs in Somaliland provided services for persons with disabilities. Associations of disabled persons reported numerous cases of discrimination to the UNIE.

There was widespread abuse of persons with mental illness. It was common for such persons to be chained to a tree or within their homes.

*National/Racial/Ethnic Minorities.*—More than 85 percent of the population shared a common ethnic heritage, religion, and nomad-influenced culture. In most areas members of groups other than the predominant clan were excluded from effective participation in governing institutions and were subject to discrimination in employment, judicial proceedings, and access to public services.

Minority groups and low-caste clans included the Bantu (the largest minority group), the Benadiri, Rer Hamar, Brawanese, Swahili, Tumul, Yibir, Yaxar, Madhiban, Hawrarsame, Muse Dheryo, and Faqayaqub. The UNIE estimated that minority groups may constitute 22 percent of the population. Inter-marriage between minority groups and mainstream clans was restricted. Minority groups had no armed militias and continued to be disproportionately subject to killings, torture, rape, kidnapping for ransom, and looting of land and property with impunity by faction militias and majority clan members. Many minority communities continued to live in deep poverty and to suffer from numerous forms of discrimination and exclusion.

*Other Societal Abuses and Discrimination.*—Persons with HIV/AIDS continued to face discrimination and abuse in their local communities, and employers in all parts of the country. UNICEF reported that persons with HIV/AIDS were subjected to physical abuse, rejected by their families, and subjected to workplace discrimination and dismissal. Discriminatory acts also affected children whose parent(s) were HIV positive, hindering prevention efforts and access to services.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The 1990 Constitution allows workers to form and join unions, and the TFC respected this right; however, due to the civil war and clan fighting, the only partially functioning labor union in the country was the NUSOJ. The Puntland Charter and the Somaliland Constitution also protect workers' freedom of association. Labor laws were not enforced in all parts of the country, resulting in an absence of effective protection for workers' rights.

*b. The Right to Organize and Bargain Collectively.*—The TFC allows unions to conduct their activities without interference and grants workers the right to strike. Wages and work conditions in the traditional culture were established largely on the basis of ad hoc arrangements based on supply, demand, and the influence of the worker's clan. There are no export processing zones.

The Somaliland Trade Union Organization (SOLTUO), formed in 2004, claimed to have 26,000 members representing 21 individual unions. SOLTUO claimed to be democratic and independent, but there were no activities undertaken by the SOLTUO during the year.

*c. Prohibition of Forced or Compulsory Labor.*—The pre-1991 Penal Code and the TFC prohibit forced or compulsory labor, including by children; however, there were reports that such practices occurred. It could not be confirmed whether, as had been reported in 2005, local clan militias or other armed militia forced members of minority groups to work on banana plantations without compensation. It also could not

be confirmed if in Middle and Lower Juba, and Lower Shabelle Bantus were used as forced labor, as in previous years.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The pre-1991 labor code and the TFC prohibit child labor; however, child labor was widespread.

The recruiting and use of child soldiers was a problem (see Section 1.g.). Young persons commonly were employed in herding, agriculture, and household labor from an early age. Children broke rocks into gravel and worked as vendors of cigarettes and khat on the streets. UNICEF estimated that from 1999 to 2005, 36 percent of children between the ages of 5 and 14 were in the workforce—31 percent of males and 41 percent of females. The actual percentage of working children was believed to be even higher. The lack of educational opportunities and severely depressed economic conditions contributed to the prevalence of child labor.

*e. Acceptable Conditions of Work.*—Although the TFC and the Somaliland Constitution both include provisions for acceptable working conditions, there was no organized effort by any of the factions or de facto regional administrations to monitor acceptable conditions of work during the year. There is no national minimum wage. With an estimated 43 percent of the population earning less than \$1 (approximately 1,344 Somali shillings) per day, there was no mechanism to attain a decent standard of living for workers and their families.

---

## SOUTH AFRICA

South Africa is a multiparty parliamentary democracy in which constitutional power is shared between the president and the Parliament. The country has a population of approximately 47.9 million. President Thabo Mbeki led the African National Congress (ANC) party, which increased its seats to 279 in the 400-seat National Assembly after a free and fair national election in 2004. Parliament, in turn, elected Mbeki president. The civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens. However, the Government, nongovernmental organizations (NGOs), and local media reported the following serious human rights problems: Police use of excessive force against suspects and detainees, which resulted in deaths and injuries; vigilante violence and mob justice; abuse of prisoners, including beatings and rape, and severe overcrowding of prisons; lengthy delays in trials and prolonged pretrial detention; forcible dispersal of demonstrations; pervasive violence against women and children, and societal discrimination against women and persons with disabilities; trafficking in persons; violence resulting from racial and ethnic tensions and conflicts with foreigners; and child labor, including forced child labor and child prostitution.

### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—There were no politically motivated killings by the Government or its agents; however, police use of lethal force during apprehensions resulted in a significant number of deaths, and deaths in police custody were a problem. Police efforts to control vigilante violence also resulted in deaths. The Government investigated and punished some abusers.

According to the Governmental Independent Complaints Directorate (ICD), there were 698 deaths in police custody or as a result of police action during the period from April 1, 2006, to March 31, 2007, an 11 percent increase from the previous year. Authorities attributed 185 of these deaths to natural causes, suicide, or injuries sustained prior to detention.

The ICD reported that shootings accounted for 54 percent of the deaths in police custody, with the majority of shootings occurring during official police operations. However, negligence was cited in 23 deaths, and domestic violence and off-duty shootings in 56. The ICD's 2007 report also expressed concern that four innocent bystanders were killed in crossfire between the police and criminals, and that 44 civilians were killed due to being hit by police vehicles.

Unlike in the previous year, no deaths resulted from political conflict between ANC and Inkatha Freedom Party (IFP) supporters in KwaZulu-Natal, although there were allegations of shooting attacks on IFP councilors and supporters by ANC supporters. The ANC denied the allegations and police were unable to confirm any political connection to these alleged attacks.

The 2006 killings of Estcourt Deputy Mayor Dolly Dladla and councilor Music Mchunu, both IFP members, remained unresolved. Police arrested three people in connection with the case and the accused were awaiting trial at year's end.

The investigation into the 2005 killing of Zulu Royal Prince Thulani Zulu, chairman of the ANC's Nongoma branch in KwaZulu-Natal, was ongoing.

Incidents of vigilante violence and mob justice continued, particularly in Gauteng, the Western Cape, and KwaZulu-Natal. For example, on July 7, three men accused of rape were beaten and hacked to death by an angry crowd in KwaMashu; no action was taken against the perpetrators. In June, Mitchell's Plains in the Western Cape erupted in three nights of violence following the killing of a prominent local leader, reportedly by drug dealers. Angry residents took to the streets, burning alleged drug dens and drug dealers' cars. Twelve persons were arrested after police used stun grenades and rubber bullets to subdue the crowd.

There continued to be violent attacks on foreigners, especially immigrants from neighboring countries.

Killings and other violent crimes against farmers and, on occasion, their families, continued in rural areas. Despite concern among white farmers that they were targeted for racial and political reasons, studies indicated that the perpetrators generally were common criminals motivated by financial gain. According to the 2006–07 South African Police Service (SAPS) report, there were 794 farm attacks and 86 farm killings in the 12 months prior to March 31. Farm attacks increased by 25 percent compared to the previous year's figures. Farm homicides decreased by 2 percent.

In April Jewell Crossberg was sentenced to 20 years in prison for his 2004 killing of a farm worker. Crossberg had told police that he mistook his victim for a baboon, but farm workers who witnessed the shooting said the killing was triggered by the victim's failure to report to work the day before.

In rural areas such as Limpopo Province, Mpumalanga, and the Eastern Cape, where traditional beliefs regarding witchcraft remained strong, reports of attacks on persons accused of witchcraft, particularly elderly women, were not unusual. Traditional leaders generally cooperated with government programs and reported threats against persons suspected of witchcraft. In April a mob in Lusikisiki in the Eastern Cape hacked to death three family members accused of witchcraft. Six people were arrested. The investigation was ongoing.

"Muti" killings (killing, especially of children, to obtain body parts for traditional healing) remained a problem. In March six gang members and a 63-year-old "sangoma" (traditional healer) who allegedly bought body parts from them, were arrested in Umbumbulu for the alleged muti-related killings and mutilations of 10 women from KwaZulu. One of the gang members became a state witness and described the murders and mutilations in detail. The case was ongoing at year's end. In 2006 the SAPS estimated that 150 to 300 muti killings occurred each year.

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution and law prohibit such practices; some police officers reportedly tortured, beat, raped, and otherwise abused suspects. Police torture and abuse allegedly occurred during interrogation, arrest, detention, and searches of persons' homes. The ICD reported that 24 complaints of rape and 23 complaints of torture were filed against police officers during their 2006–07 reporting period. The ICD report did not indicate the disposition of these complaints.

Police forcibly dispersed demonstrators on several occasions during the year, resulting in injuries. Some of the demonstrations had turned destructive prior to police taking action to break them up.

Incidents of police harassment against foreigners continued, particularly during coordinated police raids in areas where foreign nationals resided. Some state hospitals reportedly routinely refused emergency treatment to indigent foreigners, despite regulations requiring that they provide such treatment.

The press reported that many refuge seekers claimed that immigration personnel whipped and beat them, and subjected them to other brutal treatment.

The court martial of Air Force Sergeant Philippus Jacobus Venter continued. He was accused of raping and murdering a 14-year-old girl while serving as a peacekeeper in Burundi; the court martial had been postponed in 2005 after Venter allegedly shot and killed his two children, wounded his wife, and attempted suicide.

Deaths and injuries resulted from vigilante and mob action against suspected criminals, in addition to acts of violence against suspected witches.

There were incidents in which white employers abused their black farm laborers. After Western Cape authorities refused to prosecute four white Rawsonville farmers accused of sexually assaulting female farm workers in 2005, the Congress of South

African Trade Unions and the Women on Farms Project alleged a pattern of refusal to prosecute whites for worker abuses and demanded a senior-level investigation. The issue was raised in the National Assembly in November 2006; at year's end, however, no investigation had been initiated and no further action had been taken by SAPS or the National Prosecuting Authority (NPA).

*Prison and Detention Center Conditions.*—Most prisons did not meet international standards, and prison conditions did not always meet the country's minimum legal requirements. There were 161,674 prisoners in custody, according to the Governmental Judicial Inspectorate of Prisons (JIP), in facilities designed to hold 115,327 inmates. Due to the severe overcrowding, many prisoners had less than 13 square feet in which to eat, sleep and spend 23 hours per day. The norm applied to South African prisons for floor space per prisoner is approximately 36 square feet for communal space and 60 for single cells. The JIP report said that few prisoners had access to work and rehabilitation programs, and levels of frustration and violence had increased.

According to the JIP report, there were 1,315 prison deaths in 2006, 1,249 of them from natural causes, including HIV/AIDS. The remaining deaths were the result of suicides, assaults, or accidents.

According to a 2006 Department of Health study and a 2005 national HIV survey, approximately 20 percent of the population aged 15 to 49 were HIV-positive. NGOs working on the issue of HIV/AIDS in prisons believed that the percentage of HIV-positive prisoners was higher than that of the general population. Treatment with anti-retroviral (ARV) therapy was provided in prisons, but the percentage of HIV-positive prisoners receiving this treatment was unknown. The Department of Correctional Services (DCS) completed a survey of HIV/AIDS within South African prisons in early 2007 but the results had not yet been released. In partnership with the Department of Health, the DCS obtained accreditation for eight correctional centers as comprehensive prevention, treatment, care, and support centers to assist the DCS in improving access to ARV treatment.

Prison employees and other prisoners allegedly abused and assaulted prisoners physically and sexually. Detainees awaiting trial reportedly contracted HIV/AIDS through rape.

Official corruption was a problem. In many cases police or correctional officers were suspended or expelled from their services for, among other offenses, stealing food and money from prisoners, colluding with prisoners in escape attempts, and providing drugs to inmates. In October the DCS reported that a total of 93 officials, including senior managers, had been investigated for corruption during the 12-month period ending in March. Of these, 43 had been found guilty and fired, 22 received warnings, and 13 cases were dismissed; investigations of the remaining officials were still in progress.

The Jali Commission completed its 2005 investigation into allegations of corruption and sexual abuse in prisons and released its final report in October 2006. The 1,000-page report cited widespread irregularities, including prisoners leaving the premises illegally, nepotism, drug trafficking, irregular appointments of personnel, extortion, abuse of parole procedure, abuse of disciplinary inquiries and appeal procedures, educational qualifications fraud, and massive medical aid fraud. In response to this report, the DCS established an anticorruption unit during the 2006–07 financial year to implement the commission's recommendations. Sixty-two hearings related to fraud, abuse, or corruption were finalized, with a conviction rate of 92 percent.

There were allegations of corruption and abuse of detainees by officials at the overcrowded Lindela Repatriation Center, the country's largest detention facility for undocumented immigrants. Officers from Lindela were among those convicted by the DCS of corruption or abuse.

Although the Government operated 13 youth detention facilities, the JIP reported that 1,165 unsentenced children under the age of 18 were held with adults because they needed to be close to the courts. There were credible reports that these youths were vulnerable to sexual exploitation, including rape.

Pretrial detainees generally were held with convicted prisoners.

The Government permitted independent monitoring of prison conditions, including visits by human rights organizations. According to the JIP's annual report, independent prison visitors collectively spent a total of 99,633 hours visiting all 237 prisons, and interviewed tens of thousands of prisoners. Their observations, including prisoner complaints, were reported monthly to the JIP. The judicial inspectorate also visited all prisons regularly.

*d. Arbitrary Arrest or Detention.*—The Constitution and law prohibit arbitrary arrest and detention, and the Government generally observed these prohibitions; how-

ever, prolonged pretrial detention was a problem, and police arbitrarily arrested demonstrators.

*Role of the Police and Security Apparatus.*—The SAPS, under the Department of Safety and Security, has primary responsibility for internal security. The South African National Defense Force (SANDF), under the Department of Defense, is responsible for external security but also has domestic security responsibilities. The NPA's Directorate of Special Operations—the “Scorpions”—coordinates efforts against organized crime and official corruption. Municipalities also maintained metropolitan police forces under local control in major cities, such as Johannesburg, Durban, Pretoria, and Cape Town.

SAPS continued its major restructuring and transformation from a primarily public order security force to a more accountable, community-service-oriented police force; however, it remained ill-equipped, overworked, and poorly trained. Although SAPS has made efforts to improve its coverage in poorer areas, the majority of police resources and law enforcement attention remained focused on wealthy residential and business areas.

During the year the ICD received 1,787 allegations of criminal offenses committed by police and 2,760 complaints of misconduct, representing an 8 percent increase in allegations of criminal offenses and a 3 percent decline in complaints of misconduct compared to the previous year.

To address problems of crime and misconduct, SAPS provided its officers with comprehensive training in corruption prevention, human rights, and ethics, and with access to social workers, psychologists, and chaplains to enhance social, spiritual, and psychological well-being. The ICD investigated reports of police misconduct and crime; during the 2006–07 reporting period at least 12 officers were found guilty of murder and sentenced to imprisonment.

*Arrest and Detention.*—The law requires arrest warrants and provides that all detainees are to be informed promptly of the reasons for their detention, and of their right to remain silent and the consequences of waiving that right. Detainees must be charged within 48 hours of arrest, held in conditions of human dignity, allowed to consult with legal counsel at every stage, and permitted to communicate with relatives, medical practitioners, and religious counselors. Courts and police generally respected these rights. Detainees must be released (with or without bail) unless the interests of justice require otherwise; however, bail for pretrial detainees often exceeded what suspects could pay. According to the JIP, an estimated 10,800 prisoners remained in detention because they were unable to post bail. Some school children spent more than a year in detention because their families could not post bail.

Human rights groups, judges, and judicial scholars continued to express concern about the Criminal Procedure Second Amendment Act, which mandates minimum jail sentences and prohibits bail in certain cases.

Lengthy pretrial detention was a problem. According to the JIP, detainees waited an average of 3 months, but some as long as 2 years, before a trial. The JIP report found that as of March 31, 48,461, or almost 30 percent of the country's prisoners, were awaiting trial.

*Amnesty.*—The national director of public prosecution continued to prepare cases against persons who were denied amnesty, failed to apply for amnesty, or were implicated in human rights abuses during the Truth and Reconciliation Commission (TRC) process. Investigations continued into the cases of Johannes van Zyl and Johannes Koole for the Pebco Three killing in 1985; in July the NPA found human remains at Post Chambers believed to be those of the Pebco Three.

On August 17, Adriaan Vlok, apartheid-era minister of law and order, and Johan van der Merwe, former commissioner of national police, pled guilty to the attempted poisoning in 1989 of Reverend Frank Chikane, now director general of the presidency. Both Vlok and van der Merwe received 10-year suspended sentences. Three lower ranking police officers who were codefendants received 5-year suspended sentences.

*e. Denial of Fair Public Trial.*—The Constitution and law provide for an independent judiciary, and while the judiciary was generally independent, it was understaffed and underfunded.

*Trial Procedures.*—The bill of rights provides for due process, including the right to a fair public trial within a reasonable time after being charged, and the right to appeal to a higher court. It also gives detainees the right to state-funded legal counsel when “substantial injustice would otherwise result”; however, a general lack of information for accused persons regarding their rights to legal representation and the Government's inability to pay for these services remained problems.

There is a legal presumption of innocence for criminal defendants. Judges and magistrates hear criminal cases and determine guilt or innocence. The law requires

that a panel of lay assessors and a magistrate hear cases involving murder, rape, robbery, indecent assault, and assault leading to serious bodily harm. The two assessors may overrule magistrates on questions of fact. Magistrates also can use assessors in an advisory capacity in adjudicating bail applications and sentences.

The Government operated 46 justice centers in the country, composed of the departments of justice, correctional services, and health, and SAPS, to speed the administration of justice, reduce the court rolls, and alleviate overcrowding in prisons. However, serious delays continued to be a problem.

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

*Civil Judicial Procedures and Remedies.*—There is an independent and impartial judiciary in civil matters. There is access to the courts to bring lawsuits seeking damages for, or cessation of, a human rights violation.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution and law prohibit such actions; however, there were allegations of police abuse during sweeps and home searches and other criticisms against government legislation and practices.

The law authorizes state monitoring of telecommunications systems for criminal investigations, including cellular telephones, the Internet, and e-mail, but these provisions had not been implemented by year's end.

The Promotion of Access to Information Act is intended to assist authorities in obtaining personal information in connection with criminal investigations; however, opposition parties and human rights NGOs objected to its broadly defined provision that enabled the Government to access an individual's personal information.

Farm owners continued to evict workers legally and illegally. The law requires that evictions be approved by a court; however, fewer than 1 percent of evictions involved a legal process, according to the NKUZI Development Association, a domestic NGO. NKUZI's extensive national eviction survey indicated that farm workers were generally unaware of their right to legal counsel during eviction proceedings.

There were reports that persons accused of witchcraft were attacked and driven from their villages in rural communities, particularly in Limpopo, Mpumalanga, KwaZulu-Natal, and the Eastern Cape, where suspicion of witchcraft activity could lead to accusation, assault, forced exile, and murder.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution and law provide for freedom of speech and of the press, and the Government generally respected these rights. Individuals criticized the Government both publicly and privately without reprisal. Several apartheid-era laws that remained in force posed a potential threat to media independence.

The independent media were active and expressed a wide variety of views, although some journalists expressed concern that the Government heavily influenced and tried to control the media.

According to South African Advertising Research Trends 2002–06, print media reached 42.4 percent of the population. Nevertheless, the majority of the population received news through radio broadcasts from the government-owned South African Broadcasting Corporation (SABC) and community radio stations.

The SABC provided broadcasting in the country's 11 official languages and continued to own and control the majority of television and radio outlets. The SABC provided news coverage of the Government and the leading opposition parties; however, media commentators and opposition politicians continued to criticize the SABC for allegedly showing partiality in its coverage of government ministers or events. A 2006 Commission of Inquiry determined that the managing director of the SABC News and Current Affairs Division excluded eight commentators for reasons that were not "objectively defensible," but it found no "definitively consistent pattern" of exclusion based on criticism of government policy or the president. SABC sought to limit public scrutiny of the commission's report by filing a motion in the Johannesburg High Court seeking to require the Mail & Guardian newspaper to remove the report from its website. SABC's case was dismissed by the court and SABC was required to pay the court costs. In August coverage of allegations against Health Minister Manto Tshabalala-Msimang was allegedly suppressed for political reasons by SABC management. Some of the excluded commentators were subsequently included in SABC programs; Aubrey Matshiqui was on an SABC program in late October, and Steven Friedman was interviewed on radio earlier in the year.

Low-power, nonprofit community radio stations continued to play an important role in informing the mostly rural public; however, they often had difficulty producing adequate content and maintaining staff. Government broadcast regulators

regularly issued new community radio licenses and withdrew others for noncompliance with the terms of issuance.

The only independent television station, e.tv, was accessible to 56.8 percent of the population. Satellite programming was also available.

High-ranking government officials on occasion reacted sharply to media criticism and accused black journalists of disloyalty and white journalists of racism. Some journalists believed that the Government's sensitivity to criticism caused self-censorship in the media.

Several laws remained in effect that permitted the Government to restrict the publication of information about the police, the national defense forces, prisons, and mental institutions. There were no reports that these laws were invoked during the year; however, journalists and media managers considered them a threat to constitutional protections.

The Foreign Publication Board reviewed written and graphic materials published in, or imported into, the country. The board had the power to edit or ban books, magazines, movies, and videos, and it regularly exercised that power, mostly regarding pornographic material. Journalists, media houses, and industry associations continued to criticize efforts to extend the board's authority to newspapers and broadcast media. A proposed amendment to the Films and Publication Act would allow for board review and classification of print and broadcast products, and has fueled fears that the Government was seeking additional control over media.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in peaceful expression of views via the Internet, including by electronic mail. Figures from 2007 Internet World Stats indicated that 10.3 percent of the country's population had ready access to, and routinely used, the Internet.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The Constitution and law provide for freedom of assembly; however, police forcibly dispersed several demonstrations during the year, which resulted in injuries.

On June 19, Durban Metro police used rubber bullets, stun grenades, pepper spray, and a water cannon to disperse crowds protesting arrests of informal traders. Police also were alleged to have beaten protestors with batons. Over 500 protestors were arrested, and several were injured.

On August 15, police in Pretoria used rubber bullets and a water cannon to disperse approximately 2,000 students protesting the suspension of classes at Tshwane University of Technology. Sixteen students were arrested; no injuries were reported.

Several protests about poor delivery of basic services took place across the country, including violent demonstrations in Cape Town, Mpumalanga, and Gauteng. Police resorted to batons, rubber bullets, and water cannon to control these demonstrations; several injuries were reported.

*Freedom of Association.*—The law provides for freedom of association, and the Government generally respected this right.

*c. Freedom of Religion.*—The Constitution and law provide for freedom of religion; the Government generally respected this right, and did not tolerate abuse either by government or private actors. In October the Constitutional Court ruled that the wearing of a nose stud by Hindu student Sunali Pillay was a form of religious expression; the school she attends was ordered to review its code of conduct to accommodate diverse religious and cultural practices.

*Societal Abuses and Discrimination.*—There were occasional reports of desecration and vandalism or verbal or written harassment directed against religious minorities during the year. In Johannesburg the Advertising Standards Authority ruled against a religious advertisement deemed to be offensive to Orthodox Jews.

In Durban a teacher reportedly ridiculed Hinduism in her classroom, saying that Hindus were destined for hell. The Human Rights Commission was investigating the complaint.

The Jewish community numbered an estimated 80,000 persons. There were limited instances of anti-Semitic verbal assaults and vandalism of Jewish property and institutions. In December 2006 an ANC member of Parliament, speaking at an academic conference at the University of South Africa in Pretoria, referred to the notoriously anti-Semitic czarist forgery *The Protocols of the Elders of Zion* as a reliable historical document. Another delegate to the conference reiterated Iranian President Ahmedinajad's claim that the Holocaust was "a myth." Following the conference,

ANC spokesman Smuts Ngonyama stated that the ANC's position was that the Nazi genocide should be "condemned with the contempt it deserves."

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

The law does not prohibit forced exile; however, the Government did not use it.

*Protection of Refugees.*—The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. The law also provides for a broader definition of refugee status to be granted if a person satisfies the definition in the 1969 Organization of African Unity's Convention Governing the Specific Aspects of Refugee Problems in Africa. In practice, the Government provided protection against "refoulement," the forcible return of persons to a country where there is reason to believe they feared persecution, and granted refugee status and asylum.

The Government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers. The Government also offered temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol. Such protection was provided to approximately 29,000 persons during the year.

With the growing economic and political problems in neighboring Zimbabwe, the number of Zimbabweans seeking employment in South Africa grew rapidly. The UNHCR and the Department of Home Affairs (DHA) reported an increase in Zimbabwean asylum applications, to approximately 29,000 by October, and DHA was struggling to keep up with new applications. A temporary asylum permit is the only legal way for migrants to stay and work in South Africa, creating an incentive for persons with no valid claim to submit asylum applications. While no official statistics were released, press reports asserted that as many as 49,000 illegal immigrants entered from Zimbabwe every month. Several hundred without valid refugee claims were detained each day at the Lindela Repatriation Centre and at the Messina detention facility prior to repatriation to Zimbabwe. The International Organization for Migration (IOM) reported that more than 126,000 Zimbabweans departed from South Africa were registered as seeking assistance at its Beitbridge Repatriation Center at the end of the year.

The NGO Lawyers for Human Rights criticized the DHA for its alleged failure to follow the provisions of the Immigration Act and the Refugee Act. Despite procedural safeguards, efforts to combat a growing illegal immigration problem occasionally resulted in the Government arbitrarily deporting illegal aliens, some with potential refugee claims. There were reports that police and immigration officials abused refugees and asylum seekers and that they repatriated asylum seekers from throughout Africa immediately upon their arrival at airports without giving them the benefit of formal asylum processing. Applicants for asylum and NGOs assisting refugees also reported that immigration authorities sought bribes from those seeking permits to remain in the country. However, there were no reports during the year of the forced return of persons to countries where they feared persecution. The DHA adopted anticorruption programs and imposed sanctions on officials found to be accepting bribes.

White farmers in Limpopo Province along the border with Zimbabwe adopted vigilante tactics in an attempt to stem the flow of Zimbabwean refugees. Using vehicles designed for game hunting, the farmers tracked down and detained illegal immigrants and turned them over to local police who deported them. Human rights groups condemned these actions, calling the farm groups "paramilitary organizations behaving in a racist manner."

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

The Constitution and law provide citizens with the right to change their government peacefully, and citizens exercised this right through periodic, free, and fair elections based on universal suffrage.

*Elections and Political Participation.*—The country held a largely peaceful national election in 2004; Thabo Mbeki was elected to a second 5-year term as president and head of state. The 2004 election was marred by a few incidents of political violence in KwaZulu-Natal. The IFP registered a number of complaints with the Independent Electoral Commission, including excessive numbers of absentee ballots



and incidents of political intimidation. The IPF challenged the election in KwaZulu-Natal but later withdrew its court action and accepted the results. The ANC increased its parliamentary strength from 266 seats to 279 out of 400 seats. Floor crossing by members initially elected as representatives of other parties increased the ANC's seats to 297 at the end of 2007. Three small parties lost their parliamentary representatives to other parties during the year, reducing the number of parties with parliamentary representation to 14.

As of November, women held 12 of 28 ministerial positions and eight of 21 deputy ministerial slots. There were 150 women in the 400-seat National Assembly and 19 women among the 54 permanent members of the National Council of Provinces (NCOP). Women occupied three of four parliamentary presiding officer positions, including speaker and deputy speaker of the National Assembly and deputy chair of the NCOP.

There were approximately 140 members of minorities (non-black citizens) in the National Assembly. There were approximately 20 minority members among the 54 permanent members of the NCOP. The cabinet included six members of minority groups.

*Government Corruption and Transparency.*—The Government continued its efforts to curb corruption, but, according to the World Bank's Worldwide Governance Indicators, government corruption remained a problem. The public perception of widespread official corruption, particularly in the police and the DHA, continued.

The Government's anticorruption actions included ongoing investigations into the alleged misconduct of public officials, which resulted in numerous convictions during the year. At least 10 agencies were engaged in anticorruption efforts. Some, like the Public Service Commission, the Office of the Public Prosecutor, and the Office of the Auditor-General, are constitutionally mandated. The SAPS Anti-Corruption Unit and the NPA's Directorate of Special Operations have dedicated units to combat corruption. The Special Investigating Unit (SIU) in the Office of the President investigated corruption in government departments and, according to press reports in August, identified hundreds of civil servants alleged to have improperly received state housing subsidies. The Government took administrative action to recover these subsidies.

The Office of the Public Protector investigated government abuse and mismanagement and served as the office of last resort for citizens reporting unfair treatment by government entities. The office handled an increasing number of complaints but was hampered by severe resource constraints.

Bloemfontein's municipal manager and its chief operating officer were found guilty of corruption charges by a disciplinary hearing and were fired. They were indicted in October 2006 on charges of corruption and fraud. In December the trial was postponed until an undetermined date in 2008.

The Government continued to prosecute officials involved in "Travelgate," the 2004 scandal involving misuse of official funds by parliamentarians and their travel agents. One of the three indicted Members of Parliament (MPs) pled guilty to fraud and theft, as did one of the five travel agents. Trial of the remaining four agents was postponed until February 2008. The two remaining MPs under indictment, Mnyamazeli Booi and Antoinette Versfeld, were granted a separate trial from that of the travel agents, and their trial was also postponed until early 2008.

The NPA continued its investigation into corruption charges against former deputy President Jacob Zuma. On November 8 the Supreme Court of Appeal dismissed Zuma's appeal to stop the NPA from using documents uncovered during the execution of search warrants in its possible prosecution of Zuma. Zuma announced his intention to appeal this decision to the Constitutional Court. On December 28, the NPA indicted Zuma on 16 counts of racketeering, corruption, money laundering, and fraud. Zuma's trial was scheduled for August 2008.

The law provides for access to government information; however the Government did not always comply with the law. If a government department refuses to provide information, the requester can launch an internal appeal. If this also fails, the requester may appeal a decision to the high court, a time-consuming process that excludes groups or individuals who cannot afford it. The Open Democracy Advice Center (ODAC) continued to report that many requests for information went unanswered or were answered outside the period provided for in the legislation. However, ODAC's 2005 annual report (the most recent available) noted that many requests were unclear or poorly drafted, making a response difficult.

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

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

human rights cases. Government officials were generally cooperative and responsive to their views. Many organizations participated in governmental bodies that gathered information and developed policies related to human rights.

The South African Human Rights Commission (SAHRC), which was created by the Government but operated independently, was responsible for promoting the observance of fundamental human rights at all levels of government and throughout the general population. The SAHRC also has the power to conduct investigations, issue subpoenas, and hear testimony under oath. During 2006 the SAHRC issued reports on xenophobia, school violence, human rights and values, and freedom of expression.

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

The Constitution and law prohibit discrimination on the grounds of race, disability, ethnic or social origin, color, age, culture, language, sex, pregnancy, sexual orientation, or marital status. However, entrenched attitudes and practices, as well as limited resources, sometimes restricted the practical effect of these legal protections.

*Women.*—Rape, including spousal rape, is illegal, but remained a serious problem. According to the 2006–07 SAPS annual report, the incidence of rape decreased 5.2 percent from the previous year to 111.0 rapes per 100,000 persons. A total of 52,617 rapes were reported. A poor security climate and societal attitudes condoning sexual violence against women contributed to the problem. Amnesty International estimated that the number of reported rapes was only one-third of the number of actual rapes. Although judges in rape cases generally followed statutory sentencing guidelines, women’s advocacy groups occasionally criticized judges for using criteria such as the victim’s behavior or relationship to the rapist as a basis for imposing lighter sentences.

Allegations of rape, sexual assault, and sexual harassment of black citizen and foreign migrant female farm workers by farm owners, managers, and by other farm workers were common.

The Government operated 62 sexual offenses courts throughout the country that included designated waiting rooms and counseling for victims. The NPA’s Sexual Offenses and Community Affairs Unit (SOCA) operated 10 Thuthuzela Care Centers (TCC), which specialized in rape care management, and streamlined a network of existing investigative, prosecutorial, medical, and psychological services in the hospitals where they were located. Seven more TCCs are planned for 2008. SOCA plans to establish 80 TCCs by 2010.

Domestic violence was pervasive and included physical, sexual, emotional, and verbal abuse, as well as harassment and stalking by former partners. The Domestic Violence Act of 1998 defines victims of domestic violence (including persons who are not in legal or common-law marriages), facilitates the serving of protection orders on abusers, requires the police to take victims to a place of safety, and allows police to seize firearms at the scene and to arrest abusers without a warrant. Violating a protection order is punishable by a prison sentence of up to 5 years, or 20 years if additional criminal charges are brought.

According to NGOs, an estimated 25 percent of women were in abusive relationships, but few reported it. TCC counselors also alleged that doctors, police officers, and judges often treated abused women poorly.

The Government financed 39 shelters for abused women, but more were needed, particularly in rural areas. The SAPS has been converting Child Protection Units to Family Violence, Child Protection, and Sexual Offenses Units (FCS); as of March there were 66 FCSs. FCS investigating officers and other police officers received annual training in gender sensitivity. The Government continued to conduct domestic violence awareness campaigns.

Prostitution is illegal but was widespread and practiced openly.

There were reports that women were trafficked to and from the country for exploitation in prostitution.

The law prohibits sexual harassment; however, sexual harassment remained a widespread problem. Discrimination against women remained a serious problem despite their equal rights under the law governing inheritance, divorce, and child custody. Women experienced economic discrimination in areas such as wages, extension of credit, and ownership of land. For example, township housing transfer schemes favored existing titleholders, who tended to be men. Many rural areas were administered through traditional leadership structures, often including a chief or a council of elders, who did not grant land tenure to women, a precondition for access to housing subsidies.

Women, particularly black women, typically had lower incomes and less job security than men. Most women were engaged in poorly paid domestic labor and micro-

enterprises, which did not provide job security or benefits. The Department of Trade and Industry provided incentive grants to promote the development of small and medium-size businesses and micro-enterprises for women, young persons, and persons with disabilities.

According to a 2006 survey, the number of women in top leadership positions has grown in recent years. Nevertheless, while women comprised 41 percent of the working population, they held only 16.8 percent of executive-level and 11.5 percent of director-level positions.

Female farm workers often experienced discrimination, and their access to housing often was dependent on their relationship to male farm workers. Female farm workers on maternity leave who could not obtain timely compensation via the Unemployment Insurance Fund often had no choice but to return to work shortly after giving birth, according to NGOs working with farm workers in Limpopo Province.

A number of governmental bodies and NGOs monitored and promoted women's human rights. Numerous active women's rights groups focused on such areas as violence against women and the economic advancement of women.

*Children.*—The Government was generally committed to children's welfare. The law provides for greater educational opportunities for disadvantaged children—traditionally black children—through a uniform system for the organization, governance, and funding of schools. It mandates compulsory education from ages 7 to 15 and ensures that children cannot be refused admission to public schools due to a lack of funds. However, public education is fee-based and the Government does not fully subsidize education. Even if children qualify for fee exemptions, low-income parents had difficulty paying for uniforms, books, and supplies. Children, therefore, may be enrolled in, yet never attend school. According to the October 2006 School Realities Report published by the Department of Education, 98 percent of grade 1–12 school-age children were enrolled in school. Those not enrolled tended to be children with special needs. Most children attended school until the age of 15 or after eligibility for the Child Support Grant ends at age 14. There generally were comparable attendance numbers for boys and girls but a number of factors, including unplanned pregnancies, domestic responsibilities (particularly in rural areas), and gender stereotypes contributed to higher drop-out rates and lower secondary school pass rates for girls.

There continued to be reports of rape, sexual abuse, sexual harassment, and assaults of girls at school by teachers, students, and other persons in the school community. The law requires schools to disclose sexual abuse to the authorities; however, administrators often concealed sexual violence or delayed disciplinary action. The level of sexual violence in schools also increased the risk for girls of contracting HIV/AIDS or other sexually transmitted diseases, as well as unwanted pregnancies.

Although the law prohibits corporal punishment in schools, there were reports that teachers used physical violence to discipline students. Student-on-student violence, including racially motivated violence, continued to be a major concern of educational authorities and parents. Teacher organizations, parents, and police worked together in the "Safe Schools Program" to address these problems. Many schools implemented "Adopt-a-Cop" programs inviting SAPS officers into their schools for training and security.

HIV/AIDS activists, physicians, and opposition parties continued to criticize the Government for failing to provide ARV therapy to all pregnant and breast-feeding women and thereby protect young children from HIV/AIDS transmission. The Government has expanded the number of antenatal clinics providing nevirapine to HIV-positive mothers, but has not been able to keep up with the rapidly growing number of children affected by HIV/AIDS, including both infected children and AIDS orphans.

Violence against children, including domestic violence and sexual abuse, remained widespread. While there was increased attention to the problem, a lack of coordinated and comprehensive strategies to deal with violent crimes continued to impede the delivery of needed services to young victims. According to the 2006–07 SAPS report, 22,625 children were raped, 1,152 were murdered, 20,445 were assaulted with intention to do grievous bodily harm, and 4,710 were subjected to indecent assault. Observers believed that these figures represented a small percentage of the actual incidence of child rape, especially because most cases involving family members were not reported. TCC staff reported that over 60 percent of the victims treated at four TCCs during the month of September 2007 were children. The country had a low conviction rate for rape and child abuse. The age of consent is 16 and the statutory sentence for rape of a child is life in prison; however, the law grants judges the discretion to issue more lenient sentences.

The high incidence of HIV/AIDS has resulted in an increase in the number of child-headed households. These children sometimes turned to prostitution to support

themselves and their siblings. NGOs provided shelter and medical and legal assistance for children in prostitution and a hot line for victims of child abuse. The Government donated land and buildings for shelters for such children, as well as other victims of sexual abuse, street children, and orphans.

AIDS activists alleged that children in prostitution were often highly sought after because of the widely-held belief that sex with a virgin provided a cure for HIV/AIDS.

Despite outreach programs to discourage the practice, ritual adult male circumcision, usually by medically unqualified practitioners, was still a prevalent initiation tradition in various parts of the country. Initiation practices, which included circumcisions, continued during the year. The House of Traditional Leaders attempted to address unsafe initiation practices and designed strategies to prevent deaths and the spread of diseases, such as HIV/AIDS. The Department of Health in the Eastern Cape provided surgeons, health officials, and vehicles during the June initiation season to monitor initiation practices. Nonetheless, 12 circumcision-related deaths were reported in the Eastern Cape during the June initiation period, according to press reports. More than 20 illegal traditional surgeons were arrested and nearly 100 youths were hospitalized for botched procedures.

The Government continued to increase its social welfare programs for children affected by poverty and the loss of their parents, and, according to a Social Security Agency report, more than 7.9 million children had received such grants as of July 31. Child support grants covered children up to the age of 14, but it was sometimes difficult for children, particularly those in rural areas or without documentation, to obtain access to health care facilities and other social welfare programs. The Government's 2007–08 budget proposed to make the child support grants available up to age 16.

*Trafficking in Persons.*—The law prohibits “the recruitment, sale, supply, transportation, transfer, harboring or receipt of children, within or across the borders of the Republic.” The law also prohibits the commercial sexual exploitation of children, sexual intercourse with children under 16, or permitting a female under 16 to stay in a brothel for the purpose of prostitution. However, the Department of Social Development has not yet issued the regulations that will govern the implementation of this legislation. The maximum penalty for violations of the law is 20 years in prison.

The Government uses several provisions of criminal law to prosecute traffickers. The Sexual Offenses Act of 2007 contains measures outlawing trafficking for purposes of sexual exploitation.

The country was a destination, transit route, and point of origin for the trafficking of persons, including children, from other countries in Africa, Asia, and Europe for prostitution and forced labor. Domestic and international organized crime syndicates trafficked women into the country for use in the sex industry. Young men were trafficked chiefly for agricultural work.

The precise extent of trafficking operations was unknown, but a substantial number of persons were believed to be trafficked annually. The IOM reported in 2003 that 12 major routes for trafficking operations made use of the country.

Trafficked women and children who worked in the sex industry often lived with other trafficked victims in segregated areas. They were frequently under constant surveillance; usually had no money or identifying documents; were often in debt to the agents who arranged their travel; often worked long hours—in some cases up to 18 hours each day and on weekends and when ill; and sometimes were fined by their traffickers for infractions of arbitrary rules. Young men trafficked for forced agricultural labor often were subjected to violence and food rationing.

According to the IOM, several major criminal groups operating in the country trafficked women: Bulgarian and Thai syndicates, and Russian, Chinese, and African (mainly West African) criminal organizations. Traffickers also included South African citizens and African refugees resident in the country.

In most cases traffickers lured foreign women with promises of employment, marriage, or educational opportunities abroad. Traffickers often lured the children of poor families with promises of jobs, education, or a better way of life. Victims, who could be kidnapped or forced to follow their traffickers, were subjected to threats of violence, withholding of documents, and debt bondage to ensure compliance.

During the year an interagency task team led by SOCA was established and began to develop a strategy for dealing comprehensively with trafficking in persons. The task team included representatives from SOCA, SAPS, NPA, IOM, UNODC, and several government ministries, as well as local and international NGOs. Assisted by funding from external donors, the task team planned to establish a rapid response team in 2008 to deal with trafficking cases.

Corruption within the police, immigration, customs, and private services at the international airports impeded interdiction efforts. Traffickers reportedly bribed officials to help them move victims out of the transit area to avoid detection. During the year DHA dismissed several immigration officers for involvement in trafficking and for petty corruption relating to trafficking. The border police, SAPS, and judicial officials received additional training in antitrafficking during the year, but confusion between smuggling and trafficking remained a problem and the lack of antitrafficking legislation inhibited prosecutions.

The country has established 62 sexual offenses courts with authority to handle trafficking cases. The case against a person who allegedly trafficked a Zimbabwean national was brought before the sexual offenses court in Makhado in July. The defendant was charged with violations of migration laws and the Sexual Offense Act; charges were pending at year's end.

The NPA maintained a witness protection unit headed by a special director of public prosecutions, but relied heavily on NGOs to provide witness protection for trafficking victims. Some domestic victims of trafficking were placed in government facilities for the sexually abused. The Government continued to fund private shelters that provided short- and long-term care to trafficking victims.

Durban police arrested and detained on prostitution and related charges 21 Thai women suspected of being trafficking victims during the year. At year's end two criminal cases were under investigation, and four of the Thai women had agreed to testify against their traffickers; these women were placed in protective custody. The other 17 were deported. No trial date had been set for either case by year's end.

*Persons with Disabilities.*—The law prohibits discrimination on the basis of disability; however, government and private sector discrimination in employment existed. The law mandates access to buildings for persons with disabilities, but such regulations were rarely enforced, and public awareness of them remained minimal.

The law provides persons with disabilities with protection from harassment and, in conjunction with the Employment Equity Act, also provides guidelines on the recruitment and selection of persons with disabilities, reasonable accommodation for persons with disabilities, and guidelines on proper handling of employee medical information. Enforcement of this law was limited. The law also requires employers with more than 50 workers to create an affirmative action plan with provisions for achieving employment equity for persons with disabilities. The Black Economic Empowerment Act is law, and codes of good practices specifying company obligations under the act were published in the official gazette on February 9. Persons with disabilities constituted 5.9 percent of the general population, but only a minuscule estimated 0.02 percent of the public service workforce.

*National/Racial/Ethnic Minorities.*—The law requires employers with 50 or more employees to ensure that previously disadvantaged groups, legally defined as "Blacks" (including "Africans," "Colored," and "Asians," and collectively constituting more than 90 percent of the country's population) are represented adequately at all levels of the workforce. Notwithstanding the country's antidiscrimination legislation, however, the Department of Labor's (DOL) 2005 "Employment Equity Analysis" reports that Blacks remained underrepresented, particularly at the professional and managerial levels. According to that report, only 28 percent of top management positions, and approximately 53 percent of professional positions, were held by Blacks. The report makes it clear that Black women remained by far the most disadvantaged in terms of the number and quality of management or skilled jobs. Employers cited a lack of training and development, poor recruitment processes, and an antagonistic corporate culture as the main impediments to affirmative action.

The continued killings of mostly white farm owners by black assailants created concern among white farmers that they were being targeted for racial and political reasons. There also were reports that white employers abused and killed black farm laborers, and complaints that white employers received preferential treatment from the authorities.

There were a number of attacks on foreigners, and anti-immigrant groups such as the Unemployed Masses of South Africa often blamed immigrants for job losses and increasing levels of crime. In February police used stun grenades to quell anti-Somali rioting in Port Elizabeth. Police arrested 27 persons after a crowd pelted Somali-owned shops with stones. In June a Somali store owner was shot and killed and three others injured in incidents in the Western Cape; no arrests were made.

Zimbabweans, believed to be the largest African immigrant group in the country, frequently complained that they were targeted by criminals and harassed by police in major cities.

*Indigenous People.*—The Khoikhoi, indigenous nomadic herders of cattle and sheep, were dispossessed of their native lands and dispersed throughout the country

in the 1970s. Today only a few thousand Khoikhoi remain, some of whom work as farmers or as farm laborers. Under the law the Khoikhoi have the same political and economic rights as other citizens; however, their participation was limited due to fewer opportunities, minimal access to education, and relative isolation.

*Other Societal Abuses and Discrimination.*—The post-apartheid Constitution outlawed discrimination based on sexual orientation, and in December 2006 the country legalized same-sex marriage. There was some societal violence and discrimination against homosexuals, but no reports of official violence or discrimination.

Although the Government conducted campaigns to reduce or eliminate discrimination against persons with HIV/AIDS, the social stigma associated with HIV/AIDS remained a general problem. There were reports that families and communities abused HIV-infected individuals.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law allows all workers with the exception of members of the National Intelligence Agency and the Secret Service to form and join unions of their choice without previous authorization or excessive requirements, and these laws were applied. A labor court and labor appeals court enforced these rights. There were slight gains in union membership during the year despite significant job layoffs in heavily unionized sectors of the economy, such as manufacturing. According to a March 2006 labor force survey, 29 percent of the total labor force was unionized.

Although labor laws extend to farm workers, some unions encountered difficulties trying to organize farm workers because union organizers were considered trespassers on private property. In addition, farm workers or residents who attempted to organize were sometimes harassed, dismissed, and evicted. The DOL and unions enlisted the cooperation of AgriSA, the national farmers' organization, to educate farmers about workers' rights and to improve working conditions. The DOL reported in March 2006 that only 8 percent of the 649,000 workers in the agricultural labor force were unionized, a drop of 10 percent in a single year that some observers attributed to recent droughts and poor harvests.

*b. The Right to Organize and Bargain Collectively.*—The law allows unions to conduct their activities without interference. The Government protected these rights and workers exercised them. Unions were able to organize workers freely in most sectors (farm workers living on privately-owned farms were an exception), and to bargain collectively by sector. The Government sets minimum wages in certain sectors where unions are present but represent only a small proportion of the labor force in that sector.

The law provides for the right to strike, and workers exercised this right. Although members of the SANDF were allowed to join a union, they and other workers considered to be providing an essential service were prohibited from striking. Disputes between workers in essential services and their employers that are not resolved through collective bargaining, independent mediation, or conciliation are referred to arbitration or the labor courts. Despite the prohibition, public sector employees, including essential personnel, went on strike in May and June after the Government refused to conclude a minimum staffing agreement. Some employees in essential services received warning letters.

During the May-June public sector employee strike, there were incidents of damage to public property and injuries to persons. Allegations of threats and intimidation were common, as was violence against non-striking workers and students. After settlement of the strike in July, the Government insisted that all striking workers who resorted to violence and intimidation would be severely disciplined. However, by year's end all such charges appear to have been dismissed.

There were no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—Child labor is prohibited by law; however, child labor was widespread in informal and agricultural sectors, particularly in the former homeland areas. The Government generally enforced child labor laws in the formal sectors of the economy. The death of parents by HIV/AIDS has increased the number of children who have to support themselves and often younger siblings in households headed by children.

The law prohibits employment of a child less than 15 years of age or under the minimum school-leaving age. Children over 15 but under 18 are also prohibited from work that places at risk the child's wellbeing, education, physical or mental health, or spiritual, moral, or social development. Underage children were allowed to work

in the performing arts if their employer received DOL permission and agreed to follow specific guidelines.

According to the Survey of Activities of Young People, issued by the DOL in 2002, approximately 800,000 of the country's children older than 10 were working as laborers, either in or outside the home. The study stated that nearly 270,000 children reported having difficulty in school because of work obligations, while 80,000 children reported missing school completely. Among those who claimed that work was damaging their school performance, approximately 21,000 children said they were doing paid labor or working in a family business. Of all child laborers, roughly 92,000 were doing work that violated the country's labor laws. Child laborers, including some from Zimbabwe and Mozambique, worked illegally in the country on commercial farms, for the taxi industry, or as domestic servants.

During the year the DOL employed approximately 1,000 labor inspectors to investigate reports of violations and to enforce existing policies. Violation of laws regulating child employment is punishable by a maximum prison sentence of 3 years or a fine of \$2,135 (15,000 rand). During the year employers were convicted of violating child labor laws and sentenced to fines or up to 3 years in prison. In some cases, DOL inspectors opted to resolve child labor cases by counseling of employers, parents, and children, or by enlisting the services of professionals in the welfare and education departments. There were reports that inspectors had difficulty gaining access to farms where child labor was reported. In December a farmer in Northwest Province faced prosecution after labor inspectors found 16 children working on his farm.

The Government's Child Labor Program of Action integrated the priorities of government ministries to combat child labor. However, the single largest factor in reducing child labor remained the Child Support Grant which was recently increased to nearly \$30 (200 rand) per month and covers children up to 14 years old.

*e. Acceptable Conditions of Work.*—There was no legally mandated national minimum wage, although the law gives the DOL authority to set wages by sector. Minimum wages were established for the retail sector, farm laborers, domestic workers, and taxi (minibus) drivers. The minimum wage for farm workers was approximately \$149 (1041 rand) a month in urban areas and \$141 (989 rand) a month in rural areas. The minimum monthly wages for domestic workers employed more than 27 hours per week ranged from \$88 (613 rand) to \$153 (1068 rand). Depending on the province, compliance with the minimum wage rate generally ranged from 65 to 90 percent, according to 2004 DOL figures. Minimum wages did not provide a decent standard of living for a worker and family; the Government undertook other actions to alleviate poverty, including annual above-inflation mandatory wage increases for farm workers, exemptions from school fees, and improved access to health care.

Annual negotiations between employers and employee associations or unions set wage rates on an industry-by-industry or plant-by-plant basis for unionized workers in the formal economy. Such negotiated wages were generally sufficient to provide a decent standard of living for a worker and family; however, this was not the case in sectors where workers were not organized sufficiently to engage in collective bargaining. As a result, many unskilled or rural workers were unable to provide an adequate standard of living for themselves and their families.

The law establishes a 45-hour workweek, standardizes time-and-a-half pay for overtime, and authorizes 4 months of maternity leave for women. A ministerial determination exempted businesses employing fewer than 10 persons from certain provisions of the law concerning overtime and leave. Farmers and other employers could apply for variations from the law by showing good cause.

The Government set occupational health and safety standards through the Department of Minerals and Energy for the mining industry and through the DOL for all other industries. Occupational health and safety issues were a top priority of trade unions, especially in the mining, construction, and heavy manufacturing industries where processes were dangerous and sometimes deadly. The law provides for the right of mine employees to remove themselves from work deemed dangerous to health or safety. In addition, a tripartite mine health and safety council and an inspectorate of mine health and safety were responsible for enforcing the law and monitoring compliance with its provisions. On December 4, miners staged a 1-day strike to protest safety conditions following a number of serious accidents. The Government ordered a safety inspection of all of the country's 2,800 mines, which was under way at the end of the year. The Department of Minerals and Energy reported preliminary figures showing that there were 221 mining fatalities in 2007, an increase of 11 percent over the previous year.

The law prohibits discrimination against an employee who asserts a right granted by the law and requires mine owners to file annual reports providing statistics on health and safety incidents for each mine.

Other than in the mining industry, there were no laws or regulations that permitted workers to remove themselves from work situations deemed dangerous to their health or safety without risking loss of employment; however, the law provides that employers may not retaliate against employees who disclose dangerous workplace conditions.

Labor conditions were harsh for farm workers, most of whom were black. Many farm owners did not accurately measure working hours. Twelve-hour days were common during harvest time, and few farmers provided overtime benefits. Human Rights Watch reported low wages, a lack of basic services in farm workers' housing, and inadequate education for workers' dependents. Farm owners continued to evict workers legally and illegally. There was a lack of compliance with labor legislation and significant violence and crime against farm workers and farm owners. Health and safety regulations often were not observed when chemicals were used in agricultural work. Trade unions reported that some farm workers continued to be paid at least in part with alcohol and that compliance with wage legislation was spotty.

## SUDAN

Sudan, a republic with an estimated population of 39.4 million, is governed according to a power-sharing arrangement established by the January 2005 Comprehensive Peace Agreement (CPA), which ended the 22-year civil war between the north and south and established an interim Government of National Unity. The Government's mandate extends until scheduled elections in 2009. The Government of National Unity is composed of the National Congress Party (NCP), dominated by Islamists from the north and ruled by authoritarian President Omar Hassan al-Bashir and his inner circle, and the Sudan People's Liberation Movement (SPLM), the political wing of the Sudan People's Liberation Army (SPLA), led predominantly by Christians and practitioners of traditional indigenous religions from the south. In 2000 Bashir was reelected, and his political party won 340 out of 360 seats in the Parliament in deeply flawed elections boycotted by all major opposition parties. The SPLM acts as the ruling party of the autonomous Government of Southern Sudan, established in October 2005. The autonomous government ratified a separate Constitution in December 2005. A referendum to determine whether the south will become an independent entity is scheduled for 2011. Civilian authorities generally maintained effective control of the security forces and government-aligned militia; however, there were some instances in which elements of the security forces and government-aligned militia acted independently.

The country experienced several violent ethnic conflicts during the year. Despite the signing of the Darfur Peace Agreement (DPA) by the Government and Minni Minawi's faction of the Sudan Liberation Movement/Army (SLM/A) in May 2006, the ethnic conflict in Darfur continued. Government forces, government-aligned militia (janjaweed), Darfur rebel groups, and tribal factions continued to commit serious abuses during the year. Tensions and violence persisted in the south over the implementation of the CPA. Unlike in the previous year, there were no reports of violence in the east, where the rebel Eastern Front signed a peace agreement with the Government in October 2006. Conflict on the country's western border with Chad was, in part, a spillover of the conflict in Darfur and, in part, attributable to Chadian rebel forces based in Darfur who were opposed to the rule of Chadian President Idriss Deby. The Lord's Resistance Army (LRA), a Ugandan rebel movement, allegedly made incursions into Southern Sudan and attacked and killed civilians.

In Darfur government forces, janjaweed, Darfur rebel groups, and tribal factions committed serious abuses during the year, including the reported killing of approximately 1,600 persons. Government, janjaweed militias, and tribal factions razed numerous villages, committed acts of torture, and perpetrated violence against women. Darfur rebel groups were also responsible for rape and attacks on humanitarian convoys and compounds to steal equipment and supplies, resulting in injury to humanitarian workers. Civilians continued to suffer from the effects of genocide. In 2004 then-U.S. Secretary of State Colin Powell testified before the U.S. Senate Foreign Relations Committee that "genocide has been committed in Darfur and that the Government of Sudan and the Jingaweit (janjaweed) bear responsibility." Many times during the year President Bush referred to actions in Darfur as genocide. According to the U.N., more than 200,000 persons have died, 2.2 million civilians have been internally displaced, and an estimated 231,000 refugees have fled to neighboring Chad since the conflict began in 2003. Despite the presence in Darfur of the African Union-led international monitoring force (African Union Mission in Sudan or AMIS), security remained a major problem throughout the year.



In Southern Sudan delays in CPA implementation, particularly the provisions of its security arrangements governing demobilization, disarmament, and reintegration, continued to foment insecurity. Clan violence, some allegedly orchestrated by the Government in Khartoum in response to increasing north/south tensions, remained high. The SPLA's integration of militias termed by the CPA as "Other Armed Groups" was largely complete, although integration of other new militia groups continued.

The Government's human rights record remained poor, and there were numerous serious abuses, including: Abridgement of citizens' rights to change their government; extrajudicial and other unlawful killings by government forces and other government-aligned groups throughout the country; torture, beatings, rape, and other cruel, inhumane treatment or punishment by security forces; harsh prison conditions; arbitrary arrest and detention, including incommunicado detention of suspected government opponents, and prolonged pretrial detention; executive interference with the judiciary and denial of due process; forced military conscription of underage men; obstruction of the delivery of humanitarian assistance; restrictions on privacy and freedoms of speech, press, assembly, association, religion, and movement; harassment of internally displaced persons (IDPs) and of local and international human rights and humanitarian organizations; violence and discrimination against women, including the practice of female genital mutilation (FGM); child abuse, including sexual violence and recruitment of child soldiers, particularly in Darfur; trafficking in persons; discrimination and violence against ethnic minorities; denial of workers' rights; and forced labor, including child labor, by security forces and both aligned and non-aligned militias in Southern Sudan and Darfur.

Antigovernment and insurgent groups also committed numerous, serious abuses in Darfur. Factions of the SLA, the Justice and Equality Movement (JEM) and other rebel groups in Darfur committed killings, including of AMIS peacekeeping forces, beatings, abductions, rape, robbery, destruction of property, forcible conscription, and recruitment of child soldiers. They restricted freedom of movement of populations under their control and access of relief workers and supplies, and kidnapped nongovernmental organization (NGO) workers.

#### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—There were reports that the Government and its agents committed politically motivated killings in connection with the conflict in Darfur. Rebel groups in Darfur were also responsible for killings, including the deaths of AMIS peacekeeping forces.

Government forces and aligned militias were responsible for attacks and killings in neighboring Chad. There also were reports of numerous extrajudicial killings (see Section 1.g.).

On March 24, nearly 200 police and elements of the National Intelligence and Security Services (NISS) attacked a house belonging to the SLM/Minawi in Omdurman; 10 persons were killed, including several invalids. The attackers then ransacked the nearby SLM/Minawi party headquarters. Three policemen were also killed.

The police and army killed demonstrators.

Approximately 51 civilians reportedly died due to landmines in the south between January and September, although some observers believed the number to be much higher since only a small percentage of deaths were actually reported to the U.N. (see Section 1.g.). The Government continued to cooperate with the U.N. Mine Action Group to remove landmines in the south.

Interethnic conflict resulted in deaths during the year.

Unlike in the previous year, no journalists were killed.

*b. Disappearance.*—There were continued allegations that the Government was responsible for politically motivated disappearances, including those of persons suspected of supporting rebels, especially in Darfur.

An estimated 15,000 Dinka women and children were abducted, mainly from 1983 to 1999; thousands of these remained unaccounted for at year's end. Observers believed that some of those abducted in the past were sold into de facto slavery as forced laborers, while others were drafted into the military. In some cases the abductees escaped or eventually were released or ransomed; in other cases they were killed.

Unlike in 2006, there were no reports of Dinka who were previously abducted being returned during the year by the Government's Committee to Eradicate the Abduction of Women and Children (CEAWC). The CEAWC has received no government funding since April 2006.

Rebel forces in Darfur reportedly abducted persons, including government officials and humanitarian aid workers.

There also were reports of periodic intertribal abductions of women and children in eastern Upper Nile and Jonglei states.

The Lord's Resistance Army (LRA) kidnapped children in Uganda and brought them into Southern Sudan. For example, on March 28, armed men alleged to belong to the LRA abducted six girls ranging in age from 12 to 17 years old. The girls remained missing at year's end.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—Although the Interim National Constitution, adopted in 2005, prohibits such practices, government security forces continued to torture, beat, and harass suspected political opponents and others. In Darfur and other areas of conflict, government forces, rebel groups, and tribal factions committed torture and abuse.

In 2005 the Government of Southern Sudan adopted a separate Constitution based on common law, which prohibits torture; however, SPLA forces did not respect these provisions in practice.

In accordance with Shari'a (Islamic law), the Criminal Act provides for physical punishments, including flogging, amputation, stoning, and crucifixion—the public display of a body after execution. Under the interim Constitution, the Government officially exempts the 10 southern states from Shari'a law, although its application in the south still occurred on an ad-hoc basis, and traditional customary law was frequently applied against defendants. Traditional or customary courts in the south routinely imprisoned women for lengthy pretrial detention on allegations of adultery. Northern courts routinely imposed flogging, especially for production of alcohol.

Government security forces tortured persons in detention.

For example, on July 14, NISS officers arrested 44 persons, including opposition politicians, and former police and military officers, for alleged coup plotting. Handwritten notes by the detainees detailing human rights violations surfaced on the Internet in August. Family members and lawyers also reported incidents of torture and mistreatment. The most frequently reported forms of torture included severe beating on the face, hands, and feet. One detainee reported being lifted up several times by his mustache while sitting on a chair. Others were threatened with sexual violence if they did not confess to plotting a coup. Most detainees stated that they were blindfolded after their arrests, during transfer between detention sites, and during interrogations. At year's end, all 44 detainees had been released.

On August 26, security forces arrested Shaiba Dirar, a leader of the Beja Congress, after a political debate he had organized at the local Beja Congress club. Dirar, who was released 3 days later, reported that he was tortured with electricity while in detention.

Police forcibly dispersed student protesters, which resulted in deaths and injuries.

Throughout the year police conducted sporadic raids on houses occupied by Ethiopian and Eritrean refugees or migrants; police reportedly beat the refugees and used tear gas.

Security forces beat IDPs. For example, on October 28, security forces entered Otash IDP camp in South Darfur and used sticks and rubber hoses to forcibly move IDPs who had fled there from a neighboring camp.

There was a clear and documented pattern of rape and sexual abuse directed at IDPs of all ages in Darfur.

Government forces and aligned militias in Darfur were responsible for injuring many civilians during attacks on rebel forces, and during attacks on civilian settlements, including aerial bombardment.

Factions of the SLA, JEM and other Darfur rebel groups were also responsible for civilian injuries in Darfur.

Other parts of this report contain information related to this section.

*Prison and Detention Center Conditions.*—Prison conditions throughout the country remained harsh and overcrowded. Most prisons were old and poorly maintained, and many lacked basic facilities such as toilets or showers. Health care was primitive; prisoners usually relied on family or friends for food. Prison officials arbitrarily denied visits to prisoners.

The Government routinely mistreated persons in custody. There were credible reports that security forces held detainees incommunicado; beat them; deprived them of food, water, and toilets; and forced them to sleep on cold floors. Prisoners died from lack of health care and poor prison conditions.

Juveniles often were held with adults and in some cases subjected to sexual abuse by adult inmates. High-ranking political prisoners reportedly often enjoyed better conditions than did other prisoners.

The Government did not permit regular visits to prisons by domestic human rights observers. In 2005 the Government agreed to allow unfettered access to U.N. monitors; however, the Government routinely denied requests by the U.N. to visit prisons. The Government refused to grant the International Committee of the Red Cross (ICRC) access to government prisons during the year. By contrast, the Prisons Directorate of the Government of Southern Sudan routinely granted prison access to the ICRC, U.N., and other international observers.

Detention centers operated by rebel forces were comparable to those operated by the Government. On August 14, United Nations Mission in Sudan (UNMIS) observers visited a detention facility operated by SLA/Minawi in Dar al Salaam, North Darfur, where the observers were able to interview detainees. All detainees reported very poor detention conditions and lack of food. Three detainees had been whipped and beaten during their detention. The SLA and other rebel groups allowed the ICRC access to some prisoners during the year.

*d. Arbitrary Arrest or Detention.*—The interim Constitution and law prohibit arbitrary arrest and detention without charge; however, the Government continued to arbitrarily arrest and detain persons under the National Security Act.

*Role of the Police and Security Apparatus.*—The NISS and the Ministry of Interior both have security forces under their control, along with the police force responsible for internal security. The police forces include regular police units and the Popular Police Force, a parallel progovernment force that received higher pay than regular forces. The effectiveness of the Popular Police Force varied, depending on the strength of the local militias and security forces. The army is responsible for external and internal security. Police corruption was a problem, and some police officers supplemented their incomes by extorting bribes.

The Southern Sudan Police Services (SPSS) continued to lack resources. In Maridi, in West Equatoria State, police lacked uniforms, radios, sufficient vehicles, and office equipment. The local jail had only one cell, with no toilet. Police required complainants to pay \$3 (6 Sudanese pounds) before investigating their cases. Local police complained that SPLM officials routinely intervened in police affairs, forcing police to release relatives and friends without following legal procedures. For example, Arthur Akuien Chol, the former finance minister of the Government of Southern Sudan, escaped from jail with the assistance of a personally-aligned militia; Chol was being held on corruption charges.

Impunity remained a serious problem, although on a few occasions during the year courts prosecuted police and other officials for abuses they had committed. In May 2006 the Special Criminal Court for the Events in Darfur issued a verdict on the only case referred to it since its establishment in 2005.

There were reports that victims who complained of police abuse were punished.

*Arrest and Detention.*—Warrants are not required for an arrest. Under the Criminal Code, an individual may be detained for 3 days without charge, which can be extended for 30 days by order of the director of security and another 30 days with the approval of the prosecuting attorney. Under the National Security Act, which supercedes the Criminal Code, an individual accused of violating national security may be detained for 3 months without charge, which the director of security may extend for another 3 months. In practice, indefinite detentions were common. The law provides for the individual to be informed of the arrest charges at the time of arrest and for prompt judicial determination without undue delay, but these provisions were rarely followed.

The law allows for bail, except for those accused of crimes punishable by death or life imprisonment, and there was a functioning bail system.

Although the law provides for access to a lawyer, security forces often held persons, including criminal detainees, incommunicado for long periods in unknown locations without access to their lawyers or family members.

Individuals were arbitrarily arrested and detained. In general the authorities detained persons for a few days before releasing them without charge or trial; however, there were exceptions, particularly for perceived political opponents.

On January 10, police arrested 11 members of the Sudanese Socialist Ba'ath Party during a demonstration protesting the execution of former Iraqi President Saddam Hussein. The detainees, who were charged with disturbing the public, were subsequently released on bail.

In February security forces arrested the secretary general of the Juba Students Union. No reason was given for his detention. His status was unknown at year's end.

In November security forces arrested Ammar Najmeddin al-Jak, the SPLM secretary for media and culture for Khartoum State. No reason was given for his detention, and he remained in custody at year's end.

Journalists were arrested and detained during the year.

Religious leaders were arrested and beaten.

Security forces often targeted southern women in IDP camps because they produced and sold traditional home-brewed alcohol; these women were arrested and imprisoned for up to 6 months under Shari'a law. Some women were held in prison until they could pay the fine, regardless of time served in prison, thereby effectively serving indefinite sentences. Vagrant children accused of committing crimes were detained for indefinite periods.

Arrests and detentions of NGO members and civil society groups also occurred.

Arbitrarily lengthy detention before trial was common; an estimated one third of prisoners were in pretrial detention. Trial delays were caused by large numbers of detainees and judicial inefficiency, such as the failure of judges to appear for court.

The Government routinely used house arrest without due process.

*e. Denial of Fair Public Trial.*—Although the interim Constitution and the law provide for an independent judiciary, the judiciary was largely subservient to the president or the security forces, particularly in cases of crimes against the state. The judiciary was inefficient and subject to corruption.

A judiciary committee recommends and the president appoints the chief justice and justices of the Supreme Court. The president appoints the Constitutional Court's seven members. On occasion courts displayed a degree of independence. For example, appeals courts sometimes overturned decisions by lower courts on political cases, particularly decisions from public order courts. However, political interference with the courts regularly occurred.

The judicial system includes four types of courts: Regular, military, special, and tribal courts. Within the regular court system, there are civil and criminal courts, appeals courts, and the Supreme Court. Military courts tried only military personnel and did not provide the same rights as civilian and criminal courts. Special courts in Darfur operated under the state of emergency to try crimes against the state; there were three such courts, one in each Darfur capital. Tribal courts functioned in rural areas to resolve disputes over land and water rights, and family matters. The Criminal Act governs criminal cases, and the Civil Transactions Act applies in most civil cases. Shari'a is applied in the north, but not in the south, under the interim Constitution. However, some judges in the south reportedly continued to follow Shari'a legal procedures. In October 2006 the Government of Southern Sudan adopted a new penal code based on common law and in May 2007, 240 public prosecutors were hired; in practice, however, traditional or customary law was used more often due to inadequate judicial staffing and lack of capacity in the judicial system.

*Trial Procedures.*—The interim Constitution and law provide for fair and prompt trials; however, this was often not respected. Trials were open to the public at the discretion of the judge. In cases of national security and offenses against the state, trials were usually closed. Juries are not used. The accused normally have the right to an attorney, and the courts are required to provide free legal counsel for indigent defendants accused of crimes punishable by death or life imprisonment; however, there were reports that defendants frequently did not receive legal counsel and that counsel in some cases could only advise the defendant and not address the court. There were reports that the Government sometimes denied defense counsel access to the courts or did not allow the calling of defense witnesses. In the south, despite its exemption from Shari'a law, women were still not allowed to testify as witnesses without the backing of three men. According to the interim Constitution and law, there is a presumption of innocence; however, this was not respected in practice. Defendants have a right to appeal, except in military trials, where there is no appeal.

Military trials, which sometimes were secret and brief, did not provide procedural safeguards. For example, the defendant's attorney could advise the defendant but could not address the court. Witnesses may be permitted to appear at military trials.

The Special Courts Act created special three-person security courts to deal with violations of constitutional decrees, emergency regulations, and some sections of the Penal Code, as well as with drug and currency offenses. Special courts, composed primarily of civilian judges, handled most security-related cases. Attorneys could address the court. Lawyers complained that they sometimes were granted access to court documents too late to prepare an effective defense. Sentences usually were severe and implemented at once; however, death sentences were referred to the chief justice and the head of state. Defendants could file appellate briefs with the chief justice. The defendant has 7 days to appeal a decision; the decision of the appeal court is final. Special criminal courts operated in Darfur as authorized by presidential decree.

Lawyers wishing to practice were required to maintain membership in the government-controlled bar association. The Government continued to arrest and harass members of the legal profession whom it considered political opponents. For example, security forces arrested three lawyers monitoring the June 14 protests against the construction of the Kajbar Dam.

In the south, the Government of Southern Sudan employed a judicial system of traditional chiefs' courts, payam (district) courts, county judges, regional judges, and a court of appeals. Traditional courts have been formalized and integrated into the judicial system. The court system did not function in many areas due to lack of infrastructure, communications, funding, and an ineffective police force. Local judicial personnel also were inadequately trained, with only one judge having a law degree. The Government of Southern Sudan recognized traditional courts or courts of elders, which applied customary law to most cases, including domestic matters and criminal cases. Local chiefs usually presided over traditional courts, but defendants have the right of appeal to a regular court; there were no reports that this occurred.

In parts of the south and the Nuba Mountains, where civil authorities and institutions did not operate, there were no effective judicial procedures beyond customary courts. According to credible reports, military units in those areas summarily tried and punished those accused of crimes, especially for offenses against civil order.

During the year, due process was suspended in several cases. For example, on January 23, the Damazin General Court convicted and sentenced to death a young man claiming to be under 18 years of age; the youth was convicted of murder. The judge and Attorney General's Office both claimed that the youth was over 18 years of age, though they had no documentation of birth. The youth was not represented by defense counsel.

In May one Australian, two Kenyans, and one Sudanese working for a Kenyan construction company were convicted of the murder of a Ukrainian man in Rumbek, Lakes State. The judge acted as prosecutor and jury, and his verdict was overturned only as a result of international pressure on the Government of Southern Sudan. Post-mortem reports indicated that the Ukrainian had committed suicide. The three international workers were acquitted in June; the Sudanese remained in custody.

On November 10, the Bahari Wasat Criminal Court in Khartoum convicted 10 persons, including a 16-year-old boy, and sentenced them to death for the September 2006 killing of the editor-in-chief of Al Wafaq, Mohamed Taha Mohamed Ahmed. More than 70 persons were detained during the 5-month investigation, mostly of Darfuran origin. According to UNMIS, several reported being forced under torture to claim affiliation with Darfur rebel groups. Nineteen individuals, including two women, were ultimately charged in connection with the murder; the court acquitted nine of the defendants for lack of evidence.

*Political Prisoners and Detainees.*—There were no reports of political prisoners; however, the Government held an undetermined number of political detainees, including members of opposition parties. Security forces arrested numerous persons suspected of supporting rebels in Darfur. Security forces reportedly detained without charge, tortured, and held incommunicado political opponents. Detentions of such persons generally were prolonged. Security forces frequently harassed political opponents by summoning them for questioning, forcing them to remain during the day without questioning, and then ordering their return the following day—a process that sometimes continued for weeks.

On July 14, NISS officers arrested 44 alleged coup plotters. The detainees included Mubarak Al Fadil Al Mahdi, leader of the Umma Renewal and Reform Party, and Ali Mahmoud Hassanein, deputy chairman of the Democratic Unionist Party (DUP), and former police and military officers. After over 1 month of incommunicado detention, authorities transferred 26 of the detainees, including Mubarak Al Fadil Al Mahdi and Ali Mahmoud Hassanein, from NISS to police custody in Khartoum's Kober Prison and released the remaining detainees. Several of the detainees alleged that they were tortured while in detention.

In August the Government expelled two foreign diplomats who had requested to visit Ali Mahmoud Hassanein.

On December 1, the minister of justice dropped the charges against Mubarak Al-Fadil Al Mahdi and released him after 5 months in detention. On December 31, Ali Mahmoud Hassanein and the remaining detainees were released by presidential decree.

Unlike in the previous year, no members of Hassan al Turabi's Popular Congress Party were detained; however, several members arrested in previous years remained in detention.

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

*Civil Judicial Procedures and Remedies.*—There was access to court for lawsuits seeking damages for human rights violations, but the lack of an independent judiciary made it unlikely that such lawsuits would be successful. There were problems enforcing domestic court orders.

*Property Restitution.*—There were numerous ongoing disputes between the Government and various churches involving confiscated church property. There were no reports of court ordered property restitution or compensation.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The interim Constitution and law prohibit such actions, but the Government routinely violated these rights in practice. Security forces frequently conducted night searches without warrants and targeted persons suspected of political crimes.

In Darfur, throughout the year, government armed forces and aligned militia continued to bomb and burn villages, loot property, and attack IDP camps (see Section 1.g).

Police often entered IDP areas without a warrant in search of illegal alcohol brewing and often seized property unrelated to brewing. Police also extorted money from illegal alcohol brewers by threatening them with prison.

A wide network of government informants conducted surveillance in schools, universities, markets, workplaces, and neighborhoods.

In several areas the Government sought to forcibly resettle or displace local populations. In 2006, in Northern State, nomads in the areas around Sani, Burti Gareb, Kurkoban, and Sherri Island complained that the Government's Merowe Dam Project Implementation Unit seized their traditional grazing land without compensation and gave it to a foreign construction company, denying the nomads access to water wells in the area. Armed police continued to prevent the nomads from using the land or water throughout the year.

During the year no suitable alternate site was found for the 12,000 persons displaced during the August 2006 demolition of a squatter camp in Gezira State. Despite a lack of water, sanitation, and health facilities at the relocation site, the Government rejected humanitarian assistance, according to U.N. sources. The Government promised to provide land to relocated persons, but administrative problems and a requirement to provide a marriage certificate limited the prospects of land ownership for the most vulnerable, particularly for female-headed households. During the first 6 months of the year, police detained at least 11 residents on charges of illegally squatting on the relocation site.

Government-aligned forces and rebels continued to recruit and accept child soldiers in Darfur (see Section 1.g).

A Muslim man may marry a non-Muslim, but a Muslim woman cannot marry a non-Muslim, unless he converts to Islam; however, this prohibition was not observed or enforced universally, particularly in the south or among the Nubans. Non-Muslims may adopt only non-Muslim children; no such restrictions apply to Muslim parents.

The Government of Southern Sudan generally did not interfere with privacy, family, home, or correspondence in the south. Unlike in the previous year, southern militias, especially the South Sudan Independence Movement, did not forcibly conscript citizens, including children.

*g. Use of Excessive Force and Other Abuses in Internal Conflicts.*

*Darfur.*—The conflict in Darfur has roots in both government neglect of the region and ethnic tensions between nomadic pastoralists and sedentary farming communities, exacerbated by scarce resources and the Government's support of the nomad militias.

During the year all parties to the conflict engaged in attacks and other acts of violence which resulted in the reported killings of approximately 1,600 persons, numerous injuries, the internal displacement of 280,000 persons in Darfur, and widespread property destruction. The conflict worsened due to increased attacks by rebel groups on humanitarian workers and civilians, the continued factionalization of rebel groups, and intertribal warfare. The use of rape as a weapon and the recruitment of child soldiers continued to be widespread.

*Killings.*—Government forces and government-aligned militias engaged in the deliberate killing of civilians, including continued aerial bombardment of civilian targets, such as homes, schools, and markets. According to a U.N. report, the Government painted white the aircraft used to conduct bombing raids and transport arms to Darfur, the same color as U.N. and AMIS aircraft, in violation of U.N. Security Council Resolution 1591.

For example, UNMIS reported that in late April government helicopters and Antonovs repeatedly bombed several areas in western North Darfur, including the

villages of Umm Rai, Birmaza, Anka, and Al Jira. The bombings resulted in numerous civilian casualties and the destruction of houses, schools, and personal property.

On September 18, government forces bombed the village of Birmaza, North Darfur, killing an 8-year-old boy and seriously wounding a 12-year-old girl. The bombs killed numerous livestock and destroyed houses.

On September 25, government forces bombed Um Hijelij, North Darfur, killing at least three women.

Government forces and government-aligned militias attacked IDP camps, civilian facilities, and housing, resulting in civilian deaths.

For example, on January 6 and 7, Sudanese border intelligence guards from the Arab Rizeigat tribe attacked several Arab Tarjum villages near Wadi Bulbul, South Darfur. Witnesses reported that on January 6, guards used machine guns and rocket-propelled grenades against them. As the inhabitants fled, hundreds of armed fighters entered the village on foot, camel, and by vehicle. Several elderly men were killed, and the village was looted. The following day, men wearing khaki uniforms and civilian attire attacked the neighboring village of Muhajerria-Moraya, killing at least 17 persons.

According to the U.N. Office of the High Commissioner for Human Rights, the attacks continued throughout the spring. On February 25, Rizeigat border intelligence guards attacked the town of Amar Jadeed using vehicles and heavy weaponry. The attackers entered the village and began shooting at male inhabitants and looting livestock. At least 37 persons were killed.

On March 31, Rizeigat border intelligence guards mounted a similar attack on Morayajengay, where many Tarjum IDPs who had fled the earlier attacks had resettled. According to witnesses, more than 60 persons were killed.

On September 10, government troops in 75 vehicles attacked the town of Haskanita, North Darfur, and then burned most of the empty town to the ground; two civilians were killed, and 25 were injured. The ground attack followed an aerial bombardment of Haskanita the same day.

On October 8, approximately 900 government-aligned militia attacked Muhajerria, South Darfur, killing at least 30 civilians and destroying 70 to 100 houses. Eyewitnesses reported that militia shot at persons randomly and looted the central market.

There were no reports that the Government prosecuted or otherwise penalized attacking militias or made efforts to protect civilian victims from attacks. Government forces provided logistic and transportation support, weapons, and ammunition to government-aligned militias.

Darfur rebel groups also attacked AMIS peacekeeping forces and personnel, the Sudanese Armed Forces (SAF) and government-aligned militias, civilians, and other rebel factions, killing hundreds of persons.

On January 22, the Government exhumed the bodies of eight men who had been part of a group of at least 19 Massalit men arrested by SLA/Minawi forces in September 2006.

On July 1, fighting in Thabit, North Darfur between SLA/Minawi and National Redemption Front (NRF) rebels left three SLA/Minawi fighters dead. In retaliation, a large group of SLA/Minawi soldiers entered the local market and began harassing civilians. They then shot and killed a 50-year-old Tama tribesman.

On August 29, a large group of JEM fighters attacked a Sudanese military base in Wad Banda, West Kordofan, killing at least 40 reserve police.

During the year Darfur rebel groups or other unidentified armed groups killed 19 AMIS peacekeepers.

On April 1, SLA/Minawi forces reportedly killed five Senegalese AMIS peacekeepers in Umm Barru, North Darfur.

On September 30, several hundred unidentified rebel fighters stormed an AMIS camp in Haskanita, South Darfur, killing 10 peacekeepers and wounding many more. The attackers looted and burned the camp and escaped with weaponry and vehicles.

Intertribal fighting also resulted in the killings of civilians.

For example, in early August fighting between the government-allied Tarjum and Rizeigat Arab tribes in South Darfur resulted in the deaths of at least 100 civilians.

*Physical Abuse, Punishment, and Torture.*—All parties to the conflict perpetrated acts of torture and abuse.

On February 14, a 55-year-old Fur woman was beaten by SLA/Minawi forces outside of Kunda village. According to UNMIS, the men accused her of providing food to a rival faction.

In March an IDP from the Rwanda camp reported that armed SLA/Minawi gunmen attacked 50 farmers in the area of Wadi Tina. When the IDP tried to flee, he was hit in the arm and then beaten with sticks and gun butts.

On September 9, approximately 40 unidentified militiamen attacked the villages of Merkele and Modogulu, West Darfur. The militiamen pillaged homes and beat those who resisted with sticks and whips. Four militiamen beat and whipped a 60-year-old sheikh and accused him of harboring rebels.

*Child Soldiers.*—Recruitment of child soldiers remained a serious problem in Darfur. In August the U.N. issued the Report of the Secretary-General on Children in Armed Conflict in the Sudan, which cited credible reports that the SAF, government-aligned Popular Defense Forces (PDF), janjaweed, central reserve police, and numerous Darfur rebel groups including the JEM, the SLA/Minawi, the SLA/Wahid, the SLA/Peace Wing, and the SLA/Abu Gasim recruited child soldiers. The U.N. report also cited recruitment of child soldiers by Chadian rebel forces operating inside Sudan. Darfur rebel groups also reportedly recruited child soldiers in the Sudanese refugee camps in Chad.

The U.N. Children's Fund (UNICEF) worked to raise awareness of the law and of the dangers in using child soldiers. In June, UNICEF signed an action plan with SLA/Minawi that committed the group to identify locations of child soldiers.

*Other Conflict-Related Abuses.*—The UN's International Commission of Inquiry in Darfur found in 2005 that "rape or other forms of sexual violence committed by the janjaweed and government soldiers in Darfur was widespread and systematic." This trend continued during the year. The majority of victims were women and girls who lived in IDP camps and were raped when they left their camps to gather firewood, water, or food. Women often described the perpetrators as "men in uniform," either government or rebel soldiers. Rape victims were almost always beaten, threatened with death, and subjected to racial epithets during attacks. In some cases attackers killed their victims.

In April four armed men dressed in camouflage uniforms raped two young women who were collecting firewood outside the Kassab IDP camp. The women were whipped and raped for several hours before being released.

According to UNMIS, on August 13, seven government soldiers raped an 18-year-old woman from an Arab tribe in El Fasher, North Darfur. The victim stated that she was walking home when approached by a group of soldiers, who beat her and then took her to a tent close to a SAF checkpoint, where they raped her for 3 hours.

According to a November report by the U.N. Human Rights Council, U.N. agencies documented 46 victims of sexual violence from June to October. The U.N. estimated that the number of victims of sexual violence was actually significantly higher due to limited access to certain areas and underreporting of abuses.

Authorities, particularly the police, often obstructed access to justice for rape victims. For example, after three incidents in April of abduction and rape in the Silea area of West Darfur, the police commander stated that an investigation indicated the abductions and rapes were part of a tribal dispute and that law enforcement should not be involved. Witnesses stated that they provided names of the attackers to the police; the police commander denied this claim. The commander further stated that one of the victims had recently engaged in sexual intercourse, showed no signs of rape, and should be charged with adultery.

During the year the Government continued to take small steps to curb violence against women in Darfur. The Government printed medical booklets for doctors detailing proper treatment of rape victims. The Government also pledged to deploy 40 female police officers in South Darfur. However, significant problems remained, including the harassment and intimidation by police of rape victims, lack of investigations into rape allegations, and the continued impunity of the police in Darfur.

During the year, there were no successful prosecutions for rape in Darfur.

Despite the 2005 government announcement of a "humanitarian moratorium," to lift restrictions on visas and the importation of supplies by humanitarian organizations, the Government continued to place restrictions on humanitarian access to Darfur.

On March 28, the Government and the U.N. signed the Joint Communiqué, an agreement intended to reduce bureaucratic impediments to humanitarian assistance by improving the efficiency with which the Government processes visas and travel permits and clears customs for humanitarian NGOs. Although NGOs noted some improvements in the timely processing of visas and travel permits, the Government still frequently harassed humanitarian workers and obstructed the delivery of assistance.

The Government's Humanitarian Aid Commission (HAC) continued to request that NGOs refrain from interviewing or selecting staff unless they used a five-person selection panel and had HAC officials present, significantly delaying the hiring of new staff in Darfur.



On January 19, local police and security officials raided an international NGO compound in Nyala and arrested 20 persons, including five U.N. staff members, AMIS staff, and other NGO personnel. Several of those arrested sustained injuries during their detention, and one person was sexually assaulted. All personnel were subsequently released. The Government took no action against responsible police and security officials.

Rebel forces attacked commerce on the roads, including humanitarian aid shipments, and seized goods, vehicles, and persons, including government officials and humanitarian aid workers.

Rebel forces and bandits also obstructed the flow of humanitarian assistance to the Darfur region and were responsible for attacks on humanitarian workers that resulted in injury.

The U.N. estimated that at least 2.2 million persons had been displaced by the conflict in Darfur and that another 231,000 persons had fled to Chad. Despite the signing of the DPA in May 2006, continued attacks and violence in Darfur, perpetrated by all parties to the conflict, resulted in hundreds of thousands of new displacements, and some existing IDPs were displaced for the second or third time. For example, the U.N. estimated that the number of newly displaced IDPs increased by approximately 250,000 between January and July due to increased fighting and insecurity. In the second week of October, the U.N. and other agencies reported that intense fighting in Muhajeria, South Darfur resulted in the displacement of 40,000. Darfur IDPs did not return in any significant numbers to their place of origin, although small scale spontaneous returns to certain villages occurred. Hundreds of thousands of persons, largely southerners and westerners displaced by famine and civil war, continued to live in squatter slums around Khartoum.

The Government provided little assistance or protection to IDPs. In Darfur, local police established checkpoints near some IDP camps, though police made little effort to provide security. In the south, the South Sudan Relief and Rehabilitation Commission, an agency of the Government of Southern Sudan, provided protection and assistance to returning IDPs.

There were numerous reports of abuses committed against IDPs, including rapes, beatings, and attempts by the Government to forcibly return persons to their homes, or to alternative IDP camps and other sites. There were credible reports that the Government harassed IDPs in Darfur who spoke with foreign observers, especially high-profile foreigners, demanding to know the content of their discussions.

The Government occasionally blocked commercial and road access to IDP camps, purportedly for security reasons.

Insecurity in Darfur, especially outside of IDP camps, restricted IDPs' freedom of movement; women and girls who left the town risked sexual violence.

The Government forced or coerced IDPs to return to their villages by promising food and money; however, most IDPs who returned to the villages to receive the assistance later returned to the IDP camps.

The Government forced IDPs to relocate to alternative IDP camps or other sites.

Following several days of interethnic clashes inside Kalma Camp, an IDP camp in South Darfur, the governor of South Darfur announced on October 20 plans to divide the camp into nine smaller camps. At year's end, approximately 20,000 of the estimated 90,000 residents in Kalma camp had left the camp as a result of the clashes. According to the International Organization on Migration (IOM), Sudanese security forces and the Government's Humanitarian Affairs Commission forcibly relocated approximately 500 IDP households between October 26 and October 28.

*Southern Sudan.*—There were fewer reported direct confrontations between the SAF and the SPLA during the year; however, conflict between other armed groups and intertribal fighting, especially in the ceasefire zone areas of Southern Kordofan, Eastern Equatoria, and Upper Nile State, resulted in the deaths of at least several hundred civilians.

*Killings.*—Forces with the government-allied PDF were responsible for the deaths of numerous civilians and returning IDPs.

UNMIS continued to receive reports that SPLA soldiers committed extrajudicial killings during the year.

On November 4, six Joint Integrated Unit (JIU) soldiers from the SPLA shot and killed three members of the SSPS in Yambio, West Equatoria State. The six JIU soldiers allegedly targeted the three SSPS officers because they were unhappy with the conduct of an SSPS investigation into the murder of another JIU soldier.

Intertribal clashes also resulted in hundreds of civilian deaths.

On May 5, armed members of the Toposa tribe attacked unarmed members of the Didinga tribe in Lauro, Eastern Equatoria State, killing 54 persons, mostly women.

In August fighting between Murle and Nuer groups resulted in over 80 deaths.

In late November armed Murle and Dinka Bor groups clashed over incidents of cattle rustling, killing at least 35 persons and wounding over 40. The clashes spilled over into the town of Bor, where Dinka Bor stormed a hospital, killing four Murle patients and wounding a member of the hospital staff.

*Physical Abuse, Punishment, and Torture.*—UNMIS received credible reports that SPLA soldiers and members of other armed groups abused civilians.

According to the U.N., in March an SPLA soldier allegedly raped a 7-year-old girl in Unity State. The SPLA soldier was in detention awaiting a court appearance at year's end.

On May 11, four men alleged to be SPLA soldiers halted a truck transporting 60 persons at Panyok, Abyei. The soldiers told the driver that he must have permission before traveling south and then reportedly beat all of the passengers with sticks.

*Child Soldiers.*—Unlike in the previous year, the U.N. received no credible reports that the SAF and SPLA recruited child soldiers, according to the U.N. Report of the Secretary-General on children in armed conflict in the Sudan. However, both the SAF and SPLA failed to prevent children from voluntarily associating with armed groups aligned with their forces.

For example, the U.N. confirmed the presence of children at the SPLA Kilo 7 barracks in Unity State in 2006; the children did not leave the barracks until July 2007.

There were reports that SAF-aligned militias continued to recruit child soldiers.

*Other Conflict-Related Abuses.*—Unlike in the previous year, there were no credible reports that new landmines were laid in the south.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The interim Constitution provides for freedom of thought, expression, and of the press “as regulated by law”; however, the Government severely restricted these rights in practice. Despite lifting emergency laws in 2005, the Government continued to censor print and broadcast media. Journalists also practiced self-censorship.

Vocal critics of the Government were harassed and arrested during the year, although the Government charged such persons with other offenses, such as coup plotting.

There were many daily newspapers, mainly in urban areas, reflecting somewhat differing political views. Several newspapers also reprinted articles from the international press, some of which were critical of government policies. There was one formally government-controlled newspaper in Arabic and one in English, although security services also controlled other newspapers. A number of independent publications were under intensive scrutiny during the year, and their employees were intimidated and arrested.

The English-language press complained of prejudice, noting that the Arabic test required of all accredited journalists was much more difficult than the English test. Many Anglophone journalists thus could not report or had to do so unofficially. For example, the Khartoum Monitor employed both Arabic- and English-speaking journalists so that the unaccredited English-speakers could translate articles written by their accredited Arabic-speaking colleagues who could not write in English.

The Government controlled the media through the National Press Council and security forces and censored criticism of government actions and policies in Darfur. The National Press Council, which is charged with issuing licenses, administering professional examinations for journalists, and responding to complaints, was subject to significant government influence. In the event of a complaint, the council could warn a newspaper or suspend it indefinitely and suspend journalists for up to 2 weeks.

The Government directly controlled radio and television and required that both reflect government policies. Television had a permanent military censor to ensure that the news reflected official views. Some foreign radio broadcasts were available in the country. A private FM radio station continued to operate. Despite the Government's license requirement and the high price of satellite dishes, citizens had access to foreign electronic media; the Government did not jam foreign radio signals. In addition to domestic and satellite television services, there was a pay cable network, which directly rebroadcast uncensored foreign news and other programs.

Except for Southern Sudan, international media were not allowed to operate freely in the country, and some foreign journalists were denied visas.

Government security forces arrested, harassed, and intimidated journalists.

On March 24, security forces reportedly detained and beat a journalist for Sudan Radio Service after the journalist attempted to report on a security force attack on

SLM/Minawi headquarters in Omdurman that killed 10 SLM representatives. Security forces released the journalist after 5 days but did not return his equipment.

On March 25, the Ministry of the Interior served BBC correspondent Jonah Fisher with an expulsion order citing the journalist's reporting on Darfur. Fisher departed Sudan on April 13.

On June 20, police arrested a political reporter for the independent daily newspaper Al Rai Al Shaab after he wrote an article about protests at the Kajbar Dam. He was released after 2 months in detention. Security forces arrested and detained four other journalists in June for attempting to report on the protests at the Kajbar Dam. The journalists were released after 1 week.

During the year the Government imposed a number of public information bans on reporting on certain sensitive subjects. In February a court ordered a ban on all independent reporting on Mohamed Taha Mohamed Ahmed, the editor-in-chief of the newspaper Al-Wafaq who was found beheaded in 2006. Newspapers that violated these orders were routinely shut down for periods of several days, or had their editions confiscated by national security officials.

On February 1, authorities closed the independent Arabic daily newspaper Al-Sudani for publishing information on the Mohamed Taha case. The Ministry of Justice issued a ban against reporting on the case of Mohamed Taha in September 2006. Al-Sudani resumed operations several days later.

In March the minister of justice instructed all newspaper editors to cease publishing news on the prosecutions of crimes committed in Darfur.

In May the minister of justice filed a defamation suit against Al-Sudani following the publication of an editorial calling for his resignation in relation to a money-laundering case under investigation. An editor and one reporter for Al-Sudani were arrested and held for several days before being released.

On May 22, the National Press Council banned newspapers from publishing information on Darfur rebel groups' activities and interviews with rebel political leaders and field commanders; however, the ban was not enforced.

On August 21, authorities confiscated thousands of copies of the daily newspaper Al Rai Al-Shaab after the newspaper reported on a recently foiled plot to attack certain Embassies in Khartoum; the Government had banned the press from reporting on the plot.

Authorities in Southern Sudan generally respected press freedom, although there were some reports of harassment of journalists. Police in Southern Sudan detained the editor in chief of the Citizen newspaper for 1 day for reporting on a financial scandal.

*Internet Freedom.*—The Government monitored Internet communications, and the NISS read e-mail messages between private citizens. Some Web sites deemed offensive to public morality were blocked by the National Telecommunications Corporation, as were most proxy servers, but there generally were no restrictions on access to news and information Web sites. Internet access was generally available and widely used in urban areas, but it was limited by lack of infrastructure outside of cities.

*Academic Freedom and Cultural Events.*—The Government restricted academic freedom. In public universities, the Government appointed the vice chancellors, who were responsible for administering the institutions. The Government also determined the curriculum. While many professors lectured and wrote in opposition to the Government, they exercised self-censorship. Private universities were not subject to direct government control; however, in some cases, professors also exercised self-censorship. Nonetheless many university professors in exile returned to the country.

In February, clashes broke out between students at Shendi University and police forces who tried to break up a peaceful student strike.

The Government frequently censored films, especially those imported from the West, if they were deemed offensive to public morality.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—Although the interim Constitution and law provide for freedom of assembly, the Government severely restricted this right in practice. The Government formally banned all rallies and public demonstrations in the country, although this was not always enforced. The authorities generally permitted government-authorized gatherings but disrupted gatherings they perceived to be politically oriented.

Islamic orders associated with opposition political parties, particularly the Ansar (Umma Party) and Khatmiya (Democratic Unionist Party), continued to be denied permission to hold large public gatherings. Government security agents occasionally

attended opposition political meetings or summoned participants to security headquarters for questioning after political meetings.

Police use of excessive force to disperse demonstrators resulted in deaths and injuries.

In February, following protests at Neelain University in Khartoum in which one student was killed by police, students affiliated with the minor opposition group Sudan Congress Party (SCP) were arrested by national security officials. All reported being mistreated during their detention.

On June 14, Central Reserve police opened fire on demonstrators protesting the construction of the Kajbar Dam, killing four persons and wounding 10 others. According to newspaper reports, police used live fire to disperse the demonstrators. On June 19, video footage of the attack appeared on "You Tube," showing footage of corpses with gunshot wounds to the head.

According to UNMIS, on August 6, students at Upper Nile University in Malakal demonstrated over the election of new student union officers. The SSPS, backed by the SPLA, confronted the students as they took their demonstration into the town and shots were fired, killing one student and injuring four others.

Authorities took no action against security forces who used excessive force.

*Freedom of Association.*—The interim Constitution and law provide for freedom of association, but the Government severely restricted this right in practice. Although there were 20 officially registered political parties, the law effectively prohibits traditional political parties linked to armed opposition to the Government. The Political Parties Act allows some formerly banned political parties to resume their activities, but the parties were required to notify the registrar in writing of their intention to participate in elections. Observers believed that the Government controlled professional associations.

The Government continued to harass some opposition leaders who spoke with foreign organizations or Embassies.

*c. Freedom of Religion.*—The interim Constitution and law provide for freedom of worship throughout the country; however, the Government continued to place restrictions on non-Muslims, non-Arab Muslims, and Muslims from tribes or sects not affiliated with the ruling party. The NCP, which originally came into power with a goal of Islamization, treated Islam as the state religion, declaring that Islam must inspire the country's laws, institutions, and policies. While the Government generally allowed non-Muslims to worship freely in approved places of worship, authorities in the north continued to restrict Christian activities.

In February the Government established the Commission for the Rights of Non-Muslims in the National Capital, a CPA mechanism for protecting religious freedom. The president appointed the commission's chairperson, who then selected 28 commissioners from the judiciary, the Ministry of Justice, and representatives from Islamic, Christian, and traditional religious groups.

The interim Constitution of Southern Sudan also provides for freedom of worship in the 10 states of Southern Sudan, and the Government of Southern Sudan generally respected the rights of southerners to practice the religion of their choice.

Religious organizations and churches were subject to the same restrictions placed on nonreligious corporations. Although the law requires religious groups to register to be recognized or to assemble legally, registration reportedly was no longer necessary, and churches, including the Catholic Church, declined to register.

There were reports that security forces harassed and at times threatened to use violence against persons on the basis of religious beliefs and activities; it was unclear whether the harassment was for religious or political reasons.

For example, on January 1, police raided the seat of the Episcopal Church of Sudan Diocese of Khartoum with tear gas, injuring six worshippers. The raid occurred during an annual prayer service to mark the coming of the New Year.

In December 2007, Gillian Gibbons, a British teacher at a private elementary school in Khartoum, was arrested on the general charge of "abuse of religion," under Shari'a law after permitting young students in her class to name a teddy bear Mohammed. The specific charges against her were blasphemy, inciting religious hatred, showing contempt for religious beliefs, and insulting Islam. She was convicted of insulting Islam, then pardoned and deported. Reports indicated a disgruntled former employee with a personal grudge against the school alerted authorities in order to have the school closed.

Unlike in the previous year, there were no reports that police raided cathedrals or that security forces arrested imams for preaching on controversial issues.

The use and construction of houses of worship required government approval. Applications to build mosques generally were granted, but applying to build churches was more difficult. According to the Sudan Inter-Religious Council, the Government

issued two permits in 2006 for the construction of new churches, but church officials reported that they never received the permits; no permits were issued during the year. As a substitute, the construction of small churches continued with owners registering the land for personal rather than church use.

While the law permits non-Muslims to convert to Islam, conversion by a Muslim is punishable by death. Authorities occasionally subjected converts to intense scrutiny, ostracism, intimidation, or encouraged them to leave the country; however, there were no reports of conversion punished by death.

Although some non-Muslims converted to Islam to obtain or keep a job, for promotions and job advancement, or for other social services or benefits, there was no evidence of forced conversions during the year.

Christian religious workers, including priests and teachers, experienced lengthy delays in getting visas.

Under the state-mandated curriculum, all schools in the north—including private schools operated by Christian groups—are required to teach Islamic education classes from preschool through university. Some public schools excused non-Muslims from Islamic education classes, but others did not.

Children who were abandoned or whose parentage was unknown—regardless of presumed religious origin—were generally considered Muslims, at least in the north. Christian families were generally permitted to adopt only Christian children.

In the south, Christians, Muslims, and followers of traditional indigenous beliefs generally worshiped freely; however, many of the region's Muslim residents had departed voluntarily over the years. Although the Government of Southern Sudan officially favored secular government, Christians dominated the bureaucracies. Local government authorities often had a close relationship with local Christian religious authorities.

*Societal Abuses and Discrimination.*—Some non-Muslim businessmen complained of petty harassment and discrimination in awarding of government contracts and trade licenses. Christians reported pressure on their children in school; teachers and media characterized non-Muslims as nonbelievers. There also were reports that some Muslims received preferential treatment regarding limited government services, such as access to medical care, and in court cases involving Muslim against non-Muslim. However, non-Arab Muslims and Muslims from tribes and sects not affiliated with the ruling party, such as in Darfur and the Nuba Mountains, stated that they were treated as second-class citizens and were discriminated against in government jobs and contracts in the north and government-controlled southern areas. For example, the employment application of the Ministry of Energy and Mining emphasizes nationality, creed, and tribe; Muslims associated with the NCP were given preference in government employment.

The Jewish community remained small, and there were no reports of anti-Semitic violence during the year; however, government officials made anti-Semitic comments. For example, on several occasions senior officials blamed the conflict in Darfur on "Jewish entities."

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The interim Constitution and law provide for freedom of movement, foreign travel, emigration, and repatriation, but the Government restricted these rights in practice.

Movement generally was unhindered for citizens outside conflict areas; however, at times foreigners needed government permission for domestic travel outside of Khartoum, which could be difficult to obtain and was sometimes refused. Foreigners must register with the police on entering the country, obtain permission to move from one location to another, and reregister at each new location within 3 days of arrival. The Government of Southern Sudan did not restrict the movement of foreigners in the south, although foreigners were required to register upon entry.

Although foreign NGO staff could obtain entry visas and work or travel permits for Darfur and the Three Areas, there were numerous reports of continuing delays and restrictions. The Government generally implemented its policy of issuing humanitarian visas within 48 hours, but nationals of some countries encountered difficulties in obtaining visas to work with NGOs.

Prior to the October 2006 peace agreement signed by the Government and the Eastern Front, supporters and members of the Eastern Front, a rebel group comprising the Rashaida Free Lions, Beja Congress, and JEM faced increased restrictions on their movement throughout the eastern part of the country, and internationally.

The Government detained persons, particularly opposition political figures, at the airport and prevented them from traveling due to "security concerns." For example, on August 20, the Government prevented the director of a local NGO working in Darfur from departing the country to attend a conference overseas and confiscated his passport.

The Government required citizens to obtain an exit visa to depart the country; however, the issuance of exit visas was pro forma and generally not used to restrict citizens' travel.

Women cannot travel abroad without the permission of their husbands or male guardians; however this prohibition was not applied in the south and was not strictly enforced for members of the NCP.

The law prohibits forced exile, and the Government did not use it. Opposition leaders remained in self-imposed exile in Cairo, Asmara, and other locations during the year.

*Internally Displaced Persons (IDPs).*—According to the U.N. High Commissioner for Refugees, up to 2.7 million persons remained displaced from their areas of origin in Southern Sudan as a result of the north-south civil war (see Section 1.g).

There were estimates that up to 2.2 million persons had been displaced by the conflict in Darfur, including hundreds of thousands of persons newly displaced or displaced for the second or third time during the year (see Section 1.g).

The UNHCR reported that 526,998 Sudanese refugees resided in neighboring countries, because of the conflicts in the south and Darfur. Some 231,000 of these were in Chad, and another 162,000 were in Uganda; the remainder were in Ethiopia, the Democratic Republic of the Congo, the Central African Republic, Egypt, Eritrea, and Kenya. Improved security in the south increased the return of displaced populations into areas of origin that were severely affected by the war and lacked basic services. More than 56,000 refugees and tens of thousands of internally displaced persons from the north/south conflict returned to their areas of origin, particularly to the Nuba Mountains region and Central Equatoria. There were no reports local militias subjected displaced populations who returned to the south to illegal taxation.

*Protection of Refugees.*—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, but the Government has not established a system for providing protection to refugees. In practice the Government did not provide protection against "refoulement," the forced return of persons to a country where there is reason to believe they feared persecution.

On September 27, the Government deported at least 15 Ethiopian refugees to Ethiopia; the deportation occurred despite government promises to UNHCR not to refile additional refugees following an August 7 deportation of Ethiopian refugees. UNHCR expressed concern that Sudan had not met its international humanitarian obligations to ensure protection and avoid forcible returns of legitimate asylum seekers and refugees. The Government had not responded to UNHCR requests about the welfare of the remaining refugees at year's end.

In May 2006 the NISS forced the deportation of four Ethiopians who were seeking asylum in the country. The four refugees were members of the Coalition for Unity and Democracy, an Ethiopian opposition group, and faced prosecution for treason and the death penalty in Ethiopia.

After authorities attacked a group of Ethiopian refugees in December 2006, several Ethiopian refugees barricaded themselves in front of the UNHCR office in Khartoum; police arrested them in February. Throughout the year security forces in Khartoum North and Damazine targeted Ethiopian refugees by raiding their houses, beating them, and using tear gas against them.

In July security forces in Khartoum arrested several hundred Ethiopian and Eritrean refugees. According to Amnesty International, many of the detainees were recognized refugees or asylum seekers.

The Government granted refugee status or asylum to a large number of asylum seekers, but there was no standard determination procedure, and government officials reportedly were unresponsive to applications for refugee status.

The Government also provided temporary protection to individuals who might not qualify as refugees under the 1951 convention and the 1967 protocol. Up to 30,000 Chadian refugees have been allowed to reside in Darfur without formal refugee status and were provided basic services.

The Government cooperated with the UNHCR and other humanitarian assistance organizations in assisting refugees and asylum seekers in some cases; in others, the Government defied agreements and targeted refugees and asylum seekers for abuse.

Child refugees did not receive free primary school education nor were they treated as citizens as required by the 1951 convention. Refugees were vulnerable to arbitrary arrests, harassment, and beatings because applicants did not receive identification cards while awaiting government determination of refugee status. Refugees could not become resident aliens or citizens, regardless of their length of stay. Refugees were not entitled to work permits.

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

Although the interim Constitution provides citizens the right to change their government peacefully, the CPA established an interim government until national elections are held; under the CPA, national elections are scheduled for 2009.

The interim Constitution establishing the Government of National Unity, adopted in 2005, provides for power sharing nationwide between the NCP and the SPLM. On October 11, the SPLM suspended its participation in the Government of National Unity at the ministerial level to protest the NCP's perceived lack of commitment to the CPA's implementation. On December 27, the SPLM rejoined the Government of National Unity, and a new cabinet was sworn in. The DPA, which was incorporated into the interim Constitution upon its signing, also contains provisions for power sharing and the inclusion of Darfurians at all levels of government, although the majority of the power-sharing provisions in the DPA remained unimplemented at year's end. The interim Constitution established a three-member presidency to head the Government, consisting of a president, Omar Hassan al-Bashir (NCP); a first vice president, Salva Kiir Mayardit (SPLM); and a vice president, Ali Osman Taha (NCP). The DPA created a fourth ranking member in the presidency, a senior assistant to the president, Minni Minawi. A bicameral legislature is composed of the 450-member National Assembly and 52-member Council of States. Legislative and cabinet positions are allocated by a CPA-specified formula that reserves 52 percent of the positions for the NCP, 28 percent for the SPLM, 14 percent for northern opposition parties, including those from Darfur, and 6 percent for southern opposition parties. The DPA mandates that prior to national elections, the Government of National Unity shall allocate not less than 12 seats in the National Assembly to nominees from the Darfur rebel groups that have signed the DPA.

Government of National Unity members took office in 2005, and in October of that year Salva Kiir Mayardit, the country's first vice president and president of the Government of Southern Sudan, appointed the cabinet of the Government of Southern Sudan. At the same time, Kiir appointed governors of the 10 states of Southern Sudan, and each southern state also formed its legislative assembly with 48 members allocated proportionally as stipulated in the CPA: 70 percent to the SPLM, 15 percent to the NCP, and 15 percent to other southern political forces. Southern Sudan's legislative assembly approved an interim Constitution in 2005, which President Kiir signed in December of that year.

The DPA-mandated Transitional Darfur Regional Authority (TDRA), headed by the senior assistant to the president, and charged with implementing the DPA and promoting coordination and cooperation among the three Darfur states, was established in April, though not fully implemented. The DPA also mandates that a referendum on the permanent status of Darfur shall be held not later than July 2010 to determine whether the Darfur region should remain as three separate states or create a single region and regional government to administer all three states.

*Elections and Political Participation.*—Presidential and parliamentary elections were last held in 2000; they were marked by serious irregularities, including official interference, electoral fraud, insufficient opportunities for voters to register, and inadequate election monitoring. All major opposition parties boycotted the elections.

The law allows the existence of political parties but prohibits parties linked to armed opposition to the Government, and the Government routinely denied permission for and disrupted gatherings viewed as politically oriented. Security forces arrested, detained, and on occasion reportedly tortured political opponents. Security forces raided the offices of political parties. For example, on September 11, security forces raided three offices belonging to the SPLM. During the year opposition parties became more vocal in demanding inclusion, and the Government sought the support of additional parties to add legitimacy to the CPA.

The Government continued summarily to dismiss military personnel as well as civilian government employees whose loyalty it considered suspect in a process called "separation for public interest." Authorities fired or arrested military officers either because they were from Darfur or did not support the ruling party strongly enough.

The president appointed the governors and senior officials of the 26 states in the country's Federal system. These appointees were not necessarily representative of their constituencies.

Women had the right to vote. There were approximately 70 women in the 450-seat National Assembly, three national female state ministers, and one female minister in the Government of National Unity. The Government of Southern Sudan agreed to set aside 25 percent of all government positions for women, although in practice representation was far short of that goal. The DPA also includes provisions to ensure the representation of women at all levels of government.

*Government Corruption and Transparency.*—The law does not provide criminal penalties for official corruption, and the World Bank's worldwide governance indicators reflect that corruption was a severe problem. During the year the auditor general released a report alleging the embezzlement of \$400 million (800 million Sudanese pounds) from government institutions. The National Assembly formed an investigative committee; however, the committee had released no findings by year's end. Government officials were not subject to financial disclosure laws.

There were no laws providing for public access to government information, and the Government did not provide such access.

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

Various local human rights groups were active in the country, but they suffered from government harassment, particularly those groups reporting on sexual violence. The Government was generally uncooperative with and unresponsive to domestic human rights groups. Major local NGOs included Sudan Organization Against Torture and Sudan Development Organization. In an effort to silence them, the Government often charged human rights groups with spreading false information. For instance, the Government harassed NGOs in Darfur, intimidated their local staff, and arrested and detained workers treating victims of sexual violence. Government security forces often detained humanitarian staff members under the Criminal Act, usually on charges of spreading false information.

During the year 13 human rights workers were killed, 59 were assaulted, 61 were arrested and detained, and 147 were kidnapped, according to the U.N. Also according to the U.N., there were 77 attacks on humanitarian convoys, and 137 humanitarian vehicles were hijacked or stolen during the year.

On March 28, the Government and the U.N. signed the Joint Communiqué, an agreement intended to reduce bureaucratic impediments to humanitarian assistance by improving the efficiency with which the Government processes visas and travel permits and clears customs for humanitarian NGOs.

Despite the signing of the Joint Communiqué, humanitarian NGOs operating in Darfur continued to face bureaucratic impediments to their work. All NGOs must register with the HAC, the Government's entity for regulating humanitarian efforts. In 2005 the HAC assumed a role in hiring NGO national staff, which caused major delays in hiring new staff for Darfur and resulted in some NGO selections not being considered. During the year a directory of procedures was signed to clarify processes for all humanitarian communication with the Government; however, the HAC applied such rules inconsistently, often changing them without prior notification.

In March the South Darfur HAC issued a decree suspending more than 50 local human rights NGOs.

In August the Government expelled the country director of the international NGO CARE, accusing him of engaging in unspecified illegal activities.

In March 2006 the Government enacted the Organization of Humanitarian and Voluntary Work Act, which requires government approval before NGOs can begin work on projects and places restrictions on the acceptance of foreign money by NGOs operating in the country. Many NGOs believed that the Government used the new law to curtail their work on human rights.

Rebels and other armed bandits abducted NGO workers and contractors, particularly in Darfur. Banditry and armed robbery of humanitarian convoys by rebel groups in Darfur was common. For example, between July 14 and July 17, armed men conducted five separate attacks on vehicles transporting U.N. World Food Program commodities in South Darfur. According to U.N. reports, attacks against aid workers increased by 150 percent from June 2006 to June 2007. Such attacks have forced humanitarian aid workers to relocate on numerous occasions.

The U.N. continued to investigate the humanitarian situation in Darfur. The U.N. special rapporteur on the situation of human rights in Sudan and the UNHCR visited the country during the year. However, the Government denied entry to a delegation from the U.N. Human Rights Council. UNMIS deployed observers to Darfur



to monitor and investigate the human rights situation. The U.N. special rapporteur issued reports to the U.N. on the situation in the country.

In March 2005 the U.N. Security Council referred Darfur to the chief prosecutor for the International Criminal Court (ICC). In June 2005 the chief prosecutor opened an investigation into Darfur without the cooperation of the Government, which refused to hand over any alleged perpetrators associated with the conflict to the ICC. On February 27, ICC chief prosecutor Luis Moreno Ocampo named Ahmad Muhammad Haroun, state minister for humanitarian affairs, and Ali Muhammad Abd al-Rahman, a janjaweed militia commander, as war crimes suspects and summoned them to appear before the court. The Government refused to cooperate with the ICC.

In September the Government appointed Ahmad Muhammad Haroun to co-chair a national committee to investigate human rights abuses.

The Advisory Council for Human Rights, with representatives of human rights offices in 22 ministries and agencies, is the Government's major focal point for the promotion and protection of human rights. The council provided lists of detained individuals to the international community.

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

The law prohibits discrimination based on race, gender, or religious creed, but discrimination against women, religious groups, and ethnic minorities continued. Mechanisms for social redress, particularly with respect to violence against women and children, were ineffective.

*Women.*—Women in Darfur were vulnerable to abuse and rape. Many victims did not report their cases either to family or authorities for fear they would be punished or arrested for “illegal pregnancy.” Despite a 2005 decree that waived the requirement for rape victims to file a police report before receiving medical treatment, some local authorities continued to require the report. According to the U.N. and several international NGOs, many local police were unaware of the new policy. Many women distrusted the police, and few victims actually filed reports.

The police arrested unmarried pregnant women who claimed to have been raped. Unless a rape victim could provide proof of the crime, she could be charged with the capital offense of adultery.

The punishment for rape under the law varies from 100 lashes to 10 years' imprisonment to death. Spousal rape is not addressed. In most rape cases convictions were not publicized; however, observers believed that sentences often were less than the legal maximum.

There are no laws specifically prohibiting domestic violence. Violence, including spousal abuse, against women was common, although there were no reliable statistics on its prevalence. Women who filed claims were subjected to accusations of lying or spreading false information, harassment, or detention, which made many women reluctant to file formal complaints, although such abuse constituted grounds for divorce. The police normally did not intervene in domestic disputes. The Government launched its Violence Against Women Action Plan in 2005; the program included awareness posters and a media campaign of zero tolerance for violence against women, increased the number of female police officers, and expanded training for police in Darfur. Southern women displaced by the north/south conflict were vulnerable to harassment, rape, and sexual abuse, particularly during informal repatriation to their place of origin (see Section 1.g).

Prostitution is illegal but widespread throughout the country.

While no law specifically prohibits sexual harassment, the law does prohibit gross indecency, which is defined as any act contrary to another person's modesty. The penalty for gross indecency is imprisonment of up to 1 year and 40 lashes. Harassment reportedly occurred, although reliable statistics were not available. There were frequent reports of sexual harassment by police in Darfur and elsewhere.

Some aspects of the law discriminated against women, including many traditional legal practices and certain provisions of Shari'a as interpreted and applied by the Government. In accordance with Islamic law, a Muslim woman has the right to hold and dispose of her own property without interference, and women are entitled to inheritance from their parents. However, a widow inherits one-eighth of her husband's estate; of the remaining seven-eighths, two-thirds goes to the sons and one-third to the daughters. It is much easier for men than for women to initiate legal divorce proceedings.

Since, under Islamic law, a non-Muslim woman takes on the religion of her husband at marriage, a Muslim man may marry a Christian or Jew, and their children will be considered Muslim. The same is not true for a Muslim woman, who cannot legally marry a non-Muslim unless he converts to Islam. This prohibition usually

was neither observed nor enforced in areas of the south or among Nubans (most of whom were Muslim).

Women cannot travel abroad without the permission of their husbands or male guardians; however, this prohibition was not enforced strictly for NCP members. To obtain an exit visa, children must receive the permission of their father or their paternal uncle. Women cannot apply for exit visas for their children.

Although women generally were not discriminated against in the pursuit of employment, they were not legally permitted to work after 10:00 p.m., in theory limiting their employment opportunities. Nonetheless, many women did work after 10:00 p.m., including women in official positions such as airport security. Women were accepted in professional roles; more than half the professors at Khartoum University were women.

Various governmental bodies have decreed that women must dress modestly according to Islamic standards, including wearing a head covering, but police rarely enforced such decrees. Women often appeared in public wearing trousers or with their heads uncovered.

A number of women's groups were active, focusing on a wide range of social and economic issues.

*Children.*—The Government was somewhat committed to children's rights and welfare, but there were great disparities by regions. While education is compulsory through grade eight, UNICEF reported that only half of school-age children attended primary school. The law provides for free basic education up to grade eight, but students continued to be expelled from class for failing to pay school fees, despite a 2005 government decree prohibiting the practice; nearly all children were charged fees for "school support" or "community contribution." There were wide educational disparities among states and sometimes between genders, particularly in the eastern and western regions; for example, enrollment was 78 percent in Khartoum State and only 30 percent in the eastern part of the country. In the north boys and girls generally had equal access to education (enrollments of 50 and 47 percent, respectively), although girls were more affected by early marriage and the fact that many families with restricted income chose to send sons and not daughters to school. In the urban areas of the south, fewer than 27 percent of primary-school-age children attended school and there was a basic education gender disparity of three boys for each girl.

While school enrollment among IDPs and in nomadic communities remained low, there was an increase in student numbers during the year. Approximately half of school-age IDPs in Khartoum were enrolled in school. According to the Sudan Household Health Survey, approximately 750,000 of the 1,750,000 children of primary school age in Darfur were enrolled.

Boys and girls had equal access to health care.

A large number of children suffered abuse, including abduction, enslavement, and forced conscription.

FGM remained widespread, particularly in the north. FGM was becoming less common as a growing number of urban, educated families abandoned the practice. In a compromise with tradition, some families adopted clitoridectomy, the least severe form of FGM, as an alternative to infibulation. Although no form of FGM was illegal, the health law prohibited doctors and midwives from performing infibulations, the most common form of FGM. The Government actively campaigned against it. Several NGOs worked to eradicate FGM.

The law establishes the legal age of marriage as 10 for girls and 15 or puberty for boys. There were no reliable statistics on the extent of child marriage.

Child prostitution, trafficking of children, and sexual abuse of children remained problems, particularly in the south. Children engaged in prostitution for survival, usually without third-party involvement.

Government-aligned militias and rebel forces conscripted or accepted young men and boys into the aligned militias in Darfur.

Child labor remained a problem, mainly in the informal sector. In the south children, particularly girls, often worked in the fields.

The Government operated "reformation camps" for vagrant children. Police typically sent homeless children who had committed crimes to these camps, where they were detained for indefinite periods. Health care and schooling at the camps generally were poor, and basic living conditions often were primitive. All of the children in the camps, including non-Muslims, must study the Koran, and there was pressure on non-Muslims to convert to Islam. In the IDP camps in Darfur and refugee camps in Eastern Chad, rebel groups often conscripted teenage males. Conscripts faced significant hardship and abuse in military service, often serving on the front line. There were reports that abducted, homeless, and displaced children were dis-

couraged from speaking languages other than Arabic or practicing religions other than Islam.

*Trafficking in Persons.*—Although the law prohibits slavery and forced labor, the law does not specifically address trafficking in persons, and there were reports that persons were trafficked from and within the country. There were some reports that the abduction of women and children continued in the south due to tribal clashes.

There were no informed estimates on the extent of trafficking, including for camel jockeys, domestic servitude, sexual exploitation, or other types of forced labor. There were credible reports that tribal leaders with government connections transported children to the Persian Gulf to be used as jockeys in camel races or as laborers. In April the Governments of Sudan and the United Arab Emirates (UAE) signed a bilateral agreement establishing claims facilities to compensate former Sudanese child camel jockeys for their injuries. UNICEF and the Government's National Council for Child Welfare estimated that 219 children were repatriated from the UAE.

There were credible reports that intertribal abductions of women and children continued in the south. Victims frequently became part of the new tribal family, with most women marrying into the new tribe; however, some victims were used for labor or sexual purposes. The Government acknowledged that abductions occurred and that abductees were sometimes forced into domestic servitude and sexual exploitation. CEAWC and its 22 joint tribal committees investigated abduction cases, but have not engaged in any transport or retrieval missions since early 2006 due to lack of funding.

During the past 20 years, the LRA kidnapped more than 20,000 Ugandan children, took them back to the northern part of Uganda, and forced them to become sex slaves, porters, or soldiers. Many of the victims were killed. The LRA also abducted citizens while raiding towns in Southern Sudan. The Government permitted the Ugandan army access to Southern Sudan to pursue the LRA. Although Ugandan military operations have significantly reduced LRA numbers, the LRA continued to operate in the south and to hold child abductees, despite its August 2006 signing of an agreement to cease hostilities; such LRA attacks restricted humanitarian activities.

Shari'a and the State of Emergency Law prohibit all forms of sexual exploitation, and penalties include fines and imprisonment. However, there were no prosecutions under these laws during the year.

The Government conducted antitrafficking public information and education campaigns at the national, state, and local levels.

*Persons with Disabilities.*—While the law does not specifically prohibit discrimination against persons with disabilities, it does stipulate that "the state shall guarantee to persons with special needs the enjoyment of all the rights and freedoms set out in the Constitution, access to suitable education, employment, and full participation in society." The Government did not discriminate against persons with disabilities but has not enacted any special legislation for persons with disabilities, such as mandating accessibility to public buildings and transportation. Credible sources noted that prisoners with mental disabilities were chained 24 hours per day.

*National/Racial/Ethnic Minorities.*—The population is a multi-ethnic mix of more than 500 Arab and African tribes with numerous languages and dialects. Northern Muslims, numbering approximately 16 million persons, traditionally dominated the Government, while southern ethnic groups fighting the civil war (largely followers of traditional indigenous religions or Christians) numbered approximately 6 million. The fighting in Darfur was between Muslims who consider themselves either Arab or non-Arab.

The Muslim majority and the Government continued to discriminate against ethnic minorities in almost every aspect of society in the north. Citizens in Arabic-speaking areas who did not speak Arabic experienced discrimination in education, employment, and other areas. There also were reports of discrimination against Arabs and Muslims by individuals in the Christian-dominated south.

There were occasional reports of intertribal abductions of women and children in the south, primarily in the eastern Upper Nile. The abductions were part of traditional warfare in which the victor took women and children as bounty and frequently tried to absorb them into their own tribe. There were traditional methods of negotiating and returning the women who were taken in these raids. Many of these women were raped and "chose to marry" their abductors, rather than return home and be stigmatized.

Fighting between ethnic groups, such as between Dinka and Nuer or among Nuer tribes resulted in the killings of several hundred persons during the year.

*Other Societal Abuses and Discrimination.*—Homosexuality is a crime, but no one has been prosecuted on the charge; there is societal but not official discrimination against homosexuals.

*Incitement to Acts of Discrimination.*—The Government and government-supported militias actively promoted hatred and discrimination, using standard propaganda techniques to incite tribal violence. Credible sources noted that the Government supported one tribe over another, arming certain tribal militias against other tribes.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—Although the law provides for the right of association for economic and trade union purposes, the Government denied this right in practice. The Trade Union Act established a trade union monopoly in the Government. Only the government-controlled Sudan Workers Trade Union Federation (SWTUF), which consists of 25 state unions and 22 industry unions, can function legally; all other unions were banned. The International Labor Organization (ILO) has frequently noted that the trade union monopoly contravened the principles of freedom of association. The International Confederation of Free Trade Unions continued to recognize the “legitimate” Sudan Workers Trade Union Federation—the national trade union center that functioned prior to the ban—which operated in exile.

The law does not prohibit antiunion discrimination by employers.

*b. The Right to Organize and Bargain Collectively.*—The law denies trade unions autonomy to exercise their right to organize or to bargain collectively. The law defines the objectives, terms of office, scope of activities, and organizational structures and alliances for labor unions. The Government’s auditor general supervised union funds because they were considered public money.

While labor organizing committees have the right to organize and bargain collectively, in practice the Government dominated the process of setting wages and working conditions through its control of the steering committees. A tripartite committee comprising representatives of the Government, the government-controlled SWTUF, and business set wages. The absence of labor legislation allowing for union meetings, the filing of grievances, and other union activity greatly reduced the value of these formal rights. Local union officials raised some grievances with employers, although few raised them with the Government. There were credible reports that the Government routinely intervened to manipulate professional, trade union, and student union elections.

Specialized labor courts adjudicated standard labor disputes, but the Ministry of Labor has the authority to refer a dispute to compulsory arbitration.

Strikes were considered illegal unless the Government granted approval, which has never occurred. In most cases employees who tried to strike were subject to employment termination; however, workers went on strike during the year and were not terminated.

There is one export processing zone located in Port Sudan, and it is exempt from regular labor laws.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices continued.

Although the Government continued to deny that slavery and forced labor existed, CEAWC acknowledged that abductions had occurred.

Both the Government and rebel factions continued to conscript men and boys into the fighting forces.

Abduction, forced labor, and sexual slavery of women and children continued.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—Although mandated by the interim Constitution to protect children from exploitation, the Government did not effectively do so, and child labor was a serious problem. The legal minimum age for workers was 18 years, but the law was not enforced in practice. Young children worked in a number of factories, and severe poverty produced widespread child labor in the informal and rural farming economy. Children were engaged in shining shoes, washing cars, street vending, begging, herding animals, construction, and other menial labor.

There were reports that government and government-aligned militias conscripted children and accepted children as soldiers. Child trafficking continued, and child prostitution was widespread.

Child labor existed in the south, particularly in the agricultural sectors, where children were employed as field workers, harvesters, and street vendors. Child labor

in such areas was exacerbated by lack of schools, extreme poverty, and the lack of an effective legal minimum age for workers.

The Ministry of Social Welfare, Women, and Child Affairs has responsibility for enforcing child labor laws; however, enforcement was ineffective.

*e. Acceptable Conditions of Work.*—The minimum wage was \$62 (124 Sudanese pounds) per month, which did not provide a worker and family a decent standard of living. The Ministry of Labor, which maintained field offices in most major cities, was responsible for enforcing the minimum wage, which employers generally respected. Workers who were denied the minimum wage could file a grievance with the local labor ministry field office, which then was required to investigate and take appropriate action. There were reports that some workers, including postal and health workers, were not paid their regular wages. Due to a lack of capacity and difficulties in establishing the new government in the south, civil service workers, including teachers, often worked for long periods without getting paid. The only payment many teachers received were informal school fees paid by the parents of the children.

Legal foreign workers had the same labor rights as domestic workers. Southern IDPs generally occupied the lowest paying occupations and were subject to economic exploitation in rural and urban industries and activities.

The law, which was generally respected, limits the workweek to 48 hours (six 8-hour days), with a day of rest on Friday. Overtime should not exceed 12 hours per week or 4 hours per day. There was no prohibition on excessive compulsory overtime.

Although the laws prescribe health and safety standards, working conditions generally were poor, and enforcement by the Ministry of Labor was minimal. The right of workers to remove themselves from dangerous work situations without loss of employment is not recognized.

---

## SWAZILAND

Swaziland is a modified traditional monarchy with executive and some legislative powers vested in King Mswati III. The Constitution, which went into effect in February 2006 and replaced the 1973 Decree, confirms most of the king's powers, but provides for an independent judiciary. The king rules in conjunction with a prime minister, a partially elected Parliament, and an accompanying structure of published laws and implementing agencies. The population was approximately 954,000. The most recent parliamentary elections, held in 2003, were not considered free and fair. Political power remained largely with the king and his circle of traditional advisors, including the queen mother. While the civilian authorities generally maintained effective control of the security forces, there were instances in which security forces committed abuses.

Government agents continued to commit or condone serious abuses. Human rights problems included: inability of citizens to change their government; unlawful killings by security forces; police use of torture, beatings, and excessive force; police impunity; arbitrary arrests and lengthy pretrial detention; infringement on citizens' privacy rights; limits on freedom of speech and of the press; restrictions on freedom of assembly and association; prohibitions on political activity and harassment of political activists; restrictions on freedom of movement; discrimination and violence against women; poor enforcement of women's rights; child abuse; trafficking in persons; societal discrimination against mixed race and white citizens; antiunion discrimination and child labor.

### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—The Government and its agents did not commit any politically motivated killings; however, there were credible reports that security forces committed unlawful killings. Security forces were responsible for a number of deaths during apprehension and in custody, some reportedly due to torture.

For example, on April 3, officers of the Royal Swaziland Police Force Service (RSPS) shot and killed Sikiza Mondlane, Celcolo Nkambule, Thula Mazibuko, and an unidentified suspect during their apprehension while stripping car parts from a stolen vehicle in Mhlume. The four were in possession of a toy gun and a pellet rifle. No known investigation into the incident was conducted.

On August 11, police shot and killed Ntokozo Ngozo, who they were attempting to arrest in connection with the shooting death of a police officer on June 22. Eyewitness reports stated that Ntokozo was unarmed and had his hands in the air when he was shot, after which he was interrogated for more than 2 hours by police at that location. Police subsequently took Ngozo to the hospital, where he was declared dead upon arrival. A post mortem report by an independent pathologist hired by Amnesty International stated that Ngozo was shot twice by police within close range. The prime minister promised to investigate the shooting, but no investigation had been conducted by year's end.

On August 28, along the eastern border separating Swaziland and South Africa, the Umbuto Swaziland Defense Force (USDF) shot and killed Wandile Ngwenya as he allegedly tried to smuggle a car into Swaziland. No investigation was conducted or action taken against the USDF members responsible for the killing.

There were no developments in the following 2006 cases: The January death of Fikile Mamba, wife of Mduduzi Mamba, a member of the banned political organization People's United Democratic Movement (PUDEMO); the alleged beating to death by police of Mthokothoko Mamba in February; the February death of Muzi Ntshalintshali while in a correctional facility; or the September shooting to death by police of Mphikeleli Mabuza.

There were no developments in the 2005 reported killings of civilians by members of the USDF.

There were reports of mob killings during the year. On August 27, the Times of Swaziland reported that a mob beat Timothy Dlamini with bricks after he was caught breaking into a minibus in Manzini; he died of his injuries in a hospital 4 days later. There were unconfirmed reports that witnesses identified one member of the mob as an off-duty police officer. There were no further developments in the case by year's end.

On September 17, a mob in Mbabane beat an unidentified man to death after he was reportedly caught stealing a car radio. No action was taken in the case by year's end.

On October 12, a mob beat Nkosingiphile Dlamini to death after he stabbed an elderly neighbor. Four members of the mob, three relatives of the elderly neighbor, and a community police officer were arrested for the murder. The case was ongoing at year's end.

There were no developments in the 2006 or 2005 killings as a result of mob violence.

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits such practices; however, the provision prohibiting law enforcement officials from engaging in torture is located in the "policy" section of the Constitution and is not enforceable in any court or tribunal. The law does not specifically prohibit such practices. Security officials who engage in such practices may be punished, but no punishments were reported during the year. There were reports that government officials used torture during interrogation and assaulted citizens and used excessive force in carrying out their duties. However, unlike in the previous year, there were no reports that police used the "tube" style of interrogation, in which police suffocated suspects by using a rubber tube around the suspect's face and mouth.

In September a commission appointed to investigate the 2005 and 2006 allegations of torture by 17 members of political organizations who were arrested in connection with 2005 petrol bombings submitted a report to the prime minister's office; the findings had not been released to the public by year's end.

There were no developments in 2005 cases of security force abuse.

There were credible reports of mob violence during the year. On February 11, a mob in New Village in Manzini, armed with bushknives and sjamboks, assaulted Mandla Nhleko and doused him with petrol before setting him on fire and petrol bombing his house. The mob claimed Nhleko was performing witchcraft rituals. Nhleko was taken by police to the hospital for treatment; an investigation was ongoing at year's end.

On March 18, community police in Kwaluseni chained Mandla Mkhathshwa to a tree for allegedly threatening his former girlfriend with harm or death via witchcraft. Mkhathshwa was beaten until he confessed to making his girlfriend sick. He was fined \$143 (1,000 emalangeni) for her medical bills.

*Prison and Detention Center Conditions.*—Government prisons and detention centers remained overcrowded, and conditions generally were poor. There were reports of abuse and torture by prison guards. Swaziland Coalition of Concerned Civic Organizations reported that the use of physical punishment is accepted as part of the

culture and not seen as a human rights issue. Rape between prisoners contributed to the spread of HIV/AIDS.

In Mawelawela, the sole women's detention facility, detainees were not held separately from convicts. In December the Correctional Service reported that 62 women lived in the facility and that 30 children had lived with their mothers in the facility during the year.

The Government routinely permitted prison visits by diplomats, journalists, human rights monitors, and representatives of international organizations. On August 27, the Government facilitated visits to prisons, including Mawelawela and the juvenile prison in Mdotjane, by a delegation from the U.N. Committee on the Rights of the Child from Geneva to assess prison living conditions. A press statement issued by the group stated that children were allowed to be with their mothers in prison and the treatment of prisoners was satisfactory, but that more should be done to address the issue of holding juveniles in prison without convictions.

*d. Arbitrary Arrest or Detention.*—The Constitution and law prohibit arbitrary arrest and detention; however, arbitrary arrest and lengthy pretrial detention were problems.

*Role of the Police and Security Apparatus.*—The king is the commander-in-chief and also holds the position of minister of defense. He presides over a civilian principal secretary of defense and a commanding general.

The RSPS is responsible for maintaining internal security. The USDF is responsible for external security, but also has limited domestic security responsibilities. The RSPS is under the authority of the prime minister, while the USDF reports to the Ministry of Defense. The principal secretary of defense and the army commander are responsible for day-to-day operations of the USDF. The RSPS and the USDF were generally professional despite inadequate resources and bureaucratic inefficiency; however, both forces were susceptible to political pressure and corruption. The Government generally failed to prosecute or otherwise discipline security officers accused of abuses. No independent body had the authority to investigate police abuses; however, an internal complaints and discipline unit investigated reports of human rights abuses by the police but did not release their results to the public. There were no reports of government action to reform the RSPS. The Government provided training to community police in investigative skills and the appropriate use of force.

Traditional chiefs supervised rural community police who have the authority to arrest suspects and bring them before an inner council within the chiefdom for trial. Serious cases were handed over to the RSPS for further investigation. Several community police officers were accused of abuses.

On May 6, Phumlani Dlamini, a soldier, was whipped 80 times on the buttocks by eight members of the community police for allegedly assaulting a woman. There was no investigation into the case by year's end.

In July an unidentified man filed assault charges against the Logoba area community police for attacking him with sharp objects and leaving him for dead. There were no further developments in the case by year's end.

*Arrest and Detention.*—The law requires warrants for arrests except when police observe a crime being committed or believe that a person is about to commit a crime. Detainees may consult with a lawyer of their choice, but the Government pays for defense counsel only in cases in which the potential penalty is death or life imprisonment. Detainees must be charged with the violation of a statute within a reasonable time, usually 48 hours or, in remote areas, as soon as the judicial officer appears. In general, detainees were promptly informed of the charges against them, and their families had access to them. There is a functioning bail system and, except in cases of murder and rape, suspects can request bail at their first appearance in court, which by law must take place within 48 hours of arrest; however, arresting authorities did not always present detainees within that period.

Police dispersed demonstrations that they considered unauthorized or politically motivated and they sometimes briefly detained demonstrators without charge.

Police arrested demonstrators and opposition political organization members during the year.

On April 12, five members of PUDEMO were arrested in Siteki, charged with sedition, and held for 2 weeks; the Government later changed the charges to jaywalking. The PUDEMO members were convicted of jaywalking and each sentenced to a fine of \$29 (200 emalangeni) or 3 months in prison; the court then issued a 2-year suspension of sentence and the PUDEMO members were released.

Lengthy pretrial detention was common. In April the International Centre for Prison Studies found that 31 percent of the prison population of 2,719 were pretrial detainees. There were only 11 judges and 19 magistrates to try the approximately

1,500 detainees awaiting trial during the year. Police justified pretrial detention on the basis that they needed to collect evidence of the alleged crimes and that releasing the detainee would allow the person to influence witnesses. In some cases these claims resulted in repeated remands that lasted for years. For example, on March 16, four murder suspects were acquitted by the high court after spending 3 years in custody.

*e. Denial of Fair Public Trial.*—The Constitution and law provide for an independent judiciary. In April the judiciary began operating on a separate budget. The lack of trained manpower, inadequate salaries, poor casework management, and a significant backlog of cases remained problems for the judiciary.

Judicial powers are vested in a dual system: One based on Roman-Dutch law and the other based on a system of national courts that follows unwritten traditional law and custom. The Roman-Dutch-type judiciary consists of the Supreme Court, the High Court, and magistrate courts. The High Court has no jurisdiction in matters concerning the office of the king or queen mother, the regency, chieftancy, the Swazi National Council, or the traditional “regiments” system, as these are governed by national law and custom. The High Court interprets the Constitution.

The Government took steps during the year to address long-term vacancies in the court system. On March 9, the king appointed two new high court justices on a permanent basis. On May 25, the king appointed a new chief justice, a Malawian citizen, to the Supreme Court; the Supreme Court is composed entirely of foreign-born, primarily South African, judges.

A children’s court handles cases in which children who were victims of sexual abuse or other crimes testify from a separate room, linked by closed-circuit television to the courtroom.

Most citizens who encountered the legal system did so through the 13 traditional or national courts, each with a president appointed by the king. Authorities may bring citizens to these courts for minor offenses and violations of traditional law and custom. In 2005 the Swazi News quoted the judicial commissioner as saying that some traditional court presidents imposed fines exceeding the legal limit of approximately \$15 (100 emalangi); this practice continued during the year.

The public prosecutor has the legal authority to determine which court should hear a case, but in practice police usually made the determination. Persons convicted in the traditional courts may appeal to the High Court. Prolonged delays in trials in the magistrate courts and High Court were common.

Military courts are not allowed to try civilians.

*Trial Procedures.*—The Constitution provides for the right to a fair public trial except when exclusion of the public is necessary in the “interests of defense, public safety, public order, justice, public morality, the welfare of persons under the age of 18 years, or the protection of the private lives of the persons concerned in the proceedings,” and the independent judiciary generally enforced this right. In practice, cases involving child victims are closed to the public. Defendants enjoy a presumption of innocence. Juries are not used. Court-appointed counsel is provided at government expense in capital cases or when the crime is punishable by life imprisonment. Otherwise, defendants in superior and magistrate courts are entitled to hire counsel at their own expense. Defendants can question witnesses against them and present witnesses in their own behalf. Defendants and their attorneys have access to relevant government-held evidence, generally obtained during pretrial consultations with the public prosecutor’s office. Defendants and prosecutors have the right of appeal, up to the Supreme Court.

In traditional courts defendants are not permitted formal legal counsel but may speak on their own behalf, call witnesses, and be assisted by informal advisors. Sentences are subject to review by traditional authorities and can be appealed to the High Court.

The king appoints traditional chiefs. The traditional courts serve the chiefs and have limited civil and criminal jurisdiction. They are authorized to impose fines up to approximately \$15 (100 emalangi) and prison sentences of up to 12 months. However, traditional courts are empowered to administer customary law only “insofar as it is not repugnant to natural justice or morality” or inconsistent with the provisions of any law in force.

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

*Civil Judicial Procedures and Remedies.*—There is an independent and impartial judiciary, which tries civil as well as criminal cases, including suits for damages against government agents. For example, in June Gerald Dlamini won a law suit against the RSPS for unlawful arrest and emotional shock.



In September the industrial court ordered the Government to pay \$27,000 (200,000 emalangen) to the former director of public prosecutions, Lincoln Ngarua, a Kenyan, as compensation for unfair dismissal in 2003.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution and law prohibit such actions except “in the interest of defense, public safety, public order, public morality, public health, town and country planning, use of mineral resources, and development of land in the public benefit.” The Government generally respected these provisions; however, there were reported instances of abuse.

The law requires police to obtain a warrant from a magistrate before searching homes or other premises. Police officers with the rank of subinspector or higher have the authority to conduct a search without a warrant if they believe that evidence might be lost through the delay in obtaining a warrant. In July there were allegations that a deputy sheriff confiscated property without a court order and without conducting an inventory.

There were no developments in the 2005 arrest of 13 persons in a warrantless raid.

There were instances in which police conducted physical surveillance on members of labor unions and political groups.

On October 10, RSPS officers attempted to stop an international youth group meeting where the secretary general of the Swaziland Federation of Trade Unions (SFTU) was scheduled to speak and politics were to be discussed. A youth group organizer was summoned to appear before the minister of regional development and youth affairs, where she was informed that the ministry wanted to stop the meeting because the group did not receive cabinet approval before hosting international delegates. The organizer claimed she was told to let the police sit in on the conference, cancel the SFTU speaker, and apologize; she acquiesced to the demand in order for the meeting to proceed. The ministry subsequently publicly denied tampering with the guest speaker list.

On occasion police reportedly presented themselves to union leadership and asked to attend union meetings; the leadership permitted them to do so.

There were no developments in the November 2006 request to the king by Chiefs Mliba Fakudze and Mtfuso Dlamini for compensation for their property. Their eviction, along with 200 other residents of two chiefdoms in 2000, sparked the 2002 rule of law crisis.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press; however, the Government limited these rights in practice. Journalists practiced self-censorship. Citizens criticized the Government without fear of reprisal but generally did not criticize the royal family.

There were two daily newspapers—the independent Times of Swaziland and the Swazi Observer, which was owned by the king’s investment company, Tibiyo Taka Ngwane. Both newspapers covered a wide variety of sensitive topics and criticized government corruption, inefficiency, and waste. The weekly government periodical Swaziland Today falls under the Ministry of Public Service and Information. The prime minister hosted monthly “media breakfasts” to which he invited journalists of both newspapers. Reporting in the independent paper was somewhat less critical of the Government than in previous years, and the paper provided more coverage of government functions and royal events.

Private companies and church groups owned several newsletters and magazines.

There was one government-owned radio station and one independent radio station, which only broadcast religious programs. There was a privately owned television station, which was officially independent; however, the owner’s mother was the daughter of the previous king, Sobhuza II, and its reporting favored the monarchy. The government-owned Swaziland Television Authority and radio stations, the most influential media in reaching the public, generally followed official policy positions. Government broadcast facilities retransmitted Voice of America and BBC news programs in their entirety.

International news and other magazines were widely available. Consumers freely purchased and used satellite dishes to receive signals and programming from independent South African and other international service providers.

There were reports of harassment of journalists during the year. On July 4, Parliament found Sunday Times editor Mbongeni Mbongo guilty of lack of objectivity and knowledge of parliamentary procedure after he wrote an editorial that criticized Speaker of the House Prince Guduza. Speaker Guduza had reportedly blocked a motion by a member of Parliament (MP) that challenged an alleged secret move by the cabinet and the traditional body, the Swaziland National Council Standing Com-

mittee (SNNC), to amend a clause in the Constitution. The editorial alleged Prince Guduza and the SNNC sought to lower the qualifications of the chief electoral officer to allow for the incumbent to remain in his current position.

There were reports of government restrictions on media content. On June 27, the Minister of Health and Social Welfare, Njabulo W. Mabuza, barred journalists from government hospitals and banned government hospital staff from talking to the media following an article in the Times of Swaziland that attributed the death of a 4-year-old-girl with rabies to the hospital's inadequate supply of drugs.

There were reports of self-censorship during the year. A source in the Media Institute of Southern Africa stated that on a few occasions journalists received anonymous telephone calls advising them not to pursue a particular story, and that the journalists complied.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Most citizens lived in rural areas without access to the Internet. Internet cafes existed in larger urban areas, but bandwidth was limited. A single Internet provider held a government-approved monopoly.

*Academic Freedom and Cultural Events.*—Restrictions on political gatherings and the practice of self-censorship restricted academic freedom by limiting academic meetings, writings, and discussion on political topics. On April 4, a public debate organized by University of Swaziland (UNISWA) students to discuss the political crisis in Zimbabwe was cancelled at the last minute by university authorities claiming that they were not given adequate advance notice. The debate was held at a hotel paid for by the students.

There were no government restrictions on cultural events.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The Constitution provides for freedom of assembly; however, the Government restricted this right in practice. The law requires those wishing to hold meetings of a political nature, marches, or demonstrations in a public place to first obtain the consent of the police commissioner. Authorities routinely withheld permission to hold most such meetings.

Police forcibly dispersed several demonstrations and meetings and arrested demonstrators and participants. On April 12, during a protest march organized by the PUDEMO, police officers reportedly choked one of the protesters, and 21 protesters claimed they were driven in a police van to Ezulwini satellite police station, located on the outskirts of Mbabane, and abandoned. No investigation was conducted.

No action was taken against security forces who forcibly dispersed demonstrations in 2006 and 2005.

*Freedom of Association.*—The Constitution provides for freedom of association; however, the Government restricted this right in practice. The Constitution does not address the formation or role of political parties but states that candidates for public office shall compete on their individual merit. The 1973 decree which banned political parties lapsed with the 2006 implementation of the Constitution; however, a June 2006 petition by the African United Democratic Party (AUDP) to compel the Government to register it as a political party was denied. The AUDP appealed to the High Court; an October 2006 hearing was postponed due to the resignation of a judge and there were no further developments by year's end. Some political organizations continued to operate without calling themselves parties.

There were incidents of action taken against persons who were associated with political organizations. On August 6, 15 students from Madlangempisi High School were suspended for making political statements indicating they were affiliated with PUDEMO in honor of the death of the deputy head teacher, who was a member of PUDEMO. After apologizing and receiving a warning not to associate with political parties, the students were allowed to return to school.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

New religious groups or churches are expected to register with the Government. There is no law that describes the organizational requirements of a religious group or church. All religions were recognized unofficially. Religious groups were registered routinely, and there were no reports that any groups were denied registration during the year.

Government permission was required for the construction of new religious buildings. Non-Christian groups sometimes experienced minor delays in obtaining permits from the Government. The government-owned television and radio stations did not permit non-Christian religious groups to broadcast.

*Societal Abuses and Discrimination.*—The relationships among religious groups were generally amicable. The Jewish community comprised less than 1 percent of the population, and there were no reports of anti-Semitic acts.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The new Constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation; it also states that provisions of law and custom which impose restrictions on the freedom of any person to reside in the country shall not contravene the freedom granted by the Constitution.

Non-ethnic Swazis sometimes experienced lengthy processing delays when seeking passports and citizenship documents, in part due to the prejudice that mixed-race and white persons were not considered legitimate citizens.

The Government treated several thousand ethnic Swazis living across the border in South Africa who were not Swaziland citizens as indistinguishable from citizens and routinely granted them travel and citizenship documents.

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

*Protection of Refugees.*—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and to the 1967 Protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against “refoulement,” the return of persons to a country where there is reason to believe they feared persecution, and granted refugee status or asylum. The Government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees and asylum seekers.

The Government accepted refugees for permanent resettlement; citizenship is available to refugees who have lived in Swaziland more than 5 years. Most refugees, however, only apply after extended periods of time living in the country due to lack of information regarding their immigration status. In September 2006 the Government began registering refugees in accordance with UNHCR Conclusion 91. The Government currently assists refugees living in camps by providing free transportation twice a week for the refugees to transport vegetables and wares to local markets in order to make a living.

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

Citizens are not able to change their government peacefully. The king retains ultimate executive and legislative authority, and Parliament has limited authority. Legislation passed by Parliament requires the king’s assent to become law. Under the Constitution, the king chooses the prime minister, the cabinet, two-thirds of the Senate, many senior civil servants, the chief justice and other justices of the superior courts, members of commissions established by the Constitution, and the heads of government offices. On the advice of the prime minister, the king appoints the cabinet from among the members of the Parliament; at least half of the ministers must be elected members of the House of Assembly. The king makes other appointments on the advice of a minister, the Judicial Service Commission, Civil Service Commission, or other commissions established by the Constitution. The Constitution states that when the king is required to consult with any person or authority before exercising a function; he can, after the consultation, choose whether to exercise that function.

In February 2006 the new Constitution went into effect. The Government declared that the 1973 Emergency Decree, under which the king was able to rule by decree, lapsed when the Constitution took effect. Civic organizations criticized the Government for the way it drafted the Constitution, specifically for not allowing nongovernmental groups to contribute to the process. In addition civic groups charged that the Constitution would not enable citizens to change executive government officials peacefully. In August 2006 the National Constituency Assembly (NCA), a group of civic organizations, petitioned the High Court to declare the Constitution null and void on several grounds, including non-compliance with the constitutional drafting process set down in the 1973 Decree, which required extensive consultation with citizens. In a September 2006 hearing on the motion, the NCA demanded access to the records of the Constitutional Drafting Committee and the Constitutional Review Committee. The Government attorney replied that the decree establishing these two committees provided that the public would have no right of access to the committees’ records. On August 28, a full bench of the High Court heard arguments brought by the NCA; on November 7, the High Court ruled against the NCA, who stated that it plans to appeal.

*Elections and Political Participation.*—The most recent parliamentary elections took place in 2003; however, commonwealth observers concluded they were not free and fair. Election procedures generally were carried out in an orderly fashion, but police arrested several persons for using forged voter registration certificates and for trying to vote more than once.

The new Constitution provides that a five person Electoral and Boundaries Commission, chosen by the king on the recommendation of the Judicial Services Commission, will oversee future elections. The EBC commissioners will sit for 12 years and will draw district boundaries, commission civic education and voter registration programs, and publish post-election reports. As of year's end, no commissioners had been named.

When the new Constitution took effect, the 1973 Decree which banned political parties lapsed. The Constitution provides for freedom of association but does not address political parties, and the Government has not acted on the requests for registration by several self-declared political parties and movements.

In August 2006, at the prime minister's monthly meeting with journalists, the minister of justice and constitutional affairs stated that political organizations could hold meetings at "tinkhundla" (local government) centers, but first they would have to obtain the permission of the regional administrator, and allow a police officer to attend the meeting.

Chiefs are custodians of traditional law and custom, and are responsible for the day-to-day running of their chiefdom and for maintaining law and order. Chiefs act as overseers or guardians of families within the communities. They are an integral part of society and traditionally report directly to the king. Local custom mandates that chieftaincy is hereditary. However, the new Constitution, while recognizing that chieftaincy is "usually hereditary and is regulated by Swazi law and custom," also states that the king "can appoint any person to be chief over any area."

The 65-member House of Assembly is constituted according to the law that was in effect when its members were elected in 2003. Under this law 55 seats in the House are popularly contested, and the king appoints the remaining 10 members. The Constitution calls for a House of Assembly composed of up to 76 elected members, including 10 members appointed by the king. Five of the 10 must be women, and the other five must represent "interests, including marginalized groups not already adequately represented in the House." The House must also include one woman from each of the four regions, nominated by the elected house members from that region.

The king appoints 20 members of the 30-seat Senate, and the House of Assembly elects the other 10. The new Constitution provides that eight of the king's nominees and five of the House of Assembly's nominees be women. The Constitution also states that candidates for public office must compete on their individual merit, thereby blocking competition based on political party affiliation.

Women generally had full legal rights to participate in the political process; however, in accordance with societal norms and practice, widows in mourning (for periods that can vary from 1 to 3 years) are prevented from appearing in certain public places and in close proximity to the king. As a result, widows are effectively excluded from voting or running for office. Seven women were in the 65-member House of Assembly, 12 women in the 30-member Senate, and three female ministers in the cabinet, including the deputy prime minister. Four women served as principal secretaries, the most senior civil service rank in the ministries.

There were three members of minorities in the Senate, one white and two of mixed race. There were no minority members in the House of Assembly or cabinet.

*Government Corruption and Transparency.*—On February 1, the Prevention of Corruption Act, which provides criminal penalties for official corruption came into effect; however, the Government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. The World Bank's worldwide governance indicators reflect that corruption was a serious problem.

There were credible reports that unqualified businesses were awarded contracts due to the owners' relationship with government officials. The Government took some steps during the year to fight corruption. On January 15, a commission established in June 2006 by the prime minister to investigate how the Government spent approximately \$7 million (50 million emalangeni) on a business training exercise for which it had allocated only \$1.5 million (10 million emalangeni), submitted its findings, which recommended the prosecution of nine persons for their involvement in the scandal. From January 19–21, the nine suspects, including the former principal secretary of the minister of finance and other individuals that were closely associated with the king, were arrested and charged with corruption and defrauding the Government. The suspects were released on bail and were awaiting trial at year's end.

The Constitution prohibits government officials from assuming positions in which their personal interest is likely to conflict with their official duties. These officials are required to declare their assets and liabilities to the Integrity Commission within 6 months of its establishment; however, the Integrity Commission is subsumed under the Commission on Human Rights and Public Administration, which had not been established by year's end.

There was a widespread public perception of corruption in the executive and legislative branches of government and a general consensus that the Government was doing too little to combat it.

The press reported that some MPs engaged in fraud, kickbacks, and scams. In March the Parliament portfolio committee assigned to investigate allegations of government corruption in the procurement of medicine produced a report; however, in June the House of Assembly resolved to reject the report for containing unsubstantiated claims of corruption. In a separate case, MP Mfomfo Nkambule was under investigation for corruption relating to the employment contract of the chief executive officer of the Swaziland Electricity Board while Nkambule was minister of natural resources and energy. Nkambule retained his seat in the House of Assembly and was never charged with a crime.

In August the former clerk of Parliament and an MP were cleared of fraud allegations.

In 2006 the Government commissioned Pricewaterhouse Coopers to conduct a forensic investigation of the Department of Customs and Excise and the Department of Income Tax. The investigation report found that the computer user identifications of seven customs officials had been used to manipulate data to undercharge importers by approximately \$4 million (28.5 million emalangeni). The report recommended disciplinary hearings for several Department of Income Tax employees and the banning of several companies from eligibility for government tenders. No action had been taken on the recommendations by year's end.

Government operations lacked transparency. There is no law permitting public access to government documents, and public documents were difficult to access. During the year, the Government argued in court that the public had no right of access to the records of the Constitutional Drafting Commission. On November 7, the High Court ruled that unions and political organizations had no legal basis to access the records.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases; however, government officials were rarely responsive to their views. Among the active groups were the Swaziland Action Group Against Abuse (SWAGAA), Lawyers for Human Rights of Swaziland, and Women and Law in Southern Africa. Human rights groups spoke out on a number of occasions, criticizing the lack of accountability and transparency in the Government.

The Constitution provides for the independence of human rights nongovernmental organizations (NGOs); however, this provision falls within the "policy" section, which the Constitution states is to guide all agencies of the Government, but cannot be enforced in any court or tribunal.

The Government permitted a visit by representatives of the U.N. Committee on the Rights of the Child.

The Constitution provides for the establishment of a Commission on Human Rights and Public Administration within a year of its implementation; however, the commission may not investigate "a matter relating to the exercise of any royal prerogative by the Crown." The Government had not established the Commission by year's end.

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

The Constitution prohibits discrimination based on race, sex, disability, age, ethnicity, religion, political opinion, or social status; however, the Government did not consistently enforce the law.

*Women.*—The law criminalizes rape, including spousal rape; however, rape was common, and the Government did not always enforce the law effectively. The RSPS Domestic Violence, Child Protection, and Sexual Offenses Unit handled approximately 350 rape cases. SWAGGA reports counseling 262 persons, mostly women, for sexual violence in 2006 and 2007. Rape was regarded by many men as a minor offense despite being against the law, and a sense of shame and helplessness often inhibited women from reporting such crimes, particularly when incest was involved. In the Roman-Dutch legal system, the acquittal rate for rape was high, and sen-

tences were generally lenient. On April 16, however, the High Court sentenced a 46-year-old man to 20 years' imprisonment for raping a minor girl and infecting her with HIV/AIDS.

In April 2006 the acting chief justice of the Court of Appeal issued a letter directing all magistrate courts to send rape cases to the High Court for sentencing, since magistrate courts could only impose a maximum sentence of 7 years (or 9 years in a principal magistrate's court). The letter also directed magistrates to refer to the High Court for trial all rape cases in which the victim was 16 years old or younger.

Domestic violence against women, particularly wife beating, was common despite traditional restrictions against this practice. Women have the right to charge their husbands with assault under both the Roman-Dutch and the traditional legal systems, and urban women frequently did so, usually in extreme cases when intervention by extended family members failed to end such violence. Penalties for men found guilty of assault against a woman, not involving rape, depended on the court's discretion. Rural women often had no relief if family intervention did not succeed, because the traditional courts were at times unsympathetic to "unruly" or "disobedient" women and were less likely than the modern courts to convict men for spousal abuse. The Roman-Dutch legal system often gave light sentences in cases of abuse against women. For example, a man was convicted and given the option of 7 months' imprisonment or a \$7 (50 emalangen) fine by the National Court for assaulting his girlfriend after she insisted they use a condom during sexual intercourse. In most similar cases, the fine was paid and the perpetrator set free.

In November the Office of the Director of Public Prosecutions petitioned the High Court to reopen a case in which Thokozani Bongani Mthembu pled guilty to raping a 13 year old girl and was given the option of 8 months in prison or a \$114 (800 emalangen) fine. Mthembu chose to pay the fine; however, the sentence was suspended for 2 years probation. The office felt the sentence was too light, and the petition to the High Court was pending at year's end.

SWAGAA recorded an increase in reports of spousal abuse, including an increase in the number of men complaining of abuse from their wives or girlfriends.

Prostitution is illegal, and police continued to enforce the law.

The law provides some protection from sexual harassment, but its provisions were vague and largely ineffective. There were occasional reports of sexual harassment, most often of female students by teachers.

Women occupied a subordinate role in society. The dualistic nature of the legal system complicated the issue of women's rights. Since unwritten law and custom govern traditional marriage and matters of inheritance and family law, women's rights often were unclear and changed according to where and by whom they were interpreted. Couples often married in both civil and traditional ceremonies, creating problems in determining which set of rules applied to the marriage and to subsequent questions of child custody and inheritance in the event of divorce or death. Under the Constitution children derive citizenship from the father and not from the mother unless the birth occurred outside marriage and the father does not claim the child. A foreign woman who marries a citizen can become a citizen by lodging a declaration with the proper authorities.

In traditional marriages a man may take more than one wife. A man who marries a woman under civil law may not legally have more than one wife, although in practice this restriction sometimes was ignored. Traditional marriages consider children to belong to the father and his family if the couple divorce. Children born out of wedlock are viewed as belonging to the mother. Inheritances are passed through male children only.

With the implementation of the February 2006 Constitution, women can open bank accounts, obtain passports, and take jobs without the permission of a male relative. Women routinely executed contracts and entered into a variety of transactions in their own names; however, banks still refused personal loans to women without a male guarantor. The Constitution provides for equal access to land; however, in practice this right was not enforced. The law requires equal pay for equal work; however, the average wage rates for men by skill category usually exceeded those of women. Several existing acts reportedly require amendments to bring them into line with the Constitution, including the Marriage Act, the Administration of Estates Act, the Deeds Registry Act, and others.

Mourning customs resulted in inequalities for women, and the high incidence of HIV/AIDS exacerbated this inequality. The Constitution states that "a woman shall not be compelled to undergo or uphold any custom to which she is in conscience opposed"; however, traditional family practices may treat a woman as an outcast if she refuses to undergo the mourning rite. When the husband dies, his widow must remain in strict mourning for 1 month, during which she cannot leave the house, and the husband's family can move into the homestead and take control of its oper-

ations. The mourning period can extend as long as 3 years, during which the widow's actions are extremely restricted. For example, she cannot participate in the chiefs "kraal," a traditional place of gathering where persons take their problems.

The Ministry of Home Affairs is responsible for coordinating women's issues but took no notable actions during the year. The UNISWA Senate had a subcommittee that encouraged students and faculty to hold seminars and workshops on gender issues. Several NGOs provided support for victims of abuse or discrimination.

*Children.*—The Government took steps to protect children's rights and welfare, and these rights are provided for in the new Constitution. However, the growing number of orphans and vulnerable children (OVC)—an estimated 130,000 according to a recent report—challenged that commitment.

During the year the Government did not provide free, compulsory education for children. The country had a 70 percent primary school enrollment rate. Children were required to start attending school at the age of 6. The public school system ends at grade 12. Most students reached grade seven, the last year of primary school, and many went on to finish grade 10. In rural areas families favored boys over girls if they did not have enough money to send all their children to school.

The Government paid teachers' salaries and textbook costs for first through seventh grade students, while the student paid varying school fees and contributed to the building fund. The Government set per-child and per-school limits on the amounts it paid for OVC tuition and school fees, but some schools complained of delayed payment, and expulsion of OVCs for nonpayment of fees increased. Supplemental money sometimes had to be raised for building maintenance, including teachers' housing.

Medical care for children generally was inadequate and characterized by long waits, poor nursing care in public hospitals, and overcrowded and understaffed hospitals. Boys and girls had equal access to state-provided medical care.

Child abuse, including rape of children and incest, was a serious problem, and the Government did not make specific efforts to end such abuse.

Corporal punishment by teachers is legal and routinely practiced. School regulations state that a teacher can administer a maximum of four strokes on the buttocks to a student less than 16-years-old and not to exceed six strokes.

Abandonment of newborn babies often by unwed mothers was a problem, but no official statistics were available.

The legal age of marriage is 18 for both men and women. However, with parental consent and approval from the minister of justice, girls age 16 can marry. The Government recognized two types of marriage: Civil marriages and marriages under law and custom. Traditional marriages under law and custom can be with girls as young as 14. Critics of the royal family said the king's many wives and young fiancées, some of whom were 16, set a poor example in a country with a 26 percent HIV/AIDS prevalence rate.

The law prohibits prostitution and child pornography, provides protection to children under 16 years of age from sexual exploitation, and sets the age of sexual consent at 16 years. There were reports that girls worked as prostitutes, including many children orphaned by HIV/AIDS. Children, including street children, were increasingly vulnerable to sexual exploitation.

There were growing numbers of street children in Mbabane and Manzini. A large and increasing number of HIV/AIDS orphans were cared for by aging relatives or neighbors, or they struggled to survive in child-headed households. Some lost their property to adult relatives. The National Emergency Response Committee on HIV and AIDS, a private group partly funded by the Government and by international donors, and other NGOs assisted some AIDS orphans.

With more than 10 percent of households headed by children, the U.N. Children's Fund supported school feeding programs, established a number of neighborhood care points, and provided nutritional support to children weakened by AIDS.

*Trafficking in Persons.*—The law does not prohibit trafficking in persons; however, existing statutes against crimes such as kidnapping, forced and compulsory labor, aiding and abetting "prohibited immigrants" to enter the country, brothel keeping, and procurement for prostitution could be used to prosecute traffickers. The existence of a significant human trafficking problem was suspected but not substantiated by reliable reporting. There were reports of trafficking, including small numbers of women and girls. Anecdotal evidence indicated children were trafficked internally for commercial sexual exploitation in cities, for domestic servitude in the homes of wealthy families, as well as to South Africa for domestic servitude and possibly also for commercial sexual exploitation.

There were no known investigations or prosecutions of trafficking cases during the year. No government agency is specifically responsible for combating trafficking in

persons or maintaining records distinguishing trafficked persons from other illegal immigrants or refugees.

On June 4, the Times of Swaziland reported that a 14-year-old girl was abducted by a South African man and forced to remain in South Africa as a sex slave.

*Persons with Disabilities.*—The Constitution provides protection for persons with disabilities and requires Parliament to enact relevant implementing legislation. However, Parliament had not passed laws to prohibit discrimination against persons with disabilities in employment, or to provide access to health care or other state services by year's end. Persons with disabilities have complained of government neglect. There are no laws that mandate accessibility for persons with disabilities to buildings, transportation, or government services, although government buildings under construction included some improvements for those with disabilities, including accessibility ramps.

There was no secondary school or special educational alternative for children with physical or mental disabilities. In July 2006 the Foundation of Disabled Persons in Swaziland complained that there were no schools for approximately 900 visually impaired children of school age. In August 2006 the minister for enterprise and employment told the Swaziland Association of Visually Impaired People that he was shocked to learn that of the 10,600 visually impaired persons in the country, only three were employed. The minister promised to introduce a bill compelling employers to create specific jobs for the visually impaired; however, no bill had been introduced by year's end. In November 2006 the Ministry of Health and Social Welfare, which is responsible for the rights of persons with disabilities, released a report which found that 49 percent of interviewed persons with disabilities had not completed primary school, 19 percent went beyond primary school, and 25 percent were employed, mostly in the private sector. The hospital for persons with mental disabilities in Manzini was overcrowded and understaffed.

*National/Racial/Ethnic Minorities.*—The Constitution forbids discrimination on the grounds of race, color, ethnic origin, tribe, or birth; however, governmental and societal discrimination was practiced against non-ethnic Swazis, generally white persons and persons of mixed race. Although there were no official statistics, an estimated 2 percent of the population was non-ethnic Swazi. Non-ethnic Swazis experienced difficulty in obtaining official documents, including passports. Non-ethnic Swazis also suffered from other forms of governmental and societal discrimination, such as needing special permits or stamps to buy a car or house, delays in receiving building permits for houses, and difficulties in applying for a bank loan.

*Other Societal Abuses and Discrimination.*—Societal discrimination against homosexuals was prevalent, and homosexuals often concealed their sexual preferences. There was a social stigma associated with being HIV positive, and this discouraged persons from being tested. For example, on May 5, the Times of Swaziland reported that an HIV positive couple was kicked out of their home by relatives after discovering the couple was infected with HIV. Education was slowly eroding this cultural stigma and prejudice.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution and law provide for the right to form associations, including trade unions, and workers exercised this right in practice with some exceptions. Workers in essential services, such as security forces, may not form unions. Unions must represent at least 50 percent of employees in a work place to be automatically recognized, otherwise recognition is left to the discretion of employers. Approximately 80 percent of the formal private sector was unionized.

The law prohibits antiunion discrimination; however, such discrimination continued to occur. In the case of unfair dismissal, the court can order reinstatement and compensation for the employee as well as fine the employer. Union leaders made credible charges that private sector management in various industries dismissed workers for union activity. Other concerns identified by unions were undefined hours of work and pay days, frequent assaults on workers by supervisors, surveillance by hired security officers of trade union activity both at the workplace and outside, and the use of workers' councils stacked with employer-picked representatives to prevent genuine worker representation. The allegations of antiunion discrimination were most common in the mostly foreign-owned garment sector.

There were reports that the Government restricted union membership and participation during the year. In February members of the Correctional Services attempted to form a union; however, the Government filed a motion opposing the union's registration, arguing that the law which forbids disciplinary forces to unionize includes correctional services. The case was pending at year's end. In August police stopped



correctional services union members from protesting at an international conference of correctional services commissioners.

In February members of the RSPS filed suit to register as a union. The Government filed a motion indicating their intention to oppose the registration, stating the Industrial Act of 2000 guaranteeing the right to form unions does not apply to the RSPS; the lawsuit was pending at year's end. In December the RSPS planned a demonstration and strike, but the police commissioner prohibited both events.

There were reports that labor leaders were targeted for harassment and that their civil liberties were restricted during the year. On April 3, executive members of the National Public Service and Allied Workers Union (NAPSAWU) clashed with police when they arrived at the prime minister's office and requested a meeting. Police assaulted NAPSAWU President Quinton Dlamini, forced him out of the office, and drove him around Mbabane before leaving him in a remote area.

In April Secretary General of NAPSAWU Vincent Dlamini received a letter from the principal secretary of the Ministry of Public Works and Transport demanding that Dlamini resign from his government job or resign from his political post in PUDEMO. In August the principal secretary sent another letter declaring that government regulations forbid government employees from engaging in political activities. Dlamini responded to the letter, stating that the regulations were inconsistent with the Employment Act, the Industrial Relations Act, and the Constitution. At year's end Dlamini was still employed by the Ministry of Public Works and Transport.

In October the police union's secretary general and the union's treasurer were ordered to surrender their travel documents to their superiors after they attended a meeting in South Africa.

There were credible reports that 17 police union members were transferred to remote locations. Some officers challenged their transfers in the High Court; the cases were pending at year's end.

There were credible reports that correctional officers who engaged in union activities were targeted for punishment. In July the correctional services union vice president was fired after taking a day off of work to attend the union's court hearing.

*b. The Right to Organize and Bargain Collectively.*—The new Constitution and law provide for the right to organize and bargain collectively, and the Government generally respected this right in practice. However, employer interference with representatives of workers' councils to negotiate rules and terms of conditions of work contributed to the failure of some trade unions to negotiate or promote collective bargaining agreements. There are no export processing zones.

The law does not specifically permit strikes, but it allows employees who are not engaged in essential services to participate in peaceful protest action to promote their socioeconomic interests. However, the procedure for announcing a protest requires an advance notice of at least 14 days. Employees in essential services, which included police and security forces, correctional services, fire fighting, health, and many civil service positions, were precluded from striking. The law details the steps to be followed when disputes arise and provides penalties for employers who conduct unauthorized lockouts. When disputes arose with civil servant unions, the Government often intervened to reduce the chances of a protest action, which may not be called legally until all avenues of negotiation have been exhausted and a secret ballot of union members has been conducted.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution and law prohibit forced or compulsory labor, including by children; however, there were reports that such practices occurred. The Swaziland Federation of Trade Unions characterized the 1998 Administrative Order as a form of forced labor, noting that it reinforced the tradition of residents performing uncompensated tasks for chiefs who could penalize those that did not participate.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The Constitution and law prohibit child labor, but child labor was a problem. The minimum age of employment is 15 years old. The law prohibits hiring a child below the age of 15 in an industrial undertaking except in cases where only family members were employed in the firm or in technical schools where children worked under supervision. The law limits conditions under which persons under age 15 can be employed; however, children were vulnerable to joining the workforce early to survive or support their families, and the law does not provide for compulsory primary school education. The law limits the number of night hours that children may work on schooldays to 6 and the overall hours per week to 33.

Employment of children in the formal sector was not common, but children were found doing unpaid labor for someone other than a family member and often exposed to harsh conditions of work. In rural areas children below the minimum age

frequently were employed in the agricultural sector, particularly in the eastern cotton-growing region, and were employed as domestic workers and as herd boys. Children reportedly worked in towns as traders, hawkers, porters, car wash attendants, bus drivers, and conductors. Children were victims of prostitution and trafficking.

The Ministry of Enterprise and Employment's Department of Labor was responsible for enforcement, but its effectiveness was limited by personnel shortages and other resource constraints.

*e. Acceptable Conditions of Work.*—The Ministry of Enterprise and Employment sets wage scales for each industry. There was a legally mandated sliding scale of minimum wages depending on the type of work performed. The minimum monthly wage for a domestic worker was approximately \$45 (300 emalangeni), for an unskilled worker \$63 (420 emalangeni), and for a skilled worker \$90 (600 emalangeni). In October the Government agreed to a \$20 million (140 million emalangeni) pay increase backdated to April for civil servants, to include a 4.5 percent increase in living allowances and a 225 percent increase in housing allowances, the latter representing an increase of \$14 (100 emalangeni) to \$93 (650 emalangeni). These minimum wages still did not provide a decent standard of living for a worker and family. Migrant workers were not covered under minimum wage laws. Wage arrears, particularly in the garment industry, were a problem.

There was a standard 48-hour workweek for most workers, a maximum 48-hour workweek in the industrial sector, and a 72-hour workweek for security guards. The law permits all workers at least 1 day of rest per week and provides for premium pay for overtime. Most workers received a minimum of 12 days of annual leave. Workers receive 14 days of sick leave with full pay and 14 days with half pay after 3 months of continuous service; however, these provisions apply only once per calendar year. No sick leave is granted if an injury results from an employee's own negligence or misconduct. These standards do not apply to foreign and migrant workers. The labor commissioner conducted inspections in the formal sector; however, these inspections generally did not result in enforcement of the law. There were allegations from at least two unions that women who tried to take maternity leave were dismissed, that employers paid employees at casual or probationary wage scales regardless of their position or length of service, and that some supervisors harassed, intimidated, and physically abused employees. There were no developments in the January 2006 case before the Industrial Court of a pregnant employee of the Singapore Butchery being illegally dismissed.

The Constitution calls on Parliament to enact new laws to protect a worker's right to satisfactory, safe, and healthy employment conditions; however, the Parliament had not enacted any new laws by year's end. The current law provides for some protection of workers' health and safety. The Government set safety standards for industrial operations and encouraged private companies to develop accident prevention programs; however, the labor commissioner's office conducted few safety inspections because of staffing deficiencies and an alleged desire not to "scare off foreign investors." Workers have no legal right to remove themselves from dangerous workplaces without jeopardizing their continued employment, and collective bargaining agreements do not address the matter.

There were extensive provisions allowing workers to seek redress for alleged wrongful dismissal, and these provisions frequently were invoked during the year.

## TANZANIA

The United Republic of Tanzania, with a population of approximately 39.3 million, is a multiparty republic consisting of the mainland and the Zanzibar archipelago. The union is headed by a president, who is also head of government, and its unicameral legislative body is the National Assembly (Parliament). Zanzibar, although integrated into the country's governmental and party structure, has its own president, court system, and legislature, and continued to exercise considerable autonomy. In the 2005 union presidential and legislative elections, Jakaya Kikwete was elected president, and the ruling Chama Cha Mapinduzi (CCM) Party made significant gains in Parliament. Observers considered the union elections on both the mainland and in Zanzibar to be largely free and fair. However, the 2005 presidential elections for president of Zanzibar were more contentious, with serious irregularities and politically motivated violence. While civilian authorities generally maintained effective control of the security forces, there were isolated instances in which elements of the security forces acted independently of government authority.

There were a number of continuing human rights problems. Police and prison guards used excessive force against inmates or suspects, at times resulting in death,

and police impunity was a problem; there were continued reports of killings of elderly individuals accused of being witches; prison conditions were harsh and life-threatening; there was widespread police corruption and violation of legal procedures; the judiciary suffered from corruption and inefficiency, especially in the lower courts; freedom of speech and press were partly limited; governmental corruption remained pervasive; authorities restricted the movement of refugees; societal violence against women persisted; and trafficking in persons and child labor were problems.

#### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—There were no politically motivated killings by the Government or its agents during the year; however, on several occasions security forces used lethal force against citizens, including persons in custody.

During the year senior police officials accused subordinate police officers of killing several persons unlawfully. For example, in January police officers Fanuel John, Emil Saidi, and Yona Fika were arrested for killing two persons including a primary school pupil in Tarime District of Mara Region in the course of arresting villagers who were selling marijuana and illicit alcohol. Regional Commissioner Isidori Shirima formed a five-member committee to investigate the incident.

The investigations remained pending at year's end.

According to a September 7 Reuters News Agency report, the Kilimanjaro regional police killed 14 suspected robbers in an ambush, 11 of whom were identified as Kenyans, including one woman. At year's end investigations were ongoing. According to Reuters, a group of Kenyan human rights activists went to Tanzania to investigate the incident; they were detained and later released after intervention by the Kenyan High Commission.

During the year authorities brought murder charges against 15 police officers involved in shooting and killing three gemstone dealers and a taxi driver near Dar es Salaam in January 2006. A special commission headed by a high court judge investigated the incident and found that the victims were not robbers as the police claimed, and reportedly they had not been resisting arrest. At year's end the case was still pending.

Deaths as a result of mob violence continued, including by stoning, beating, hacking with machetes, and burning, but they were fewer in number following a governmental outreach campaign to discourage mob violence. According to the January 24 Citizen, Tumaini Mesiaki was lynched by a mob in Arusha for trying to steal from a house. The deceased was among the prisoners pardoned by President Kikwete in 2006. On March 6, The Guardian carried a picture of a thief stoned to death by an angry mob. The July 8 Daily News reported the beating to death of Duka Selemani in Mbeya District after he tried to steal two tins of coffee from another villager. Convictions in such cases were rare; authorities indicated that witnesses were often reluctant to testify.

The killing of suspected witches continued. A widespread belief in witchcraft led to the killing of numerous alleged witches by persons claiming to be their victims, by aggrieved relatives of the victims, or by mobs. The practice, once concentrated in Shinyanga region, has spread to other regions as a result of the pastoral migrations of persons from Shinyanga. For example, according to the February 14 issue of Majira, unidentified persons stabbed 65-year-old Atuhalile Kiswaga to death in Iringa region. According to the July 21 Habari Leo, unidentified persons killed 60-year-old Kundi Kusinza in Mwanza region using machetes and took the private parts of the deceased. The Mwanza regional police declared her death a witchcraft-related killing and were investigating the incident.

In August 2006 the newspaper The African, citing statistics from the local non-governmental organization (NGO) Concern for the Elderly (COEL), reported that, in the preceding decade, 8,580 elderly persons within the Lake zone had been killed following allegations of witchcraft. COEL indicated that the incidents were most common in Tabora, Mwanza, Shinyanga, and Kigoma regions.

The Government prosecuted persons accused of killing suspected practitioners of witchcraft, but prosecution was difficult as persons responsible for killing suspected witches had learned to avoid law enforcement authorities.

It was reported in December that in the previous 3 months four albinos had been killed, possibly because of the belief that their body parts could be used to make people wealthy. By year's end no arrests had been made; the Tanzania Albino Society expressed concern that the Government might be turning a blind eye on these killings.

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution and law prohibit such practices; however, there continued to be reports that police officers tortured, threatened, and otherwise mistreated suspected criminals and prisoners during the year. Beatings and floggings were the methods most commonly used. According to press reports, fewer police were accused of abusing prisoners during the year, following more frequent prosecution of police offenders.

Local government officials and courts occasionally used caning as a punishment for both juvenile and adult offenders, and teachers and school administrators employed caning and other forms of corporal punishment on students. For example, the July 30 Daily News reported that 28-year-old Richard Dimond and 21-year-old James Malango were sentenced by the Sumbawanga Resident Magistrate's Court to 126 years in jail and 20 strokes of the cane for armed robbery and rape. The practice of caning continued to decline in schools during the year, following public outreach efforts by the Ministry of Education and the press, but it continued to be used in criminal sentencing.

There were fewer reports during the year that soldiers beat civilians; however, in May, Human Rights Watch (HRW) reported that security forces committed abuses against Rwandese and Burundians who were being expelled from the country. According to HRW's account, Tanzanian soldiers, police, and militia beat and threatened the persons they were expelling, while looting and destroying their property. In some cases parents were separated from children including infants. Police were also accused of confiscating and destroying documents that would have proved that some of the targeted individuals were naturalized Tanzanian citizens. HRW claimed that the Government failed to provide adequate warning of the expulsion to the Governments of Rwanda and Burundi or to humanitarian agencies, and that many of those expelled suffered shortages of food, firewood, and shelter.

During the year there were reports that police sexually abused individuals in detention on the mainland and in Zanzibar.

*Prison and Detention Center Conditions.*—Prison conditions remained harsh and life threatening. Diseases were common and resulted in numerous deaths in prisons. According to NGO reports, the leading causes of death were malaria, tuberculosis, HIV/AIDS, cholera, and diseases related to poor sanitation. Prison dispensaries offered only limited medical treatment, and friends and family members of prisoners generally had to provide medications or the funds with which to purchase them. In February, to prevent the spread of HIV/AIDS in prisons, the Government established 12 voluntary counseling and testing centers to provide services to penal institutions.

In addition to infectious diseases, the Government acknowledged severe problems of overcrowding, lengthy pretrial detention of prisoners, and holding juveniles together with adult prisoners. In 2006 local prisons held 23,968 convicted prisoners and 21,017 pretrial detainees for a total of 44,985 prisoners, whereas the established maximum capacity of the country's prison facilities was 23,000.

Prisoners experienced poor living conditions and lacked access to basic services. NGOs reported that prisoners received poor diets as a result of substandard sanitation and hygiene.

There were reports that guards beat and sexually abused prisoners during the year. For example, on February 25, police arrested Corporal Onesphory Materu on the mainland for raping a 15-year-old female prisoner. In Zanzibar, according to the August 15 Guardian newspaper, a police officer was suspended for raping a school girl inside a police station where she had gone to report she had been raped by someone else. The acting police commander for Unguja South, Khamis Ramadhani, told reporters the police were investigating the incident and waiting for the medical report before taking further legal action against the officer. At year's end both investigations remained pending.

On January 17, the Kisutu Resident Magistrate's Court began hearing a 2005 case in which nine prison wardens were charged with assaulting and injuring two journalists, according to the Daily News. The case remained pending at year's end.

The March 27 edition of This Day reported that following a prison strike, warders interrogated inmates and forced them to admit to false allegations. Inmates also claimed that they were threatened and intimidated by senior police officials.

The August 14 edition of Dar Leo reported that prison officials severely beat and detained eight youths after a prison official accused some of them of stealing from him. The youths alleged that the officials took their money and cell phones.

There were no further developments in the 2005 case against a prison official accused of abusing two traditional militiamen in detention.

The law requires prisoners to be separated based on age and gender; however, in practice many overcrowded prisons lacked separate cells for male, female, and juve-

nile prisoners. In 2006 there were approximately 10 separate youth prisons throughout the country, but because of overcrowding, prisoners between 18 and 21 years old were frequently incarcerated in adult prisons. In those cases the prisons were required to separate them from the older adult prison population at night. The March 25 Daily News quoted the principal resident magistrate for the juvenile court on the mainland, Hamisa Kalombola, who stated that the country had only one approved school for juvenile offenders and five remand homes or pretrial jails for juveniles. She stated that a shortage of jails and scarcity of probation officers forced the court to keep sentenced children under probation and to impose fines and conditional discharges in lieu of incarceration. The newspaper quoted a probation officer who said the lack of a girls' wing at the only jail in Mbeya region forced the judiciary to give alternative sentences to girls.

Authorities often moved prisoners to different prisons without notifying prisoners' families.

The February 14 edition of *Majira* reported that four prisoners convicted of murder refused to get on a bus to take them to the Ruanda prison in Mbeya region because they had not been given a copy of the judgment they needed to appeal their convictions. The strike lasted 30 minutes before police reinforcements forced the prisoners to enter the bus.

On March 12, more than 100 prisoners boycotted proceedings at a Dar es Salaam court to protest the release of the former Tabora regional commissioner, Ditopile Mzuzuri, who was granted bail after prosecutors lowered his charge from murder to manslaughter within 3 months of arrest. Prisoners across the country staged strikes, accusing the judiciary of giving preferential treatment to Mzuzuri and well-connected prisoners over others who had been awaiting bail application hearings for nearly 10 years. Subsequent newspaper reports stated that prisoners who led the strike in Dar es Salaam were interrogated and threatened by prison officials. On March 29, eight prisoners at a prison in Mtwara refused to enter a court room and were each imprisoned for 1 year. These strikes prompted the home affairs minister, Joseph Mungai, to warn prison officers at a May 2-day meeting for senior prison officers in Dar es Salaam against mistreating prisoners in their custody.

Local NGOs, international organizations, and diplomatic observers were permitted to monitor prison conditions during the year. In May the Tanzania Red Cross Society visited Segerea Prison in Dar es Salaam. The International Committee of the Red Cross visited prisoners at the International Criminal Tribunal for Rwanda, in Arusha. The Office of the U.N. High Commissioner for Refugees (UNHCR) visited prisons holding refugees to learn their migration status and to provide help to those who believed they had been wrongly arrested and sentenced for illegal immigration. International and domestic NGOs also visited prisons and offered legal and humanitarian assistance.

During the year the mainland Commission for Human Rights and Good Governance, an independent government-appointed body, visited a substantial number of men's, women's, and children's prisons to inspect the conditions of prisoners, including their food and water, toilet facilities, and congestion in sleeping quarters. The commission also inspected the living conditions of wardens and the food storage systems. Prisoners complained to the commission about the length of pretrial detention, the lack of copies of rulings or judgments needed so they could appeal their cases, their close proximity to prisoners with tuberculosis, the lack of blankets, and overly thorough inspection of their bodies when they entered and left the prisons. By law the commission must submit a report to the Government; the Prisons Department then grades the prisons. The report and grades are available for public review.

*d. Arbitrary Arrest or Detention.*—The Constitution prohibits arbitrary arrest and detention; however, both were problems. For example, on February 3 *This Day* reported that some policemen in Arusha extorted money from residents by threatening to arrest them on false charges of possessing narcotics. In the article, the Arusha regional police commander, Basilio Matei, confirmed that an officer in charge was investigating four policemen and a group of militiamen for forcibly demanding cash or cell phones from Arusha residents.

In the July 22 edition of *Habari Leo*, residents of Tunduma area in Mbozi District of Mbeya reportedly complained to the regional police commander, Suleiman Kova, about policemen who harassed them by demanding bribes. The residents alleged that those who were unable to pay were arrested on false charges.

*Role of the Police and Security Apparatus.*—The national police force, under the Ministry of Public Safety and Security, has primary responsibility for maintaining law and order. The Field Force Unit is a division of the police force. Sungusungu Citizens' patrols, which worked with local government leaders, supported the police force, including in refugee camps. A division of the Ministry of Defense is respon-

sible for external security and has some domestic security responsibilities. The police force remained underfunded and inefficient.

Police use of excessive force, police corruption, and impunity were serious problems. For example, the July 22 edition of *Habari Leo* published complaints of villagers in Mbeya region to the regional police commander about officers under his command who routinely detained local individuals for offenses they had not committed and demanded bribes before releasing them.

Citizens often complained that police were slow to investigate crimes and prosecute criminals. For example, the January 13 edition of the *Guardian* reported that a local government official representing Vikumburu ward accused the Kisarawe district police of protecting individuals who impregnated school girls. He said that no action was taken against offenders in spite of complaints by parents and guardians.

Although not lawyers, police acted as public prosecutors in the primary courts. Many judicial experts criticized this arrangement, which allegedly allowed police to manipulate evidence in criminal cases. According to NGO reports, there were instances in which the police lost evidence, and suspects successfully avoided prosecution by bribing police officers. Police also used the threat of arbitrary arrest to extort money. Communities perceived a general lack of protection amid an increase in crimes committed by armed persons. The June 8 edition of the government-owned *Uhuru* newspaper reported that the director of public prosecution, Eliezer Feleshi, ordered prosecutors to operate under the rule of law and not in the interests of their superiors.

There were several incidents of mob justice during the year. On December 20, the *Daily News* reported an incident in which three persons were tortured and killed when an angry mob set them ablaze for illegal fishing. The same newspaper also published an article describing how an angry mob killed a man for stealing two chickens. Suspects often bought their way out of custody; the public and media blamed the police and courts for not taking appropriate action and then exercised "street justice" against perceived criminals.

There continued to be press reports and complaints from civil society groups and citizens about police corruption during the year. For example, the Tanzania Revenue Authority in Mbeya apprehended a vehicle belonging to the Field Force Unit that was ferrying one ton of contraband sugar from the Tanzanian border with Malawi to Dar es Salaam. The Mbeya regional police commander said he did not recognize the vehicle because it was not from his region. The Prevention of Corruption Bureau, the state anticorruption body, reported many public complaints of corruption that implicated the police force and local authorities. In November 2006 the press reported that drugs worth thousands of dollars were stolen from police custody at the Ministry of Home Affairs' antinarcotics unit in Dar es Salaam. The unit commander was replaced, and two policemen were arrested. The case was pending at year's end, as only two prosecution witnesses had testified.

In January 2006 President Kikwete directed the Ministry for Public Safety and Security and senior police officers to take disciplinary action against any officer who was "ethically not upright." In March 2006 the police force opened an investigation of a police sergeant alleged to possess property not commensurate with his income. Regional Police Commander Alfred Tibaigana stated the officer would be dismissed if found to be at fault. During the year Tibaigana also stated that another officer who allegedly collaborated with a civilian to rob residential property would also face dismissal if found guilty. Investigations were pending at year's end.

There are internal mechanisms within the police force to investigate allegations of police abuses; despite improvements, continuing police misbehavior suggested that they were not used effectively.

During the year the police force held training seminars on surveillance detection, human rights, expediting investigations, finalizing criminal cases, and handling opposition party members and leaders. On several occasions, police collaborated with international experts for training. In May, 43 police, judiciary, and immigration officials completed a 2-week course on criminal investigative methods for human trafficking cases.

The law grants legal status to the traditional sungusungu neighborhood and village anticrime groups. Local governments appoint the members with the help of individual households who decide which among them will join the sungusungu watch. The sungusungu remained active in rural areas and in refugee camps, but were not present in most urban areas. Sungusungu have the authority to arrest persons, but they may not carry firearms and instead carried wooden clubs for protection. Sungusungu have been criticized for using excessive force, including severely beating suspects, on occasion resulting in death. For example, the May 28 *Guardian* reported that an argument between two policemen and a group of secondary school students, angry over the arrest of two of their colleagues for possession of 0.5 grams

of marijuana, turned violent when 10 sungusungu members arrived to help the police. According to the newspaper, the students overpowered the police and the sungusungu raised an alarm. Armed villagers helped the police and sungusungu; the violence left one student dead and five others injured. It was customary for residents of a neighborhood in which sungusungu operated to either donate a small sum to the sungusungu for patrols or to provide one person from their household to participate in patrols. In refugee camps, in addition to a regular police contingent, sungusungu groups composed of refugees acted as quasiofficial security forces.

*Arrest and Detention.*—The law requires that persons be apprehended openly with warrants based on sufficient evidence, and authorities generally complied with the law. The law also requires that a person arrested for a crime, other than a national security detainee, be charged before a magistrate within 24 hours of arrest; however, in practice the police often failed to comply with this requirement. The law gives accused persons the right to contact a lawyer or talk with family members, but authorities at times denied this right. Prompt access to counsel was also limited by the lack of lawyers in rural areas, the lack of communication systems and infrastructure, and the illiteracy and poverty of the accused. Authorities promptly informed detainees of the charges against them. The Government provided legal representation for indigent defendants and for all suspects charged with murder or treason. The law does not allow the possibility of bail for the offenses of murder and treason. According to a high court judgment on July 13, a panel of three judges in Dar es Salaam deemed the denial of bail for the offense of armed robbery unconstitutional and gave the Government 18 months to make the necessary legislative changes. When bail is granted in some cases, strict conditions on freedom of movement and association are imposed. In the primary and district courts, bribes sometimes determined whether or not bail was granted.

Under the Preventive Detention Act, the president may order the arrest and indefinite detention without bail of any person considered dangerous to the public order or national security. The act requires that the Government release persons detained under this act within 15 days of detention or inform them of the reason for their detention; it also allows a detainee to challenge the grounds for detention at 90-day intervals. The Government has additional broad detention powers under the law, which permit regional and district commissioners to arrest and detain for 48 hours persons who may “disturb public tranquility.” The act was not invoked during the year.

In July 2006 Minister for Justice and Constitutional Affairs Mary Nagu stated that the courts of law received 36 election petitions by aggrieved parties in connection with the 2005 elections. By the end of 2007, 27 cases had been decided—26 in favor of the plaintiff and one in favor of the defendant. Five cases were dismissed for failing to meet legal requirements, and four were pending in courts.

Approximately 44 percent of the prison population consisted of pretrial detainees or remand prisoners. Detainees charged with criminal matters generally waited several years for trial due to the time required to complete police investigations, a lack of judges to hear cases, and an inadequate judicial budget. Demands by police and court officials for bribes further delayed the trials of those who could not afford to pay. Pretrial detention at times exceeded the sentence for the crime with which detainees were charged. Observers estimated that approximately 5 percent of persons held in remand ultimately were convicted, and often those convicted already had served their full sentences before their trials were held. A government official estimated that it took up to 5 years for homicide cases to reach the high court. According to a March 19 article in the *Guardian*, some suspects had spent as many as 15 years in prison without having their cases heard before a court.

In July 2006 the minister for justice and constitutional affairs issued a directive requiring courts of law to clear all current criminal and civil cases within 60 days to reduce the number of cases pending in courts. Because of the heavy backlog of cases and a shortage of staff and magistrates the courts were unable to meet this objective.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary; however, the judiciary remained underfunded, corrupt, inefficient, and subject to executive influence. Corruption was particularly pervasive among lower court officials and court clerks.

Independent observers questioned the system’s ability to provide a defendant with an expeditious and fair trial. Court clerks took bribes to decide whether or not to open cases and to hide or misdirect the files of those accused of crimes. According to news reports, magistrates of lower courts occasionally accepted bribes to determine guilt or innocence, pass sentences, or decide appeals of cases coming from the primary courts to district courts. The December 7 edition of *Nipashe* reported that

the Prevention of Corruption Bureau arrested a magistrate of the Temeke district court, charged with demanding a bribe of approximately \$3,600 (4 million shillings) from an aggrieved party in a suit before her. The same newspaper reported the arrest of another magistrate of the Kisutu resident magistrate's court for demanding a \$50 (60,000 shillings) bribe from an accused person.

The Justice Department faced a critical shortage of court buildings. In April a senior high court official in Dar es Salaam was quoted in the press as having told law sector reform officials that eight regions of the country did not have high courts. To a limited extent this problem was addressed by having roving judges and prosecution and defense lawyers, but the cost of traveling to the nearest court was often prohibitive.

The legal system is based on British common law and recognizes customary and Islamic law in civil cases. In criminal matters both Christians and Muslims are governed by statutory or common law.

A Judicial Service Commission, chaired by the chief justice of the Court of Appeal, appointed all judges except those for the Court of Appeal and the high courts, who were appointed by the president. All courts, including Islamic courts in Zanzibar, were staffed by civil servants.

The country has a five-tier judicial system whose highest court is the Court of Appeal. In addition in Zanzibar, whose population is 95 percent Muslim, there is a system of Islamic khadi courts, with its own hierarchy topped by a khadi court of appeal. These courts hear matters involving customary Islamic law on family and related matters. On the mainland, civil law essentially governs all persons involved in cases of child custody and divorce. Islamic and customary law govern other family matters for Muslims and Christians, respectively. On the mainland, all persons, including Muslims, are subject to the Marriage Act of 1971, a consolidation of family law that recognizes Islamic and customary marriages but subjects them to state regulation and civil law protections for women.

Although a majority of Zanzibar judges were Muslim, there were also some Christian judges; some Muslim groups complained it was inappropriate for Christian judges without training in Islamic law to administer Islamic law for Muslims in family matters. The leaders of BAKWATA, the council that governs matters of Islam on the mainland, called for the establishment of a kadhi court for the mainland, leading to a heated debate between Muslim leaders and Catholic bishops. The bishops warned the president against allowing the establishment of the court. The matter remained contentious at year's end.

There was one juvenile court; however, it was overburdened and handled cases only for young offenders in Dar es Salaam. Juvenile offenders in other regions were tried in adult courts in most cases.

The law also provides for commercial courts, land courts, housing tribunals, and military tribunals. Military tribunals do not try civilians, but convicted defendants before military tribunals may appeal to the High Court and the Court of Appeal.

*Trial Procedures.*—With some exceptions, criminal trials were generally open to the public and to the press. Courts that held secret proceedings—such as in drug trafficking cases—generally were required to provide reasons for closing proceedings. In cases involving terrorism suspects, the law provides that everyone except the interested parties may be excluded and that information may be suppressed for the protection of witnesses.

Juries are not used. The law provides for the presumption of innocence. Defendants or their lawyers have access to evidence held by the Government, the right to question witnesses, and the right to present evidence on the defendant's behalf. All defendants charged with civil or criminal matters—except parties appearing before kadhi courts and cases examining the constitutionality of Zanzibar laws—could appeal decisions to the high courts and the Court of Appeal. The law provides a right to free counsel for defendants accused of murder and treason as well as for indigent defendants in other serious cases. Most indigent defendants charged with lesser crimes did not have legal counsel.

There were only a few hundred practicing lawyers in the country, although the number continued to increase. Most defendants in urban areas who could not afford to hire a legal representative or lawyer represented themselves in court, but women and the needy were allowed legal aid. The Government sought to provide legal representation for underrepresented groups by requiring lawyers to take a specified number of legal aid cases with a broad geographical distribution. The law prohibits advocates from appearing or defending clients in primary-level courts.

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



*Civil Judicial Procedures and Remedies.*—There is an independent and impartial judiciary in civil matters. Civil proceedings are administered in the High Court or at the magistrate or district level. Persons may bring lawsuits seeking damages or the cessation of human rights violations; however, civil judicial procedures often were slow, inefficient, and corrupt.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law generally prohibits such actions without a search warrant; however, the Government did not consistently respect these prohibitions in practice. Only courts can issue search warrants; however, the law also authorizes searches of persons and premises without a warrant if necessary to prevent the loss or destruction of evidence connected with an offense or if circumstances are serious and urgent. During the year, however, security forces increasingly sought warrants and often searched private homes and businesses in the presence of local government and other officials. The law relating to terrorism permits high-ranking police officers to conduct searches without a warrant in certain urgent cases; there were no reports that this provision of the act has ever been implemented in practice.

The security forces reportedly monitored telephones and correspondence of some citizens and foreign residents.

During the year the Government ruled that it would not compensate and resettle 135 villagers who claimed they had been illegally evicted from their land and homes by district-level officials in 2001. The case was filed in 2005 after the Government failed to respond to a ruling by the Human Rights and Good Governance Commission that gave the Government 30 days to compensate and resettle the villagers. Because the Human Rights and Good Governance Commission lacked enforcement powers, the NGO Legal and Human Rights Center filed a suit against the Government, which was pending at year's end.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech but does not expressly provide for freedom of the press; in practice the union government partially limited press freedom, but government restrictions on freedom of speech have eased under the Kikwete administration. The mainland government allowed political opponents unrestricted access to the media. Encouraged by the president's public support of press freedom, the press has been able to expose corrupt officials more forthrightly. For example, in March a private newspaper wrote about a high-level diplomat assigned to Italy who was accused by authorities of embezzling \$3 million (3.8 billion shillings).

Although the media were primarily government-controlled in Zanzibar, opponents of the Government had access to the media there as well. Nevertheless, the print media were subject to some government restrictions; for example, a permit was required for reporting on police or prisons activities. The Government was empowered to fine and suspend newspapers under the Newspaper Act. Intimidated by defamation laws that impose criminal penalties, journalists practiced self-censorship.

During the year a coalition of media stakeholders criticized the Government's proposal to present its freedom of information and media services bills to Parliament, fearing that these bills were intended to give greater control to the Government.

On the mainland, the chief editor of Citizen newspaper complained in the January 23 edition that the Official Secrets Ordinance criminalized both the journalist and the informant, even if the information divulged was of no consequence.

On Zanzibar, which had a separate media policy from the mainland, laws limiting the media's ability to function effectively and an inefficient judiciary limited freedom of speech and press. In April a new law on immunities, protection and privileges for members of the House of Representatives was passed, nullifying the general permission the media had to attend House sessions and authorizing up to a 3-year prison sentence and fine of not less than \$250 (300,000 shillings) for publishing scandals involving members of the House of Representatives, their behavior or statements. There were no reported cases of arrest or penalties under this law during the year.

Political parties are required by law to support the Tanzanian Union (between Tanganyika and Zanzibar), and persons using "abusive" language about the country's leadership are subject to arrest. These provisions were not applied during the year, however, and there were numerous examples of strong criticism of national leaders in the press, especially with regard to corruption.

Registering newspapers remained difficult and was at the discretion of the registrar.

Many radio stations and all but one television station were privately owned. There were some government restrictions. For example, radio stations could not broadcast in tribal languages.

According to the Zanzibar information service, a government agency, one of the two newspapers in Zanzibar was privately owned, and one was government-owned. The Government controlled the content of radio and television broadcasts, including outlets that were privately owned.

The case of an alleged 2005 beating by prison officials and others of photographer Mpoki Bukuku and human rights activist and reporter Christopher Kidanka came up for hearing during the year and was pending at year's end. The journalists had attempted to cover the eviction of families from houses being repossessed by the prisons department. Concurrently, both journalists were suing the prisons department for damages.

In April 2006 unidentified persons made death threats against editors and journalists of *This Day* newspaper, warning them against reporting on graft in public institutions. The editor of the newspaper told a press conference that someone offered the journalists approximately \$20,000 (25.5 million shillings) to stop publishing investigative stories against societal ills. According to *This Day* of July 25, journalist Mbaraka Islam, working for the publishers of *This Day*, reported he had received a series of anonymous death threats, and that this was not the first time *This Day* reporters had received such threats. The March 19 *Guardian* and the March 21–27 *Mwana Halisi* newspapers also reported that relatives of a senior government official charged with murder assaulted journalists who were trying to take pictures of the accused. In the *Mwana Halisi* article, a member of the public reportedly criticized the police for taking no action against the relatives before or after the beatings. In the March 10 *Guardian*, legal experts and human rights activists also criticized police and security agents for standing by as the journalists were beaten on the court premises.

Authorities dropped charges against two of three Civic United Front (CUF) supporters accused of assaulting journalists in Dar es Salaam in 2005. The case of the third defendant went to trial but was still pending at year's end.

Authorities in Zanzibar continued to restrict the activities of reporters. In August the Government denied permission for an outside broadcasting crew of the BBC to broadcast a regional meet-the-listeners show from Zanzibar; the BBC had broadcast such programs from the mainland and neighboring countries. On September 10, authorities detained three journalists on Pemba when they were leaving a village where they had been investigating reports of food scarcity.

The threat of application of the law on defamation, which imposes criminal penalties, intimidated some journalists and caused many to practice self-censorship. However, on September 27, *Mwanahalisi* announced that unidentified persons were threatening its printing company, Printech, and the newspaper with defamation and closure because of investigative articles it was publishing. While the law specifies that the plaintiff must prove malicious intent, many media observers criticized the courts for ignoring this provision and imposing heavy, politically motivated penalties on the media; however, there were no reports of specific instances of this practice during the year according to the Media Council of Tanzania, which represents media houses, training institutions, and journalists.

In Zanzibar lack of media access to government information remained a serious problem. The Government cited public security to justify suppressing views that it found politically objectionable. Civil service regulations effectively allow only a handful of high-level government representatives to relay information to the media.

The February 1 edition of the *Citizen* reported that the Government had banned advertisements and publications of Haki Elimu, a local NGO, for criticizing government performance in the education sector. However, in the February 8 edition of the *Guardian* it was reported that the Government lifted the ban after a meeting between the prime minister and the Haki Elimu director.

According to a statement issued by Tanzania branch of the Media Institute of Southern Africa, freedom of the press in Tanzania continued to be weakened by lack of adequate training, mediocrity, low salaries, and corruption in the profession of journalism. For example, the September 28 edition of *This Day* reported that editors meeting in Dar es Salaam accused fellow editors and journalists of being on the payroll of influential businessmen and politicians. They also accused some of their colleagues of being bribed with political posts, adding that those who reported high level graft faced threats to their persons and employment.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. The number of Internet cafes and Internet providers increased during the year; however, only 10 percent of citizens had access to electricity, severely limiting such access in general.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The Constitution provides for freedom of assembly, and the Government generally respected these rights in practice.

The Government requires organizers of rallies to obtain police permission in advance. Police may deny permission on public safety or security grounds or if the permit seeker belongs to an unregistered organization or political party.

*Freedom of Association.*—The Constitution provides for freedom of association, and the Government generally respected this right in practice, although it continued to impose registration requirements on political parties. Unregistered parties were prohibited from fielding candidates during the most recent elections in 2005.

Media reports in October stated that an opposition member of Parliament, Zitto Kabwe, was not allowed to address University of Dar es Salaam students after being invited to present a paper. According to the October 5 Guardian, the Dar es Salaam University Political Science Student Association and the Tanzania Students Networking Program blamed the University of Dar es Salaam administration for disrupting their plans to invite Kabwe, calling the action of the latter politically motivated. The university is a public institution.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion; however, there were some limits on freedom of religion.

The Government requires that religious organizations register with the Ministry of Home Affairs. To register, a religious organization must have at least 10 followers and must present a Constitution, the resumes of its leaders, and a letter of recommendation from the district commissioner of the locale where the organization would be based. Muslim groups on the mainland also were required to submit a letter of recommendation from BAKWATA, the council that governs matters of Islam on the mainland, and from the office of the mufti in Zanzibar. These organizations recommend approval or disapproval of the registration to the chief government registrar. There were no reports that the Government refused to register any group during the year on the mainland; in 2006 in Zanzibar the mufti recommended the denial of two groups, an Ahmadia group and a Baha'i group, because of alleged contradictions between their beliefs and Islamic beliefs. The Ahmadia group filed suit against the office of the mufti because of this recommendation. During the year the courts dismissed the petitioner's case for lack of merit.

The law prohibits preaching, or distributing materials, that are inflammatory or a threat to the public order. In 2006, the Government occasionally rejected requests from religious groups seeking to hold demonstrations because of the possibility that the gathering could become confrontational or inflame religious tensions. According to the June 26 edition of Al Huda, armed police broke up a Muslim religious rally in the Madizini area of Turiani district, Morogoro region, where there was an argument about religion between Muslim clerics and a Christian pastor. After a 2-hour meeting with police officers, the Muslims were permitted to resume their rallies the next day.

There was no information available on the case of Christian minister Cecil Simbulanga, arrested in August 2006 for "inflammatory preaching" that insulted Islam. After being released on bail, Simbulanga again was arrested in December 2006 for insulting Islam while preaching, and this time was detained without bail.

During the year Muslim representatives appealed to the Government to introduce kadhi courts and Shari'a law to the mainland for the adjudication of Islamic matters. Christian groups have objected that such courts would violate government neutrality among religions and that the union Constitution did not provide for a national kadhi court. At year's end the matter was being pursued but remained unresolved.

*Societal Abuses and Discrimination.*—Although relations among religions in society remained generally amicable, there continued to be some tension between Muslims and Christians and reports of religious societal violence. On the mainland, Msema Kweli newspaper of May 27 reported that unidentified persons set fire to a church belonging to the Evangelical Assemblies of God Church of Tanzania in the Kigamboni district of Dar es Salaam Region.

The July 22 Nyakati newspaper reported that on July 5 unidentified persons burned the Free Pentecostal Church of Tanzania in South Unguja in Zanzibar. The pastor, William Bombay, told reporters that his church had been threatened on several occasions and that local government leaders had asked the church to relocate and that anyone interested in selling land to the church had been summoned by the local government and threatened. The pastor stated that church members tired of

not being allowed to use the church and held worship in the building on July 1; 4 days later, the church was destroyed.

Government policy prohibits discrimination against any individual on the basis of religious beliefs or practices; however, Muslim groups continued to charge that the Government discriminated against them in hiring, education, and law enforcement practices. Christian groups complained that the Government gave all sensitive government positions to Muslims.

There were reports that, at certain Muslim religious rallies in urban centers, some participants publicly criticized Christianity, which occasionally resulted in fighting. The September 16 *Majira* reported that Muslims and Christians in Arusha threw stones and sharp instruments at each other at a Christian rally where Christians were publicly playing a tape that ridiculed the Koran. The police stopped the violence; one unidentified person was wounded.

On the mainland the media reported that a high school teacher in Tanga allegedly made derogatory remarks against the Prophet Mohammed and told his students that the Islamic religion oppressed Muslim women. The August 12 edition of *Nyakati* newspaper reported that the Ministry of Education suspended the teacher from duty and that certain sheiks were asking that he be beheaded for insulting Islam.

The Jewish population was very small; there were no reports of anti-Semitic acts.

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

*d. Freedom of Movement Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice; however, bureaucratic inefficiency and corruption hindered compliance, and there were occasional lapses in respecting the right of asylum. The Government was committed to cooperate with the office of the UNHCR and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. The Government detained and deported some illegal immigrants.

Police at checkpoints sometimes solicited bribes.

The law does not permit the forced exile of citizens, and the Government did not use forced exile in practice.

*Protection of Refugees.*—The law provides for the granting of refugee status or asylum in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against refoulement, the return of persons to a country where there was reason to believe they feared persecution. During the year the Government granted refugee status and began the process to identify which refugees qualified for citizenship. Factors included length of stay in the country and whether or not the refugee had a criminal record. In December the minister of home affairs created an old settlement task force to work out modalities for the local integration and repatriation of the 1972 Burundi refugees caseload.

Unlike in the previous year, UNHCR officials were allowed to be present at border screenings for refugees. The Government occasionally refused entry to those seeking asylum or refugee status at the border.

In 2006 there were approximately 685,000 refugees in the country, primarily from Burundi and the Democratic Republic of the Congo (DRC), including approximately 285,000 in 14 UNHCR-assisted camps in the northwest. In 2006 an estimated 400,000 were in self-sufficient refugee settlements or villages; during the year, there remained approximately 200,000. At the end of the reporting period, the country provided protection to approximately 400,000 refugees, primarily from neighboring countries. About half of them lived independently; the others were housed in UNHCR-supported camps. It remained illegal for refugees to live outside their camps or settlements, or to travel outside of their camps without permits, except to collect firewood within 2½ miles of their camps. When refugees—usually women and children—traveled farther beyond their camps in search of firewood, they often were targets for theft, physical abuse, and rape. The number of incidents decreased after officials urged refugees to travel in groups.

In 2006 refugees apprehended outside the designated areas without permits, particularly in urban areas such as Dar es Salaam, were subject to arrest and imprisonment for up to 6 months or made to pay a fine of approximately \$39 (50,000 shillings). That year approximately 1,000 refugees and asylum seekers found outside camps without permits were prosecuted for unlawful presence under the immigra-

tion law calling for 2 years' imprisonment followed by deportation to the countries from which they sought refuge. During the year, however, the Government softened its approach to minor infractions by refugees, prosecuting them under the law dealing with refugees, which calls for up to 3 days' detention or community service, or both. Approximately 100 refugees were apprehended outside the designated areas during the year and all were sentenced to community service rather than imprisonment.

The UNHCR, with government cooperation, continued to provide security for refugees; however, crime—including killings, robberies, rapes, and domestic violence—continued to be a serious problem in and around the refugee camps. For example, the October 15 edition of *Daima* newspaper reported that 19 Burundian refugees including four illegal aliens were arrested in Mpanda Rukwa for being outside their camps without valid permits. The article said two of the refugees were arrested for taking part in an armed robbery. In April UNHCR officials in Kasulu reported a series of armed banditry incidents in the Burundian camps. On April 11, three armed bandits broke into the house of a Burundian refugee in Mtabila, killed him, and stole approximately \$150 (160,000 shillings) from his wife.

On April 18, two armed bandits broke into the house of a Burundian refugee in Muyovisi camp and took the equivalent of \$160. On April 23, two armed bandits robbed a refugee in the Muyovozi camp of \$15 (20,000 shillings).

During the year the Government investigated, prosecuted, and punished perpetrators of abuses in the refugee camps, but many cases involving crime and abuse outside the camps were referred to local authorities. Inhabitants of refugee camps were adversely affected by delays and limited access to courts, common problems facing citizens as well. There were reports that some refugees engaged in vigilante justice within camps, occasionally beating other refugees.

Burundian and Congolese refugees continued to return home during the year, motivated by increased security in Burundi and the DRC as well as strong encouragement from the Government and UNHCR assistance. During the year the tripartite commission composed of the UNHCR and the Governments of Tanzania and Burundi encouraged repatriation by closing 20 schools in the camps and stopping refugee income-generating projects. Five camps were closed during the year. The UNHCR facilitated the voluntary repatriation of 38,253 Burundian refugees, and 19,547 refugees to the DRC.

The UNHCR continued to facilitate voluntary repatriation of refugees to the DRC, and more than 26,000 returned during the year. The majority of returns were voluntary; however, some refugees returned under the perceived threat of refoulement or restrictions on their activities in Tanzania. For example, during the year the Kibondo district commissioner continued to visit camps and urge refugees to return home. The restriction of refugees to their camps also encouraged repatriation.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in elections on the mainland and in Zanzibar. However, legal and financial provisions that favored the ruling CCM Party, electoral irregularities, and political violence limited the effectiveness of the electoral process in Zanzibar.

*Elections and Political Participation.*—Separate elections are held on the mainland and on Zanzibar, sometimes on the same day, in which citizens of the two parts of the union elect local officials, members of the national Parliament, and a union (national) president. In addition Zanzibaris separately elect a president of Zanzibar and members of the Zanzibar House of Representatives.

In 2005 Jakaya Kikwete, the CCM candidate, was elected president of the union with 80.2 percent of the vote in an election widely considered by observers as more free and fair than previous elections; however, the campaigns preceding them were marked by violence in some regions.

In 2005 voters in the semiautonomous archipelago of Zanzibar elected a president, legislators, and local representatives for the archipelago. CCM candidate Amani Karume, the incumbent president, was reelected with 53 percent of the vote in an election marred by irregularities and violence.

Harassment of political parties by the Government considerably diminished during the year in comparison with the election year of 2005.

In Zanzibar, particularly on the island of Pemba, political opposition party members claimed that the Government discriminated against them in hiring. The Government was the largest employer in Zanzibar.

Individuals and parties could freely declare their candidacy and stand for election. The law requires that persons running for office must represent a registered polit-

ical party, and it requires all registered political parties to support the union with Zanzibar; it also prohibits parties based on ethnic, regional, or religious affiliation.

The registrar of political parties has sole authority to approve or deny the registration of any political party and is responsible for enforcing regulations on registered parties. Parties granted provisional registration may hold public meetings and recruit members. To secure full registration and to be eligible to field candidates for election, provisionally registered parties have 6 months to submit lists of at least 200 members in 10 of the country's 26 regions, including two of the five regions of Zanzibar.

The CCM's political dominance since the country's first multiparty election was due partly to government restrictions on the political opposition but also to the disorganization and lack of funding of most opposition parties. However, during the year the court began hearing two petitions filed by opposition party members against the 2005 parliamentary election victories of the CCM candidates, alleging fraud and corruption by the CCM candidates. The *Majira* newspaper dated February 14 reported that the petition by CUF candidate for Musoma Urban constituency, Mustapha Wandwi, against CCM candidate Vedasto Mathayo, had been set for a February 19 hearing. On October 24, the *Daily News* reported that the High Court had begun hearing the petition of CUF candidate Wilfred Rwakatara against CCM candidate Ambassador Kagasheki for the Bukoba Urban constituency. Both cases were still pending at the end of the year.

The election law provides for parliamentarians completing a term to receive \$15,686 (20 million shillings) as a "gratuity," which incumbents used in campaigns to facilitate their reelection. Several NGOs and opposition parties criticized this provision, saying that it made it extremely difficult for aspiring parliamentary candidates from opposition parties to mount an effective competition.

The March 7 Citizen reported the Government appeal against a 2006 ruling by the High Court allowing independent candidates to contest local and national elections. The application, filed by the leader of the opposition Democratic Party, Reverend Christopher Mtikila, had challenged the constitutionality of the rule requiring candidates to represent political parties in order to run for public office. At year's end the case remained pending.

Violence was reported between CUF members and an antiriot Field Force unit when party supporters staged a rally without a police permit. The police used tear-gas on opposition supporters and arrested 23 persons.

The law requires that women occupy at least 30 percent of seats in Parliament. Women are appointed by their respective political parties to serve in seats set aside for them, according to the number of seats their parties win. After the 2005 elections there were 75 special seats for women, and at year's end there were 91 women in the 320-seat Parliament. Women held 18 seats in the 81-seat Zanzibar House of Representatives and four positions in the cabinet of the Zanzibar government. After taking office in 2005, President Kikwete appointed seven female government ministers (compared with four in the former administration) and 10 female deputy ministers. Some of these women were appointed to head key ministries, including foreign affairs, finance, and justice. During the year at least seven women served as judges of the High Court and one woman served as a justice of the Union Court of Appeal.

There were 11 members of Parliament of Asian origin in the 320-seat National Assembly; one served as Minister of Finance.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption and the Government generally implemented these laws effectively against lower level officials. However, the public criticized the Government for not implementing the law effectively against senior level officials suspected of corruption, giving the appearance that these officials could engage in corrupt practices with impunity.

Despite improvements in the past decade, corruption remained a pervasive problem throughout the Government. The World Bank's Worldwide Governance Indicators reflected that corruption was a serious problem. Preliminary hearings in a corruption case involving a former ambassador to Italy began on August 21; the case was still pending at the end of the year. Out of concern for corruption allegations, President Kikwete on November 16 appointed a former attorney general as chairman of a committee to review all mining contracts. Members of the committee included legislators from the ruling CCM Party and from the opposition, as well as private sector and senior government officials.

Senior government officials estimated that 20 percent of the Government's budget in each fiscal year was lost to corruption, including theft, fraud, and fake purchasing transactions.

There was little accountability in most government entities. There is no law providing for public access to government information. Government officials routinely refused to make information available.

In April the National Assembly ratified the Prevention and Combating of Corruption Bill, giving the Prevention and Combating of Corruption Bureau (PCCB) more authority. The new act defined offenses more clearly and raised the number of offences from 4 to 24, but critics from NGOs and opposition parties pointed out that under the new act senior government officials are barred from prosecution without the director of public prosecution's approval; they are concerned that that requirement will hinder the act's effectiveness.

On the mainland a PCCB principal investigation officer was quoted by the Citizen on January 17 saying that corruption in public procurement was still high despite the enactment of legislation and regulations on curbing graft. With regard to Zanzibar, the Daily News of July 25 reported that several legislators urged the Government to prosecute all Zanzibari officials implicated by the auditor general's reports from 2003 to 2005 for misuse of public funds and lack of accountability.

Public perception of the extent of corruption among public officials, while remaining high, declined significantly. The January 29 and subsequent editions of the East African reported that the Minister of Finance had ordered a probe into grand corruption in the Bank of Tanzania. Allegations of corruption centered on the construction costs of the bank's headquarters and a \$30.8 million payment from its external account to an allegedly fictitious company. Although opposition members of Parliament called for the resignation of the bank governor, on July 3 the African reported the prime minister's statement announcing that responsible government organs were investigating the issue. The investigation was ongoing at year's end. On July 5, This Day newspaper reported that the Ministry of Defense had paid approximately \$20 million above the market price for helicopters it had rejected earlier as not fit for use.

The Government continued to use specialized agencies to fight corruption during the year, but their effectiveness was limited. A unit in the Ministry of Good Governance, a department within the president's office, was charged with implementing anticorruption legislation, coordinating anticorruption efforts, and collecting information from all the ministries for publication in quarterly reports; however, this three-person unit continued to be severely under-resourced.

On the mainland the PCCB was responsible for investigating cases of corruption and referring them to the courts for prosecution. For example, the September 11 Daily News reported the arrest by the PCCB of two members of Parliament and nine other CCM members in Arusha for bribing voters during the campaign for regional and district party leadership seats. Several other arrests were made in Mwanza region on similar accusations of corruption.

The PCCB did not operate on Zanzibar and remained under the authority of the Office of the president, factors which hindered its ability to resist political pressures and prosecute high-level corruption cases. The PCCB continued to refer cases of major corruption to the director of public prosecution; however, the prosecution of corruption cases remained slow and inefficient. Members of the public and the media criticized the PCCB for prosecuting only those who committed low-level corruption.

According to the PCCB, most corruption-related complaints concerned government involvement in mining, land matters, energy, and investment. The director general indicated toward the end of the year that the PCCB was investigating 20 percent more corruption cases than during the previous year, including cases involving alleged corruption in the public sector.

NGOs reported that most allegations of corruption involved the Tanzania Revenue Authority, local government officials, licensing authorities, hospital workers, and the media. During the year public attention was also drawn to the Bank of Tanzania, the Tourism Ministry, and the Ministry of Finance.

In 2006 authorities in Zanzibar continued to resist efforts by the union government to open an office of its ethics secretariat in Zanzibar to investigate corruption there. In June the Zanzibar office of the Commission for Human Rights and Good Governance gained permission from the Zanzibar government to investigate the full range of corruption cases.

Access to government information remained very limited. For example, a This Day article dated July 2 reported the results of a survey by the Haki Elimu, a local NGO, and the International Budget Project, an international NGO, which showed that the public did not have access to information about the Government's fiscal activities and budget. A 2005 constitutional amendment to provide public access to information has not apparently altered this situation—the act does not explicitly mention government information. Government officials estimated that 90 percent of all

government documents, including administrative forms, were treated as classified. According to access-to-information advocates, laws relating to national security, broadcasting, newspapers, prisons, restricted areas, official secrets, and police blocked public access to government information. There was no mechanism for appealing denials.

Parliament continued to use the Parliamentary Online Information System (POLIS) to increase access to government information. However, POLIS's reach remained limited, since only approximately 300,000 of the country's 37 million citizens had Internet access.

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

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. The number of NGOs grew rapidly during the year, and government officials generally were cooperative and responsive to their views. There was greater coordination and cooperation between the Government of Zanzibar and NGOs. The Government of Zanzibar considered NGOs as partners in development, but continued to be less tolerant of NGOs that criticized the Government.

Although many parliamentarians in the past expressed mistrust towards NGOs, their attitude has warmed considerably under the administration of President Kikwete, according to independent observers. Female parliamentarians were particularly aware of NGO activities in delivering services at the grassroots level. The new speaker of the National Assembly gave NGOs greater access to Parliament during the year; however, cooperation between parliamentarians and NGOs in policy formulation, monitoring, and evaluation of public policy remained weak.

Active domestic human rights NGOs included Tanzania Gender Networking Programme, Haki Elimu, the Center for Human Rights Promotion, the Legal and Human Rights Centre, Tanzania Media Women's Association, and Tanzania Women Lawyers' Association. There were also many smaller local human rights NGOs based outside of Dar es Salaam. The Zanzibar Legal Services Center was one of the few active human rights organizations in Zanzibar. All of these organizations were independent of the Government.

Government representatives met with domestic human rights NGOs and participated in training seminars on subjects including international humanitarian law, female genital mutilation, child labor, trafficking in persons, and women's rights.

The 2002 NGO Act, which does not apply to Zanzibar, requires all NGOs to register with a government-appointed NGO coordination unit within the vice president's office. From February 2005 through December 2006, more than 1,000 NGOs (some new and some preexisting) registered with the NGO coordination unit under the act. A total of more than 2,000 NGOs were registered and entered into the database by the year's end.

On the mainland in April 2006, the educational NGO Haki Elimu, which had been prohibited by the Government from publishing articles or studies on schools, and was limited to advocacy, facilitation of investigative journalism, and community organizing. However, during the year Haki Elimu was permitted to resume all its activities.

There was an improved level of cooperation between the Government and UNHCR, which maintained a sizable presence for the operation of 10 refugee camps in western Tanzania. During the year the Government decided to close all refugee camps by the end of the year. UNHCR negotiated an extension to June 2008. The Government also agreed to give Tanzanian citizenship to more than 100,000 refugees.

The Commission for Human Rights and Good Governance operated independently without government interference. It enjoyed government cooperation on the mainland and during the year also became active in Zanzibar. The commission employed more than 160 individuals and operated with a government-financed budget of approximately \$2.27 million (2.6 billion shillings). However, it remained underfunded, understaffed, and overburdened by a caseload of unresolved complaints. The commission's budget for 2007-08 was reduced by 13 percent compared to the 2006-07 budget. The commission received an increased number of complaints as a result of awareness campaigns conducted through the media. From June 2006 to June 2007, the commission received a total of 4,948 new complaints on issues of human rights and administrative justice, an increase of almost 30 percent compared to the previous year. At year's end the commission's library brought a computerized documentation data base online, but the case management system and record keeping was still being done manually.



The union parliamentary committee for constitutional, legal, and public administration is responsible for reporting and making recommendations regarding human rights. Although the majority of committee members were from the ruling CCM party, the committee nevertheless acted independently of government and political party influence and most observers viewed it as an unbiased institution.

The Government continued to host the International Criminal Tribunal for Rwanda War Crimes (ICTR) in Arusha, and the Government was supportive of, and cooperated with, the ICTR.

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

The Constitution prohibits discrimination based on nationality, ethnicity, political affiliation, race, or religion; however, the Government did not always effectively enforce these prohibitions. Discrimination based on gender, age, or disability was not prohibited explicitly by law but was discouraged publicly in official statements and by government policies. Discrimination against women, refugees, minorities, and persons with HIV/AIDS persisted, and societal ethnic tensions continued to be a problem in some parts of the country.

*Women.*—The law provides for life imprisonment for persons convicted of rape; however, rape continued to be a serious problem. During the year several persons were prosecuted and convicted for rape and battery under the law. Only an estimated 5 percent of rape cases resulted in court proceedings. In August the Tanzania Media Women's Association organized a forum where it was reported that an estimated 80 percent of rape victims did not report their cases.

According to a Zanzibar high court judge, cases are at times dismissed due to lack of evidence. Some police reportedly advised rape victims to clean themselves before going to hospitals for examinations, resulting in the removal of important evidence. In 2006 Zanzibar's main island, Unguja, had only one private hospital that conducted post-rape examinations, but the law requires post-rape examinations to be conducted at government hospitals. In addition, since rape victims had to wait as many as 6 days for examinations, much potential evidence was lost. The only public hospital on Pemba island conducted post-rape examinations only once a week.

Rape and sexual abuse of girls and women with disabilities reportedly was prevalent during the year. Sexual and gender-based violence continued to be a problem in the refugee camps.

Domestic violence against women remained widespread. The law prohibits assault but does not specifically prohibit spousal battery. Cultural, family, and social pressures often prevented women from reporting abuses, and authorities rarely took action against physical abusers of women. As in previous years, police reportedly were often unwilling to pursue domestic abuse cases.

An April 2006 survey by the World Health Organization reported that approximately 25 percent of the women interviewed reported that they had been subjected to nonpartner physical and sexual violence since the age of 15. About 1 in 10 reported sexual abuse before age 15.

The courts recognized domestic violence as grounds for divorce. However, women often tolerated prolonged domestic abuse before seeking a divorce; those who sought advice from mainland legal aid clinics most commonly cited domestic abuse as the reason for wanting a divorce. Nevertheless, society historically considered wife-beating to be an acceptable practice, and women were sometimes punished by their husbands for not bearing children.

The law prohibits female genital mutilation (FGM), also known as female circumcision; however, it was practiced by many tribes and families, and those who conducted the procedure were rarely made to stand accountable. Penalties for practicing FGM on females under 18 were from 5 to 15 years' imprisonment, a fine not exceeding \$235 (300,000 shillings), or both. The law also provides for the payment of compensation by the perpetrator to the person against whom the offense was committed. The law does not establish a minimum fine and does not provide legal protection for women 18 years of age or older. The law provides that anyone who has custody, charge, or care of a girl under 18 and who causes her to undergo FGM, commits the offense of cruelty to children.

A Ministry of Health report released in December 2006 indicated that the percentage of women and girls who underwent FGM declined from 18 percent in 1995 to 15 percent in 2005. Other data suggested that the average age of victims had decreased to less than 10 years, with some newborns reportedly undergoing FGM. In Singida region, FGM was often performed on infants when they became sick with malaria or other diseases so that any deleterious effects resulting from the procedure would not raise suspicion among neighbors and relatives. FGM was practiced by approximately 20 of the country's 130 tribes and was most prevalent in 11 mainland regions, including Arusha, Singida, Kilimanjaro, Morogoro, and Dar es Salaam.

In the rest of the country, less than 5 percent of the population practiced FGM. Most frequently employed was clitoridectomy, the least severe form of FGM; however, infibulation, the most severe form, was also practiced, mainly in the northern highlands and the central zone.

On October 20, there was a report that a 6-year-old girl bled to death after being circumcised in the Iramba District of the Singida region. The mother of the child and one other suspect were under police custody. The "ngariba" who performed the act on the child was still at large.

There were no reports of prosecutions related to FGM during the year. Enforcement of the anti-FGM law was difficult for a number of reasons: Many police officers and many communities were not aware of the law; police did not have adequate resources to protect victims; and victims were often reluctant to testify against family members and neighbors who forced them to undergo FGM. Some witnesses feared reprisals from supporters of FGM.

Corruption also made it difficult to enforce the anti-FGM law. Some villagers reportedly have given local leaders sums as great as \$235 (300,000 shillings) to be allowed to have their daughters circumcised without fear of arrest or prosecution.

The Government continued to implement the 2001–15 national plan of action for the prevention and eradication of violence against women and children. This strategy, included as the theme of the March celebration of International Women's Day, sought the elimination of FGM by involving practitioners and community leaders, and both men and women. Anti-FGM groups urged parliamentarians and local government officials to take a greater role in enforcement, although parliamentarians have no enforcement authority.

During the year the Government and NGOs made progress in reducing the open practice of FGM. The Anti-Female Genital Mutilation Network and a coalition of anti-FGM NGOs engaged in awareness-raising activities and conducted research on FGM. Anti-FGM groups continued to sensitize the ngaribas about the harmful effects of FGM and to train them for other occupations. The NGO TAMWA stressed that passage of the law in 1998 without training for police officers was not enough to fight tradition.

Reducing the practice of FGM remained difficult because some regional government officials favored or profited from the practice or feared speaking out against it because of the perceived political consequences of opposing FGM and the power of traditional leaders who supported FGM. Some communities that were aware of the law prohibiting FGM viewed it as an unjust threat to a cultural tradition. A lack of medical information on the harmful and long-term health effects of FGM remained a problem. Many communities believed FGM increased fertility, reduced sexual desires leading to prostitution, and reduced infant mortality. Many fathers believed they would receive higher bride prices for daughters who had undergone FGM. In addition ngaribas relied on the practice for income.

The law prohibits prostitution; however, prostitution remained common. Prostitutes are occasionally arrested but the police keep no official statistics on the number or disposition of cases. Poor rural women and young girls immigrating to urban areas were most at risk.

The law prohibits sexual harassment of women in the workplace. The extent of the problem was unknown.

Inheritance and marriage laws do not consistently provide full equality for women, and in practice women's rights often were not respected. The Ministry of Community Development, Women, and Children, and the Ministry of Justice were responsible for protecting the legal rights of women. Discrimination against women was most acute in rural areas, where women were restricted to farming and raising children. Rural women had little opportunity to attend school or obtain wage employment.

In family matters, the content and application of some customary and Islamic laws discriminated against women, both on the mainland and in Zanzibar.

The country's immigration laws do not recognize that a man can be a dependent, making it difficult for the foreign husband of a female citizen to obtain a residency permit. Since the Government does not recognize dual citizenship, a female citizen who marries a foreign man may have difficulty residing legally in the country, and, in practice, may be forced to give up her own citizenship. This was increasingly a problem in the refugee camps for Tanzanian women who married Burundian men who did not qualify for residence permits because of their refugee status.

The law gives individuals the right to use, transfer, and own land without distinction of gender, and recognizes women's occupancy rights. Civil society activists reported widespread discrimination against women in property matters related to inheritance and divorce. This was particularly the case in Zanzibar and parts of the mainland where judges made concessions to customary and Islamic law. Women

whose unions had not been legalized under customary, Hindu, Muslim, Christian, or civil marriage laws were particularly vulnerable if they separated from their partners or if their partners died.

Women in Zanzibar who became pregnant out of wedlock could be tried and sentenced to perform community service the offense; the office of Zanzibar's director of public prosecution published regulations that stipulated the kind of community service that could be imposed.

*Children.*—The Government remained committed to children's rights and welfare. The Government made constructive efforts to address children's welfare, including close cooperation with international and local organizations to improve the well-being of neglected children and of the country's estimated 2.5 million orphans.

The law provides for 7 years of compulsory education, through the age of 15, for all children. Primary education was compulsory, free, and universal on both the mainland and Zanzibar; however, there were inadequate numbers of schools, teachers, books, and other educational materials to meet the demand.

During the year fees continued to be charged for enrollment beyond form two, the equivalent of the second year of high school. As a result, some children did not have access to secondary education; however, in 2005 the Government reduced school fees by half and provided subsidies to cover the remaining fees through a secondary school development program. Day students' fees were \$15 (20,000 shillings) and boarding school fees were approximately \$61 (80,000 shillings) annually. In addition, many parents had to pay for books, uniforms, and school lunches.

Overall school completion rates were the same for boys and girls: 56 percent for primary school and 33 percent for secondary.

Child sexual abuse remained a problem, and there were convictions during the year; most persons convicted for the sexual abuse of children were given the maximum sentence of 30 years' imprisonment.

Corporal punishment in schools was a problem. Caning was supported by law, although the practice continued to decline during the year following public outreach efforts by the Government, particularly the Ministry of Education, and the press. In October a middle school student at Maswa Girls Secondary School was seriously injured from a caning delivered by the deputy head of the school.

Under the law sexual intercourse with a child under 18 years is considered rape regardless of consent; however, the law was not effectively enforced. In an apparent contradiction, family law provided for girls as young as 15 to be considered adults for the purposes of marriage and sexual intercourse. In order to marry, a girl under 18 is required to obtain the consent of her father, mother, or guardian. An orphaned girl with no guardian who desired to get married at 15, 16, or 17 needed no consent. The courts had discretion to allow the marriages of parties who were 14 years old if they were satisfied that there were special circumstances which made the proposed marriage desirable. Additionally, the law allows African-Asian girls to marry as young as 12 so long as the marriage is not consummated until the girl reaches the age of 15.

During the year the Government continued its efforts to enforce the law penalizing any person responsible for impregnating a schoolgirl. In April a primary school teacher of Kibuye primary school, Suzi Bosobi, was arrested on allegations of impregnating a 14-year-old student who gave birth and immediately dumped the baby into a pit latrine. The baby was rescued but died soon after.

On September 26, a head teacher of Ikungumhulu primary school in Misungwi District, Mwanza region, was charged with raping a 16-year-old student. He denied the charges and was released on bail.

The law criminalizes child prostitution; however, sexual exploitation and trafficking in persons, including children, were problems.

There were reports that individuals practicing witchcraft killed children, allegedly to remove and sell body parts and skin. Male and female infanticide continued to be a problem. In June 2006 the bodies of 22 infants were discovered at dumping sites in Arusha. Police conducted autopsy reports that revealed that the babies died of suffocation. There were no reported prosecutions for this offense by year's end. Baby dumping cases continued to be reported during the year.

The number of orphans in the country was estimated at more than 2 million, most of them orphaned by AIDS. In general orphans were absorbed into other families; those who were not absorbed generally qualified as extremely vulnerable individuals and received additional support and counseling. There were significant numbers of street children in both Dar es Salaam and Arusha. Street children had limited access to health and education services because they lacked a fixed address and money to purchase medicines, school uniforms, and books. They were also vulnerable to sexual abuse by older street children and homeless persons.

*Trafficking in Persons.*—The law does not prohibit all forms of trafficking. Tanzania is a country of origin, transit, and destination for women and girls trafficked for forced labor and sexual exploitation and, to a lesser extent, boys trafficked for forced labor.

It was impossible to quantify the incidence of trafficking during the year, but the practice existed in many regions of the country. Most victims were trafficked internally; boys were trafficked for exploitative work on farms, in mines, and in the large informal sector, while girls from rural areas were trafficked to the towns for involuntary domestic labor. Some of these youths fled abusive employers and turned to prostitution for survival. Most victims came from the regions of Iringa, Mwanza, Dodoma, Kigoma, Dar es Salaam, and Arusha. Small numbers of persons were reportedly trafficked to South Africa, Saudi Arabia, the United Kingdom, and possibly other European countries for domestic servitude. Indian women—who entered the country legally to work as musicians, singers, and dancers in restaurants and nightclubs—were at times exploited as prostitutes after arrival. On Zanzibar some hotels sponsored girls for hotel work who then become bar maids or prostitutes; hotels were used by traffickers for prostitution activities.

Beginning in September, the International Office of Migration (IOM) launched a campaign to make people aware of the problem of human trafficking in Tanzania and to encourage public discussion of the issue by national leaders and opinion makers. The IOM aired a documentary and prepared and distributed articles and television news spots about trafficking.

During the year the NGOs KIWOHEDE and Child in the Sun assisted 76 victims of trafficking and medically screened 120 victims. In addition, 120 victims were offered school or vocational training and 91 children were reunified with their families. Some rescued victims were provided with grants for school or micro income generating projects.

Children in low-income families were at significant risk of being trafficked, and girls were more vulnerable than boys since they were considered more of an economic burden on their families. The country was also experiencing a rapid rise in the number of child-headed households as more adults succumbed to HIV/AIDS-related disease and death, leaving their dependents at very high risk for child labor and trafficking.

Trafficking methods varied. Victims were lured by the promise of an income, the opportunity to attend school, and better living conditions, especially from rural to urban areas. Some trafficking victims left their homes with assistance from their family; some left on their own to escape life in rural areas; and some were transported by someone who offered to help them find city work, legitimate or otherwise. There were reports that men recruited village girls who had completed primary school but were not entering secondary school. The men offered the girls money and employment and promised the girls a better life if they accompanied them to urban areas; however, these girls reportedly ended up in prostitution or domestic labor. Another method of trafficking involved low-income parents entrusting a child to wealthier relatives or respected members of the community, who were charged with caring for the child as one of their own. Some persons took advantage of this traditional practice and placed the child in a situation where he or she was at risk of being exploited or abused. At times small-scale, freelance agents recruited children from rural villages and organized their placement and transport to households.

There were no prosecutions for trafficking as such during the year, since the country had no specific law on trafficking; however, offenders were prosecuted under other provisions of the law, such as for rape.

The Ministry of Health and Social Welfare, with foreign cooperation, developed a training manual for health workers who have direct contact with victims of trafficking. On June 19, the ministry conducted training for 300 health care workers.

There were isolated reports that police officials accepted bribes to ignore commercial sexual exploitation.

The Government worked cooperatively with NGOs and complemented the work of the IOM. During the year KIWOHEDE and Child in the Sun received training on victim identification and assistance organized by IOM. Between them they withdrew 12 boys and 28 girls from child labor situations; 20 of the 28 girls assisted had never attended any school. Girls were primarily referred to NGOs while boys generally arrived on their own at NGO shelters. All the victims supported by IOM received medical screening and services, psychosocial counseling, shelter, clothing, skills development, and when possible, family reunification with a start up grant for a micro-business (when the girl received vocational training) and family support. Twelve victims were reunited with their families during the year.

*Persons with Disabilities.*—The Constitution prohibits discrimination against persons with disabilities, but there is no specific law to implement this provision. Per-

sons with physical disabilities were effectively restricted in employment, education, access to health care, and other state services by physical barriers and inadequate budget resources. The Government mandates access to public buildings, transportation, or government services for persons with disabilities through several pieces of legislation, such as the law that precludes the issuance of building permits for structures that do not provide access for persons with disabilities. However, few buildings were accessible, not all structures required building permits, and the majority of buildings in the country were constructed before 1997, when this requirement came into force. No funds were available for retrofitting existing structures.

The ministries of education, justice, and labor were responsible for enforcing the protection of rights of persons with disabilities for education, legal claims, and labor rights, respectively. The Department of Social Welfare had responsibility for coordinating disabilities matters. A few local NGOs also tried to highlight the plight in society of persons with disabilities.

During the year the Ministry of Education continued to support the special fund created to increase access to education, particularly by persons with disabilities and other disadvantaged members of the community. The fund was used to support students with disabilities to continue their studies after they passed the local standard seven exams.

There were reports that students with disabilities dropped out of schools that lacked adequate facilities. For example, expensive Braille paper and tape recorders were not available for blind students.

Early in the year the Government lifted the ban imposed in 2005 that prohibited the local NGO Haki Elimu from undertaking or publishing studies regarding government schools; however, the NGO had to agree not to report on educational matters in the future. In a television advertisement critical of the Government, Haki Elimu had highlighted the fact that government schools had no proper facilities for visually impaired students and students without limbs.

*National/Racial/Ethnic Minorities.*—There were no laws or official policies that discriminated against Asians or any other race.

There were isolated instances of tribal conflict over land or livestock. In September clashes reportedly took place between pastoralists and agriculturalists in Mbarali, which resulted in one death and left 12 injured.

*Indigenous People.*—The Barabaig and other nomadic groups in the north continued to seek compensation for past government discrimination, which included government efforts to make them adopt a more modern lifestyle and to restrict their access to pastoral lands that were turned into large government wheat farms. Authorities provided compensation to indigenous people who were relocated, but problems persisted.

It was reported during the year that the Hadzabe indigenous people of northern Tanzania, also called Bushmen, were facing a serious threat to their survival. Their hunting and gathering grounds were being taken by influential safari organizers from the United Arab Emirates, who were counting on the Tanzanian Government support to drive the Hadzabe out. There were no reports that the Government consulted representatives of the Hadzabe in considering how to respond to the matter.

*Other Societal Abuses and Discrimination.*—Homosexuality and lesbianism are illegal in the country. The law in Zanzibar establishes a penalty of up to 25 years' imprisonment for men who engage in homosexual relationships and 7 years for women in lesbian relationships. There were no reports that anyone was punished under the law during the year.

Homosexuals faced societal discrimination, especially at the community level. The Tanzania penal code makes it an offense to have carnal knowledge of any person of the same sex.

The Tanzania Parliamentarians' AIDS Coalition addressed discrimination against persons infected with HIV/AIDS. However, there were reports that discrimination in housing, healthcare, and education continued to occur against the estimated 3.5 million persons in the country living with HIV/AIDS. There were isolated reports that private employers fired or did not hire persons based on the perception that they had HIV/AIDS. The Government, working with NGOs, continued to sensitize the public about HIV/AIDS-related discrimination and to create safeguards for HIV/AIDS patients' human rights. President Kikwete, his wife, and senior government officials publicized the fact that they got tested for HIV/AIDS. A network of lawyers, policymakers, and doctors continued lobbying efforts and other activities to deal with legal, ethical, and human rights problem associated with HIV/AIDS.

*Section 6. Worker Rights*

*a. The Right of Association.*—The law allows workers to form and join unions without prior authorization; however, in practice many private sector employers adopted antiunion policies or tactics that limited this right.

New labor legislation came into force in December 2006 that established the Labor, Economic, and Social Council, the Commission for Mediation and Arbitration, and the labor court; implementing regulations and institutions were still being developed. The new legislation, which applies to the mainland but not to Zanzibar, recognizes the organizational rights of trade unions and establishes a registration procedure for trade unions and employer associations. Only a trade union that has signed up more than 50 percent of a collective bargaining unit may bargain with the employer. A trade union or employers' association must register within 6 months of its establishment; failure to register is a criminal offense.

The union and Zanzibar governments do not have the same labor laws, and they enforced their laws separately. The labor law of the mainland applies to both public and private sector workers. The mainland's law requires a trade union for employees to consist of at least 20 members.

Approximately 27 percent of the workforce that was engaged in paid, "formal sector" employment was unionized. The sole labor federation, the Trade Union Congress of Tanzania (TUCTA), had 317,000 members in 2005 (the most recent available data), or less than 2 percent of the workforce. In the agricultural sector, which was the country's single largest employer, an estimated 5 to 8 percent of the workforce was unionized.

Under the law a mainland-registered trade union is entitled to a number of representatives in the TUCTA based on the size of its membership. For organizations of 100 or more, a specified number of representatives, based on membership size, must be women if women are employed in the work unit.

On the mainland the law prohibits discriminatory activities by an employer against union members; however, there were several reports of antiunion discrimination in the formal private sector during the year. Employers found guilty of antiunion activities were required under the law to reinstate workers.

Most labor unions reported that private sector employers, particularly those attracted to the country by privatization and economic reforms, practiced antiunion discrimination. Although the law prohibits such actions, some of these investors reportedly threatened to terminate or lay off employees who wanted to join trade unions and some employers did not allow unions to call for and hold recruitment meetings at their workplaces.

The labor law in Zanzibar applies only to private sector workers. Zanzibar workers were not allowed to join mainland-based labor unions. The Zanzibar labor law requires a union with 50 or more members to be registered and sets literacy standards for trade union officers.

*b. The Right to Organize and Bargain Collectively.*—The law provides for collective bargaining in the private sector, and workers and employers practiced it freely during the year. In the public sector the Government set wages administratively, including for employees of state-owned organizations.

In Zanzibar the law prohibits strikes. On the mainland workers have the legal right to strike and every employer has the right to a lockout after complying with certain legal requirements and procedures. These rights are not absolute but are qualified according to the law. For example, all parties to a dispute may be bound by an agreement to arbitrate and neither party may engage in a strike or a lockout until that process has been completed.

On the mainland, disputes are regulated under the 2004 act and resolved by mediation through the Commission for Mediation and Arbitration. If the mediator fails to resolve a dispute within 30 days of referral, or any longer period agreed upon in writing by both parties, either party to the dispute may give notice of its intention to commence a strike or lockout. If the dispute is a complaint and the mediator fails to resolve the complaint, the Commission for Mediation and Arbitration may appoint an arbitrator to decide the dispute, or it may be referred to the labor court.

A lawful strike or lockout is protected under the law and does not constitute a breach of contract, nor can it be considered a criminal offense. An employer may not terminate the employment of an employee for participating in a lawful strike, or terminate an employee who accedes to the demands of an employer during a lockout. No civil or criminal proceedings may be instituted against any persons for participating in a lawful strike or lockout.

Despite the language of the labor law, some labor rights observers, such as the Legal and Human Rights Centre, raised concerns that the 2004 act may in practice make striking more difficult for workers in some sectors. The act restricts the right

to strike when to do so would endanger the life and health of the population, a limitation that effectively increased by approximately 50 percent the number of workers that were considered “essential,” and, therefore, not allowed to strike. Workers in certain sectors (water and sanitation, electricity, health services and associated laboratory services, firefighting, air traffic control, civil aviation telecommunications, and any transport services required for the provisions of these services) are restricted from striking and workers in other sectors may also be subject to this limitation, either temporarily or permanently, after a process involving investigation, notice, presentation, public hearing, and publication.

On the mainland there are 23 export processing zones (EPZs), out of which seven are developer licensees and the rest are operator licensees. In Zanzibar there are free economic zones and exclusive economic zones. Labor law protections applied to EPZ workers.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor; however, there continued to be reports that forced and compulsory labor by children occurred and that children were trafficked for commercial sexual exploitation.

The law allows prisoners to work without pay on projects such as agriculture within the prison so that the prison could be self-sufficient. Prisoners were also used as forced labor on projects outside of the prison, such as road repair and government construction projects.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—Child labor remained a problem, compounded by HIV/AIDS. The latest data available, from 2000–01, indicated that 35.4 percent of children ages 5 to 14 were working. The law prohibits the exploitation of children in the workplace and prohibits forced or compulsory labor. Implementing regulations and institutions had been adopted, but there was not yet significant improvement in enforcement of child labor provisions.

Although enforcement remained weak, the Government implemented some measures to ameliorate the problem, including increasing the number of labor inspectors, ensuring that children of school age attend school, imposing penalties on parents who did not enroll their children in school, and sensitizing employers in the formal sector against employing children below the age of 18.

The law establishes the minimum age for contractual employment at 14 and provides that children may be employed only to do light work that is unlikely to be harmful to their health and development and does not prejudice their attendance at school. The law stipulates that children under 18 shall not crew on a ship or be employed in a mine, factory, or any other worksite where working conditions may be hazardous, including informal settings and agriculture.

The law establishes criminal penalties for employers of child labor as well as forced labor; violators can be fined an amount not exceeding approximately \$3,900 (5 million shillings, imprisonment for 1 year, or both. No penalties were imposed during the year.

In 2005 the International Labor Organization (ILO) and UNICEF reported that children who left home to work as domestic laborers in other towns or villages were often subjected to commercial sexual exploitation. According to the Conservation Hotel, Domestic, and Allied Workers Union and the ILO, the majority of domestic child laborers were girls, mostly between the ages of 13 and 15. Most of them worked 12 to 14 hours per day, 7 days a week, without rest or extra compensation for the long hours worked; at times they worked under abusive conditions.

The ILO supported a project aimed at accelerating the removal of children from the most abusive forms of child labor. The sectors involved include commercial agriculture, mining, fishing, and domestic work. By year’s end a total of 4,000 children had been prevented and withdrawn.

Child labor was widespread in Zanzibar; children were used in fishing, clove picking, domestic labor, petty business such as selling cakes, and commercial sexual exploitation near tourist attractions.

The Ministry of Labor remained responsible for enforcement of labor laws along with the Commission for Mediation and Arbitration and the Labor Court. The ministry was faced with the challenge of high turnover of its labor officers during the year. The ministry continued conducting seminars on child labor in different parts of the country.

District- or community-level child labor coordinating committees and subcommittees identified and monitored cases of child labor, with varying degrees of effectiveness. Representatives of the ILO, UNICEF, and local NGOs concluded that these problems were due to a lack of resources and not a lack of political will to fight child labor.

Several government ministries, including the Ministry of Labor, Youth Development, and Sports, have special child labor units.

*e. Acceptable Conditions of Work.*—In October the Government announced new minimum wages, to take effect in January 2008. There are categories covering eight employment sectors, with the lowest minimum \$55 (65,000 shillings) per month for hotel workers and the highest approximately \$300 (350,000 shillings) per month for the mineral sector.

Even when supplemented with various benefits such as housing, transport allowances, and food subsidies, the minimum rate did not provide a decent standard of living for a worker and family, and workers depended on their extended family or on a second or third job. During the year Labor, Employment and Youth Development Minister John Chiligati noted that some employees worked for extra hours without any payment, lack of protective gear, and the absence of requisite compensation in the event of accidents on the job. Furthermore, according to the minister, many private sector employers had not registered their workers with national social security funds.

There were reports that to avoid legal requirements that they provide certain benefits and salary minimums to employees employed for more than 3 months, employers made a practice of firing employees before the 3 month period expired.

There was no standard legal workweek for private sector workers, but most private employers retained a 6-day, 44- to 48-hour workweek. A 5-day, 40-hour workweek was in effect for government workers. Generally it was illegal to employ women to work between 10 p.m. and 6 a.m.; however, employers frequently ignored this restriction.

Several laws regulate safety in the workplace. The Ministry of Labor, Youth Development, and Sports managed an inspection system; however, its effectiveness was limited. Labor standards were not enforced in the informal sector, where a large percentage of the workforce was employed.

Workers could sue an employer if their working conditions did not comply with the Labor Ministry's health and environmental standards. Disputes are resolved through mediation or arbitration by the Commission for Mediation and Arbitration.

---

## TOGO

Togo, with a population of 6.3 million, is a republic governed by President Faure Gnassingbe, who was declared president in 2005 in an election marred by severe irregularities. President Faure Gnassingbe replaced his father, former President Gnassingbe Eyadema, who died in 2005 after 38 years in power. Eyadema and his party Rally of the Togolese People (RPT), strongly backed by the armed forces, had dominated politics and maintained firm control over all levels of the highly centralized government until his death. On October 14, the Independent National Electoral Commission (CENI) organized generally free and fair legislative elections for the 81 seats in the National Assembly. The civilian authorities generally did not maintain effective control of the security forces.

The human rights situation in the country improved; however, serious human rights problems continued, including: Partial inability of citizens to change their government; abuse of detainees; official impunity; harsh prison conditions; arbitrary arrests and detention; lengthy pretrial detention; executive influence over the judiciary; infringement of citizens' privacy rights; restrictions on the press, including banning media programs; restrictions on freedom of assembly and movement; corruption; female genital mutilation (FGM) and violence against women; discrimination against women; regional and ethnic favoritism; trafficking in persons, especially children; child labor; and lack of worker's rights in export processing zones (EPZs).

During the year the Government took significant steps to advance human and political rights, including the organization of generally free and fair legislative elections and the July passage of the Child Code, which prohibits child trafficking, child prostitution, child pornography, the employment of children in armed conflict, and other worst forms of child labor. Agreements signed in April with neighboring countries and the U.N. High Commissioner for Refugees (UNHCR) expedited the return of most of the estimated 40,000 refugees who fled the country following the 2005 presidential election.



## RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—The Government or its agents did not commit any politically motivated killings; however, security forces killed one person during the year.

On July 15, a soldier guarding the national radio station Radio Lome shot and killed a soldier. The Ministry of Security stated that the victim was one of three soldiers who had stolen gas cans in a neighboring government compound. The ministry added that the soldier on guard gave the customary warnings when he saw one of the thieves jumping over a wall, and he shot as a last resort. Although the ministry promised to investigate, the Government did not release any results by the end of the year.

The Government took no action against the police officer who beat Yaya Moussa to death in May 2006.

The Government took no action against militants who, in 2005, set fire to and killed eight Malians suspected of practicing voodoo or mob members responsible for killing four persons from Niger in the same year.

During the year the Government held no trials and conducted no prosecutions of the perpetrators of violence and vandalism related to the 2005 presidential elections. In 2005 there were reports of mass graves, and military personnel reportedly transported more than 100 unidentified bodies to unknown destinations. In 2005 the Government created the Special Independent Investigation Commission to probe the violence and vandalism that occurred before, during, and after election day. The commission held security forces, the ruling party, and opposition party members responsible for the violence and recommended that individuals involved be prosecuted.

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits such practices; however, such practices continued to occur. There were numerous reports of torture or mistreatment of detainees, according to Amnesty International (AI) in its 2007 report. Impunity remained a problem, and the Government did not publicly prosecute any officials for the abuses related to the 2005 elections.

Members of the security forces raped prostitutes who refused to provide sex in exchange for being allowed to enter some sections of Lome.

*Prison and Detention Center Conditions.*—Prison conditions remained harsh, with serious overcrowding, poor sanitation, and unhealthy food. At year's end Lome's central prison, built to accommodate 500 prisoners, held 1,530 inmates, including 33 women. Medical facilities were inadequate, and disease and drug abuse were widespread. Sick prisoners reportedly had to pay approximately \$3.30 (1,500 CFA francs) to guards before being allowed to visit the infirmary. There were reports that prison officials sometimes withheld medical treatment from prisoners. Lawyers and journalists reported that prison guards charged prisoners a small fee to shower, use the toilet, or have a place to sleep.

The Government provided no statistics on the number of prison deaths, but it was believed prisoners died as a result of poor living conditions.

The infants of convicted women were often incarcerated with their mothers. Pre-trial detainees were not held separately from convicted prisoners.

Local nongovernmental organizations (NGOs) were allowed access to all prisons.

In April a delegation of the U.N. Special Rapporteur on Torture visited prison, gendarmerie, police, and military detention facilities without prior announcement throughout the country and met with detainees. The special rapporteur stated that prisons were overcrowded. He noted evidence of ill-treatment by law enforcement officials, mainly inflicted during interrogation to obtain a confession, and that conditions in police custody and in most prisons amounted to inhumane treatment. He reported that soldiers at the military camp of Kara insulted and threatened the members of his delegation and prevented them from visiting cells inside the camp.

*d. Arbitrary Arrest or Detention.*—The Constitution and law prohibit arbitrary arrest and detention; however, the Government did not always respect these prohibitions.

*Role of the Police and Security Apparatus.*—The security forces consist of the army, navy, air force, national security service (including the national police and investigation bureau), and the gendarmerie. The police are under the direction of the Ministry of Security, while the Ministry of Defense oversees the gendarmerie and military. Police and gendarmes are responsible for law enforcement and maintenance of order. However, the army, charged with external security by law, was in charge of domestic security. Approximately 75 percent of the army's officers and sol-

diers were from the former and current presidents' ethnic group, the Kabye, which constitutes an estimated 15 percent of the population.

Police were generally ineffective and corrupt, and impunity was a problem. Police often failed to respond to societal violence. The Government in general did not investigate or punish effectively those who committed abuses, nor did it prosecute persons responsible in previous years for unlawful killings and disappearances. According to AI's 2007 annual report, no prosecution of perpetrators of 2005 abuses had been conducted by year's end.

International and national observers reported that the FOSEL, the special police force deployed for the October elections, unlike security forces deployed for past elections, was well trained and conducted itself in a professional manner.

During the year the Government trained approximately 6,000 members of the security forces, including gendarmes and police, in advance of the October 14 legislative elections.

On August 21, newly recruited police agents randomly beat civilians in an area of Lome; young men in the area had beaten a policeman a day earlier. The chief of police stated that the perpetrating police agents, as well as the men who beat the policeman, would be arrested and prosecuted. However, by year's end there was no new information available on the case.

*Arrest and Detention.*—The law authorizes judges, senior police officials, prefects, and mayors to issue arrest warrants; however, persons were detained arbitrarily and secretly. Although detainees have the right to be informed of the charges against them, police sometimes ignored this right. The law allows authorities to hold arrested persons incommunicado without charge for 48 hours, with an additional 48-hour extension in cases deemed serious or complex. Family members and attorneys officially had access to a detainee after 48 or 96 hours of detention, but authorities often delayed, and sometimes denied, access. The law stipulates that a special judge conduct a pretrial investigation to examine the adequacy of evidence and decide on bail; however, in practice detainees often were held without bail for lengthy periods with or without the approval of a judge. Minors detained since the 2005 election have not had access to a lawyer.

Unlike in the previous year, there were no reports that demonstrators were arbitrarily arrested.

A number of persons detained in 2005 continued to be held without trial in Lome Central Prison, including suspected critics of the Government. Most were reportedly tortured or mistreated during the first few days of detention, according to AI's 2007 report. An accurate count of the detainees was not available.

As during the previous year, public prosecutors provided free legal services to over 200 prisoners incarcerated for minor offences.

There were no developments in the 2005 arrest and detention of two opposition members and four former military officers for suspected coup plotting. The detainees, including Kossi Tudzi of the Union of Forces for Change (UFC) and Hermes Wamede da Silveira of the Alliance of Patriots for Unity and Action, remained incarcerated with no trial scheduled at year's end.

The 2005 charges against King Togbe Ahuawoto Savado Zankli Lawson VIII, the Guin traditional leader of Aneho, were still pending at year's end. The king, who had allowed a police officer seeking refuge to stay at his palace, had been charged with sequestering the officer, possession of firearms, and inciting trouble.

A shortage of judges and other qualified personnel, as well as official inaction, resulted in lengthy pretrial detention—in some cases several years—and confinement of prisoners for periods exceeding the time they would have served if tried and convicted. Almost 80 percent of inmates were pretrial detainees.

*e. Denial of Fair Public Trial.*—Although the Constitution provides for an independent judiciary, the executive branch continued to exert control over the judiciary, and corruption was a problem. Lawyers often bribed judges to influence the outcome of cases. The court system remained overburdened and understaffed. A judicial reform process started in 2005 had not been fully implemented by year's end; little progress had been made due to a lack of funding.

There were three associations of magistrates in the country: The Union of Magistrates of Togo (SMT), the National Association of Magistrates (ANM), and the Professional Association of Magistrates of Togo (APMT). A majority of the APMT members were supporters of President Gnassingbe's party, the RPT. Judges who belonged to the pro-RPT APMT reportedly received the most prestigious assignments, while judges who advocated an independent judiciary and belonged to the ANM or SMT often were assigned to second-tier positions. For example, the new president of the Constitutional Court was the founder and leader of the APMT; in Lome, the presidents of the Supreme Court, Court of Appeals, and Court of First Instance were

members of the APMT as were the public prosecutor and the attorney general. In Kara the president of the Court of Appeals and the president of the Court of First Instance were members of the APMT.

The Constitutional Court is the highest court for constitutional issues while the Supreme Court is the highest court for civil judicial cases. The civil judiciary system includes the Supreme Court, Appeals Courts, and courts of first instance. A military tribunal exists for crimes committed by security forces; its proceedings were closed. The military court cannot try civilians. The military court does not accord military defendants the same rights as civilians.

*Trial Procedures.*—The judicial system employs both traditional law and the Napoleonic Code in trying criminal and civil cases. Defendants do not enjoy a presumption of innocence. Defendants have the right to be present at their trials. Trials were open to the public, juries were used, and judicial procedures generally were respected. Defendants have the right to counsel and to appeal. The Bar Association provides attorneys for the indigent. Defendants may confront witnesses and present witnesses and evidence on their own behalf. Defendants have the right to access government-held evidence relevant to their cases, but in practice were denied that right.

In rural areas, the village chief or council of elders is authorized to try minor criminal and civil cases. Those who reject the traditional authority can take their cases to the regular court system, which is the starting point for cases in urban areas.

*Political Prisoners and Detainees.*—The Government denied the existence of political detainees; however, several persons arrested after the 2005 election and affiliated with the opposition were being held in a prison near Kara, an area of strong RPT support. AI reported that dozens of persons were in detention following the election. Security forces sometimes moved political detainees to informal detention centers under the control of the military or RPT militia. Because the Government did not acknowledge any political detainees, it did not permit any organizations to have access to them.

*Civil Judicial Procedures and Remedies.*—Both the Constitution and the law provide for civil and administrative remedies for wrongdoing, but the judiciary did not respect such provisions, and most citizens were unaware of them.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution and law prohibit such actions, and, unlike in previous years, the Government generally respected these prohibitions in practice. In criminal cases, a judge or senior police official may authorize searches of private residences; in political and national security cases, security forces need no prior authorization.

The Government took no action against the security forces who entered houses by force in 2005 to search for opposition sympathizers.

Citizens believed that the Government monitored telephones and correspondence, although such surveillance was not confirmed.

## *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution and law provide for freedom of speech and of the press; however, the Government continued to restrict these rights. During the year the Government at times interfered with radio stations. Journalists and radio and television broadcasters practiced self-censorship.

Although the Government did not officially censor individual expression, most persons practiced self-censorship because of past violent reprisals by government agents.

There was a lively independent press, most of which was heavily politicized, and some of which was highly critical of the Government. More than 15 privately owned newspapers were published with some regularity. The only daily newspaper, *Togo-Presse*, was owned and controlled by the Government. The official media heavily slanted their content in favor of the Government.

Radio remained the most important medium of mass communication. Some private radio stations broadcast domestic news; however, they offered little of the political commentary and criticism of the Government that was widespread in the print media.

International media were allowed to operate freely.

The station director of Radio Lumiere, who fled the country after a military detachment seized Radio Lumiere's broadcasting equipment in 2005, remained in self-exile at year's end. Radio Lumiere remained closed.

The government-owned Togo Television was the only major television station. Four smaller television stations operated during the year but broadcast only to limited geographic areas. TV7 also carried weekly political debates through the pro-

gram “Seven on Seven,” a weekly political forum in which governing and opposition party leaders, human rights organizations, and other observers participated in discussions of political issues and expressed either criticism or support for the Government.

Despite promises, the Government conducted no investigation into the 2005 beating by masked men of Jean-Baptiste Dzilan, also known as Dimas Dzikodo, the country’s most outspoken journalist and publisher of the independent newspaper Forum de la Semaine.

The Constitution established the High Authority of Audiovisuals and Communications (HAAC) to provide for freedom of the press, ensure ethical standards, and allocate frequencies to private television and radio stations. Although nominally independent, in practice the HAAC operated as an arm of the Government.

On January 9, the president of the HAAC closed Radio Victoire for ignoring two warnings to stop airing a program that French journalist Jacques Roux presented. The program criticized the chairman of the football federation. The HAAC stated that the French journalist had no accreditation and was insulting authorities on air. The ban lasted for 15 days.

On February 28, the president of the HAAC banned radio Nana FM from broadcasting commentary by journalist Daniel Lawson-Drackey that criticized the minister of territorial administration.

On June 13, the HAAC temporarily suspended three newspapers. The HAAC suspended La Trompette for 4 months for disrespecting its authority and for refusing to publish a right of reply, Le Perroquet for 2 months for publishing false news and for refusing to respect the press code, and Le Courrie de la Republique for 3 months for refusing to publish a right of reply.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Internet access was easily available except in remote rural locations.

*Academic Freedom and Cultural Events.*—The Government intimidated academics by maintaining a security force presence at the University of Lome. According to students and professors, a government informer system continued to exist and undercover gendarmes attended classes.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The Constitution and law provide for freedom of assembly; however, the Government generally restricted this right, although less than in previous years.

A political party wishing to hold a demonstration or rally on public property is required to notify the minister of security; no notification is required for rallies on private property.

On February 7, the Government published new rules for political demonstrations. The rules provide that, in compliance with the Global Political Agreement (which provided for a transitional unity government to prepare for legislative elections), and to preserve public order, political parties must hold their public demonstrations on a Saturday or Sunday and must notify the Ministry of Security 72 hours prior to the planned demonstration.

On August 3, the Government banned street demonstrations planned by several opposition parties, including the UFC, ADDI, and UDS-Togo, for Saturday, August 5. The Government stated that the demonstrations aimed to block preparations for the legislative elections.

On October 20, security forces used tear gas to disperse a group of UFC activists attempting to invade the CENI office after a meeting that the party held at Freau Jardin, a local plaza. The UFC and the media reported that security forces beat, brutalized, and insulted demonstrators; an estimated 10 persons were injured and 25 arrested.

Despite government promises to do so, no investigation was conducted into the use of excessive force by security forces in 2005, including the dispersal of a peaceful women’s march during which five persons were killed.

*Freedom of Association.*—Under the Constitution and law, citizens have the right to organize associations and political parties, and the Government generally respected this right.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respected this right.

The Government recognizes three main faiths as state religions: Roman Catholicism, Protestantism, and Islam. Other religions, such as animism, Mormonism, and

Jehovah's Witnesses, were required to register as associations. Official recognition as an association affords the same rights that the official religions enjoy.

*Societal Abuses and Discrimination.*—The Jewish community was very small, and there were no reports of anti-Semitic acts.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation; however, the Government restricted some of these rights in practice. Checkpoints with armed security personnel and arbitrary searches of vehicles and individuals were common. Security forces frequently demanded bribes, which impeded freedom of movement.

On October 13, the Government closed land borders and air access to the country, prior to the October 14 legislative elections. The borders reopened on October 15.

The Constitution prohibits forced exile, and the Government did not employ it. However, several opposition and human rights workers remained in self-imposed exile because they feared arrest.

In 2005 an estimated 40,000 citizens fled as refugees to Ghana and Benin following election-related violence. In October most refugees returned due to government outreach and facilitation agreements signed between the UNHCR and the Governments of Benin, Ghana, and Togo.

*Protection of Refugees.*—The laws do not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, but the Government has established a system for providing protection to refugees. In practice the Government provided protection against "refoulement," the return of persons to a country where there is reason to believe they feared persecution. The Government granted refugee status or asylum.

A voluntary repatriation program for 508 Ghanaian refugees was still not implemented because of continuing unrest and instability in Ghana along the Togo-Ghana border. These refugees have been integrated into society and no longer receive assistance.

The Government also provided temporary protection to approximately 100 individuals who may not qualify as refugees under the 1951 convention and its 1967 protocol.

The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers.

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

The Constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through legislative elections on October 14 declared to be generally free and fair by the international community. However, the National Assembly exercised no real oversight of the executive branch of the Government.

After the October elections the National Assembly comprised three political parties, although cabinet members were drawn largely from the party of the president. The Government remained highly centralized. The National Government appoints officials and controls the budgets of government entities at all levels, including prefectures and municipalities, and influences the selection of traditional chiefs. In 2005 Faure Gnassingbe was declared president in an election international observers said was marred by severe irregularities and violence in which an estimated 500 persons died.

*Elections and Political Participation.*—On October 14, citizens voted to elect the 81 members of the National Assembly in 31 electoral districts, choosing from 2,000 candidates who ran on 395 party lists. International and national observers monitored the elections and declared them to be generally free, fair, transparent, and peaceful.

On October 23, CENI announced that the ruling RPT had won 50 seats, the UFC won 27 seats, and the Action Committee for Renewal won four seats. The Constitutional Court, which is the final arbiter of all electoral issues, concurred and issued definitive results on October 30.

There are currently nine female members in the National Assembly and two female ministers in the 23-member cabinet.

Members of the southern ethnic groups remained underrepresented in both the Government and the military.

*Government Corruption and Transparency.*—Official corruption was a problem, and there was a widespread public perception of corruption in both the executive

and legislative branches. The World Bank's 2007 Worldwide Governance Indicators reflected that corruption was a severe problem. The Anti-Corruption Commission (CAC) allowed most senior government officials accused of corruption to continue in their positions and did not investigate allegations made against them. For example, during the year the CAC levied allegations of corruption against the director general of the Social Security Agency, who remained in his position at year's end.

According to the Government's official poverty reduction strategy paper, prepared in June in cooperation with the World Bank and the U.N. Development Program (UNDP), corruption and lack of transparency in the management of public funds was a problem throughout the Government. The Constitution provides for the creation of a court of accounts to oversee public expenditures; however, the Government failed to establish it.

Officials were not subject to financial disclosure laws.

Although the press code provides for public access to government information, the Government did not permit access for either citizens or noncitizens, including foreign media. Reasons for denial were not given.

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

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials sometimes were cooperative but typically were not responsive to NGO recommendations.

There were several domestic private human rights groups, including the Togolese League of Human Rights, the Center for Observation and Promotion of the Rule of Law, and the Togolese Association for the Defense and Protection of Human Rights. Years of government threats and intimidation of human rights leaders, combined with a lack of results from human rights initiatives, have led some human rights groups to become inactive. A few groups, such as the Togolese Movement for the Defense of Liberties and Human Rights, the African Committee for the Promotion and Support of Human Rights, and the African Center for the Rehabilitation of Victims of Torture and Repression, in the past served as apologists for the Government by making public statements explaining the behavior of the Government in a favorable way. However, there were no reports that this occurred during the year.

The Government met with some domestic NGOs that monitor human rights but took no action in response to their recommendations. In April 2006 AI and other international NGOs criticized the Government for failing to bring to justice those involved in election-related violence during 2005. In July 2006 a delegation from AI visited the country to more formally assess the Government's actions during the 2005 election violence. AI scheduled the release of its report for November 2006, but postponed it at the request of the Government. In December 2006 the Government accused AI of provoking a "useless and redundant controversy."

The Government generally cooperated with international governmental organizations and permitted visits by U.N. representatives or other organizations such as the International Committee of the Red Cross (ICRC). In April a delegation of the U.N. Special Rapporteur on Torture visited prison, gendarmerie, police, and military detention facilities without prior announcement throughout the country and met with detainees. The special rapporteur stated that prisons were overcrowded. He noted evidence of ill-treatment by law enforcement officials, mainly inflicted during interrogation to obtain a confession, and noted conditions in police custody and in most prisons amounted to inhumane treatment. He reported that soldiers at the military camp of Kara insulted and threatened the delegation and prevented it from visiting cells inside the camp.

On January 31, the National Assembly swore in the 17 independent members of the National Commission for Human Rights.

A permanent human rights committee exists within the National Assembly, but it did not play any significant role in policy-making and was not independent of the Government.

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

The Constitution and law prohibit discrimination based on race, gender, religion, disability, language, or social status; however, the Government did not enforce these provisions effectively.

*Women.*—The law criminalizes rape and provides for prison terms of 5 to 10 years for anyone found guilty of the crime. The prison term is 20 years if the victim is a child under 14, is gang-raped, or if the rape results in pregnancy, disease, or incapacitation lasting more than 6 weeks. The law does not specifically outlaw spousal rape. Although the Government was diligent in investigating and prosecuting re-

ports of rape, victims were reluctant to report it because of the social stigma associated with being raped.

The law does not specifically prohibit domestic violence, and domestic violence against women continued to be a problem. Police generally did not intervene in abusive situations, and women were not made aware of the formal judicial mechanisms designed to protect them. According to a local women's rights NGO, wife beating was estimated to affect 6 percent of married women.

The law prohibits prostitution, including operating a brothel, and provides for fines of up to \$2,200 (1 million CFA francs) for brothel owners and panderers. Prostitution in Lome was fairly widespread since economic opportunities for women were severely limited. Several prostitutes in Lome reported that they had to pay security forces to pass through certain parts of town; this payment most often took the form of sex. Members of the security forces raped prostitutes who protested the payment. The Government did not act to stop this practice.

A presidential decree, issued in 1984, prohibits sexual harassment and specifically mentions harassment of female students; however, authorities did not enforce the law.

Although the law declares women equal under the law, women continued to experience discrimination, especially in education, pension benefits, and inheritance, as a consequence of traditional law, which applies to the vast majority of women. A husband legally can restrict his wife's freedom to work or control her earnings. In urban areas women and girls dominated market activities and commerce; however, harsh economic conditions in rural areas, where most of the population lived, left women with little time for activities other than domestic tasks and agricultural fieldwork. The labor code requires equal pay for equal work, regardless of gender, but this provision generally was observed only in the formal sector. There are no restrictions on women owning property. Under traditional law a wife has no maintenance or child support rights in the event of divorce or separation and no inheritance rights upon the death of her husband. Polygyny was practiced. Otherwise, women can own property with no special restrictions. Women did not experience economic discrimination in access to employment, credit, or managing a business.

During the year the Ministry of Social Affairs and Promotion of Women, along with independent women's groups and concerned NGOs, continued to campaign to inform women of their rights.

*Children.*—Although the law provides for the protection of children's rights, government programs often suffered from a lack of funding, materials, and enforcement. The Ministry of Education stated that one-third of the national budget was spent on education. There were many practices that discriminated against children, especially girls.

On July 6, the Government put into effect the country's first Child Code, which the National Assembly passed on June 25. The code provides for the protection of children's economic, psychological, and moral rights and includes national and international standards intended to protect children. The code prohibits child trafficking, child prostitution, child pornography, the employment of children in armed conflict, and the worst forms of child labor, including the selling of children for sexual exploitation, forced labor, or servitude.

The Government provided education in state schools, and school attendance is compulsory for both boys and girls until the age of 15. According to the U.N. Children's Fund (UNICEF), although 99 percent of boys and 83 percent of girls started primary school, only an estimated 68 percent of boys and 59 percent of girls finished primary school. For secondary school, the net enrollment was 36 percent for boys and 17 percent for girls, but only 21 percent of boys and 11 percent of girls completed secondary school.

Boys and girls had equal access to state-provided medical care.

Orphans and other needy children received some aid from extended families or private organizations but little from the Government. There were social programs to provide free health care for poor children.

Child abuse was a problem. Although the law explicitly prohibits sexual exploitation of children and child prostitution, the Government did not effectively enforce the prohibitions.

The law prohibits FGM; however, FGM continued to be practiced on approximately 12 percent of girls. Although no statistics were available, the Government and NGOs believed the practice had decreased significantly in urban areas since the 1998 anti-FGM law was passed but continued as previously in rural areas. The most common form of FGM was excision, which was usually performed on girls a few months after birth. Most of the larger ethnic groups did not practice FGM. Penalties for practitioners of FGM range from 2 months to 5 years in prison as well as substantial fines. However, the law was rarely applied because most FGM cases oc-

curred in rural areas where victims generally did not understand the law. Traditional customs often took precedence over the legal system among certain ethnic groups. The Government continued to sponsor seminars to educate and campaign against FGM. Several NGOs, with international assistance, organized educational campaigns to inform women of their rights and how to care for victims of FGM.

*Trafficking in Persons.*—The law prohibits trafficking in children but not adults; there were reports that persons were trafficked to, from, or within the country. The Government had little or no funding to investigate traffickers. Police had limited success in intercepting victims of trafficking, and prosecution of traffickers was rare. In June five traffickers were tried and received between 9 and 12 month sentences and fines up to \$2,200 (1 million CFA francs); 11 other suspected traffickers were released for lack of evidence.

Government agencies involved in antitrafficking efforts included the Ministry of Social Affairs and Protection of Women; the Ministry of Health; the Ministry of Security; the Ministry of Justice; the Ministry of Labor; and the security forces (especially police, army, and customs units). The Government cooperated with the Governments of Ghana, Benin, and Nigeria under a quadripartite law allowing for expedited extradition among those countries.

The country remained a country of origin, transit, and destination for trafficking in persons, primarily children. More young girls than boys were victims of trafficking. Trafficking in women for the purpose of prostitution or forced labor as domestic servants was a problem.

Trafficking occurred throughout the country. The majority of trafficking victims were children from the poorest rural areas, particularly those of Kotocoli, Tchamba, Ewe, Kabye, and Akposso ethnicity and mainly from the Maritime, Plateau, and Central regions. Adult victims usually were lured with phony job offers. Children often were trafficked abroad by parents misled by false information. Sometimes parents sold their children to traffickers for bicycles, radios, or clothing and signed parental authorizations transferring their children to the custody of the trafficker.

Children were trafficked into indentured and exploitative servitude, which amounted at times to slavery. Most trafficking occurred internally, with children trafficked from rural areas to cities, primarily Lome, to work as domestics, produce porters, or roadside sellers. The country was a transit point for children trafficked from Burkina Faso, Ghana, Cote d'Ivoire, and Nigeria. There were credible reports that Nigerian women and children were trafficked through the country to Europe (particularly Italy and the Netherlands) for the purpose of prostitution. Victims were trafficked elsewhere in West Africa and to Central Africa, particularly Cote d'Ivoire, Gabon, and Nigeria; to Europe, primarily France and Germany; and to the Middle East, including Lebanon and Saudi Arabia. Children were trafficked to Benin for indentured servitude and to Cote d'Ivoire and Ghana for domestic servitude. Boys were trafficked for agricultural work to Cote d'Ivoire, Nigeria, and Benin, and domestic servitude and street labor to Gabon. They were fed poorly, clothed crudely, cared for inadequately, given drugs to work longer hours, and not educated or permitted to learn a trade. There were reports that young girls were trafficked to Nigeria for prostitution.

Traffickers were believed to be men and women of Togolese, Beninese, and Nigerian nationalities.

The 2005 Law for the Repression of Child Trafficking provides for prison sentences and fines for anyone who recruits, transports, hosts, or receives trafficked children, as well as prison sentences for parents who willingly facilitate the trafficking of their children. The law provides for prison sentences from 3 months to 10 years and fines ranging from \$2,200 to \$22,000 (1 to 10 million CFA francs) for traffickers of children or their accomplices. Anyone who assists or provides information, arms, or transportation to facilitate the trafficking is considered an accomplice.

There were no reports that governmental authorities or security force members facilitated or condoned trafficking in persons. There were no reports that border guards, customs or immigration officials, labor inspectors, or local police received bribes from traffickers, although it was possible given the high level of corruption.

The Government, along with international and local NGOs, continued to train judges, security forces, and local volunteer committees on the 2005 antitrafficking law; by year's end 36 members of the security forces had received training.

Trafficking occurred at both official points of entry and covertly at unrecognized, unmonitored border crossing points.

Local volunteer committees investigated reports of trafficking. The ministries of education, interior, and social affairs worked with the International Labor Organization (ILO) to establish approximately 300 antitrafficking committees by year's end. Between 2002 and 2006, local committees rescued approximately 4,000 victims of child trafficking.



The National Committee for the Reception and Social Reinsertion of Trafficked Children is the focal point for statistics on child trafficking and is represented in each prefecture. The committee worked with local officials to reintegrate returned trafficking victims, and during the year assisted in the repatriation of 72 trafficking victims, including 58 children.

The Government provided only limited assistance for victims, primarily because of a lack of resources. The NGO *Terre des Hommes* assisted recovered children until their parents or other next of kin could be notified. Assistance was also available from the government-funded Social Center for Abandoned Children. CARE International-Togo worked with three NGOs—*Terre des Hommes*, *La Colombe*, and *Ahuefa*—on reinsertion of trafficked children, awareness campaigns for parents and communities, keeping children in school, and supporting women's income-generating activities. During the year the ILO worked with NGOs to increase awareness of the trafficking problem.

During the year local officials worked closely with the NGOs *Plan Togo* and *The World Association for Orphans-Afrique* to conduct public awareness campaigns and training workshops. Four workshops were held during the year, training approximately 150 lawyers, journalists, judges, NGO representatives, and security personnel. The ILO and UNICEF assisted the Government in organizing and training regional and local committees and in sensitizing and educating parents on the dangers of child trafficking and labor throughout the country.

*Persons with Disabilities.*—A law enacted in 2005 prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services, but the Government did not effectively enforce these provisions. There was no overt government discrimination against persons with disabilities, and some held government positions, but societal discrimination against persons with disabilities was a problem. The Government does not mandate accessibility to public or private facilities for persons with disabilities. Although the law nominally obliged the Government to aid persons with disabilities and shelter them from social injustice, the Government provided only limited assistance.

*National/Racial/Ethnic Minorities.*—The relative dominance in private sector commerce and professions of members of southern ethnic groups, and the relative prevalence in the public sector and especially the security forces of members of former President Eyadema's *Kabye* and other northern groups, were sources of political tension. Political parties tended to have readily identifiable ethnic and regional bases: The RPT party was more represented among northern ethnic groups than among southern groups; the reverse was true of the UFC and CAR opposition parties.

In addition, due to the congruence of political divisions and ethnic and regional divisions, human rights abuses motivated by politics at times had ethnic and regional overtones.

*Other Societal Abuses and Discrimination.*—A 2005 law prohibits discrimination against persons infected with HIV/AIDS; however, such persons continued to face significant societal discrimination. There was also societal discrimination based on sexual orientation.

The penal code provides that a person who engages in a homosexual act may be punished by 1 to 3 years' imprisonment and fined \$220 to \$550 (100,000 to 500,000 CFA francs).

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution and law provide workers, except security forces (including firefighters and police), with the right to form and join unions, and they exercised this right in practice. The poverty reduction strategic paper estimated that 32.9 percent of the workforce was unemployed or underemployed. Approximately 65 percent of the working population was in the agriculture sector where employment was not stable and wages were low. Approximately 60 to 70 percent of formal sector workers were union members or supporters.

The Ministry of Labor failed to enforce the prohibition against antiunion discrimination.

*b. The Right to Organize and Bargain Collectively.*—The Constitution and the December 2006 labor code nominally provide workers the right to organize and bargain collectively; however, the Government limited collective bargaining to producing a single nationwide agreement that had to be negotiated and endorsed by representatives of the Government, labor unions, and employers. All formal sector employees were covered by the collective bargaining agreement that set nationwide wage standards for all formal sector workers. The Government participated in this process both as a labor-management mediator and as the largest employer in the formal sec-

tor, managing numerous state-owned firms that monopolized many sectors of the formal economy. Individual groups in the formal sector could attempt to negotiate agreements more favorable to labor through sector-specific or firm-specific collective bargaining, but this option was rarely used.

The Constitution and law provide most workers with the right to strike, except for members of the security forces and government health workers. The 2006 labor code prohibits retribution against strikers by employers.

On September 8, the Government responded to a threatened strike by agreeing to pay arrears on civil servant salaries and on pension payments for retired public and private sector workers.

The law provides exemptions from some provisions of the labor code, notably the regulations on hiring and firing, for companies in the EPZs. Employees of EPZ firms did not enjoy the same protection against antiunion discrimination as did other workers. Workers in the EPZs were prevented from exercising freedom of association because unions did not have free access to EPZs or the freedom to organize workers there.

*c. Prohibition of Forced or Compulsory Labor.*—The labor code prohibits forced or compulsory labor, including by children; however, such practices occurred. Children sometimes were subjected to forced labor, primarily as domestic servants, porters, and roadside sellers.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The new labor code prohibits the employment of children under the age of 15 in any enterprise, prohibits children under age 18 from working at night, and requires a daily rest period of at least 12 hours for all working children. The Government did not effectively enforce child labor laws, and child labor was a problem. Some children start work at age 5 and typically do not attend school for most of the school year.

Children are found working in both rural and urban areas, particularly in family-based farming and small-scale trading. In some cases children worked in factories.

For some types of industrial and technical employment, the minimum age is 18. Inspectors from the Ministry of Labor enforced these age requirements, but only in the formal sector in urban areas. In both urban and rural areas, particularly in farming and small scale trading, very young children traditionally assisted in their families' work. In rural areas, parents sometimes placed young children into domestic work in other households in exchange for one-time fees as low as \$28 to \$39 (12,500 to 17,500 CFA francs).

The Ministry of Social Affairs and Promotion of Women was responsible for enforcing the prohibition of the worst forms of child labor. On July 6, the National Assembly adopted the Child Code that prohibits the employment of children in the worst forms of child labor, including child trafficking, child prostitution, child pornography, and the use of children in armed conflict. Due to limited resources, the enforcement of child labor laws was weak. The ministry funded a center for abandoned children and worked with NGOs to combat child trafficking.

*e. Acceptable Conditions of Work.*—The Government sets minimum wages for different labor categories, ranging from unskilled through professional positions. There was no minimum wage for workers in the informal sector. In practice employers often paid less than the official minimum wage, mostly to unskilled workers. Official monthly minimum wages ranged from approximately \$22 to \$36 (10,000 to 16,000 CFA francs) and did not provide a decent standard of living for a worker and family. Many workers supplemented their incomes through second jobs or subsistence farming. The Ministry of Labor was responsible for enforcement of the minimum wage system but did not enforce the law in practice.

Working hours of all employees in any enterprise, except for the agricultural sector, normally are not to exceed 40 hours per week; at least one 24-hour rest period per week is compulsory, and workers are expected to receive 30 days of paid leave each year. Working hours for employees in the agricultural sector are not to exceed 2,400 hours per year (46 hours per week). The law requires overtime compensation, and there are restrictions on excessive overtime work; however, the Ministry of Labor's enforcement was weak, and employers often ignored these provisions.

A technical consulting committee in the Ministry of Labor sets workplace health and safety standards. It may levy penalties on employers who do not meet the standards, and employees have the right to complain to labor inspectors of unhealthy or unsafe conditions without penalty. In practice the ministry's enforcement of the various provisions of the labor code was limited. Large enterprises are obliged by law to provide medical services for their employees and usually attempted to respect occupational health and safety rules, but smaller firms often did not. Although workers have the legal right to remove themselves from unsafe condi-

tions without fear of losing their jobs, in practice some could not do so. Labor laws also provide protection for legal foreign workers.

## UGANDA

Uganda, with a population of 30 million, is a republic led by President Yoweri Museveni of the dominant National Resistance Movement (NRM) party. The February 2006 presidential and parliamentary elections generally reflected the will of the electorate; however, both were marred by serious irregularities. Security and human rights conditions improved, especially since the military pushed the Lord's Resistance Army (LRA) out of northern Uganda in 2005 and began peace talks with the LRA in July 2006, and there were no reports of LRA attacks during the year. The ongoing conflict in the Karamoja region remained volatile, resulting in numerous deaths and the displacement of thousands of civilians. While civilian authorities generally maintained effective control of the security forces, elements of the security forces occasionally acted independently of government authority.

The Government's human rights record remained poor. Although there were improvements in a few areas, serious problems remained, including unlawful killings by security forces; instances of torture and abuse of suspects by security forces; vigilante justice; harsh prison conditions; official impunity; arbitrary arrest; incommunicado and lengthy pretrial detention; restrictions on the right to a fair trial and on freedoms of speech, press, and association; some limits on freedom of religion; sexual abuse of internally displaced persons (IDPs) in camps; restrictions on opposition parties; electoral violence and irregularities; government corruption; violence and discrimination against women and children, including female genital mutilation (FGM) and sexual abuse of children; trafficking in persons; violence and discrimination against persons with disabilities and homosexuals; and forced labor, including by children.

The LRA, which conducted its activities from the Democratic Republic of Congo (DRC), continued to hold children that it had forcibly recruited from Uganda. Hundreds of thousands of displaced persons remained in IDP camps due to fear that LRA attacks in the country would resume.

The Government continued to take steps to improve human rights during the year. The armed forces, called the Uganda People's Defense Forces (UPDF), continued to professionalize and demonstrated a marked improvement in respect for human rights, and the Government continued to improve conditions in the central prisons.

### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—The Government or its agents did not commit any politically motivated killings; however, security forces, including police, UPDF officers, and members of Local Defense Units (LDUs) or militias, committed unlawful killings during the year. Security forces were responsible for killings during forcible dispersion of demonstrations, apprehension, and other activities; for deaths in custody, some due to torture; and for accidental killings. The Government generally punished perpetrators appropriately.

On April 5, UPDF Presidential Guard Brigade (PGB) private Zepha Muhumuza killed Rukia Nandago, Collins Nabende, and Moses Kiwani in Mbale Town. Muhumuza reportedly killed Nandago, a sex worker, for failing to meet his sexual demands and subsequently shot Nabende and Kiwani for trying to intervene. The third division court martial charged Muhumuza with three counts of murder on April 6. A final ruling was pending at year's end.

On April 21, UPDF PGB lieutenant Peter Ahimbisibwe killed Presidential Office official Nelson Ssendegeya in Kampala. Ahimbisibwe was detained in Luzira prison and his trial was pending at year's end. The motive for Ssendegeya's murder remained unknown.

In April Murusi Katusabe, an LDU member, killed two civilians for refusing to share game meat in Kasese District. The police issued an arrest warrant for Katusabe, who was at large at year's end.

On October 15, Nabbingo special police constables (SPCs) Nicholas Ogulei, Noah Nkwasiabwe, and Nuuru Nkwasiabwe killed Ronald Bukyayanga in Wakiso District. Police reported that Bukyayanga died after sustaining injuries during an arrest. Bukyayanga allegedly stole a water pipeline in November 2006. The SPCs were ar-

rested on October 16 on murder charges and remanded until November 12. The case was pending at year's end.

On May 10, the second division court martial sentenced UPDF soldier Odong Chamali to death for the May 2006 killing of four civilians and three armed soldiers in Kasese District. The court martial found his accomplice, Ekemu Ocen, guilty of murder and sentenced him to death in August 2006. Both Ocen and Chamali were awaiting execution at year's end.

There were no reports of developments in the following 2006 cases: The April case of the Mbarara police officers who killed two suspected armed robbers; the April killing of a suspected drug dealer in Mulago; the May killing of Dola in the Awach IDP camp; the May killing by torture of Abdu Semugenyi; the June killing of Wilfred Kinyera and Joel Oryem by UPDF soldiers; and the August killing of Masensio Edema.

No action was taken against acting area subcounty chief Amos O'Bani, who reportedly ordered police to fire on nightclub dancers, killing two minors, in August 2006.

Prison authorities reported that John Atwine's September 2006 death in custody was due to hypoxia.

Final rulings from the High Court on the 2005 cases of LDU member Alex Okullo, charged with killing two civilians, and UPDF private Tony Eremo, charged with killing minor Francis Ocaya Okot, were pending at year's end.

UPDF private Joel Lubangakene remained on death row for the 2005 murder of Ojok Ojara in the Lalogi IDP camp in Gulu District, and there were no developments in the case against the UDFP for allegedly killing seven civilians during a 2005 protest in response to Ojara's murder.

SPCs Joel Adrama and Dickson Anguyo were awaiting trial for the June 2005 murder by beating of Zacharia Ocitia.

There were no developments in the investigation of the 2005 killing of suspected robbers Edson Sajabi, Charles Mworozzi, and Benon Kankiriho.

The trial against police officers Stephen Kasiba, Hannington Opio, and Julius Oboch for the 2005 killing in custody of Noah Katungi was pending at year's end.

There were no developments in the case against Busia District police for the 2005 murder of Abdallah Mumiro.

In contrast with 2006, there were no reports of killings by rebel or terrorist groups; however, incidents of vigilante justice were reported. There were numerous instances in which mobs beat, stoned, or burned to death individuals suspected of committing crimes.

On August 29, a mob in Sembabule District burned suspected cattle thief Issa Ssenyondo to death. Five persons were arrested in connection with the incident, but there were no further developments during the year.

There were no developments in the March 2006 mob killing of four robbers in Lira District or the May 2006 mob killing of a traditional healer in Masaka District.

*b. Disappearance.*—There were no reports of politically motivated disappearances during the year; however, some disappearances from earlier years remained unresolved. There were no developments in the May 2006 disappearance of Forum for Democratic Change (FDC) party member Robert Mugenyi or the 2005 disappearance of Otim Orach.

The suspects charged with the 2005 kidnapping of Geoffrey Mwebase and two others were convicted and sentenced to 10 years in prison.

The four 2005 treason suspects who were held in incommunicado detention in 2006 were granted amnesty during the year.

In contrast with 2006, there were no reports of LRA abductions in northern Uganda. In previous years, the LRA forced abducted children and young adults into slavery as laborers, soldiers, guards, and sex slaves.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution and law prohibit such practices; however, there were credible reports that security forces tortured and beat suspects and that detainees died as a result of torture. Torture generally occurred in unregistered detention facilities and was intended to force confessions. The Uganda Human Rights Commission (UHRC) received 164 complaints of torture during the year. Demonstrators died as a result of the forcible dispersion of demonstrations by security forces.

Reports from human rights organizations, including Human Rights Watch (HRW) and the Foundation for Human Rights Initiative (FHRI), cited examples of torture carried out by security forces, including caning; severe beating; removal of fingernails; hammering needles into the body; electrocution; use of snakes, ants, and chemical substances; rape; and inflicting pain to the genitals. According to reports, the police (81 cases); the UPDF and its intelligence branch, the Chieftancy of Mili-

tary Intelligence (CMI) (133 cases); and the Violent Crime Crack Unit (VCCU) or Rapid Protection Unit (35 cases) engaged in torture.

On April 19, UPDF Major George Wakamuke, Captain Edward Nkonye Wasswa, and lieutenants Moses Kagolo and Bonny Edibungo assaulted numerous residents in Mubende District during a gun recovery operation. The Mubende military court sentenced the officers to 4 years' imprisonment on July 28.

On May 19, sexual abuse suspect Faizal Kirunda reportedly died in Mbale Referral Hospital of wounds inflicted by authorities at the Malukhu Prison in eastern Uganda. Kirunda's relatives filed a case with Mbale police, and a report of the investigation was pending at year's end.

On October 9, Rogers Mugenyi died of injuries received from Kampala traffic police officer Nobert Ojok during a routine traffic stop earlier in the day. Ojok was arrested on October 12 and charged with murder on October 16. The case was pending at year's end.

There were no developments in the January 2006 torture case against Gilbert Odong for injuries to Patricia Atim.

In September the army reported that UPDF soldiers did not assault Juma Muwonge in February 2006, contrary to previous reports of the incident, but that Muwonge drove through a barricade at a checkpoint, defying warnings and injuring one UPDF soldier. The army Special Investigations Branch 4th Division reported on August 16 that the injured soldier opened a civil suit against Muwonge and Nile Bus Company. The case was pending at year's end.

Dr. Joram Ajeani withdrew his September 2006 torture case against police.

There were no developments in the 2005 case of UPDF private William Bisogo, arrested for inflicting torture, or in the case of John Barigye Bakirahi and Peter Agom, UPDF soldiers charged with spying for the Rwandan Government, who claimed they were tortured in CMI custody in 2004. The espionage case was pending in the court martial.

The UHRC tribunal made seven rulings on torture cases from previous years, including awarding \$9,000 (15 million shillings) to Alex Kubai, Godfrey Barma, and Albert Twoyem as compensation for having been tortured by instructors during a "mchakamchaka" political training in Kapchorwa District in 2003, and \$3,600 (6 million shillings) to Paddy Mutenderwa, a university student tortured by police in 2002.

There were numerous instances in which mobs attacked suspected thieves and other persons known or suspected to have committed crimes. Motivated in part by distrust or misunderstanding of the formal judicial system, these mobs engaged in beatings, lynchings, and other forms of mistreatment.

*Prison and Detention Center Conditions.*—Prison conditions remained harsh and frequently life threatening. While government funding rose from \$15.5 million (26.4 billion shillings) in 2006–07 to \$23.3 million (39.5 billion shillings) in 2007–08, nearly doubling the 2005–06 allocation, limited resources hindered the Prison Authority's ability to fully implement the 2006 Prisons Act. In addition there were reports that security forces and guards tortured inmates.

Prison conditions came closest to meeting international standards in Kampala, where prisons provided medical care, running water, and sanitation; however, these prisons also were among the most overcrowded. There were an estimated 19,000 prisoners in the prison system, approximately three times the prisons' capacity. Serious problems in prisons outside of Kampala included congestion, inadequate staff, and lack of food, water, medical care, and bedding. The UHRC continued to note improved conditions at central prisons during the year, including cleaner and more structurally secure buildings, an increase in uniforms for inmates, and adequate food rations. Nevertheless, severe overcrowding remained a problem at juvenile detention facilities and in women's wings of prisons. The remand home in Kampala, designed for 45 persons, held 100 children. The reception center, designed for 30 persons, held 68 juveniles under the age of 12. Forced labor occurred; inmates at most prisons grew maize, millet, and vegetables. The UHRC accused prison farms of overworking inmates, and prisoners as young as 12 performed manual labor from dawn until dusk.

Security forces and prison officials reportedly raped detainees during the year.

The UHRC reported allegations that prison officials sometimes demanded bribes to allow visits and telephone calls; no investigations of these allegations were conducted during the year. In 2005 the Government gave 59 senior prison officers the powers of magistrates to try inmates and prison staff suspected of committing such offenses. However, as in 2006, no prison officials were tried during the year.

Prison populations had high mortality rates due to overcrowding, malnutrition, diseases spread by unsanitary conditions, HIV/AIDS, and lack of medical care. The Prisons Service registered 136 deaths nationwide between January and June as a

result of malaria, tuberculosis, dysentery, pneumonia, ulcers, hypoxia, electrolyte imbalance, respiratory failure, and HIV/AIDS. Local human rights activists reported that inmates at the prison were treated inhumanely.

There were no actions taken in response to the March 2006 prison death of David Isabirye, a student at Bupadhenko secondary school, in Kamuli District or the May 2006 death of three inmates in a prison in Lira District.

Female prisoners in central prisons were held in separate facilities; however, services and facilities for female prisoners in local prisons, including separate cells, were lacking. Due to lack of space in juvenile facilities, juveniles often were held in prisons with adults. In Kampala jails, pretrial detainees were separated from convicted prisoners; however, in the rest of the country, pretrial detainees and convicted prisoners sometimes were held together.

During the year the Government permitted access to prisons by the International Committee of the Red Cross (ICRC), foreign diplomats, and local nongovernmental organizations (NGOs), principally FHRI and the Uganda Prisoners' Aid Foundation. Authorities required advance notification of visits, a process that was sometimes subject to administrative delays.

*d. Arbitrary Arrest or Detention.*—The Constitution and law prohibit such practices; however, members of the security forces arrested and detained citizens arbitrarily during the year.

*Role of the Police and Security Apparatus.*—The police force, under the Ministry of Internal Affairs, has the primary responsibility for law enforcement. The UPDF is the key armed force charged with external security but has had partial responsibility for maintaining order in the north, where it was deployed to protect civilian IDPs from rebel attacks. The Internal Security Organization (ISO) and External Security Organization, key security force agencies and intelligence-gathering entities under the direct authority of the president, occasionally detained civilians. The CMI, under UPDF authority, detained civilians suspected of rebel and terrorist activity. LDUs reinforced government efforts to protect civilians from LRA attacks. In some cases LDUs also participated in offensive military operations and carried out police functions.

Security forces continued to be constrained by limited resources, including low pay and lack of vehicles, equipment, and training. Security forces committed numerous abuses, and impunity was a problem. Police officials faced charges of bribery during the year; the police commissioner for human resources reported that three members of the police force were discharged or dismissed during the year for accepting bribes, a significant decrease from 2006 that may have been the result of an aggressive government campaign to encourage citizen reports of bribe-taking that led to 49 officers being relieved of duty in 2006. The Police Human Rights Desk investigated complaints of police abuses, including mismanagement of case papers; torture and harassment; unlawful arrest and detention; abuse of office; irregular or discreditable conduct; and corrupt practices. In conjunction with the UHRC and international organizations such as the ICRC and the U.N. Office of the High Commissioner for Human Rights (OHCHR), the UPDF and the police continued a training program to educate military officers on internationally recognized human rights standards. The police, UPDF, and prisons service also used human rights manuals in their training programs.

*Arrest and Detention.*—The law requires search warrants be issued by judges or prosecutors before arrests are made; however, in practice suspects often were taken into custody without warrants. Despite a provision that suspects must be charged within 48 hours of arrest, many persons were detained longer without being charged. Suspects arrested under the Antiterrorism Law may be detained longer. Suspects must be brought to trial or released on bail within 120 days (360 days for a capital offense); however, if the case is presented to the court before the expiration of this period, there is no limit on pretrial detention. Detainees must be informed immediately of the reasons for their detention, although authorities did not always enforce these procedural protections in practice. The law provides for bail at the discretion of the judge, but bail was not generally provided in practice.

Detainees are required by law to have access to a lawyer; however, in practice, lack of government funding meant that many detainees went without legal representation. There was no provision ensuring family visitation. Incommunicado detention was a problem during the year.

Mass arrests during police sweeps for criminals remained a problem, as did arrests based on treason charges. Treason suspects were subjected to numerous abuses, such as detention without charge, detention in unregistered and unofficial locations, and mistreatment, including torture. The Prison Service held 30 pretrial treason suspects during the year. The UHRC received 107 complaints during the

year from persons claiming to have been arbitrarily arrested, 14 of which were confirmed by the UHRC tribunal. The Government paid \$73 million (120 billion shillings) in compensation to victims during the year; however, human rights activists protested that government compensation was often slow in coming.

Human rights groups reported that civilians were detained in military barracks and unregistered detention facilities known as safe houses. Human rights groups continued to receive credible allegations that the CMI ordered detainees held incommunicado at police stations or in so-called safe houses. FHRI received reports of incommunicado detention and detention beyond prescribed periods at the central police station, specifically by the Joint Antiterrorism Task Force (JAT). JAT agents reportedly released Emmanuel Sanyu Karangwa and Congolese national Dido Manyiroha in April without charges, after having arrested them separately in October 2006; however, the whereabouts of Karangwa and Manyiroha were unknown.

Kasese District police arrested 339 suspected criminals in suburbs of Kasese Town in August. Of those arrested, 102 were taken to court and charged with being idle and disorderly, and the rest were released.

Police arbitrarily arrested journalists and demonstrators during the year.

There were no developments in the January 2006 case of Muwanga Kivumbi, the national coordinator of Popular Resistance Against Life Presidency, arrested and interrogated for seditious remarks; the February 2006 case of Yusuf Nsibambi, one of FDC opposition leader Kizza Besigye's lawyers, briefly detained by Kampala police for allegedly inciting violence; the March 2006 case of private Alan Barigye, arrested by security forces on charges of desertion; the May 2006 treason case of Azia Turigye, Hassan Isigoma, and Bashir Mustafa; or the June 2006 case of treason suspect Patrick Ssentongo; however, none of the persons mentioned above remained in detention.

The UPDF released the 100 suspected criminals who were arrested in July 2006 in Mubende District. Police authorities reported that 73 out of the 142 of those arrested in Iganga District in August 2006 were charged, 48 of whom were convicted. Prisons authorities reported that no detainees remained in prison from 2006 mass arrests.

On January 5, the court-martial dropped the 2005 terrorism and other charges against FDC opposition leader Kizza Besigye and 22 FDC members. However, the court introduced new charges of unlawful possession of firearms against the 22. Disposition of the possession of firearms case was pending at year's end. Treason charges against Besigye and the 22 are also pending in the High Court. Besigye and 18 of the 22 were released on bail. Of these, 11 were granted amnesty, one died of natural causes, while four remained in prison because they could not post bail.

Legal and human rights groups criticized the excessive length of pretrial detention, on average between 2 and 3 years but sometimes as long as 7 years. The Prisons Service reported that over half of its 26,000 inmates were pretrial detainees. The UHRC heard several cases brought by prisoners challenging the length of their detention. During the year NGOs continued to report allegations of unlawful detentions by the VCCU, and FHRI reported that over 250 persons arrested by the VCCU since 2002 remained in detention without charge.

In July the president ordered an investigation into the detention of 300 UPDF soldiers attached to the PGB. The soldiers were held in Luzira, Makindye, and Katabi prisons for a period of between 1 to 5 years without trial.

Parliament's Internal Affairs committee discovered in October that 729 inmates at the Kigo Prison in Kampala had been held on remand for over 5 years. According to law, capital offense prisoners can not be held on remand longer than 1 year without trial. In response, the Government in April approved the appointment of eight judges to expedite adjudication.

*Amnesty.*—The Government has offered a blanket amnesty since 2000 to former combatants for treason charges as a means to encourage defection from the LRA and other rebel groups. Almost 22,000 individuals benefited from the law since its implementation, over half of whom were former LRA members.

*e. Denial of Fair Public Trial.*—The Constitution and law provide for an independent judiciary, and the Government generally respected this provision in practice; however, the president has extensive legal powers of judicial appointment. The president appoints Supreme Court, High Court, and Court of Appeal judges with the approval of Parliament. The president also nominates, for the approval of Parliament, members of the Judicial Service Commission, who make recommendations on appointments to the judiciary. The judiciary ruled against the Government on several high-profile cases during the year; however, judicial corruption was a common problem. The lower courts remained understaffed, weak, and inefficient.

In May the Inspectorate General of Government (IGG) indicted Solicitor General Lucien Tibaruha and acting Director for Litigation Joseph Matsiko, accusing them of mismanaging cases to cause financial loss for the Government. President Museveni ordered them to vacate their offices on May 31; however, on June 20, a high court order invalidated Tibaruha's indictment because the IGG had not provided any evidence of serious misconduct. On September 27, President Museveni again ordered Tibaruha to vacate his office and admonished him for disobeying the original executive directive. At year's end Tibaruha and Matsiko remained out of office, despite the court decision.

On January 15, President Museveni canceled the appointment of the tribunal to investigate the conduct of High Court Judge Richard Okumu Wengi, suspended in August 2006 on allegations of gross misconduct, corruption, forgery of court documents, impropriety, and bias, and the judiciary retired Justice Wengi 2 days later.

The highest court is the Supreme Court, followed by the Court of Appeal, which also functions as the Constitutional Court; the High Court; magistrate's courts; and Local Council (LC) subcounty courts, parish courts, and village courts. The LC courts have the authority to settle civil disputes, including land ownership and debt cases, and criminal cases involving children. These courts, often the only ones available to villagers, reportedly exceeded their authority by hearing criminal cases not involving children. LC court decisions can be appealed to magistrate's courts; however, there often were no records made at the village level, and some defendants were not aware of their right to appeal.

The International Bar Association's Human Rights Institute issued a report in September that detailed threats to the independence of the judiciary, including allegations that some members of the judiciary were pressured to collude with the police in the arrest of opposition politicians. According to the report, two High Court judges, Edmund Sempa Lugayizi and John Bosco Katutsi, withdrew from FDC leader Besigye's treason case, citing military interference and pressure; government officials defied judicial decisions in a January 11 court ruling to release People's Redemption Army (PRA) suspects on bail; and opposition members of Parliament (MPs) were subjected to bail procedures for minor offenses which they alleged were timed to force them to spend a night or even the weekend in prison, despite the fact that they had been granted bail.

The military court system often did not assure the right to a fair trial. Although the accused has the right to legal counsel, some military defense attorneys were untrained and could be assigned by the military command, which also appoints the prosecutor and the adjudicating officer. The law establishes a court martial appeals process; however, a sentence passed by a military court, including the death penalty, could be appealed only to the senior leadership of the UPDF. Under circumstances deemed exigent, a field court martial could be convened at the scene of the crime. The law does not permit appeal of a conviction under a field court martial. The military general court martial can try civilians charged with crimes listed under the UPDF Act.

The military trial of Henry Tumukunde, the former director of the ISO, for violating army rules and regulations was ongoing at year's end.

*Trial Procedures.*—An inadequate system of judicial administration and a lack of resources resulted in a serious backlog of cases and limited the right to a fair trial. All nonmilitary trials are public, but without juries. Defendants have the right to be present and to consult with an attorney in a timely manner. The law requires that the Government provide an attorney for indigent defendants accused of capital offenses, but there were rarely funds to retain adequate counsel. By law defendants can confront or question witnesses against them and present witnesses and evidence on their behalf. Defendants and their attorneys have limited access to government-held evidence relevant to their cases. There is a presumption of innocence, and defendants have the right of appeal.

*Political Prisoners and Detainees.*—There were reports of political prisoners and detainees during the year, but reliable statistics were unavailable.

Bright Gabula Africa, whose death sentence for treason was upheld by the Supreme Court in 1995, remained imprisoned pending the outcome of his appeal to the Advisory Committee on the Prerogative of Mercy, a largely autonomous constitutional body.

*Civil Judicial Procedures and Remedies.*—There is an independent and impartial judiciary in civil matters. In the case of a human rights violation, there is access to the UHRC, which has the powers of a court under the Constitution. These powers include the authority to order the release of detainees, payment of compensation to victims, and other legal remedies.



*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution and law prohibit such actions, and the Government generally respected these prohibitions. At times the police did not obtain search warrants, as required by law, to enter private homes and offices.

The High Court did not rule on the December 2006 invasion of privacy case initiated by Juliet Mukasa, chair of the Sexual Minorities of Uganda Group, who claimed local government officials illegally searched her home in 2005.

The Antiterrorism Act authorizes certain law enforcement officials to intercept communications to detect and prevent terrorist activities. The Government continued to monitor telephone communications.

*g. Use of Excessive Force and Other Abuses in Internal Conflicts.*—Since the military pushed the LRA out of northern Uganda and peace talks began in 2006, there were fewer reports of abuses in internal conflicts. The ongoing conflict in the Karamoja region remained volatile and resulted in numerous deaths and the displacement of thousands of civilians; however, the OHCHR reported that the situation in Karamoja also improved during the year. Human rights groups noted marked improvement in the UPDF's respect for human rights and its prosecution of violators of human rights during the year; however, serious problems remained, particularly among the LDUs and militias.

*Killings.*—There were no reports of government killings of suspected LRA rebels during the year, nor were there reports of LRA killings of government forces or civilians; however, there were killings in the Karamoja conflict during the year. In contrast with 2006, there were no reports that security forces or government officials provided material support to armed groups operating in the eastern Democratic Republic of Congo (DRC).

Authorities continued to search for one of the LDU militia members who killed 12 civilians and injured 28 others in Ogwete camp in May 2006. Of the seven others, a 2006 court martial sentenced six to prison and one was killed evading arrest.

There were no developments in the June 2006 UPDF killing of two civilians in Gulu District; the August 2006 UPDF patrol unit killing of Samuel Odida Opira in Labuje IDP camp; the 2005 killing of two female residents of Pajule IDP camp by suspected LRA rebels; or the search for the UPDF soldier who killed Ben Oketta and his wife Donica Ajok in Olwal IDP camp in 2005. There was no further action taken to address the January 2006 UPDF accidental killings of three hunters in Omoro County or the two residents of Amoro IDP camp.

There were no developments in 2006 LRA or suspected LRA attacks, including the January killing of four civilians at a disco in Adjumani District; the February killing of six civilians in Apac District; or the April killing of four hunters in Gulu District.

In the Karamoja region, there were fewer interclan cattle raids between Karamojong tribes in the east; however, the Government intensified its forced disarmament campaign. The raids and the UPDF response resulted in an estimated 149 deaths during the year, according to media reports.

On January 17, Karamojong warriors from the Pain tribe killed nine women gathering firewood in Nakapiripirit District.

On February 12, Karamojong warriors killed four UPDF soldiers in Kotido District. The army killed seven warriors in retaliation.

There were no reports of developments in the January 2006 Karamojong killing of five herdsmen and stealing of 600 cattle and 70 goats in Nakapiripirit District; the March 2006 Kenyan Pokot killing of 14 civilians and six UPDF soldiers during a cross-border raid; the May 2006 Karamojong killing of three UPDF soldiers and injuring of six civilians in Nakapiripirit District; the July 2006 Karamojong killing of three civilians in Lira District; or the 2005 Kenyan Pokot killing of civilians and police officers.

*Abductions.*—There were no reported abductions in internal conflicts during the year; however, there were no developments in any of the 2006 or prior cases of abduction by LRA rebels, and abducted individuals remained missing.

*Physical Abuse, Punishment, and Torture.*—Government forces and Karamojong warriors continued to clash during the disarmament exercise, with reports of physical abuse, punishment, and killings. Security forces continued to use excessive force on occasion, including rape. There were no significant incidents between the Government and the LRA during the year.

On September 3, OHCHR in Uganda released a report covering events from April to August in Karamoja that criticized the army "for downplaying some of the deaths and other human rights violations, claiming they were unavoidable given the circumstances." Nevertheless, the report noted significant overall improvement in the human rights situation, saying there was marked reduction in human rights violations, road ambushes, and illegal firearms possession. The report further stated that

the army had made progress in reducing the number of guns and ammunition circulating in the troubled region. However, HRW noted there was an increase in violations during the last months of the year.

Ochen Obonyo, an LDU member in Pader District, raped Rozalba Aborto, who later died in hospital on October 24. The UPDF arrested Obonyo and later transferred him to police custody. The investigation was pending at year's end.

There were no developments in the 2005 case against UDFP soldiers for torturing a suspected LRA collaborator or the 2005 rape of two girls by four UDFP soldiers in Kumi District.

Simon Tolit, a suspected financier of LRA leader Joseph Kony, claimed he was arrested, detained in a safe house, and tortured for 3 days in 2002. In June he filed suit against the Government in the High Court for wrongful arrest, and a January 2008 hearing was scheduled.

*Child Soldiers.*—The Government denied allegations of underage recruitment into the army, including that of the U.N. Special Representative for Children and Armed Conflict who estimated that 5,000 children were serving in the armed forces in June 2006. The Government claimed that some minors might have falsified birth documents to meet the 18-year age requirement of the military.

The LRA regularly abducted and conscripted thousands of children in previous years; however, there were no reports of such activity during the year, and there were no further reports of UDFP interrogations of former LRA child soldiers. Children abducted by the LRA in previous years were used as laborers, soldiers, guards, and sex slaves. In addition to being beaten, raped, and forced to march until exhausted, abducted children were forced to participate in the killing of other children. Most LRA rebels were children between the ages of 11 and 16.

*Other Conflict-Related Abuses.*—As the security situation in the north continued to improve as a result of the military successfully pushing the LRA out of northern Uganda and the ongoing peace talks, thousands of IDPs were able to return to or near their homes of origin. However, clashes between Karamojong warriors and the UDFP continued to cause civilians in the region to remain in or seek out IDP camps. According to the World Food Program (WFP), the violence also impacted food security for over a half million Karamojong.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution and law generally provide for freedom of speech and of the press; however, the Government at times restricted these rights, and the law criminalizes offenses by the media and limited the media's ability to function effectively. The Government also at times harassed and intimidated journalists, and the independent media continued to practice self-censorship.

The Government attempted to impede criticism through detention and interrogation of politicians and activists who made public statements critical of the Government. The president's office reportedly monitored political talk show debates closely, and the Government occasionally attempted to block participation of opposition members on radio talk shows. Opposition politicians reported difficulties in securing media outlets to convey their message.

On April 22, security operatives in Kampala briefly detained Democratic Party (DP) members Jethro Nuwagaba and Kivumbi Mwanga for criticizing the Government on radio talk shows.

On August 24, Kampala police summoned Makindye East parliamentarian Hussien Kyanjo for inciting public violence through seditious statements for comments he made urging the Buganda region to secede from Uganda during a Central Broadcasting Station radio talk show on July 17. He was later released, but a court case against him was pending at year's end.

There were no charges brought against the following opposition members interrogated by police in 2006: FDC's secretary for women's affairs Ingrid Turinawe for making remarks against the Government on local radio in 2005; president of the Conservative Party Ken Lukyamuzi for allegedly stating in 2005 that there would be war if the president were reelected; and Aswa County parliamentarian Reagan Okumu, for stating that the president wanted to sell land belonging to the Acholi people.

The independent media were generally active and expressed a wide variety of views, although they faced obstacles. Media laws require that journalists be licensed and meet certain standards, such as possessing a university degree in journalism or the equivalent. The law also grants the Media Council the power to suspend newspapers. There were many privately owned publications and broadcasts.

Press intimidation increased during the year. An FHRI December report showed that judicial sanctions and arbitrary police actions were employed to intimidate the media critical of the Government and that these restrictive measures encouraged

self censorship. The Government pressured the Monitor, the largest independent newspaper, to suspend reporters Andrew Mwenda and Timothy Kalyegira on May 17 for writing articles critical of the Government, although the paper reversed the decision on May 23. Government pressure also led to the transfer of managing director Conrad Nkutu on June 30. The Weekly Observer continued to publish critical pieces despite the Government's ongoing pursuit of a case against the paper's editor and a reporter. The East African, a Kenya-based weekly, reported extensively on political news without government interference. The Government owned several daily newspapers.

The police forwarded media cases considered to be attacks against the state to the Media Council. There were 39 cases filed against the Red Pepper, 10 against the Monitor, and five against the Weekly Observer. The Media Council dismissed all 54 cases on technical grounds.

The Government continued to operate the only public radio and television stations. The reporting on these stations was not considered to be independent. Government-controlled media were primarily used to advocate for the administration's political agenda.

Independent television and radio stations that hosted opposition political candidates on talk shows in which critical statements were made against the Government or the military were sometimes subject to government interference.

On February 2, the Uganda Broadcasting Council closed Nation Television (NTV) allegedly for technical reasons. NTV is part of the Kenya-based Nation Media Group that owns the Monitor and KFM radio. NTV was permitted to resume transmission on April 30, after its management met certain conditions outlined by the Government, including ensuring that its outlets provided fair and balanced coverage of the Government and government programs.

The Uganda Broadcasting Corporation cancelled Tom Gawayi-Tegulle's television talk show after FDC opposition leader Besigye's July 12 appearance.

On October 4, suspected security operatives raided Life Radio, a local radio station in western Uganda, over the controversial "Peoples' Rights and Awareness" program on October 4. Security agents allegedly poured acid on the station's radio transmitter.

The Government continued to ban new radio stations in Kampala reportedly due to limited technical frequencies, although the ban was widely disregarded in practice without penalty.

Security forces arrested and harassed journalists for their reporting. On March 1, security personnel in Kampala assaulted several journalists, including Sam Mateka of Simba FM, Richard Ssemakula of the government-owned Bukedde newspaper, and Charles Sekajja of Ddembe FM. The journalists were covering a case involving PRA treason suspects at the High Court.

On March 2, security forces assaulted photographer Chris Ahimbisibwe, from the government-owned New Vision, in Bushenyi District while he was covering a trial of suspected PRA members. He filed a complaint with the Uganda Human Rights Commission, which was pending at year's end.

Also in March, police assaulted several journalists covering a High Court case involving suspected PRA rebels. The Uganda Journalists Association filed a complaint with the inspector general of police (IGP) alleging harassment and intimidation by the police force based on these incidents and police interrogations during the year. The investigation was pending the establishment of a committee at year's end.

There were no further developments in the March 2006 case involving two Open Gate FM employees who remained free on bail or the 2005 case against Major General Kahinda Otafiire, former minister of water, lands, and environment, for threatening Monitor photojournalist Mike Odongkara with a gun.

The 2005 ban on media coverage of opposition leader Kizza Besigye's trial continued, although the ban was widely disregarded without penalty.

The Government used criminal libel laws to suppress criticism of political leaders. On November 5, police questioned Monitor journalists Emmanuel Gyezaho and Robert Mukasa about a story they published on Inspectorate General of Government Faith Mowondha's alleged salary irregularities. The journalists were pressured to divulge their sources and charged with criminal libel; the case was ongoing at year's end.

Winnie Byanyima, wife of FDC leader Besigye, and FDC Treasurer Jack Sabiiti agreed to pay damages to the deputy chief justice and the justice of the high court, stemming from January 2006 charges of libel and providing false information that were dropped on October 6.

The Government cited national security as grounds to interrogate journalists and ban newspaper content. For example, police in Kampala cited national security when they interrogated six Monitor journalists after the newspaper began a series

that called Museveni's government responsible for former Uganda Freedom Movement leader Kayiira's 1987 death. The Monitor stopped publication of the series following government interference.

The Monitor suspended publication of a series of articles on the order of the attorney general in December 2006; the series chronicled the history of the country's security services. The High Court temporarily permitted the paper to resume the series, publishing only unclassified material, but a High Court case to publish the rest of the material was ongoing at year's end.

Former Monitor reporter Andrew Mwenda's 2005 sedition case was pending a Constitutional Court decision on a petition challenging media laws including sedition and defamation at year's end. In August Mwenda returned to the country and started a new weekly news magazine, the Independent, which the Government tried to prevent from being published.

The 2005 government suit against the Weekly Observer editor and a reporter for promotion of sectarianism remained on hold pending the outcome of a petition to the Constitutional Court in the Mwenda case.

*Internet Freedom.*—Individuals and groups could generally engage in the peaceful expression of views via the Internet, including by e-mail; however, at times the Government restricted access. The February 2006 ban on access to radiokatwe.com, an antigovernment gossip Web site, remained in place.

Access to the Internet continued to increase during the year, although only approximately 5.7 percent of the population used the Internet monthly due to lack of infrastructure.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom and no reports of censored cultural events or films, unlike in 2006. However, research clearance in certain academic areas, such as history and political science, was difficult to obtain.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The law restricts freedom of assembly. As a result of a September 27 declaration by the Ministry of Internal Affairs, IGP permits are required for all public meetings, demonstrations, and processions; previously, such requirements only applied to unregistered groups and parties.

The 2005 ban on demonstrations related to FDC leader Besigye's trial remained in effect, although it was ignored. Police denied permission to hold public rallies, used excessive force to disperse demonstrations, and arrested demonstrators during the year. Some police attempts to prevent or disperse demonstrations resulted in death.

On January 6, Kampala police fired tear gas to disperse DP supporters during a rally. DP members Vincent Kabuubi, Deo Ssekitoleko, Fred Sebyoto, and Geoffrey Tomusange were arrested and charged with taking part in an illegal assembly. The four were released on bond, but the court issued a second warrant of arrest after they failed to appear on July 6. The case was pending at year's end.

On March 5, Kampala police fired tear gas at FDC leader Besigye and 200 supporters during a protest. The press reported that a child was killed in the scuffle. IGP Major General Kale Kayihura ordered an inquiry into the incident on March 10; however, there were no findings by year's end.

On April 12, police arrested parliamentarians Beatrice Atim Anywar, Hussein Kyanjo, and 24 others during a demonstration against the proposed sale of Mabira Forest Reserve land. Five persons were killed during the scuffle. The MPs and 20 of the 24 suspects were charged with rioting and released on bail on April 17. The remaining four were charged with murder and released on bail on July 30. Both cases were pending at year's end.

Jinja District police arrested 12 students of the Islamic Institute in Bugembe for participating in a June 29 protest against more restrictive Shari'a laws in the school; five students were injured. The students were charged with unlawful assembly and rioting and released on bail on July 7. The case was pending at year's end.

On July 3, Moyo District police injured five students while trying to stop a protest at the Itula Secondary School on July 3. Police officers Fremilo Amoli, Julius Wayikonga, and George Munguacel were charged with inflicting the injuries on October 16 and subsequently suspended from the police force. A hearing was scheduled for October 23.

There were no arrests made in the July 2006 police shooting of three students during a demonstration at Pajule Technical College; the July 2006 police killing of a resident in Luwero District during dispersal of a mob; or the August 2006 police killing of Jimmy Opio in Apac during dispersal of a mob. A court acquitted the 45 Makerere students charged in November 2006 with illegal rioting during a university lecturers' strike.

No action was taken against police responsible for injuring protesters during forcible dispersions of demonstrators in 2005. During the year charges were dismissed against demonstrators for illegal assembly in 2005.

*Freedom of Association.*—The Constitution provides for freedom of association, and the Government generally respected these rights.

The Government announced it would initiate new regulations to provide a framework under which NGOs and churches would operate, following increased reports in July about their illegal activity, including extortion, fraud, trafficking in persons, and homosexual practices. The NGO Board said it would institute a survey to scrutinize the activities of 7,000 registered NGOs, including churches.

NGOs continued to express concerns about the NGO Registration Act, passed in April 2006, which requires most NGOs, including religious organizations, to renew their registration permits annually. NGOs operating in the north also expressed concern over increased government interference in their activities. Government officials accused the NGOs of exploiting the situation in the north and of not using funds for planned activities. The NGO Forum, a group of local NGOs, initiated an investigation into the Government's allegations.

*c. Freedom of Religion.*—The Constitution and law provide for freedom of religion, and the Government generally respected this right in practice with some minor restrictions. The law requires religious groups and foreign missionaries to register with the Government under the same law as NGOs; failure to register is a criminal offense, and religious groups have also expressed concern about the new annual registration requirements.

There were reports that the Government refused to grant registration to self-proclaimed religious groups on the grounds that the groups were not legitimate religious organizations. Several religious groups shut down by police as suspected "cults" in previous years remained inactive at year's end.

Related to the Government's announcement to create a new regulatory framework for NGOs and churches, police authorities opened a general inquiry file on fraudulent church leaders at the end of July; however, the Government did not deregister any churches during the year.

There were no reports of violence by the Government or its agents against religious groups, leaders, or individual members; however, there were reports that the Government restricted worship by certain religious groups.

On August 16, Gulu Resident District Commissioner (RDC) Walter Ochora blocked a request by New Melita Jerusalem Church leader Saverino Lukoya Lakwena to hold prayers in his district, citing national security. Gulu police arrested church members Francis Opwonya, Samuel Mwaka, Grace Acan, Grace Amony, and Tom Dennis Olobo on September 20 during a worship assembly, and the Gulu court charged the five with unlawful assembly and disorderly conduct. The suspects were released on bail pending a February 2008 hearing.

Reportedly for security and noise abatement reasons, bans against evangelical churches' nighttime prayer meetings remained in effect in residential areas of several districts during the year. On August 31, Kayunga RDC Margret Baryehuki threatened to close down any church that defied the local ban, saying that the churches made a lot of noise and that criminals disguised as churchgoers robbed homes during services.

*Societal Abuses and Discrimination.*—There were no reports of societal abuses or discrimination based on religious belief or practice, and prominent social leaders took positive steps to promote religious freedom; however, some members of more traditional religious groups accused certain evangelical groups of practicing "witchcraft."

The Jewish community represents less than 1 percent of the population. There were no reports of anti-Semitic acts.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution and law provide for freedom of movement, foreign travel, emigration, and repatriation; however, the Government at times limited these rights in practice. A married woman must obtain her husband's written permission on her passport application if children are to be listed on her passport. There were reports that government agents blocked the travel of opposition party members.

There was no information on whether the law permits or prohibits forced exile. However, the Government did not use forced exile during the year.

*Internally Displaced Persons (IDPs).*—Approximately one-third of the 1.8 million IDPs in LRA-affected northern Uganda returned to or near their homes due to im-

proved security conditions. Despite the relative security, fear of the LRA's forced recruitment, rape, murder, political intimidation, and slavery continued to force hundreds of thousands of IDPs to endure squalid conditions in camps. Insecurity in the Karamoja region continued to displace residents. In September the U.N. Office of the Coordinator for Humanitarian Affairs reported there were 292,414 IDPs in the north due to the LRA insurgency and 165,000 Karamojong displaced as a result of the UPDF/Karamojong clashes related to forced disarmament. According to the WFP, another 560,000 Karamojong within Karamoja have been displaced due to drought.

Although the Government and domestic and international humanitarian organizations provided assistance to IDPs, health and living conditions remained precarious, and many IDPs, particularly women and children, were deprived of access to education, basic health care, safe water, protection, and shelter. However, as the security situation in the northern districts improved during the year, IDPs traveled outside the camps to farm, hunt, and gather wood and water, and they began to return to or near their homes. The Government continued to work with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other international organizations to prepare IDPs to return to their home areas. As of November, 526,300 IDPs had returned to their homes, and 409,000 had left camps and were seeking interim solutions for return. All returns were voluntary.

There was one confirmed report of an LDU member raping a female IDP in the north during the year; however, unlike in previous years, there were no reports that security forces detained and mistreated suspected LRA collaborators in the camps. Several human rights organizations reported inhuman and degrading treatment of IDPs during the ongoing forced disarmament exercise in Karamoja, including rape by UPDF troops.

In contrast with 2006, there were no reports of attacks by Karamojong warriors on IDPs.

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

In practice the Government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution.

The Government provided temporary protection to individuals who may not qualify as refugees under the 1951 Convention and 1967 protocol; no individuals received such protection during the year.

Since 2006 the Government assisted UNHCR with small-scale repatriation of Sudanese refugees to southern Sudan. The Government generally cooperated with UNHCR, International Organization for Migration, and other humanitarian organizations involved in refugee work.

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

The Constitution and law provide citizens with the right to change their government; however, the ruling party's domination of the Government and some restrictive constitutional and statutory provisions limited citizens' effective exercise of this right.

*Elections and Political Participation.*—During the year the Electoral Commission conducted eight by-elections to fill seats declared vacant by the High Court for irregularities that occurred during the 2006 parliamentary elections. The media reported that several of the by-elections were marred by arrests of opposition members, violence, intimidation, and bribery. Local observers said the presence of intimidation squads, undercover police personnel, and security incidents caused fear among voters.

The February 2006 elections, the first multiparty general elections since President Museveni came to power in 1986, generally reflected the will of the people, although serious irregularities occurred. The police recorded 450 cases of violence during the 2006 election period, including the killing of two persons by Ramadhan Magara, a UPDF soldier, when he fired into a crowd gathered to see FDC opposition leader Besigye. The case was ongoing at year's end, and, despite public protests, Magara remained out on bail since December 2006.

More than 100 election challenges were filed in the High Court and the Constitutional Court following the February 2006 elections, including charges of bribery, intimidation, incidents of violence, multiple voting, and ballot stuffing. The courts nullified the results of 18 elections, and appeals for 10 of the petitions were pending at the Supreme Court at year's end.

The ruling NRM party operated without restriction, regularly holding rallies and conducting political activities. Approximately 33 other parties were registered and allowed to function, although members of some parties were subject to political violence, and authorities sometimes restricted opposition parties' ability to meet or demonstrate. Political involvement was primarily concentrated within the elite.

On January 22, the Masaka District Court charged DP President John Sebaana Kizito and MPs Erias Lukwago and Issa Kikungwe with falsifying documents that implicated the Government in the 1987 murder of Andrew Kayiira, a former energy minister and leader of the defunct Uganda Freedom Movement. The case was pending at year's end.

There were 201 women in the 332-member Parliament. Of these, 80 held seats designated for women. There were seven female ministers and seven female junior ministers in the president's 66-member cabinet. Activists were concerned that the ratio in the cabinet did not meet the required 40 percent female representation. The deputy speaker, the deputy chief justice of the Supreme Court, and the IGG were women.

There were 105 members of minority groups in Parliament. The law requires elections through electoral colleges for the seats reserved for special interest groups in Parliament: 80 seats were reserved for women; five for organized labor; five for persons with disabilities; five for youth; and 10 for the army, selected by the UPDF High Command and President Museveni.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption, and the Government investigated offenders; nevertheless, officials engaged in corrupt practices with impunity. The World Bank's Worldwide Governance Indicators reflected that corruption was a serious problem. The Government selectively enforced the leadership code, which requires the financial disclosure by government officials and their family members. Government agencies responsible for combating corruption include the IGG, parliamentary accounting committees, the police Criminal Investigation Department (CID), the Office of the Auditor General, and the Directorate for Ethics and Integrity. Political will to combat corruption at the highest levels of government remains weak. In June the auditor general reported that the Government lost a significant portion of its 2005–06 budget to loans not recorded, irregular procurements, and payments to nonexistent public service staff, among other problems.

In April the IGG released her investigation of the Global Alliance for Vaccines and Immunization, which alleged that in 2005 and 2006 the former health minister, his deputies, and senior government officials misdirected \$900,000 (1.5 billion shillings) in reward monies received for exceeding immunization targets to support President Museveni's reelection campaign. The officials were arrested in May and released on bail; they maintained they were authorized by the Office of the president to use the funds for political mobilization. The defendants petitioned the High Court to block the IGG from continuing to demand repayment of the missing funds while the case was in court and to prevent her effort to prosecute one of the defendants under the Leadership Code. The High Court ruled in favor of the defendants and was considering another petition to remove the lower court magistrate, who is the IGG's cousin, from hearing the case. The case was pending at year's end.

In November the Parliamentary Committee for Legal and Parliamentary Affairs, which oversees the IGG, began an investigation into cases in which the IGG intervened in public tendering processes and allegations that the IGG was receiving a higher salary than that to which she was entitled. The IGG refused to appear before the committee.

On November 28, the Parliamentary Public Accounts Committee requested the arrest of Martin Odwedo, the permanent secretary of the Prime Minister's Office, and three others for failing to account for \$776,000 (1.3 billion shillings). The police arrested and later released Odwedo. Investigations in the case were on ongoing at year's end.

The July 2006 case of abuse of office and irregular conduct against deputy passport officer Chris Ongyero was pending at year's end. A police investigation exonerated codefendant Edith Manyire, an immigration officer, in May.

The cases reported in the press in 2006 involving the minister for information and communication technology and the minister for regional cooperation were found to be erroneous.

The September 2006 case against Uganda Muslim Supreme Council Mufti Sheikh Shaban Ramadhan Mubajje and his deputy, Sheikh Twaib Mukuye, who were accused of mismanaging council affairs, was pending in court.

The September 2006 case of National Council of Sports officials Nicholas Muramagi and Timothy Magala, charged with fraud, forgery, and false account-

ability, was pending in court. The CID ordered the officials to pay \$17,000 (29 million shillings), but they had not done so at year's end.

In November 2006, former Minister of Gender, Labor and Social, Zoe Bakoko; former National Social Security Fund (NSSF) Board Chairman Geoffrey Onegi Obel; former NSSF Director, Leonard Mpuuma; and James Isabirye were charged with causing financial loss of over \$4.5 million (8 billion shillings) and abuse of office. Onegi Obel, Mpuuma, and Isabirye were arrested and later released on bail. Authorities issued an arrest warrant for Bakoko, who was believed to be living outside of the country. The case was pending at year's end.

In April the Government found that the permanent secretaries and project coordinator should be held responsible for the failure of the Global Fund to Fight Aids, Tuberculosis, and Malaria, which suspended its \$216 million (362 billion shillings) in grants in 2005. The cabinet recommended that the police investigate individuals named in a government commission investigative report, but at year's end, the Government had not funded the investigation. The media reported that over \$400,000 (700 million shillings) was recovered from individuals and institutions implicated in the misappropriation of the funds. A total of \$1.4 million (2.3 billion shillings) could not be accounted for. The Global Fund resumed after stricter accounting mechanisms in the Finance Ministry were established in May.

The law provides for public access to government information, and the Government provided such access in practice to citizens and noncitizens, including foreign media.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were receptive to their views. Active, independent domestic groups included FHRI, Human Rights Focus, Human Rights Network, Human Rights and Peace Center of Makerere University, the International Federation of Human Rights, the Justice and Peace Commission, the Uganda Journalist Safety Committee, the Uganda Prisoner's Aid Foundation, and the Uganda Association of Women Lawyers. Government officials continued to attend conferences and seminars hosted by NGOs on social problems and cooperated with NGOs on legal and prison reforms.

On May 28, armed Karamojong killed a WFP driver in an ambush, leading to a temporary suspension of WFP aid. The police arrested and charged Karamojong Aleper Apanangiro and John Apakure with murder on December 26; both were in prison at year's end. The UPDF began providing escort convoys to on-duty WFP employees.

The Government cooperated with international governmental organizations and permitted visits by U.N. representatives and organizations such as the ICRC.

On September 3, an OHCHR report noted a marked reduction in human rights violations in Karamoja but accused the army of downplaying deaths and other abuses as "unavoidable given the circumstances."

The law establishes the UHRC as a permanent independent body with quasi-judicial powers. The president appoints the UHRC's eight-member board. Under the law, the UHRC may subpoena information, order the release of detainees, and order the payment of compensation for abuses. The UHRC continued to pursue suspected human rights abusers, including high-level officials in the Government and military, and had branches countrywide; however, the UHRC did not have adequate resources to investigate all complaints it received.

Human rights and the UHRC fall under the Parliamentary Committee on Legal and Parliamentary Affairs, a body that human rights NGOs generally consider valuable.

The Government continued bilateral discussions regarding reparations that the International Court of Justice ordered it to pay to the Democratic Republic of Congo in 2005.

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

The law prohibits discrimination based on race, gender, disability, language, or social status; however, the Government did not enforce the law in matters of locally or culturally prevalent discrimination against women, children, persons with disabilities, or certain ethnic groups.

*Women.*—The law criminalizes rape; however, the Government did not consistently enforce the law. Although the Government arrested, prosecuted, and convicted persons for rape during the year, there were reports that some cases were not investigated and the problem was underreported. Police recorded two rape cases com-



mitted by civilians during the year. One rape case of an IDP in the north resulted in the arrest of a security officer, and there were several other unconfirmed reports of rape in IDP camps by security forces. Reports indicated that female IDP victims were often reluctant to officially report rape for fear of reprisal. Women and girls were not victims of abduction and rape by rebel forces as they were in previous years.

Domestic violence against women, including spousal abuse, remained common, and reports increased during the year. The law prohibits assault and battery with penalties from 1 to 5 years depending on the seriousness of the assault; however, there were no laws that specifically protected women from spousal abuse. Further, many law enforcement officials continued to view wife-beating as a husband's prerogative, in line with the majority of the population, and rarely intervened in cases of domestic violence. According to a 2006 survey, 70 percent of women were physically or sexually abused, and 60 percent of men condoned wife beating as did 70 percent of women. In June police produced a booklet entitled *Responding to Domestic Violence* to assist the community and police in handling the issue.

The law requires that bride prices be nonrefundable gifts to the parents of the bride. The constitutional amendments approved by Parliament did not include a provision to abolish bride prices, despite 2003 recommendations to do so from civil society groups.

There was no national law against FGM, which was practiced by the Sabinu ethnic group in rural Kapchorwa District and the Pokot ethnic group along the northeastern border with Kenya. However, since January 2006 subcounties of Kapchorwa and Bukwo districts passed bylaws to make FGM illegal. The Government, women's groups, and international organizations continued programs to combat the practice through education. These programs, which received some support from local leaders, emphasized close cooperation with traditional authority figures and peer counseling.

Prostitution is illegal; however, it was common. Reports of prostitution in the IDP camps in the north increased during the year. An October report released by Human Rights Focus, a rights group based in the north, revealed that women were forced to have sex to obtain employment.

Sexual harassment was a common problem; although it was prohibited by law with penalties up to 14 years' imprisonment, the Government did not effectively enforce the law.

On October 16, 30 nurses from Nakaseke hospital sued the minister of health over sexual harassment by a senior staff member. Authorities had not completed the investigation by year's end.

On June 26, eight instructors from the Kabalya Police Training School in Masindi District were suspended and arrested for sexually assaulting female police trainees. There were no reports of further action in the case. Since the scandal, female and male trainees have been separated.

Discrimination against women continued to be widespread, especially in rural areas where it was part of traditional practices. Many customary laws discriminate against women in the areas of adoption, marriage, divorce, and inheritance. Under local customary law in many areas, women cannot own or inherit property or retain custody of their children. Traditional divorce law in many areas requires women to meet stricter evidentiary standards than men to prove adultery. Polygamy is legal under both customary and Islamic law, and, in some ethnic groups, men could "inherit" the widows of their deceased brothers. Women also experienced economic discrimination. For example, they did most of the agricultural work but owned only 7 percent of the agricultural land.

Eliminating gender inequality remained a high priority for the Government, which, in conjunction with NGOs and women's rights groups, sponsored workshops and trainings throughout the country to increase awareness of women's rights. A 2007 Uganda Women's Network report claimed that the Government's introduction of a multiparty system gave women a greater voice.

One women's rights NGO, Law and Advocacy for Women in Uganda, won its March 2006 case in the Constitutional Court challenging the law that imposes limitations on a widow's inheritance of her husband's property; the court declared the law unconstitutional on April 5.

*Children.*—The Government was committed to improving children's welfare, as evidenced by the fact that education received the largest percentage of the national budget. However, the Government did not enforce laws protecting children effectively, due in part to cultural norms.

The Government provided free education through the seventh grade, or through high school for underprivileged students under the Universal Secondary Education initiative launched during the year. Students, except for the underprivileged, still had to pay for school supplies and some school costs, and education was not compul-

sory. The U.N. Children's Fund (UNICEF) reported in April that the primary school enrollment rate was 87 percent for both boys and girls; however, the proportion of girls in higher grades remained lower than that of boys. Boys also were more likely to finish primary school and performed better on examinations for admission into secondary school. The highest level of education achieved by most children was the fourth year of primary school.

Child abuse remained a serious problem, particularly rape and other sexual abuse of girls; however, there were fewer reported incidents of corporal punishment in schools since the August 2006 ban on the practice. An African Network for the Prevention and Protection against Child Abuse and Neglect survey showed a 91.6 percent increase of child abuse cases from January to June, part of which could be due to increased reporting as a result of government- and NGO-sponsored awareness programs. Ritual sacrifice was also a problem, and FGM was performed on girls in the Sabiny and Pokot ethnic groups. Marriage of young girls by parental arrangement was common, particularly in rural areas, although the legal age for marriage was 18. In 2006 the Kumi District health educator reported that 60 percent of girls in the district left school between the ages of 12 and 15 years due to early marriages.

Sexual contact outside of marriage with girls under 18 years of age, regardless of consent or the age of the perpetrator, was called "defilement" under the law and carried a maximum sentence of death; however, in practice such cases often were settled by a payment to the girl's parents. Perpetrators of sexual abuse often were family members, neighbors, or teachers. In an effort to clear the backlog of cases, on May 15, the Government amended the 2006 Magistrate's Courts Bill, giving chief magistrates the authority to hear rape cases of girls between the ages of 14 and 17. The High Court continued to try cases involving rape of girls under 14 years.

On March 26, Bright Academy Primary School teacher Abdul Kyeyune allegedly defiled a student. The Masaka District court charged Kyeyune on March 30, and the case was pending at year's end.

On July 26, Good Hope Primary School teacher David Wildong allegedly defiled a student. The Kibale District court arrested him on August 2, and the case was pending at year's end.

Family members Laston Muyaga, Jane Magezi, Elizabeth Kantono, and Aidah Kasubo reportedly sacrificed their 2-year-old female relative on August 13 in Iganga District. Police arrested the four on August 20, and the case was pending at year's end.

There were no developments in the 2005 or 2006 cases of abuse and defilement, including the July 2006 case in which Frederick Mbazira, a teacher at Katikamu Seventh-day Adventist Secondary School, beat student Beatrice Achieng into paralysis after she and other students failed to complete a geography assignment; the August 2006 case in which a group of teachers beat students at the Mandela Comprehensive Secondary School; the August 2006 case in which a traditional doctor and a housewife were charged with kidnapping a 2-year-old boy to sacrifice him; or the March 2006 case against primary school teacher Paddy Katongole for defiling a 7-year-old student in September 2005.

There were reports that children in IDP areas engaged in prostitution for survival without third party involvement. An August survey conducted by the Ministry of Health in Gulu District showed that children as young as 11 engaged in prostitution in order to buy food and soap.

Improved security in the north eliminated the practice known as "night commuting," where children traveled from conflict areas or IDP camps each night to urban centers to avoid abduction by the LRA. According to UNICEF, the few hundred children who continue to seek shelter did so to avoid social problems such as poverty and domestic violence.

*Trafficking in Persons.*—The law does not specifically prohibit trafficking in persons; however, the law does prohibit trafficking-related offenses. Trafficking in persons was a problem, and there were reports that men, women, and children were trafficked to, from, and within the country.

Trafficking in persons primarily occurred internally for labor, commercial sexual exploitation, and criminal activities, but increased public awareness has revealed increasing trends in trafficking of Asian and Chinese laborers to the country. There were also reports that children were trafficked to Pakistan, Egypt, Turkey, the United Arab Emirates, and Saudi Arabia. Victims of internal trafficking were subjected to hazardous working conditions, and commercial sex victims were subjected to physical abuse and the risk of contracting sexually transmitted diseases. Victims of commercial sex trafficking in urban centers often came from small rural villages. According to NGOs, women and girls often willingly placed themselves in the hands of intermediaries in order to seek employment in other areas of the country, only

to find themselves in situations of commercial sexual or labor exploitation. NGOs also found evidence of a well-connected network of traffickers who facilitated the movements of victims to prospective buyers, negotiated their salaries in advance, and received a percentage of their monthly wages. One study found that women and girls could be purchased for approximately \$3 to \$18 (5,000 to 30,000 shillings) and used as domestic workers. In the case of child trafficking for labor and commercial sexual exploitation, intermediaries such as pimps, employment bureaus, churches, transporters, NGOs, fishermen, and peers lure children and facilitate their travel with accommodations and travel documents.

The penal code specifies penalties for several trafficking-related offenses; for example, the maximum penalty for the procurement of women for purposes of prostitution or detention with sexual intent is 7 years' imprisonment, and the maximum penalty for trading in slaves is 10 years' imprisonment. The national police force is responsible for investigating trafficking-related crimes, and the UPDF is responsible for capturing, disarming, or eliminating LRA combatants who perpetrate trafficking in persons crimes in the north. The Government made arrests of suspected traffickers during the year and assisted with international trafficking investigations or extradited citizens accused of trafficking in other countries. The Government's prosecution of child defilement cases included an undetermined number of cases involving trafficked children.

According to June 7 press reports, Nickson Owiny was arrested for kidnapping with intent to enslave, which carries a 15-year sentence; he was apprehended attempting to take nine women and seven men from Uganda to Kenya between May 12 and 14.

Officials said the work of the committee established in July 2006 to investigate the alleged sale of girls in cattle markets in Katakwi District was hampered by a lack of funds. The case of one of the traffickers, Susan Amekebe, charged with inducing a person to give himself or herself as a slave, was pending at year's end, and Amekebe was out on bail.

The two Indian nationals and their Ugandan accomplices arrested in July 2006 on suspicion of involvement in human trafficking at Katuna border post near Rwanda jumped bail and were under warrant of arrest. The whereabouts of their alleged victim, Indian national Sukulu Vireer Kaur, remained unknown.

In January authorities deported Rauff Razick Mohammed, a Pakistani national found holding five Sri Lankan men against their will in December 2006.

The Government and NGOs work together to identify and provide assistance to persons at risk for trafficking. The Government deported victims of foreign origin, unless the minister of internal affairs granted an extended stay to aid in prosecution of the case. The UPDF has child protection units in all the districts and, along with government agencies, worked with NGOs to reintegrate thousands of LRA abductees into society.

The national police force maintains a Child and Family Protection Unit to train local police on women and children's rights, including identification and prevention of trafficking. The Government spotlighted child trafficking in its nationwide Labor Ceremonies on May 1 and on the African Day of the Child in June. Other public awareness activities, including President Museveni's statements in support of comprehensive antitrafficking legislation and his participation in a February 2006 conference, demonstrated the Government's commitment to tackling the growing problem.

*Persons with Disabilities.*—The law provides protection for persons with disabilities from discrimination in employment, education, access to health care, and the provision of other state services; however, the Government did not enforce the law effectively. Persons with disabilities also faced widespread societal discrimination and limited job and educational opportunities. There was no statutory requirement that buildings be accessible to persons with disabilities; however, the law requires that children with disabilities be given necessary special facilities.

During the year the Government completed construction of a school in Mukono for the blind, one in Wakiso for the deaf, and another in Gulu for the persons with physical disabilities, furthering a three-fold increase in the number of children with disabilities attending school since the 1997 introduction of a universal public education campaign.

In May police in Gulu summoned an Anglican pastor over claims that he was holding mentally ill patients at his church center. Newspaper reports alleged that the patients were starved, beaten, and bound for days. The pastor denied all claims, but the Government closed the center immediately.

After 2006 protests by the Uganda National Association for the Deaf, the Uganda Broadcasting Channel became the second television station to provide sign language interpretation for news broadcasts.

The Government supported the right of persons with disabilities to vote and participate in civic affairs; five seats in Parliament were reserved for representatives of persons with disabilities. Government agencies responsible for protecting the rights of persons with disabilities included the Ministry of State for Disabled Persons and the Ministry of Gender, Labor, and Social Development (MGLSD), but both lacked sufficient funding to undertake or support any significant initiatives. The parliamentary Equal Opportunities Committee, created in 2006, ensures the compliance of all laws that protect persons with disabilities.

*National/Racial/Ethnic Minorities.*—Civil strife in the north and east and ongoing conflict in the Karamoja region resulted in deaths and injuries.

*Other Societal Abuses and Discrimination.*—Homosexuals faced widespread discrimination and legal restrictions. It is illegal for homosexuals to engage in sexual acts, based on a legal provision that criminalizes “carnal acts against the order of nature” with a penalty of life imprisonment.

Public resentment against homosexuality sparked demonstrations and significant public debate during the year. The Government took a strong position against the practice. A local NGO, Sexual Minorities in Uganda, protested several members’ alleged harassment by police for their vocal stand against sexual discrimination.

On September 10, the Red Pepper tabloid published a list of 40 first names of alleged homosexual men residing in Kampala. There were no confirmed reports of arrests, as originally reported, based on a similar list published by the same tabloid in August 2006.

International and local NGOs, in cooperation with the Government, sponsored public awareness campaigns that aimed to eliminate the stigma of HIV/AIDS. Counseling and testing for HIV/AIDS was free and available at health centers and local NGOs across the country. Counselors encouraged patients to be tested with their partners and family so that they all received information about living with HIV/AIDS. Persons living with HIV/AIDS formed support groups to promote awareness in their communities.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—Since the MGLSD instituted a ban on registration of new central labor unions in July, the law allows workers to form unions, but all unions must be registered as part of one of two existing central unions, the National Organization of Trade Unions (NOTU) and the Confederation of Trade Unions (COFTU). The ban followed a leadership struggle between the top leaders of NOTU and COFTU. Workers generally exercised the right of association in practice, with the exception of many “essential” government employees, including police, army, and management-level officials. The law also makes it a criminal offense for an employer to obstruct the right of association; however, the Government generally did not enforce this provision in practice. For example, employers in the fish industry and hotel companies were not penalized for prohibiting workers from unionizing, and the Government failed to enforce the rights of some employees to join unions in newly privatized industries and factories. Union officials estimated that over 500,000 workers were unionized, representing approximately 5 percent of working-age citizens.

There were reports that antiunion discrimination incidents in the hotel and textile sectors went uninvestigated. There continued to be reports that several private companies in the fisheries industry urged workers not to take part in unionization efforts during the year.

*b. The Right to Organize and Bargain Collectively.*—The law allows unions to conduct their activities without interference and provides for collective bargaining; however, the Government did not protect these rights in practice. Some employers ignored the legal requirement to enter into collective bargaining agreements with registered unions. There are no export processing zones.

No public service unions, including medical staff and teachers, were allowed to negotiate their salaries and employment terms. The Government fixed the terms and conditions for all civil service workers. In January workers at Steel Rolling in Jinja started to negotiate conditions of employment, which they had not been allowed to do in 2006.

The law provides for the right to strike and workers exercised this right; however, the Government did not always protect the right. Government policy required labor and management to make “every effort to reconcile labor disputes before resorting to strike action.” Police forcibly arrested persons engaged in organizing strikes. On June 5, police in Mityana District arrested nine workers of Kakonde Tea Estate for allegedly organizing a strike to protest poor working conditions; property was damaged and one manager was assaulted during the strike. Five of those arrested were

released without charges. On June 18, a court in Mityana District charged four suspects with five counts of malicious damage, inciting violence, theft, arson, and causing bodily harm. The suspects were granted bail, and the case was scheduled for hearing, but the suspects disappeared and were missing at year's end.

The General Assembly of Makerere University Academic Staff Association and the Government agreed in January that Makerere University Council would pay lecturers' salaries, resolving a disagreement that had triggered a November 2006 strike.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred, particularly prison labor. While the law does not expressly prohibit prison labor, it states that such labor becomes forced if the worker is “hired out to or placed at the disposal of a private individual, company, or association.”

Local NGOs and the UHRC reported that forced labor continued to be a serious problem in local prisons countrywide. Prison officials hired out prisoners to work on private farms and construction sites where the prisoners were often overworked. Prison officials routinely supplemented their meager wages with cash crops grown by prisoners on the prison grounds. Male prisoners performed arduous physical labor while female prisoners produced marketable handicrafts such as woven basketry. Juvenile prisoners performed manual labor, often for 12 hours per day. Compensation, when paid, generally was very low.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The law prohibits employers from hiring workers below the age of 18; however, statutory orders issued by the MGLSD permit the employment of children between the ages of 14 and 18, and 13-year-olds are allowed to engage in “light work” provided it does not interfere with education. Children under the age of 12 are prohibited from being employed in any business or workplace, and all children are prohibited from being employed between the hours of 7 p.m. and 7 a.m. Nevertheless, child labor was common, especially in the informal sector.

Demographics contributed to the problem of child labor; more than half of the population was under 18 years of age. Many children left school and went into agricultural or domestic work to help meet expenses or perform the work of absent or infirm parents, a situation common throughout the country. The problem was particularly acute among the large orphan population. A joint International Labor Organization (ILO) and MGLSD survey, released in 2005, estimated that approximately 2.7 million children were employed.

In urban areas children sold small items on the street, worked in shops, begged for money, and were involved in the commercial sex industry. Children were also employed in the tea-harvesting sector, sugarcane fields, commercial farming of tobacco and rice, crop farming, and stone quarries. The MGLSD reported new incidents of the worst forms of child labor, including children involved in illicit activities such as cross-border smuggling. Government officials noted that child exploitation in the informal sector was of particular concern and was difficult to investigate. Children were known to be working as subsistence farmers, domestic servants, and prostitutes.

Unlike in previous years, there were no reports that the UPDF used former LRA child soldiers on reconnaissance and intelligence missions, nor were there new reports of the LRA abducting children into virtual slavery.

National level institutions responsible for enforcing child labor laws and policies include the National Council of Children, the police force's Child and Family Protection Unit, the industrial court, and the MGLSD; however, financial constraints limited efforts. The MGLSD continued to offer social services to children working in the worst forms of child labor and other target groups, and it conducted training for staff, local leaders, and district labor inspectors. Sixty MGLSD district labor officers reported on child labor issues at the local level. The Government coordinated its efforts to stop child labor through the National Steering Committee on Child Labor, which included representatives of the MGLSD, the Ministry of Education and Sports, the Ministry of Local Government, the Federation of Uganda Employers, the National Organization of Trade Unions, NGOs, journalists, and academics. Due to lack of funds and logistic support, officials have not conducted child labor inspections since 2004.

The Government organized a number of child labor awareness workshops, disseminated printed information, and sponsored radio and television discussions to educate the public on child labor issues. The Government also cooperated with the ILO, foreign governments, and NGOs in several initiatives to combat child labor, including the education and reintegration of children into their communities. Several

human rights NGOs continued programs to remove children from hazardous work situations.

*e. Acceptable Conditions of Work.*—The Employment Act includes provisions for district labor inspectors to “secure the enforcement of legal provisions relating to conditions of work and the protection of workers while engaged in their work”; however, no inspections were carried out during the year, due in part to financial constraints.

The minimum legal wage was \$3.60 (6,000 shillings) per month, a rate set in 1984 that did not provide a decent standard of living for a worker and family and was not effectively enforced. The Government and the private sector negotiated a new rate in 2003; however, no minimum wage legislation had been passed by year’s end.

In industries that employed workers on an hourly basis, the normal workweek was 40 hours. The legal maximum workweek is 48 hours; however, exceptions can be made with agreement of the employer and employee. The law provides for an employee who works in excess of 48 hours per a week to be remunerated at the minimum rate of 1.5 times the normal hourly rate and two times the hourly rate on public holidays. The law also states that working hours may not exceed 10 hours per day or 56 hours per week, including overtime hours; however, an employee may work in excess of 10 hours a day if the average number of hours over a period of 3 weeks does not exceed 10 hours per day or 56 hours per week. Employees are granted a 30-minute break for every 8-hour work shift. For every 4 months of continuous employment, an employee is entitled to 7 days of paid annual leave per calendar year. Many industries paid workers annual increments or bonuses as payoffs to avoid overtime.

The law establishes occupational health and safety standards, and the MGLSD’s Department of Occupational Health was responsible for enforcement of occupational safety regulations. In practice inspections were very rare, primarily due to the lack of vehicles and funding for inspection trips, and standards were not effectively enforced. The law also provides workers the right to remove themselves from situations that endanger their health or safety without jeopardy to their employment and, unlike in previous year, there were no reported cases of workers being dismissed for refusal to perform dangerous work. Strong unions in certain dangerous industries protected some such workers; however, there were reports of fatal accidents at several construction projects during the year.

## ZAMBIA

Zambia is a republic of 11.9 million citizens governed by a president and a unicameral national assembly. In September 2006 President Levy Mwanawasa of the ruling Movement for Multiparty Democracy (MMD) was reelected; the MMD won 72 out of 150 elected seats in the National Assembly, later increased to 79 in late 2006 and over the course of the year due to by-elections, legal challenges, and defections to the ruling party. Domestic and international observer groups characterized the election as generally peaceful and transparent; however, they cited several irregularities. Zambia is a multiparty democracy, though the ruling MMD exerts considerable influence through its patronage and allotment of government resources. The civilian authorities generally maintained effective control of the security forces.

The Government’s human rights record remained poor, although there were improvements in a few areas. Human rights problems included: Unlawful killings; torture, beatings, and abuse of criminal suspects and detainees by security forces; poor and life-threatening prison conditions; arbitrary arrests and prolonged detention; long delays in trials; arbitrary interference with privacy; restrictions on freedom of speech and press, and intimidation of journalists; restrictions on assembly and association; government corruption and impunity; violence and discrimination against women; child abuse; trafficking in persons; discrimination against persons with disabilities; and limited enforcement of labor rights and child labor laws.

### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—The Government or its agents did not commit any political killings; however, security forces committed numerous unlawful killings during the year. The Legal Resources Foundation (LRF), an independent human rights organization that counseled victims’ families and represented them in actions against the Government, consistently investigated and publicized such incidents; however, the Government rarely punished perpetrators. Police and

government officials encouraged police officers to use their weapons when apprehending suspects, despite an October 2006 government directive that restricted the use of firearms by police officers and a statement during the same month by the minister of home affairs that the Government would retrain police on the use of force.

Minister of Home Affairs Ronnie Shikapwasha announced in November that off-duty police officers would no longer have access to firearms. The ministry took this step following a series of incidents involving shootings of civilians by off-duty police officers, including one where an officer shot and killed his father-in-law and injured his pregnant wife.

On January 26, police in Nakonde shot and killed a man in a group of six suspects found siphoning fuel from some tankers. The suspect was shot as he and his accomplices attempted to escape. The Northern Province police chief said that the shooting was a warning to would-be offenders, and no action was taken against the officer responsible.

On February 3, a woman died while in custody at Chainda police post. The morning following her arrest, she was found dead in her cell, and police claimed that she had committed suicide by hanging herself. Her relatives claimed to have information that the woman had been raped and then killed by police in a cover-up. An investigation was ongoing at year's end.

On October 29, a Chipata police officer identified as Inspector Mwanza shot a suspect who would not release a fuel container that the police wished to impound. The suspect later died from his injuries, and residents of the township rioted in protest against the police actions. Inspector Mwanza was arrested on October 30 and a subsequent investigation revealed that the confiscation of the fuel containers was not an operation approved by the central police command in Chipata. The case was making its way through the courts at year's end.

There were no developments, and none were expected, in the following 2006 and 2005 police killings: The February 2006 killing of three men involved in a robbery, the March 2006 killing of Joseph Phiri, the October 2006 killing of a demonstrator in Matere township, the April 2005 death in custody of Danny Phiri, and the July 2005 death in custody of Joseph Nyirenda.

No further information was available about the following cases from 2006: The September killing of two teenagers in Lusaka by a police officer, and the October 2006 deaths of two high school students in a Kitwe nightclub. There also was no information regarding the trial of six Drug Enforcement Commission officers in the March 2005 killing of a detainee.

On April 30, the Lusaka High Court ordered the Government to compensate the father of Chanda Chayafya, a security guard who died in the custody of police in 1998. The police officers involved alleged that Chayafya was a suspect in a murder and that he was killed in an attempted escape, but the judge in the case found that the officers acted illegally.

Mob violence that targeted suspected criminals, persons accused of witchcraft, persons suspected of sexual impropriety, or persons with mental illness resulted in killings during the year.

For example, on February 11, a mob beat to death a suspected thief in Lusaka's Mazyopa township after he broke into a house and the owner of the house shouted for help.

On April 3, a mob beat to death a man after he attempted to break into a house at Magwero School for the Deaf.

There were no developments, and none were expected, in the following mob killings in 2006: The February deaths of Benson Sikazwe, Albert Jere, and Tipoti Chisense, the April death of Mary Lukbote, and the August killing of a suspected murderer in Eastern Province.

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits such practices; however, police frequently used excessive force including torture when apprehending, interrogating, and detaining criminal suspects or illegal immigrants. In 2006 the Human Rights Commission (HRC) reported that torture was prevalent in police stations, noting that “police officers continue to rely on torture as an interrogation technique.” The HRC urged the Government to draft and enact legislation that would criminalize torture and provide for compensation to victims. Authorities also detained, interrogated, and physically abused family members or associates of criminal suspects in attempts to identify or locate suspects. Officers who tortured, beat, or otherwise abused suspects generally were not disciplined or arrested for such acts.

On July 12, Deputy Minister for Home Affairs Grace Njapau told Parliament that the Government had put in place measures to reduce brutality and abuse of inmates by police, including additional training for police officers. She reported that in 2006, 83 complaints of unlawful detention by police were received: Three had been finalized, while 80 were still pending. Out of 40 reported cases of police brutality, two had been finalized, and 38 were still pending. One hundred cases of unprofessional conduct by the police had been reported: Nine were finalized, and 91 were still pending. All 11 cases of abuse of authority of office recorded against the police were still pending.

On April 3, three inmates at Mufulira State Prison were stripped naked in the presence of other prisoners and beaten severely by prison officers for drinking beer after sneaking away from a work detail. No action was known to have been taken against the guards.

No updates were available in the following cases from 2006 and 2005: The March 2006 beating of Joshua Nyangwali by police in Kapiri Mposhi; the May 2006 shooting of three men by two police officers in Kafue; the civil suit filed by Langon Sakala against the police who beat him in December 2004 and January 2005; and the civil case filed by victims of state sponsored torture following the 1997 coup attempt.

According to human rights groups, police occasionally demanded sex from female detainees as a condition for their release. There also were reports that police officers raped women. In December police arrested a fellow officer after he allegedly raped a woman who was being held at Nkana East police station in Kitwe.

Unlike in previous years, there were no reports that traditional rulers employed corporal punishment; however, on March 20, Copperbelt Province Permanent Secretary Jeniffer Musonda ordered the release of a 76-year-old man, Bruno Kapumba, who had been detained without charge for 2 weeks at Chief Shimukunami's palace in Lufwanyama after he was accused of being a wizard.

There were several instances of mob violence reported during the year.

On March 16, irate villagers beat 20 former street children at Katembula Youth Center in Lufwanyama after the youths attacked a school girl who had reportedly rejected a proposition from one of them.

On March 19, police in Lusaka intervened when irate persons tried to burn a shop owned by an Indian family following allegations that the shop owners tried to kill a customer.

Societal violence against persons accused of witchcraft occurred. For example, on May 16, villagers in Luto village beat two men who were identified by a "witch finder" as sorcerers who had caused the death of two children. Police arrested the "witch finder" and charged him with inciting violence. His case was ongoing at year's end.

*Prison and Detention Center Conditions.*—Prison conditions were poor and life threatening. An inefficient judiciary delayed court proceedings and exacerbated overcrowding. The country's prisons, which were built to hold 5,500 inmates, held nearly 14,600 prisoners. Lusaka Central Prison, which was designed to accommodate 200 prisoners, held more than 1,200 inmates, forcing some inmates to sleep sitting upright. Poor sanitation, inadequate medical facilities, meager food supplies, and lack of potable water resulted in serious outbreaks of dysentery, cholera, and tuberculosis, which were compounded by overcrowding.

Prisoners routinely complained that authorities denied them access to medical care as provided for by law. Failure to remove or quarantine sick prisoners and the lack of infirmaries at many prisons resulted in the spread of airborne illnesses such as tuberculosis, leading to prisoner re-infection and death. Drugs to combat tuberculosis were available but the supply was erratic. Many prisoners were malnourished because they received only one serving of corn meal and beans per day, called a "combined meal" because it represented breakfast, lunch, and dinner.

In August 2006 the Ministry of Home Affairs ordered the closure of Luwingu Prison, noting that conditions at the prison posed a risk to prisoners. The Zambian Prison Service was ordered to use other facilities to accommodate displaced prisoners pending the reopening of Luwingu. By year's end, Luwingu Prison had not reopened.

The HIV/AIDS prevalence rate in prisons was estimated at 27 percent. Antiretroviral treatment (ART) was available to some prisoners with HIV/AIDS; however, poor nutrition often rendered ART ineffective.

Juveniles often were not held separately from adults. Incarcerated women who had no alternatives for child care could choose to have their infants and young children with them in prison until the children reached the age of 4. Pretrial detainees were not held separately from convicted prisoners.

The Government permitted prison visits by both domestic and international nongovernmental organizations (NGOs) and by resident foreign diplomats during the year. The International Committee of the Red Cross, provincial human rights com-



mittees, and the LRF periodically inspected prison conditions during the year. During one visit in March, Human Rights Commission Acting Chairperson Pixie Yangailo said that conditions in police jails were “inhuman and need urgent attention.”

*d. Arbitrary Arrest or Detention.*—The Constitution and law prohibit arbitrary arrest and detention; however, the Government did not respect these prohibitions.

*Role of the Police and Security Apparatus.*—The police, divided into regular and paramilitary units under the Ministry of Home Affairs, have primary responsibility for maintaining law and order. The Zambia Security Intelligence Service (ZSIS), under the Office of the president, is responsible for intelligence and internal security. Police posts in towns throughout the country reported to one of nine provincial police stations, which in turn reported to the central police command in Lusaka. Although the Government has identified a need for 27,000 police officers, only 15,000 were employed by year’s end.

Lack of professionalism, investigatory skills, and discipline in the police force remained serious problems. Low salaries and substandard government housing exacerbated police corruption, as did poor working conditions. Police released prisoners for bribes, extorted money from victims, and required “document processing fees” or “gas money” to commence investigations. In an effort to address these issues, the Police Public Complaints Authority (PPCA) met during the year to review complaints regarding police conduct that were not resolved through internal police channels. The PPCA reported that it received 236 complaints during the year; it reviewed 114 cases and resolved 39. The range of punishments recommended included fines, demotion in rank, and recommendations for dismissal for offenses ranging from assault, unlawful detention, and assault occasioning bodily harm. Overall, however, many cases of abuse went unreported due to factors varying from citizen ignorance of the PPCA to fear of retribution.

No update was available in the case of the individual whose body was exhumed in 2006 based on allegations from his family that he had died of injuries sustained from beatings by police.

The PPCA found that many complainants dropped their complaints after the police officers involved intervened directly with the complainant. Such interventions sometimes involved intimidation of the complainants but according to the PPCA, sometimes the police officers offered compensation to avoid a formal PPCA investigation.

During the year the PPCA lost its appeal to the High Court when the court ruled that the PPCA did not have the statutory authority to punish police officers and could only recommend disciplinary measures to the inspector general.

In a May 23 report to the Police and the Prisons Service Commission, the PPCA recommended that a police officer be fired after he was found guilty of assaulting a robbery suspect; however, the officer was transferred to another posting.

*Arrest and Detention.*—The Constitution and law provide that authorities obtain a warrant before arresting a person for some offenses, but other offenses have no such requirement. For example, police are not required to obtain a warrant when they suspect that a person has committed offenses including treason, sedition, defamation of the president, unlawful assembly, or abuse of office. In practice, police rarely obtained warrants before making arrests.

According to the law, suspects being arrested must be informed of their rights, including the immediate right to an attorney. The law provides that persons arrested must appear before a magistrate within 24 hours of their arrest; however, detainees were frequently held for much longer periods because prosecutors routinely required that officers collect additional evidence before presenting cases to a magistrate. There was a functioning bail system; however, prisons were overcrowded in part because of the numerous offenses for which bail is not granted, including treason, murder, aggravated robbery, and violations of narcotics laws.

In practice police generally did not respect prisoners’ right to apply for bail. Indigent detainees and defendants rarely had the means to post bail. The Government’s legal aid office, responsible for providing representation for indigent detainees and defendants in criminal or civil cases, assisted very few arrestees.

Arbitrary arrest and detention remained problems. Criminal suspects were arrested on the basis of insubstantial evidence, uncorroborated accusations, or as a pretext for extortion.

Police stations frequently acted as “debt collection centers,” where police officers acting on unofficial complaints detained debtors without charge until they paid the complainants; in return, the police received a percentage of the payments. For example, Jennipher Sakala of Lusaka was arrested in February because her boyfriend alleged that she would not release his clothing after a domestic dispute. Martha

Ngoma of Chipata alleged that she was arrested in June after a man who attempted to enter her house by force but was prevented from doing so by neighbors said that she took his shoes. Officers found engaging in this practice reportedly were disciplined.

Police arbitrarily arrested family members of criminal suspects.

Prolonged pretrial detention was a problem. In criminal cases detainees must be charged and brought before a magistrate within 24 hours; in practice, prisoners often waited more than 1 month from incarceration to the initial appearance before the magistrate. In some cases defendants were awaiting trial for as long as 2 to 3 years. According to human rights groups, prison administrators routinely doctored paperwork to make it look as though prisoners had appeared before a magistrate when they had not because the prison authorities had no fuel to transport prisoners to courts.

Approximately one-third of the nearly 14,400 people incarcerated in prisons had not been convicted of a crime or received a trial date. Broad rules of procedure give wide latitude to prosecutors and defense attorneys to request delays or adjournments. Other factors contributing to long delays were inadequate resources, inefficiency, and lack of trained personnel. Attorneys and family members were permitted access to pretrial detainees.

On January 16, Violet Kahale, who was charged with livestock theft after a commercial dispute with a neighbor, was released from prison after being detained for 2 years without trial; the LRF secured her release.

In February the LRF secured the release of five prisoners who had been detained for periods varying from 3 to 5 years without appearing before a magistrate.

*e. Denial of Fair Public Trial.*—The Constitution and law provide for an independent judiciary; however, the judicial system was hampered by inefficiency, corruption, and lack of resources. Government officials used their offices to circumvent standard police and judicial procedures.

During the year the courts continued to act independently and at times made judgments and rulings critical of the Government. In several instances, the courts awarded damages in cases of police/security force abuse or unlawful arrest. In August, Lusaka resident Raphael Bulawayo won compensation for a case in which he was assaulted by a police officer in 1998 when he ran to a police station for refuge from a group of people who wished to fight him.

Poor working conditions caused many magistrates to leave their jobs. There were 136 magistrates employed at the end of the year. Fully qualified attorneys filled approximately 12 magistrate positions during the year, down from 24 in 2006; lay magistrates filled the rest. Judicial staff went on a 12-day strike in June to demand payment of their housing allowances.

The Supreme Court has appellate jurisdiction for all legal and constitutional disputes. The High Court, which held regular sessions in all nine provincial capitals, has authority to hear criminal and civil cases and appeals from lower courts. Magistrate courts have original jurisdiction in some criminal and civil cases; customary courts heard most civil and petty criminal cases in rural areas.

*Trial Procedures.*—Trials in magistrate courts are public, and local courts employ the principles of customary law, which vary widely throughout the country. Defendants have the right to be present and to consult with an attorney; however, many defendants lacked the resources to retain a lawyer, and government legal aid was limited. Defendants have the right to be present at their trial, confront witnesses, access government-held evidence related to their cases, and to appeal. Defendants are considered innocent until proven guilty.

Courts were congested, and there were significant delays in trials while the accused remained in custody. In cases where the magistrate's court did not have jurisdiction, at least 6 months elapsed before a magistrate committed the defendant to the High Court for trial. Following committal, preparation of the magistrate court record for transmittal to the High Court took months, or in some cases, as long as a year. Once a case reached the High Court for trial, court proceedings lasted an average of 6 months.

Lawyers are barred from participating in proceedings in courts that apply customary law, and there are few formal rules of procedure.

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

*Civil Judicial Procedures and Remedies.*—There is an independent and impartial judiciary in civil matters. For matters concerning police abuse, the PPCA acted as an independent and impartial disciplinary body.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution and law prohibit such actions; however, the Government frequently did

not respect these prohibitions in practice. The law requires a search or arrest warrant before police may enter a home, except during a state of emergency. Police routinely ignored this requirement and arrested suspected criminals at their homes without an arrest warrant.

The law grants the Drug Enforcement Commission and the ZSIS authority to wiretap telephones for probable cause.

Authorities sometimes detained, interrogated, and physically abused family members of criminal suspects to obtain their cooperation in identifying or locating suspects. For example, in January police in Mazabuka arrested a 15-year-old boy in the place of his father, whom the police were seeking in connection with cattle theft. The acting commanding officer in the police district said that the boy was arrested to assist with the investigation.

In June 2006 66-year-old Margaret Lukonto was detained by police, bound, and beaten as officers demanded that she reveal the location of her son, whom they wanted to question on theft charges. Lukonto was seeking the LRF's assistance in filing a civil suit.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution and law provide for freedom of speech and of the press; however, the Government at times restricted these rights. The law includes provisions that may be interpreted broadly to restrict these freedoms. Journalists in the government-owned media generally practiced self-censorship. Individuals could criticize the Government publicly or privately without reprisal. The Government did not attempt to impede such criticism.

The independent media were active and expressed a wide variety of views without restriction, though the Government often criticized independent media outlets for being too outspoken. A number of privately-owned newspapers questioned government actions and policies, and these circulated without government interference. The international media operated freely.

The government-controlled Times of Zambia and Zambia Daily Mail were two of the most widely-circulated newspapers. In addition to the government-controlled radio station, there were numerous private radio stations.

The government-owned Zambia National Broadcasting Corporation (ZNBC) was the principal local-content television station. Opposition political parties and civil society groups complained that government control of the station and of two major newspapers limited their access to mass communication.

On March 15, the Supreme Court set aside a high court decision that ordered the Ministry of Information and Broadcasting Services to comply with the ZNBC Amendment Act and the Independent Broadcasting Authority (IBA) Act, which permit independent media bodies to recommend members to sit on the boards of the IBA and ZNBC, respectively. The minister of information was to submit the names of the recommended board members to Parliament for ratification, but had refused to do so on the grounds that the names were only "recommendations" that he was free to reject. The Supreme Court said in its decision that the minister of information had the power to vet the names submitted.

Several private television stations, including foreign media, broadcast locally.

Unlike in previous years, there were no reports that the police harassed and arrested journalists or that they attempted to close radio stations. However, journalists in Western Province complained of censorship and intimidation by the Barotse Royal Establishment (BRE), a traditional leadership structure headed by the Litunga (king). Journalists at two radio stations reported that they had been contacted by members of the BRE who asked them to stop airing certain programs because the BRE was not comfortable with them. Journalists also reported being told not to write anything against the BRE or the Government. In December the Government banned call-in shows at Radio Lyambai in Western Province because of alleged mishandling of call-in programs. The manager of the radio station said that the BRE was behind the Government's actions, as some callers to the station's call-in shows were critical of the BRE.

The Government exercised considerable influence over the government-owned media, including reviewing articles prior to publication and censoring individuals responsible for published articles or programs deemed offensive by the Government. On September 10, Minister of Information Michael Mulongoti said that journalists working for public media who wanted to criticize the Government should look for jobs where they would be allowed to exercise that freedom. He subsequently recanted, saying that he had meant to encourage journalists to strive for balanced coverage of the Government.

On August 16, Cabinet Protocol Officer Lovewell Jere barred local journalists from entering the state banquet for visiting Southern African Development Community

heads of state even after international press had been permitted to enter. He allegedly told the journalists that no one wanted them to enter. Jere was put on administrative leave following the incident, and an investigation was ongoing at year's end.

In response to headlines and stories alleging official corruption, those accused and others brought libel suits against the media. For example, Deputy Secretary to the Cabinet Robert Mataka sued the *Zambian Watchdog* newspaper and its editor for libel. He alleged that in its August 21–26 edition, the newspaper published a false and malicious story claiming that Mataka bought a house belonging to the Zambia Law Development Commission using questionable means. The case was still pending at year's end.

The defamation suit filed by opposition Patriotic Front Party leader Michael Sata against the *Zambia Daily Mail* in 2006 was still pending at year's end.

The law provides that investigative tribunals can call journalists and media managers, who print allegations of parliamentary misconduct, as witnesses. Failure to cooperate with a tribunal can result in charges of contempt punishable by up to 6 months in jail. The media criticized these provisions as clear infringements of freedom of the press and as a means for parliamentarians to bypass the court system.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by email.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events. Although the law gives the University Council a mandate to address faculty concerns, the minister of education was empowered to appoint the members of the council; some academics criticized this provision as an infringement of academic freedom.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The Constitution and law provide for freedom of assembly; however, the Government restricted this right.

The Public Order Act (POA) requires rally organizers to notify police 7 days in advance of a rally, although a permit is not required.

Police forcibly dispersed demonstrations during the year. In November police fired tear gas to disperse a student protest at Evelyn Hone College in Lusaka. The students were protesting the poor water and sanitation situation at the College. The police alleged that the students began throwing rocks after they were prevented from marching to the Ministry of Science, Technology and Technical Training; the students said that the police forcibly dispersed a peaceful demonstration.

*Freedom of Association.*—The law provides for freedom of association, but the Government placed some limits on this right. All organizations must formally apply for registration to the Registrar of Societies. In most cases, authorities routinely approved these applications; however, the registration process was long and involved the exercise of considerable discretion on the part of the registrar. During the year there were no cases in which the registrar refused to register an organization, although it threatened to deregister organizations that had not paid fees or were otherwise not in compliance with the law.

On September 27, the Supreme Court set aside a high court judgment that nullified the Government's decision to cancel the official registration of the Southern African Center for Constructive Resolution of Disputes (SACCORD). Minister of Home Affairs Ronnie Shikapwasha had cancelled SACCORD's registration in late 2004 because of what he cited as activities that undermined the security of the country, but SACCORD successfully appealed the order in the High Court. The Supreme Court ruling ordered a new trial in the case before a different high court judge.

*c. Freedom of Religion.*—The Constitution and law provide for freedom of religion, and the Government generally respected this right in practice. Although the Constitution declared the country a Christian nation, in practice the Government generally respected the right of all faiths to worship freely.

The Government required the registration of religious groups and approved all applications for registration from religious groups without discrimination; however, in March 2006 then-foreign minister Ronnie Shikapwasha stated publicly that the Government would begin consulting with the Council of Churches before it registered church groups.

The High Court did not rule on the Universal Church of the Kingdom of God's petition to find the Government in contempt for violating an order staying proceedings against the church. The Government had sought to deregister the church

in 2005, but in January 2006, the High Court overturned the Government's decision and allowed the church to continue operations.

*Societal Abuses and Discrimination.*—There were approximately 80 persons in the Jewish community. There were no reports of anti-Semitic acts.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution and law provide for freedom of movement, foreign travel, emigration, and repatriation; however, the Government intermittently limited these rights. Police continued to man numerous roadblocks around the country to control criminal activity, enforce customs and immigration regulations, check drivers' licenses, and inspect vehicles for safety compliance. Police at times extorted money and goods from motorists at these roadblocks.

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

*Protection of Refugees.*—The law does not provide for the granting of refugee status or asylum in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol; however, the Government has established a system for providing protection to refugees. In practice the Government provided some protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution, and granted refugee status or asylum. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 U.N. convention and the 1967 protocol.

The country hosted an estimated 114,928 refugees, mainly from Angola and the Democratic Republic of Congo. UNHCR formally closed its repatriation program for Angolan refugees in December 2006, but assisted refugees wishing to return to obtain the proper documentation. A total of 74,000 Angolan refugees were repatriated to Angola between 2003 and early January.

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

The Constitution and law provide citizens with the right to change their government, and citizens exercised this right in practice through periodic elections held on the basis of universal suffrage.

*Elections and Political Participation.*—In September 2006 president and MMD candidate Levy Mwanawasa was reelected with 43 percent of the vote; 150 members of Parliament (MPs) also were elected. In October 2006 eight other MPs were appointed by the president, as provided for by the Constitution.

Observers gave the Electoral Commission of Zambia (ECZ) high marks for its role in organizing the 2006 elections, particularly with regard to voter registration and education; however, some members of the public were not able to register to vote because the Government did not efficiently issue national registration cards, which were required for registration. Civil society groups also criticized the ECZ's failure to establish an absentee voting system and charged that parties and candidates had uneven access to electronic and print media. In addition, the lack of regulations governing campaign finance resulted in an uneven playing field for contestants. Following the vote, there were reported problems with the counting, tabulation, and reconciliation of ballots as well as problems with the system for the electronic transmission of results. Suspicion that the elections were rigged fueled riots by opposition supporters.

On September 28, the ECZ announced that a member of the MMD and a member of the Patriotic Front in Petauke had been arrested and charged with two counts of illegal practices and undue influence. The two party activists allegedly claimed on the radio in September 2006 that one of the candidates for Parliament was ill and would die immediately after the elections. The two also allegedly threatened voters with deportation to Mozambique if they voted for the wrong candidate.

During the year several by-elections were held due to the defections of MPs from one party to another or due to the nullification of election results by the courts. Reports of vote-buying and misappropriation of government resources for unfair political advantage continued, and some cases were challenged in court.

On March 30, the Lusaka High Court nullified the results of the parliamentary election in Kapoche constituency based on complaints by ousted Kapoche MP Nicholas Banda, who alleged that the MMD candidate had engaged in unfair campaign tactics, including enlisting a local chief to threaten subjects with eviction if they did

not vote for the MMD. The court found that the election was “marred with illegal practices, thereby depriving the majority of voters from electing their preferred candidate.” The losing candidate in the subsequent by-election, Charles Banda (not related to Nicholas Banda), again challenged the results of the election in court, alleging that President Mwanawasa told villagers in the constituency that they would receive no government aid unless they voted for the MMD candidate. The case was ongoing at year’s end.

There were 22 women elected to Parliament in the September 2006 elections. In October 2006 the president appointed two more women to Parliament. There were four women serving in the cabinet and three serving in the Supreme Court. There were no significant minority populations in the country, and there were no set-asides for minority communities within political parties or the National Assembly. The country’s ethnic communities were well represented in political institutions.

The constitutional reform process got underway in September with the creation of a National Constitutional Conference (NCC), which is charged with either suggesting amendments to the current Constitution or drafting an entirely new one. Civil society groups protested “heavy” government and ruling party presence in the NCC, and said that they would boycott the NCC’s deliberations. The NCC held its opening ceremony on December 19, and began work; some church and women’s groups have maintained their boycott of the NCC, but other civil society organizations are participating.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption, and the Government attempted to implement the laws; however, officials frequently engaged in corrupt practices with impunity. Petty corruption in the police and other public authorities was particularly problematic.

The World Bank’s worldwide governance indicators reflected that corruption was a severe problem. The Government continued its collaboration with the international community to improve its capacity to investigate and prevent corruption. Parliamentary committees sustained their scrutiny of executive branch operations, and the Anticorruption Committee increased its prosecution and public educational activities.

Despite these efforts there remained a widespread public perception that corruption was pervasive in almost all government institutions. Controls over government funds and property were often weak, investigative units often lacked authority and personnel, and officials dealing with the public frequently demanded illicit payments with impunity. Additionally, the Government had no clear policy for the disposal of confiscated assets, and there was lack of transparency surrounding the liquidation of assets seized in the campaign against corruption. Public officials were not subject to financial disclosure laws.

Trials of former government officials charged with abuse of office and theft proceeded, resulting in the conviction on February 21 of Kashiwa Bulaya, former permanent secretary at the Ministry of Health. He was appealing the case at year’s end.

On May 4, a British court found former President Frederick Chiluba and several others liable in a civil suit for misappropriating \$41 million of public resources. The criminal case, which was frequently in recess due to Chiluba’s poor health, was continuing at the end of the year.

During the year Samuel Musonda, the former managing director of the government-owned Zambia National Commercial Bank, appealed his 2006 corruption conviction before the High Court and was released on bail.

The prosecution’s case against former President Chiluba’s wife, Regina Chiluba, was ongoing at the end of the year.

In 2004 the Government also filed corruption charges against several officials of the current administration and former military commanders including Lieutenant Generals Wilford Funjika, Sande Kayumba, and Geojago Musengule, who were charged in separate cases of procurement fraud. On October 31, Funjika was found guilty and sentenced to 2 years in prison, but his sentence was suspended because of ill health. Funjika was also ordered to pay back \$30,000 (15,000 British pounds) that had been provided to him by Seymon Holdings as a kickback. The trials of the others were ongoing at year’s end.

The law does not provide for public access to government information; however, the Government provided information to media and interested parties on an ad hoc basis. Information related to defense and security forces was withheld from public access.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally cooperated with such groups.

The HRC oversaw human rights committees in all provincial capitals, interceded on behalf of persons whose rights it believed were denied by the Government, and spoke on behalf of detainees and prisoners. Independent human rights groups continued to complain that the HRC was understaffed, underfinanced, and lacked sufficient authority to enforce its recommendations.

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

The Constitution and law prohibit discrimination based on race, tribe, gender, place of origin, marital status, political opinion, color, or creed; however, violence and discrimination against women and persons with disabilities remained a problem.

*Women.*—The law prohibits rape, and courts generally sentenced rapists to hard labor. In 2006 the Victim Support Unit (VSU) recorded 255 cases of rape and 1,400 cases of defilement, which included forced or unforced sex with a person under the age of 16. The penal code does not specifically prohibit marital rape, and statutes that criminalize rape cannot be practically used to prosecute cases of rape in marriage.

Domestic violence against women was a serious problem, and wife beating and rape were widespread. There is no specific law against domestic violence, and cases of domestic violence were prosecuted under the general assault statutes. Penalties imposed for assault vary, depending on the severity of injury and whether a weapon was used. The VSU was responsible for handling problems of domestic assault, wife beating, mistreatment of widows by the deceased husband's relatives, and property grabbing; however, in practice, the police often were reluctant to pursue reports of domestic violence and preferred to encourage reconciliation.

Due to traditional and cultural inhibitions, many cases of violence against women and children went unreported. The VSU reported that it was difficult to prosecute cases of abuse against women because victims often refused to cooperate, and forensic equipment needed to develop evidence was lacking. The Government and NGOs expressed continued concern about violence against women, and in December, Human Rights Watch published a study of the impediments posed by gender-based violence in treating women with HIV/AIDS in the country. Women in the study said that fear of retribution or punishment from their husbands often impeded free access to HIV counseling and testing, as well as to treatment.

Prostitution is illegal, and police routinely arrested street prostitutes for loitering. There were no reliable statistics on the number of prostitutes in the country.

Trafficking in women and children was a problem.

An amendment to the penal code enacted in September 2005 prohibits the sexual harassment of children but there are no laws that specifically prohibit sexual harassment of adults, and sexual harassment in the workplace was common.

The law entitles women to equality with men in most areas; however, women were severely disadvantaged in formal employment and education. Married women who were employed often suffered from discriminatory conditions of service. Women had little independent access to credit facilities; in most cases, they remained dependent on their husbands, who were required to cosign for loans. As a result, few women owned their own homes. Some small financial institutions allowed women to sign independently for loans.

Customary law and practice also place women in a subordinate status with respect to property, inheritance, and marriage, despite constitutional and legal protections. Polygyny is permitted if the first wife agrees to it at the time of her wedding. Under the law a deceased man's children equally share 50 percent of an estate; the widow receives 20 percent; the man's parents receive 20 percent; and other relatives receive 10 percent. The widow's share must be divided equally with any other women who can prove a marital relationship with the deceased man, thus granting inheritance rights to other wives, mistresses, and concubines. However, under the traditional customs prevalent in most ethnic groups, all rights to inherit property rest with the deceased man's family. Property grabbing by relatives remained widespread, although increased training of local court officials may have resulted in a slight decrease in the practice. Many widows were ignorant of the law, and as a result received little or nothing from the estate. The fines that the law mandates for property grabbing were extremely low. The police, through its VSU, treated instances of property grabbing as criminal offenses.

The common traditional practice of “sexual cleansing,” in which a widow had sex with her late husband’s relatives as part of a cleansing ritual, continued to occur; however, some traditional leaders have banned it. The penal code also outlaws the practice.

*Children.*—Although the Government sought to improve the welfare of children through the ministries of labor and social security, sport, youth, and child development, as well as education, scarce resources and ineffective implementation of social programs continued to adversely affect children.

The Government’s failure to register all births did not result in discrimination or denial of public services.

Government policy provided for free basic education until grade seven; however, education was not compulsory, and many children did not attend school. The Government eliminated school fees and mandatory uniforms for primary education students to increase school attendance, but many teachers and school administrators still required students to purchase uniforms or pay a fee before they would allow them to attend classes. The net enrollment ratio for children of primary school-age increased from 66 percent in 1999 to 97 percent by 2005. The large rise in the net enrollment ratio was due in part to a revision in the formula used to calculate the figure, which included 500,000 students enrolled in nongovernmental, parent-supported, community schools.

The number of girls and boys in primary school was approximately equal; however, fewer girls attended secondary school. There were reports that teachers sexually abused female students. U.N. Children’s Fund (UNICEF) officials noted that sexual abuse in schools discouraged or prevented many girls from attending classes. The Government continued its collaboration with UNICEF on the Program for the Advancement of Girls’ Education to work with families and community leaders to keep girls in school and to bring back those who had left.

There were 1.2 million children under the age of 15 who were orphaned, approximately 800,000 of these as a result of HIV/AIDS. These children faced greater risks of child abuse, sexual abuse, and child labor. Approximately 75 percent of all households were caring for at least one orphan, and children headed approximately 7 percent of households due to the death of both parents. The Government instituted programs to increase public awareness of HIV/AIDS.

Child abuse was a problem. Approximately 1,400 cases of child sexual abuse were reported in 2006, according to police statistics.

Early marriage was a problem. Although a person must be at least 16 years old to marry under statutory law, there is no minimum age for marriage under customary law. A few traditional leaders spoke against early marriage and took steps to discourage it, but the majority of traditional leaders condoned the practice. Courts intervened in cases of gross abuse.

There are laws that criminalize child prostitution; however, the law was not enforced effectively, and child prostitution was widespread. Although the Government removed and rehabilitated some children who lived on the streets during the year, the presence of an estimated 20–30,000 such children throughout the country contributed to the proliferation of begging and prostitution. The laws against pornography and the sexual exploitation of children under the age of 21 were sporadically enforced.

*Trafficking in Persons.*—The law prohibits the trafficking of any person for any purpose, but it does not define trafficking. There were reports that persons were trafficked to, from, and within the country.

The Government did not collect or maintain data on the extent or nature of trafficking in the country; however, trafficking, particularly in the form of child prostitution, was believed to be significant. Female citizens were trafficked within the country and to other parts of Africa and to Europe, and the country was used as a transit point for regional trafficking of women for prostitution. Traffickers fraudulently obtained Zambian travel documents for their victims before proceeding to other destinations.

A June study on child trafficking in the country published by the International Labor Organization concluded that trafficking was predominantly internal and involved family members and relatives. The study noted that children were often trafficked as a source of cheap labor, and that girls were at more risk of being trafficked than boys. Law enforcement and immigration officers had varying levels of knowledge about trafficking, a problem exacerbated by extensive and extremely porous borders.

Traffickers often used promises of employment to entice young girls and women to leave their homes and families and then forced them into prostitution.



To be convicted of trafficking, a person must be witnessed accepting money in exchange for the victim. Anyone convicted of trafficking is subject to a term of imprisonment from 20 years to life. Most traffickers who were caught with children trying to cross borders were charged with document fraud and paid small fines. Convictions of the crimes of abduction, assault, or seeking to have sex with a minor could be punished with sentences up to life imprisonment with hard labor. One case was successfully prosecuted under the law in January: A man was sentenced to 20 years in prison after attempting to sell his son to a local businessman in March 2006.

Through its social welfare agencies, the Government provided counseling, shelter, and protection to victims of child prostitution or referred victims to NGOs that provided such services. In some cases victims were placed in protective custody at rehabilitation centers or victim support shelters operated by NGOs.

Unless government officials were unaware that victims had been trafficked, victims were not detained, jailed, deported, or prosecuted for violations of other laws. When trafficking investigations have substantiated allegations, the Government encouraged victims to assist with investigation and prosecution. The Government did not have its own means of protecting victims and witnesses; however, it arranged for protective custody and security protection through facilities operated by NGOs.

The Government did not have programs that specifically targeted trafficking, although law enforcement officers attended training courses that raised awareness of the problem. A government interagency committee on human trafficking, chaired by the Ministry of Home Affairs, also met during the year to promote coordination and information sharing among agencies. Government agencies responsible for combating trafficking include the police, immigration authorities, and the ministries of justice, labor, and education.

*Persons with Disabilities.*—The law prohibits discrimination in general, but there is no law that specifically prohibits discrimination against persons with physical and mental health disabilities in employment, education, or access to health care. Persons with disabilities faced significant societal discrimination in employment and education. Public buildings, schools, and hospitals rarely had facilities to accommodate persons with disabilities. The Government did not legislate or otherwise mandate accessibility to public buildings and services for persons with disabilities.

*Other Societal Abuses and Discrimination.*—The law prohibits “carnal knowledge of any person against the order of nature,” but it does not specifically outlaw homosexuality. There was societal discrimination against homosexuals.

The Government actively discouraged societal discrimination against those persons with HIV/AIDS; however, there was strong societal and employment discrimination against such individuals. Government officials made announcements discouraging such discrimination, but made little headway in changing entrenched attitudes.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law recognizes the right of workers to form and belong to trade unions, and workers exercised these rights in practice. Police officers were not permitted to form unions and remained nonunionized at year’s end. In 2006 only 1 percent of the eligible workforce was employed in the formal sector, and approximately 60 percent of the formal sector was unionized.

The Industrial and Labor Relations Act (IRA) governs union activity. No organization can be registered unless it has at least 25 members, and with some exceptions, no trade union can be registered if it claims to represent a class of employees already represented by an existing trade union. Unions may be deregistered under certain circumstances; however, the IRA provides for notice, reconsideration, and right of appeal to an industrial relations court.

The law prohibits discrimination by employers against union members and organizers; however, the law was not always enforced.

*b. The Right to Organize and Bargain Collectively.*—The law allows unions to conduct their activities without interference, and the Government protected this right in practice. The right to collective bargaining, without government interference, is protected in law and freely practiced.

Labor Commissioner Noah Siasimuna declined to certify the results of an executive board election for the Zambia Union of Financial Institutions and Allied Workers (ZUFIAW) in late December 2006. Siasimuna refused to declare sole candidate Joyce Nonde the winner of the elections because she had resigned from her job and was no longer eligible to be a member of the union. In March Siasimuna further ordered that the National Executive Council of the ZUFIAW be dissolved and that the union not be allowed to enter into negotiations with employers. ZUFIAW appealed Siasimuna’s actions and won its case in August, and Nonde was declared the

General Secretary of ZUFIAW. The court found that Siasimuna had no authority to forbid the employees' representatives to negotiate on their behalf.

The law provides for the right to strike, except for those engaged in "essential services"; however, the law permits strikes only after all other legal recourse has been exhausted, and there has not been a legal strike since 1993. In addition to the Zambia Defense Force, the judiciary, the police, the prison service, and the ZSIS, the law also defines essential services as any activity relating to the generation, supply, or distribution of electricity; the supply and distribution of water and sewerage; fire departments; and the maintenance of safe and sound conditions in underground working environments such as shafts and machinery in the mining sector.

The law prohibits employers from retribution against employees engaged in legal union activities; however, workers engaged in illegal strikes did not enjoy this protection. Employers decide whether to retain such workers or dismiss them given there is no legal obligation; the Government at times intervened for political reasons when such dismissals occurred.

During the year teachers in Senanga who went on strike to demand payment of their rural hardship allowance were fined half their salaries. At Ndola City Council, workers who went on strike in June to demand improved conditions of service and the removal of a senior council official were dismissed from their jobs. The workers were appealing their dismissals at year's end.

Chinese President Hu Jintao announced in February that his government would invest 800 million USD in a multi-facility economic zone in the Copperbelt Province. Construction at the site had not started by year's end, but labor groups expressed concern at the possibility of special exemptions from labor laws in the new zone.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children, but there were reports that such practices occurred. The law authorizes the Government to call upon citizens to perform labor in specific instances, such as during national emergencies or disasters. The Government also may require citizens to perform labor that was associated with traditional civil or communal obligations, as when a traditional leader or other dignitary called upon all members of a village to assist in preparing for a visit; however, there were no reports of such activities during the year.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The law prohibits employment of children in any commercial, agricultural, or domestic worksite and the engaging of a child in the worst forms of child labor as defined in international conventions. Nevertheless, child labor was a problem in subsistence agriculture, domestic service, and informal sectors, where children under the age of 15 often were employed, and the law was not enforced. The law also prohibits slavery and the procurement or offering of a child for illicit activities.

The minimum age for employment is 15; for hazardous work, it is 18. A 2004 amendment to the Employment of Young Persons and Children Act made the worst forms of child labor illegal, including child prostitution, slavery in all its forms, military conscription, and work that is harmful to the safety, health, or morals of children and young people. The labor commissioner effectively enforced minimum age requirements in the industrial sector, where there was little demand for child labor.

Approximately 795,000 children were in the work force, of which approximately 87 percent worked in the agricultural sector. During the year children who had lost both parents to HIV/AIDS continued to migrate to urban areas where they lived on the streets. In urban areas children commonly engaged in street vending.

Child labor was most concentrated in the areas of agriculture, construction, farming, transportation, prostitution, household work, quarries, and mines.

The Ministry of Labor and Social Security (MLSS) is responsible for the implementation and enforcement of child labor laws and regulations. The MLSS can bring charges that provide for penalties ranging from a fine to imprisonment for violations. Labor inspectors may also enter family homesteads and agricultural fields to check for child labor violations.

Because more than 85 percent of child labor in the country occurred in the agricultural sector, most often with the consent of families, the MLSS labor inspectors focused on counseling and educating families that engaged children in child labor and did not refer any cases for prosecution during the year. The MLSS employed 67 labor inspectors in 22 field stations located throughout the country; however, inadequate resources hampered enforcement efforts. For instance, labor inspectors frequently found it difficult to access transportation, making it difficult to conduct inspections in vast rural areas that were difficult to regulate. In cooperation with NGO partners, the Government continued its efforts to remove children from child labor. The children, mainly urban orphans, were placed in formal and transitional classes, while others were given vocational skills training. In cooperation with the

International Labor Organization, the Government also formed seven District Child Labor Committees during the year. The purpose of the committees was to increase awareness of child labor laws and the harmful effects of child labor and to mobilize communities to eliminate the worst forms of child labor.

The Government continued to provide awareness and training activities for officials charged with enforcing child labor laws; however, the MLSS reported that resource constraints prevented it from providing all required training.

*e. Acceptable Conditions of Work.*—The minimum wage for nonunionized workers, whose wages and conditions of employment were not regulated through collective bargaining, was determined by category of employment. In June 2006 the Government published a statutory instrument that raised the minimum wage to \$67 per month (268,000 kwacha) based on a 48-hour workweek, the legal maximum for nonunionized workers. The minimum wage did not provide a worker and family with a decent standard of living; most minimum wage earners supplemented their incomes through second jobs, subsistence farming, or reliance on extended family. The minimum wage act did not apply to domestic servants.

For unionized workers, wage scales and maximum workweek limits were established through collective bargaining. In practice almost all unionized workers received salaries considerably higher than the nonunionized minimum wage. The minimum workweek for full-time employment was 40 hours, which was the normal workweek. The law requires 2 days of annual leave per month of service. The law provides for overtime pay. Employers must pay employees who work more than 48 hours (45 hours in some categories) in 1 week at a rate of 1½ times their hourly rate. Workers receive double the rate of their hourly pay for work done on a Sunday or public holiday. The Government effectively enforced these standards.

The law also regulates minimum health standards in industry, and city and district councils were responsible for enforcement. The inspector of factories under the minister of labor handled factory safety; staffing shortages limited enforcement effectiveness. The MLSS continued to conduct labor inspections during the year and ordered businesses to close when it found significant violations of labor laws. In February the minister of labor and social security announced that 15 companies were shut down in 2006 for violating labor laws.

On November 23, the Government ordered that works at Finesteeel Manufacturing Company in Kabwe be suspended due to unsuitable working conditions, including high temperatures in the working areas, unguarded machinery, and inadequate personal protective clothing. The Chinese company that owned Finesteeel addressed the Government complaints and began operations again on November 27.

The law protects the right of workers to remove themselves from work situations that endangered health or safety without jeopardy to their continued employment, but workers did not exercise this right in practice. The Government acted when well-known occupational health problems existed, such as by requiring that underground mine workers receive annual medical examinations.

## ZIMBABWE

Zimbabwe, with a population of approximately 11.6 million, is constitutionally a republic, but the Government, dominated by President Robert Mugabe and his Zimbabwe African National Union-Patriotic Front (ZANU-PF) since independence, was not freely elected and was authoritarian. The last two national elections, the presidential election in 2002 and the parliamentary elections in March 2005, were not free and fair. Although the Constitution allows for multiple parties, the ruling party and security forces intimidated and committed abuses against opposition parties and their supporters and obstructed their activities. Civilian authorities generally maintained control of the security forces, but often used them to control opposition to the ruling party.

The Government engaged in the pervasive and systematic abuse of human rights, which increased significantly during the year. The ruling party's dominant control and manipulation of the political process through intimidation and corruption effectively negated the right of citizens to change their government. Unlawful killings and politically motivated abductions occurred. State-sanctioned use of excessive force increased, and security forces tortured members of the opposition, student leaders, and civil society activists. Prison conditions were harsh and life threatening. Security forces, who often acted with impunity, arbitrarily arrested and detained the opposition, members of civil society, labor leaders, journalists, demonstrators, and religious leaders; lengthy pretrial detention was a problem. Executive influence and interference in the judiciary were problems. The Government continued

to evict citizens and to demolish informal marketplaces. The Government continued to use repressive laws to suppress freedoms of speech, press, association, academic freedom, assembly, and movement. Government corruption remained widespread. High-ranking government officials made numerous public threats of violence against demonstrators. The following human rights violations also continued to occur: Harassment of human rights and humanitarian nongovernmental organizations (NGOs) and interference with their attempts to provide humanitarian assistance; violence and discrimination against women; trafficking of women and children; discrimination against persons with disabilities, ethnic minorities, homosexuals, and persons living with HIV/AIDS; harassment and interference with labor organizations critical of government policies; child labor; and forced labor, including of children.

#### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—There were several reports that the Government or its agents committed politically motivated killings during the year.

On August 24, Jabulani Chiyoka and Tafirenyika Nyandoro, two opposition Movement for Democratic Change (MDC) youth activists, were attacked and stabbed by ZANU–PF youths in Marondera for reportedly being opposition supporters. Chiyoka died as a result of his injuries; police arrested one suspect, and an investigation was ongoing at year's end.

There were no developments during the year in the June 2006 killings of Gift Jubane and Prince Ndebele, who died as a result of injuries sustained when police in Bulawayo attacked a group of men in a bar when they overheard one of the patrons say he wished President Mugabe had died instead of a recently deceased cabinet minister. Some observers believed that the killings were politically motivated.

There were reports that the Government or its agents committed arbitrary or unlawful killings against demonstrators and NGO members during the year.

There were no developments in previously reported killings from 2005.

*b. Disappearance.*—There were numerous reports of politically motivated abductions during the year. MDC leaders reported that state security agents and ZANU–PF party supporters abducted and tortured hundreds of opposition and civil society members, as well as student leaders, as part of a systematic government-sponsored campaign to dismantle the opposition party's structures before elections planned for 2008. In the majority of cases, victims were abducted from their homes or off the streets by a group of unidentified assailants, driven to remote locations, interrogated and tortured for 1 or 2 days, and abandoned. In some cases, the abducted person was located in police custody a few days later.

For example, on March 27, suspected state security agents abducted Last Maengahama, secretary for local government for the anti-Senate MDC faction, from a shopping center in Harare. The assailants repeatedly beat Maengahama with bars as they questioned him about the MDC's plans and the names of its organizers. Maengahama was abandoned more than 50 miles north of Harare with a broken leg, lacerations, and severe bruising.

On May 8, police in Harare forced four lawyers—including Beatrice Mtetwa, president of the Zimbabwe Law Society—into a police truck before driving to a secluded area. The four attorneys were forced to lie face down before being beaten with truncheons for several minutes and then abandoned. Mtetwa suffered bruises on her back, arms, and legs. The lawyers had been participating in a nonviolent demonstration outside the high court to protest the unlawful arrest of two prominent human rights attorneys; police violently dispersed the crowd by beating more than 50 participants.

On June 15, more than 50 activists were reported missing after being taken by government agents and ruling party supporters from demonstration sites, homes, and shopping centers. Many of the activists were assaulted and abandoned hundreds of miles away. At least six were later found in police custody, where they were detained for several days before being released without charge.

The Government seldom investigated reported abductions.

There were no developments in the July 2006 disappearance of an MDC youth organizer. There were no further developments in the 2005 abduction cases of MDC candidate Godfrey Gumboand or Wilson Mushonga, the son of an MDC candidate, and a group of Mushonga's colleagues.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—Although the Constitution prohibits torture and other cruel, inhuman, or degrading treatment or punishment, security forces continued to engage in such practices. Police used excessive force in apprehending and detaining criminal suspects. Security forces routinely tortured citizens while in custody. Government supporters continued

to assault suspected opposition members, civil society activists, and student leaders. Violent confrontations between various youth groups aligned with either the Government or the opposition continued.

Human rights groups reported that physical and psychological torture perpetrated by security agents and government supporters increased during the year. One NGO report stated that 3,463 victims of torture and assault received medical treatment during the year, nearly triple the 1,185 victims recorded in 2006. Torture and other assault methods commonly reported included beating victims with whips and cables, suspension, electric shock, and falanga (beating the soles of the feet). According to the Human Rights Watch report *Bashing Dissent-Escalating Violence and State Repression in Zimbabwe*, “police routinely use unnecessary force to disrupt peaceful protests and subject activists to severe beatings and torture during arrest and while in police custody.”

On March 11, more than 1,000 security forces in Harare used violence to prevent a prayer rally organized by the Save Zimbabwe Campaign, a broad coalition of church and civil society organizations and political opposition groups, and arrested more than 50 opposition members and civil society activists. Police tortured many of the 50 activists arrested, including anti-Senate MDC leaders Morgan Tsvangirai, Grace Kwinjeh, and Sekai Holland, as well as National Constitutional Assembly (NCA) Chairperson Lovemore Madhuku. According to victim accounts, more than 50 police officers, youth militia, and military intelligence officers were involved in severely beating the detainees with baton sticks, booted feet, and other instruments. Both Tsvangirai and Madhuku were beaten to unconsciousness. Tsvangirai suffered a fractured skull, swollen eye, and internal bleeding; Kwinjeh suffered a brain contusion and multiple soft-tissue injuries to the back, shoulders, arms, buttocks, and thighs; Holland suffered multiple fractures to her left leg and left arm and multiple soft-tissue injuries to the back, shoulders, arms, buttocks, and thighs; and Madhuku suffered a broken arm and head injuries. Police denied the victims access to legal counsel and medical attention for several days. On March 13, police released all those arrested without charge. No action was taken against the perpetrators.

There were reports of ZANU–PF youth who were indoctrinated, trained, and deployed to harass and intimidate members and suspected supporters of the opposition, labor, civil society, and student movement.

Security forces committed political violence, including instances where soldiers and persons in military uniforms beat civilians, particularly in areas suspected of heavy support for the opposition. Army and police units participated in or provided logistical support to perpetrators of political violence and generally permitted their activities.

For example, on February 13, 174 members of the NGO Women of Zimbabwe Arise! (WOZA) were arrested while peacefully protesting. Many of those arrested were brutally beaten by police before being released. There were no further developments in the case.

Government supporters, including youth militia and war veterans trained by ZANU–PF, were also deployed to harass and intimidate members of the opposition, labor, student movement, and civic groups, as well as journalists considered critical of the Government.

Police also frequently used other cruel, inhuman, or degrading treatment or punishment. For example, on April 19, police in Bulawayo arrested 82 WOZA activists for protesting frequent power outages and poor service from the Government electric authority. According to WOZA reports, police at Luveve Police Station forced 18 arrestees to strip and remain undressed for the day; they were released after being charged under Chapter 46 of the Criminal Law (Codification and Reform) Act of “causing a criminal nuisance.” The case was pending at year’s end.

On the same day, police also arrested two other WOZA members when they attempted to bring food to the 82 WOZA arrestees. Detective Assistant Inspector Tshuma and Sergeant George Levison Ngwenya of Criminal Investigation Department (CID) Law and Order section beat one of the two women and tied her wrists with an electric cord, threatening to plug it in if she did not divulge WOZA’s sources of funding. She was later released and received medical attention for her injuries. No action was taken against the officers involved.

No action was taken against the perpetrators of the September 2006 beatings of the Zimbabwe Congress of Trade Unions (ZCTU) members.

No action was taken in the 2005 cases of abuse.

According to a Zimbabwe Torture Victims/Survivors Project report released in December 2006, at least 15 percent of Zimbabwean women refugees interviewed at a counseling center in Johannesburg, South Africa between February 2005 and September 2006 reported they had been raped in Zimbabwe; the victims most fre-

quently named members of ZANU–PF, police, military, and the Central Intelligence Organization (CIO) as the perpetrators.

There were no developments in the April 2006 alleged rape of an MDC supporter.

*Prison and Detention Center Conditions.*—Prison conditions remained harsh and life threatening. The Government’s 43 prisons were designed for a capacity of 16,000 prisoners but held approximately 25,000, according to media reports. Prison guards beat and abused prisoners. Poor sanitary conditions persisted, which aggravated outbreaks of cholera, diarrhea, measles, tuberculosis, and HIV/AIDS-related illnesses. Human rights activists familiar with prison conditions reported constant shortages of food, water, electricity, clothing, and soap. According to the Solidarity Peace Trust and Institute for Justice and Reconciliation report *Policing the State*, “political arrestees are routinely and deliberately overcrowded, with 30 or more people being kept at times in cells intended for six,” and those “who have been severely beaten by the police and have fractures and other injuries, are routinely denied any access to health care or medication for varying period of time.”

In May the U.N. Office for the Coordination of Humanitarian Affairs (OCHA) IRIN news service reported that a delegation of parliamentarians had visited prisons in 2006 and found that unsanitary conditions, including a lack of running water, had made diarrhea and skin diseases a permanent feature of prison life. A medical orderly employed by the health department and working in prison services told IRIN that more than 100 inmates had died of pellagra at Harare Central and Chikurubi Maximum Security prisons since the beginning of the year. The medical orderly noted that Zimbabwe Prison Services lacked resources to provide proper care, especially at Chikurubi Maximum Security prison, where as many as 10 deaths were recorded in 1 day.

Most prison deaths were attributed to harsh conditions and HIV/AIDS. In 2006 a local NGO estimated that 52 percent of the country’s prisoners were HIV-positive. In February 2006 Zimbabwe Prisons Service commissioner General Paradzai Zimondi described the mortality rate in prisons as a “cause for concern.” However, the Government made no effort to improve prison conditions during the year.

Juveniles were not held separately from adults. The Prison Fellowship of Zimbabwe, a local Christian organization working with former inmates, estimated in 2006 that more than 200 children were living in the prison system with their detained mothers. Due to overcrowding in police stations and remand prisons, pre-trial detainees were often held in prisons with convicted prisoners until their bail hearings.

The law provides that international human rights monitors have the right to visit prisons, but government procedures and requirements made it very difficult to do so. The Government granted local NGOs access on a number of occasions during the year.

*d. Arbitrary Arrest or Detention.*—The Constitution and law prohibit arbitrary arrest and detention; however, some laws effectively weakened this prohibition, and security forces repeatedly arbitrarily arrested and detained persons.

*Role of the Police and Security Apparatus.*—The Zimbabwe Republic Police (ZRP) is responsible for maintaining law and order. Although the ZRP officially is under the authority of the Ministry of Home Affairs, in practice the President’s Office controlled some roles and missions. The Zimbabwe National Army and Air Force, under the Defense Ministry, were responsible for external security; however, there were cases in which the Government called upon them for domestic operations. The CIO, under the Ministry of State for National Security, is responsible for internal and external security. There were reports that police and army officials suspected of being sympathetic to the political opposition were demoted or fired.

Police were poorly trained and equipped, underpaid, and corrupt. Severely depleted human and material resources, especially fuel, further reduced police effectiveness during the year. It was difficult for rank-and-file police to remain impartial due to continued politicization of the force’s upper echelons. For example, police officers being considered for promotion were reportedly required to give a 10-minute speech defending the country’s widely criticized land reform policy as an exemplary model of agrarian reform. There were reports of ZANU–PF supporters wearing police uniforms while violently disrupting public gatherings and demonstrations and torturing opposition and civil society activists in police custody. There also were reports that untrained or unqualified personnel were hired into the police solely because of their support for ZANU–PF. Corruption increased in part due to low salaries and a worsening economy.

Security forces were rarely held accountable for abuses. Frequent allegations of excessive force and torture were often dismissed by senior government officials as necessary and justifiable actions to maintain public order. After security forces vio-

lently prevented a public gathering on March 11, President Mugabe was widely quoted as saying that “the police have a right to bash” protesters who resist them.

Mechanisms to investigate security force abuses remained weak. Court orders compelling investigations into allegations of abuse were routinely ignored by authorities. Government efforts to reform security forces were minimal, and training was rarely provided.

Police seldom responded during incidents of vigilante violence.

*Arrest and Detention.*—Arrests require court-issued warrants, and the law requires that police inform an arrested person of the charges before taking the individual into custody; however, these rights were not respected in practice. Although the law requires a preliminary hearing before a magistrate within 48 hours of an arrest (or 96 hours over a weekend), authorities routinely disregarded the law if a person did not have legal representation. Police typically made arrests which may have been politically motivated on Friday, which permitted legal detention until Monday. There were numerous reports of security forces arbitrarily arresting opposition and civil society activists, interrogating and beating them for information about their organizations’ activities, and then releasing them the next day without charges. Security forces rarely were held accountable for abuses.

Although the Criminal Procedures and Evidence Act substantially reduces the power of magistrates to grant bail without the consent of the attorney general or his agents, in practice a circular issued by the attorney general giving a general authority to grant bail lessened the negative effect of the law. High court judges granted bail independently. The act allows police to hold persons suspected of committing economic crimes for up to 4 weeks without bail.

Authorities often did not allow detainees prompt or regular access to their lawyers and often informed lawyers who attempted to visit their clients that detainees were “not available,” especially in cases involving opposition members and civil society activists. In several cases police claimed not to know where they were holding a detained individual, which delayed a hearing on bail release. Family members sometimes were denied access unless accompanied by an attorney. Detainees were often held incommunicado. Family members and attorneys often could not verify that a person had been arrested until the individual appeared in court. For example, the whereabouts of Tsvangirai Mukwazhi, a photojournalist arrested while covering the events of the March 11 prayer rally, remained unknown until he appeared in court on March 13. Police repeatedly withheld information about his whereabouts from his lawyers.

There were reports that victims or witnesses of crimes were detained or charged with the crime after reporting it to police. For example, on November 5, five ZANU–PF youth supporters in Mutare attacked two other youths for allegedly supporting the opposition; one victim required medical attention after being struck in the head with a machete. The victim reported the attack to the police 3 days later, at which time police arrested him on allegations of attacking the ZANU–PF supporters involved in the case; the perpetrators had made a report to the police before the victim, who was detained for 3 days and made to pay an admission-of-guilt fine.

The Government increasingly used arbitrary arrest and detention as a tool of intimidation and harassment, especially against opposition members and supporters, civil society activists, student activists, and journalists. The Zimbabwe Human Rights NGO Forum reported over 1,600 cases of unlawful arrest and detention during the year. According to the Solidarity Peace Trust and Institute for Justice and Reconciliation report *Policing the State*, an evaluation of 1,981 politically-motivated arrests in the country from 2000 to 2005 showed that 1,721 cases resulted in no trial, 256 cases came to trial but resulted in no conviction, and only four cases resulted in a conviction. This trend continued during the year.

For example, on March 28, police raided the anti-Senate MDC faction’s offices in Harare and arrested more than 30 opposition members following a series of alleged petrol bomb attacks. Other MDC members were arrested in the days and weeks that followed. Detainees included Member of Parliament (MP) Paul Madzore; Ian Makone, secretary of elections and special adviser to MDC faction President Morgan Tsvangirai; Morgan Komichi, deputy national organizing secretary; and Luke Tamborinyoka, director of information and publicity. According to the MDC detainees, during 3 days of detention at Harare Central Police Station, officers from the Law and Order Section repeatedly attempted to elicit information and confessions from the detainees by beating them with an assortment of weapons, including baton sticks, bottles filled with water, and baseball bats. According to lawyers for the opposition members, police arrested the MDC members before completing their investigations, and prosecutors intentionally stalled proceedings on numerous occasions by failing to produce witnesses or altering charges. MDC leaders maintained that the gasoline bomb attacks were likely carried out by government agents or ruling

party supporters to justify the crackdown on the opposition. Many of the individuals arrested appeared in court more than 50 times and spent more than 60 days in detention. The Government prosecutor eventually withdrew all charges, which included banditry and sabotage; however, the Government reserved the right to proceed by summons. On May 30, police denied torturing the MDC detainees in a court-ordered report. On June 4, a magistrate ordered the police to open a new probe into the allegations but did not set a date for completion. The report was pending at year's end.

On May 4, police arrested prominent human rights lawyers Alec Muchadehama and Andrew Makoni outside the high court after they submitted court papers on behalf of one of the MDC members they were representing in the petrol bomb case. Police denied Muchadehama and Makoni access to legal counsel for several days. On May 6, police raided their lawyers' offices and confiscated files. Police threatened to arrest other lawyers present at the time of the raid when they attempted to scrutinize the search warrant. Police repeatedly ignored several high court orders, including one compelling Muchadehama and Makoni's immediate release. On May 7, both men were released on bail; on July 27, the Government prosecutor withdrew all the charges.

There were no developments in the arrest cases reported in 2006 and 2005.

Prolonged pretrial detention remained a problem, and some detainees were incarcerated for several years before trial or sentencing because of a critical shortage of magistrates and court interpreters, poor bureaucratic procedures, and for political reasons. During the year detainees in Harare Remand Prison went weeks without attending court for bail hearings because Zimbabwe Prison Services lacked fuel to provide transport. Others who had bail set but could not afford to pay were left to languish in detention.

On October 30, magistrates, prosecutors, and other court staff throughout the country went on strike demanding better pay and working conditions. As a result, nearly all court hearings for pretrial detainees were delayed. According to SW Radio Africa, an independent broadcaster, there was a backlog of 350,000 cases in the judicial system before the strike. The strike was ongoing at year's end.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary; however the judiciary was under intense pressure to conform to government policies, and the Government repeatedly refused to abide by judicial decisions. The Government routinely delayed payment of court costs or judgments awarded against it in civil cases.

The law provides for a unitary court system consisting of headmen's courts, chiefs' courts, magistrates' courts, the High Court, and the Supreme Court. Victim-friendly courts, which had jurisdiction over children and victims of sexual abuse, had specially trained magistrates and prosecutors and equipment that allow victims to testify without being seen. Civil and customary law cases may be heard at all levels of the judiciary, including the Supreme Court.

Military courts deal with courts martial and disciplinary proceedings only for military personnel. Police courts, which can sentence a police officer to confinement in a camp or demotion, handle disciplinary and misconduct cases. Defendants in these courts have the right to appeal to the Supreme Court.

Judges are appointed to serve until the age of 65 and may extend their terms until the age of 70 if they remain in good physical and mental health. The Constitution provides that they may be removed from the bench only for gross misconduct and that they cannot be discharged or transferred for political reasons.

Magistrates, who are part of the civil service rather than the judiciary, heard the vast majority of cases. Legal experts said that defendants in politically sensitive cases were increasingly more likely to receive a fair hearing in magistrates' lower courts than in higher courts, where justices were more likely to make political decisions. Other judicial officers such as prosecutors and private attorneys also faced political pressure. For example, on May 6, several police from the Law and Order section at Harare Central Police Station reportedly assaulted State Prosecutor Richard Chikosha because he consented to the granting of bail in the case of the arrested human rights lawyers Alec Muchadehama and Andrew Makoni. Police denied that an assault took place.

*Trial Procedures.*—The Constitution provides for the right to a fair trial; however, this right frequently was compromised in practice due to political pressures. Defendants enjoy a presumption of innocence under the law; however, this was not always preserved in practice. Trials were held by judges without juries and were open to the public, except in certain security cases. Every defendant has the right to a lawyer of his or her choosing, but a local attorney reported that most defendants in magistrates' courts did not have legal representation. In criminal cases an indigent



defendant may apply to have the Government provide an attorney, but this was rarely granted except in capital cases, where the Government provided an attorney for all defendants unable to afford one. Litigants in civil cases may request legal assistance from the NGO Legal Resources Foundation or Zimbabwe Lawyers for Human Rights (ZLHR).

Attorneys sometimes were denied access to their clients, especially in cases involving opposition members or civil society activists. Defendants enjoy the right to present witnesses and the right to question witnesses against them; however, these rights were not always observed in practice. Defendants and their attorneys generally had access to government-held evidence relevant to their cases. The right to appeal exists in all cases, and is automatic in cases in which the death penalty is imposed.

*Political Prisoners and Detainees.*—There were numerous reports of political detainees throughout the year, including opposition officials, their supporters, NGO workers, and civil society activists. Most were held for 1 or 2 days and released. During the year police severely beat and tortured numerous opposition, civil society, and student leaders while in detention.

At year's end there were no political detainees in police custody.

There were no reports of political prisoners.

*Civil Judicial Procedures and Remedies.*—There was an independent and impartial judiciary in civil matters; however, in practice the judiciary showed indications of being politically influenced or intimidated in cases involving high-ranking government officials, politically connected persons, or violations of human rights. There were systematic problems enforcing domestic court orders, as resources for the judiciary and police were severely strained.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution and law prohibit such actions, but the Government did not respect these provisions in practice. Security forces searched homes and offices without warrants; the Government pressured local chiefs and ruling party loyalists to monitor and report on suspected opposition supporters; and the Government forcibly displaced persons from their homes. The Government coerced ruling party supporters and punished opposition supporters by manipulating the distribution of food aid, agricultural inputs, and access to other government assistance programs.

On August 3, the president signed into law the Interception of Communications Act (ICA) to provide for the interception and monitoring of any communication (including telephone, postal mail, e-mail, and Internet traffic) in the course of transmission through a telecommunication, postal, or other related system in the country. The ICA also provides for the establishment of a monitoring center and requires all communication service providers, including cellular and Internet service providers, to install at their own expense systems that are technically capable of supporting interception at all times. The chief of defense intelligence, the director general of the president's department responsible for national security, the ZRP commissioner, and the Zimbabwe Revenue Authority commissioner general (or any of their nominees) may request a warrant to be issued by the minister of transportation and communication. Civil liberties advocates criticized the ICA as repressive legislation that allows the Government to stifle freedom of speech and to target opposition and civil society activists. In August the Committee to Protect Journalists reported that Information Minister Sikhanyiso Ndlovu stated that the act would target "imperialist-sponsored journalists with hidden agendas."

In 2005 the Government embarked on Operation Restore Order without prior notice, during which more than 700,000 persons lost their homes, their means of livelihood, or both through a program of forced evictions. The Government's stated reason for the operation was to curb illegal economic activities and crime in slums and illegal settlements in several cities and towns, but it made no provision for the victims of its policy. Those who returned to rural areas often faced unemployment, food shortages, and other economic and social stresses. According to the Amnesty International report *Zimbabwe: Between a Rock and a Hard Place—Women Human Rights Defenders at Risk*, the operation resulted in the destruction of more than 32,500 small and micro-businesses across the country and created a loss of livelihood for more than 97,550 persons, most of whom were women. An estimated 300,000 children lost access to education as a result of displacement. The operation disrupted access to medical care, particularly for HIV/AIDS patients. The Government reportedly prevented or interfered with U.N. and other humanitarian organizations' efforts to provide shelter and food assistance. The Government's actions were widely condemned by local civil society organizations and the international community.

In July 2005 the Government announced a new operation, Garikai (Shona for “live well”), supposedly to provide housing plots for new homes and to set up new vending sites for those who lost homes or businesses; the program proceeded slowly.

According to local human rights and humanitarian NGOs, sporadic evictions continued to occur during the year, especially of tenants and informal vendors suspected of supporting the opposition. According to a Shadow Report to the Africa Union’s African Commission for Human and Peoples’ Rights (ACHPR) compiled by five independent human rights organizations including Amnesty International and Human Rights Watch, 2 years after Operation Restore Order, “many victims remain homeless or living in makeshift accommodation.” The Government completed rebuilding only “3,325 structures after destroying more than 92,000 dwellings,” approximately 20 percent of which were “allocated to police, soldiers and civil servants and the remainder were given mostly to people who were not affected by the mass evictions.”

No action was taken against security forces involved in 2006 forced evictions.

Constitutional Amendment 17, enacted in 2005, transferred title of all land previously acquired for resettlement purposes to the state, prohibited court challenges to the acquisitions, and allowed the Government to acquire any agricultural land for any purpose simply by publishing a notice of acquisition. In December 2006 the Gazetted Land (Consequential Provisions) Act passed into law, requiring all farmers whose land was compulsorily acquired by the Government and who were not in possession of an official offer letter, permit, or lease, to cease to occupy, hold, or use that land within 45 days and to vacate their homes within 90 days. Only a small number of farmers received an offer letter or lease. Failure to comply is a criminal offense punishable by a fine and a maximum prison sentence of up to 2 years.

Disruptions at farms and seizures of property continued and were sometimes violent. Under a government moratorium introduced in January, farmers were given temporary extensions to continue growing crops and to allow for a gradual “wind down” of operations, including harvesting and selling crops. The Government in almost all cases took no action to define the period of extension.

In June Didymus Mutasa, minister for lands, land reform, and resettlement, announced that the Government was going to take action to seize the remaining white-owned farms for resettlement. Following the passage of Amendment 17 and the Gazetted Land (Consequential Provisions) Act, there were renewed and intensified efforts to evict many of the approximately 400 remaining farmers of the original 4,500 farmers of large-scale farms in operation when land seizures began in 2000. The announcement was followed by a sharp increase in reported cases where farms had been invaded, eviction notices served, arrests made, or farms visited in anticipation of future action during the last 6 months of the year. In July many of the remaining white farmers received eviction notices informing them to vacate their properties, most by September 30. In October at least 15 farmers were summoned to court on charges of illegally occupying their farms past the eviction deadline. Several farmers appealed to the Supreme Court to declare the eviction notices unconstitutional. More than 100 legal cases were pending at year’s end.

On December 13, the Southern African Development Community (SADC) Tribunal in Namibia, in its first decision since its establishment in 2000, ruled in favor of Michael Campbell, who was contesting the compulsory government acquisition of his farm. The Tribunal was set up to ensure that SADC member states, including Zimbabwe, adhere to the SADC treaty and protocols, protect the rights of citizens, and ensure the rule of law. According to the protocol establishing the tribunal, a person can bring a case after exhausting all available remedies or when unable to proceed under domestic jurisdiction. Campbell brought the case to the tribunal after the Supreme Court in Zimbabwe failed to issue a judgment on the case. The tribunal issued an interim protective order, which prohibited the Government from evicting or allowing the eviction of or interference with the farm, its owners, employees, or property pending a decision by the tribunal on the issue of the legality of the contested expropriation; government representatives told the three-member tribunal it would abide by the decision. Both the judgments from the Supreme Court case and the SADC Tribunal were pending at year’s end.

No action was taken against security officials involved in numerous 2006 and 2005 cases of land invasions, seizures of property, and attacks on farm owners and workers.

No action was taken, nor was any anticipated, in the numerous other reported 2006 and 2005 cases of arbitrary interference with citizens’ homes.

## *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, but legislation limits these freedoms in the “interest of defense,

public safety, public order, state economic interests, public morality, and public health." The Government restricted these rights in practice. Journalists and publishers practiced self-censorship.

The Government continued to restrict freedom of speech, particularly by those making or publicizing comments critical of President Mugabe. Passage of the ICA during the year increased the Government's ability to monitor speech and to punish those who criticized the Government.

Using the Official Secrets Act, Public Order and Security Act (POSA), or Criminal Law Act authority, the Government arrested individuals for criticizing President Mugabe in public; they were usually fined and released. For example, on August 23, the Government charged and convicted Tendai Murove for contravening sections of the Censorship and Entertainment Control Act after he was found in possession of an e-mail sent to him by a friend. The message reportedly mocked President Mugabe for his economic policies and the country's record inflation. Murove plead guilty and was fined.

There were credible reports that CIO agents and informers routinely monitored political and other meetings. Persons deemed critical of the Government were frequently targeted for harassment, abduction, and torture.

On October 29, police arrested Mehluli Dube, student representative council vice president at the National University of Science and Technology and Zimbabwe National Students' Union (ZINASU) national council member, and charged him with treason for allegedly calling for the violent removal of President Mugabe during a civil society meeting. Dube denied making the statement, and the case was pending at year's end.

On December 2, police in Kwekwe stopped student activists Mehluli Dube, Laswet Savadye, Whitlow Mugwiji, Stephen Chisungo, and Gordon Mukarakati at a roadblock and detained the group overnight. Police accused the five students of inciting public disorder for wearing tee-shirts portraying deceased MDC spokesman Learnmore Jongwe. All were released without charge the following day.

On March 28, a magistrate referred to the Supreme Court the cases of Letwin Matereke and Selestino Jengeta, two teachers arrested in Masvingo in December 2006 for insulting President Mugabe in separate incidents, for determination of whether the Criminal Codification (Reform) Act under which the teachers were prosecuted contravened the Constitution, which guarantees freedom of expression. The cases were pending at year's end.

The Government also continued to restrict freedom of the press. The Ministry for Information and Publicity controlled the state-run media, including the two remaining daily newspapers, the Chronicle and the Herald. The news coverage in these newspapers and in the state-controlled media as a whole generally portrayed the activities of government officials positively, portrayed opposition parties and other antigovernment groups negatively, and downplayed events or information that reflected adversely on the Government. For example, in the April 3 edition of the Herald, an opinion column by David Samuriwo accused a senior British diplomat in Harare of directing an antigovernment "terror and propaganda campaign," suggesting that the diplomat might return to London "in a body bag."

There were two independent major weekly newspapers, the Zimbabwe Independent and the Standard, and a semi-independent weekly paper, the Financial Gazette, all three of which continued to operate despite threats and pressure from the Government. The newspapers continued to criticize the Government and ruling party; however, they also continued to exercise some self-censorship due to government intimidation and the continuing prospect of prosecution under criminal libel and security laws.

On March 8, the Zimbabwe Mirror Newspaper Group, which published the independent Daily Mirror and Sunday Mirror, closed due to financial problems after the Ministry of State for National Security gained a controlling interest in the newspaper group in 2002.

In April the Zambian independent Post newspaper opened a bureau in Zimbabwe.

Radio remained the principal medium of public communication, particularly for the majority of the population that lived in rural areas. The Government controlled all domestic radio broadcasting stations through the state-owned Zimbabwe Broadcasting Holdings, supervised by the Ministry for Information and Publicity.

The popularity of independent shortwave and medium-wave radio broadcasts to the country continued to grow, resulting in further government jamming of news broadcasts by radio stations based in other countries, including both the Voice of America and SW Radio Africa.

The Government controlled the only domestically based television broadcasting station. International satellite television broadcasts were available freely through

private firms, but were not available to most citizens due to their expense and the requirement for payment in foreign currency.

Senior government officials repeatedly criticized both local and foreign independent media for what they deemed biased reporting meant to discredit the Mugabe regime and to misrepresent the country's political and economic conditions. In a March interview, when asked why CNN and the BBC were not allowed to report from inside the country, the Zimbabwean ambassador to the United States, Machivenyika Mapuranga, replied that the news organizations were "enemy agencies" trying to mislead the world about the country.

Security forces arbitrarily harassed and arrested local and foreign journalists who contributed to published stories critical of government policies or security force operations.

On January 31, Bill Saidi, the editor of the Standard, received an envelope delivered to his office that contained a bullet and a threatening anonymous unsigned note. The envelope also contained a cartoon clipping from the January 28 edition of the Standard critical of the army and a March 2006 editorial from the Zimbabwe Independent, the Standard's sister publication, which criticized the police and the CIO.

On March 11, police detained and beat two accredited journalists, Tsvangirai Mukwazhi and Tendai Musiyazviriyo, when they attempted to cover the events of the March 11 prayer rally. According to reports, police ordered Mukwazhi and Musiyoyo to lie face down on the ground while police beat them with batons; they were released without charge on March 13.

On April 1, police arrested freelance journalist Gift Phiri for allegedly publishing false stories and practicing journalism without accreditation. Police repeatedly tortured Phiri until his release on bail on April 5. During interrogations, police repeatedly beat Phiri with batons and a baseball bat and demanded that he disclose the sources of stories he wrote for the Zimbabwean, a weekly independent newspaper printed in London and distributed in Zimbabwe. Police also searched Phiri's home and confiscated a computer and files. All charges were later dismissed.

In September 2006 the independent shortwave broadcast station Voice of the People (VOP) relocated its operations to South Africa, following ongoing harassment by government authorities and a failure by the Government to provide a conclusive resolution of the investigation into the 2002 bombing of VOP's Harare offices.

There were no developments in 2006 or 2005 cases of harassment, abuse, and detention of journalists.

Journalists and publishers continued to practice self-censorship as a result of government action and threats. On September 22, for example, the International Federation of Journalists reported that the Government had compiled a list of 15 Zimbabwean journalists targeted for surveillance and other unspecified action for working with "hostile governments." All journalists on the list, which included at least three journalists who had already been attacked or threatened during the year, worked for the independent media. The Government denied the authenticity of the list.

The Government continued to use the Access to Information and Privacy Protection Act (AIPPA) to serve as the primary justification to control media content and licensing of journalists. The main provisions of the law give the Government extensive powers to control the media and suppress free speech by requiring the registration of journalists and prohibiting the "abuse of free expression."

On March 30, police arrested Alexander John Perry, a reporter with Time magazine, in Matabeleland South Province where he was working on a story about illegal gold mining in the area. On April 2, a local magistrate convicted and fined Perry for practicing journalism without accreditation. Perry became the fourth journalist working for a foreign media organization to be successfully prosecuted under AIPPA since its enactment in 2002.

On May 2, the Media and Information Commission (MIC) banned freelance journalist Nunurayi Jena from practicing journalism for a period of 1 year after he was found to be working without valid accreditation at the end of 2006. According to Reporters Without Borders, the MIC had refused to renew Nunurayi's accreditation in 2006 on the grounds that his application was incomplete. The MIC also stated it was illegal for Nunurayi to work for certain foreign media banned from operating in the country.

On August 10, freelance photojournalist Tsvangirai Mukwazhi appeared before the MIC to answer charges of "deceiving" the licensing authority by not disclosing all the media organizations he worked for in his application for accreditation as required under AIPPA. The summons came a week after Jocelyn Chiwenga, the wife of Zimbabwe Defense Forces commander General Constantine Chiwenga, reportedly assaulted Mukwazhi when he accompanied Morgan Tsvangirai and other opposition

MDC party leaders on a tour of a local retail store to assess the impact of the Government's price control decree issued in June. According to reports, Chiwenga accused Mukwazhi of advancing the agenda of "Western imperialists." The MIC dropped the inquiry on August 20.

The legal wrangling between the MIC and the Associated Newspapers of Zimbabwe (ANZ), which began with the 2003 banning of the independent Daily News and its Sunday edition for not having registered for a license, continued. On May 9, a high court judge dismissed an ANZ application seeking to be licensed, but reaffirmed the inability of the MIC to consider its application impartially. On November 14, Information Minister Sikhanyiso Ndlovu commissioned a new MIC board and announced that a special committee would consider the ANZ application. However, independent media observers remained skeptical that the ANZ could receive an impartial hearing because although Tafataono Mahoso agreed to recuse himself from the ANZ application proceedings, Ndlovu retained him as MIC chairman. The hearing was pending at year's end.

The Broadcasting Services Act, which Parliament's legal committee found to be unconstitutional but which was still in force, gives the minister of information final authority to issue and revoke broadcasting licenses. The act allows for one independent radio broadcaster and one independent television broadcaster but requires them to broadcast with a government-controlled signal carrier. In September Obert Muganyura, chief executive of the Broadcasting Authority of Zimbabwe, the licensing authority for broadcasters, testified before the parliamentary Committee on Transport and Communication that the restrictive provisions of the act do not allow for the entry of new players into the broadcasting arena. Throughout the year media and legal rights groups criticized the act for limiting free speech.

In February 2006 the Government passed the General Laws Amendment Act (GLAA), which amended sections of the Public Order and Security Act (POSA) to allow authorities to monitor and censor "the publication of false statements that will engender feelings of hostility towards—or cause hatred, contempt or ridicule of—the president or acting president." The GLAA recommends a prison term for any journalist who "insults the president or communicates falsehoods."

The criminal code makes it an offense to publish or communicate false statements prejudicial to the state. Legal experts have criticized this section saying that it imposes limits on freedom of expression beyond those permitted by the Constitution. An extremely broad Official Secrets Act makes it a crime to divulge any information acquired in the course of official duties. In addition, antidefamation laws criminalize libel of both public and private persons. On April 11, former information and publicity minister Jonathan Moyo revised his claim to \$1,000 (2 billion Zimbabwean dollars) in damages in a defamation case against ZANU–PF National Chairman John Nkomo. Moyo filed the suit in 2005 over statements Nkomo allegedly made claiming Moyo organized a meeting in Tsholotsho, attended by several ZANU–PF provincial chairpersons, to plot a coup against President Mugabe and other top ZANU–PF leaders to remove the national leadership of the Government. The case was pending at year's end.

There were credible reports that the deputy minister of information routinely reviewed Zimbabwe Broadcasting Corporation news and repeatedly excised reports on the activities of groups and organizations opposed to or critical of the Government.

POSA and the criminal code grant the Government a wide range of legal powers to prosecute persons for political and security crimes that are not clearly defined. The July 2006 enactment of the amended criminal code consolidated a variety of criminal offenses, including crimes against public order, reportedly to amend progressive portions of POSA. However, the Institute for Justice and Reconciliation and the Solidarity Peace Trust reported that almost all the offenses in POSA were transferred to the criminal code, in some cases with drastic increases in the penalties. For example, making a false statement prejudicial to the state now carries a maximum prison sentence of 20 years in prison. Failure to give police the requisite advance written notice of a meeting or demonstration remains an offense under POSA.

*Internet Freedom.*—There were no government restrictions on the Internet; however, the ICA, enacted in August, permits the Government to monitor all communications in the country, including Internet transmissions. Internet access was available but due to a lack of infrastructure was not widely accessed by the public beyond commercial centers.

*Academic Freedom and Cultural Events.*—The Government restricted academic freedom. The University of Zimbabwe Amendment Act and the National Council for Higher Education Act restricted the independence of universities, subjecting them to government influence and extending the disciplinary powers of the university authorities over staff and students. In October 2006 the Zimbabwe Council of Higher

Education Act came into effect, mandating the establishment of a nine-member council made up of members of the higher education community from both public and private institutions. The council advises the minister on matters pertaining to education, including funding for higher education and accreditation of higher education institutions. The minister of higher education and technology, however, selects and appoints the council members, controls state universities, and appoints their chancellors and vice chancellors; the minister also appoints vice chancellors and other senior members of university administration, the deans of faculty, and most members of the university council.

CIO personnel have assumed faculty and other positions and posed as students at the University of Zimbabwe (UZ) and other public universities to intimidate and gather intelligence on faculty who criticize government policies and students who protest government actions. In response both faculty and students often practiced self-censorship in the classroom and academic work.

According to the Students Solidarity Trust (SST), a local NGO that provides assistance to student activists, 681 students were arrested or detained and 94 students were expelled or suspended for engaging in student activism during the year. On July 9, UZ Vice Chancellor Levy Nyagura evicted more than 4,500 students from residence halls, effective within hours of the announcement, following student protests on campus over increased tuition fees. Those students without contacts in Harare slept in youth hostels, churches, train stations, and in the streets while finishing exams. ZINASU estimated that two-thirds of UZ students did not resume their studies when the new academic term began in September due to a lack of housing and high fees. The residence halls remained closed at year's end.

The Zimbabwe Censorship Board continued to ban plays considered critical of the Government, and police arrested and interrogated actors and producers during the year. According to media reports, the Government blocked the opening of four plays from June to October.

On September 23, police arrested two actors and a journalist during a performance of *Final Push*, a play that depicts the country's socioeconomic and political crisis. Police released all three without charge on September 25. On October 12, police in Bulawayo blocked the opening of *Overthrown*, a play that reportedly had been approved by the Censorship Board.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The Constitution provides for freedom of assembly; however, the Government restricted this right in practice. POSA does not require permits for meetings or processions, but it requires that organizers notify the police of their intentions to hold a public gathering 7 days in advance. Failure to do so results in criminal prosecution as well as civil liability. Although many groups that conducted meetings did not seek permits, other groups informed the police of their planned events and were denied permission, or their requests went unanswered. Police insisted that their permission was required to hold public gatherings and sometimes approved requests; however, they disrupted many events whether or not permission was sought.

On March 28, the ACHPR's special rapporteur on human rights defenders in Africa, Reine Alapini-Gansou, expressed concern that police might be using POSA "to arrest and persecute human rights defenders" and "to prevent them to carry out their legitimate activities in defense of human rights." Police personnel attended many political meetings without invitation, ostensibly to protect attendees from potential violence by unruly persons. The CIO also routinely sent personnel undercover to monitor meetings perceived to be potentially antigovernment.

Security forces committed arbitrary or unlawful killings while disrupting non-violent demonstrations. On March 11, police shot and killed Gift Tandare, an opposition activist, when officers fired on an unarmed crowd during day-long clashes after security forces violently prevented a prayer rally in Harare. No action was taken against the police.

Police erected roadblocks in urban areas to prevent public gatherings from taking place, repeatedly used excessive force in dispersing demonstrations by the opposition and civil society, and arrested numerous demonstrators during the year.

On February 17, approximately 1,000 riot police, many of whom were reportedly members of ZANU-PF youth brigades, used water cannons, teargas, and truncheons to prevent an estimated crowd of 20,000 from attending an anti-Senate MDC rally at a stadium in the Harare suburb of Highfield, despite a high court order that enjoined the police not to interfere with the rally. More than 20 individuals were seriously injured, and more than 60 MDC supporters and leaders were arrested. No action was taken against the police.

On February 21, police imposed a ban on political rallies and demonstrations in several districts in and around Harare, citing the possibility of political violence. Opposition and civil society groups likened the ban to an undeclared state of emergency. Police also imposed an informal curfew in many high-density suburbs throughout Harare by emptying restaurants and bars in the early evening and arbitrarily beating and harassing persons found on the streets after dark. Security forces arrested, beat, and tortured numerous opposition members and supporters and civil society activists during the ban, which lasted until June 27.

On March 12, police disrupted the funeral of slain opposition activist Gift Tandare by beating and shooting at mourners, injuring Nickson Magondo and Naison Mashambanhaka, two MDC supporters. Mashambanhaka was shot again by police later that day when he returned to the funeral services after receiving medical treatment at a hospital. None of the officers involved had been disciplined by year's end.

On June 6, police in Bulawayo used baton sticks to break up a crowd of 200 and arrested five during a WOZA march calling for the inclusion of civil society in mediation talks between ZANU–PF and the opposition. Police later arrested WOZA leaders Jenni Williams and Magodonga Mahlangu when marchers regrouped in front of the police station. Police released the five WOZA activists initially arrested on June 8 without charge; Williams and Mahlangu were released on June 9 after being charged with crimes against public order. The cases were pending at year's end.

On October 16, riot police in Harare used violence to disperse more than 50 NCA activists peacefully marching for a new Constitution. Police beat demonstrators with baton sticks, and pedestrians in the immediate area were also indiscriminately beaten. Several NCA activists were arrested and released without charge that same day. More than 30 people were treated for injuries, including deep-tissue bruising and lacerations.

No further action was taken in the 2006 or 2005 cases in which opposition figures and civil society members were harassed or arrested by government authorities.

In response to growing unrest among student groups angered at increasing tuition, the Government stepped up its harassment of university student unions. For example, on September 27, an estimated 100 ZANU–PF youth militia members disrupted a public meeting organized by the Zimbabwe Youth Forum, a local NGO, and beat participants and destroyed property. Police arrested 11 persons, including Zimbabwe Youth Forum Coordinator Wellington Zindove and Edson Hlatswayo, a student leader at Great Zimbabwe University in Masvingo. Aside from Hlatswayo, who was charged with malicious injury to property, police released all those arrested by October 1. Police in the Law and Order section at Masvingo Central Police Station reportedly assaulted Hlatswayo while he was in custody. Hlatswayo was released on bail on October 23; the case was pending at year's end.

On October 30, more than 500 students protesting the state of education in the country were forcibly dispersed by riot police before they could deliver a petition to the minister of higher and tertiary education.

High-ranking government officials, including President Mugabe, used the state-controlled media to threaten violence against suspected critics of the Government. For example, in reference to the more than 50 MDC members and civil society activists arrested and tortured following the events of the March 11 prayer rally, the March 24 edition of the government-controlled daily newspaper the Herald quoted President Mugabe as saying he hoped they had "learned a lesson," and that, if they hadn't, they would "get similar treatment next time."

*Freedom of Association.*—Although the Constitution and law provide for freedom of association, the Government restricted this right in practice. Organizations generally were free of governmental interference only if the Government viewed their activities as nonpolitical. ZANU–PF supporters, sometimes with government support or acquiescence, intimidated and abused members of organizations perceived to be associated with the opposition. The Government raided the offices and inquired into the activities of some NGOs it believed opposed government policies.

On January 26, 15 police officers arrested Pastor Ancelom Magaya, Reverend Raymond Motsi, Pastor Wilson Mugabe, Reverend Zvidzai Chiponda, Pastor Lawrence Berejena, Reverend Gerald Mubaira, Jonah Gokova, and Pius Wakatama during a meeting of over 500 persons in a Kadoma church to launch a new chapter of the Christian Alliance, a coalition of churches, opposition political parties, and civic groups. Police charged the eight leaders under POSA with holding an illegal meeting. They were detained for 4 days before a local magistrate released them on bail; the charges were later dismissed.

The formation of political parties and unions was not restricted; however, the Government interfered with activities of both during the year. For example, on May 26,

200 opposition MDC youths were beaten and arrested during a meeting at their headquarters.

On March 28, a journalist and more than 30 opposition supporters, including opposition leader Morgan Tsvangirai, were arrested at anti-Senate MDC faction party offices; many were severely assaulted while in police custody before being released without charge.

On October 17, police in Masvingo detained 18 women members of the anti-Senate MDC faction during a luncheon for allegedly holding a political gathering. Scores of armed police detained the group for approximately 4 hours before releasing them without charge.

*c. Freedom of Religion.*—The Constitution and law provide for freedom of religion, and the Government generally respected this right in practice. The Government and the religious communities historically have had good relations; however, the Government continued to criticize and harass religious leaders who spoke out against the Government's human rights abuses. Church leaders and members who criticized the Government faced arrest, detention, and, in the case of foreigners, possible deportation. Although not specifically aimed at religious activities, POSA and other laws continued to be used to interfere with religious and civil society groups organizing public prayer rallies, such as the March 11 prayer rally that was violently disrupted by police during which one person was killed and numerous others were arrested and beaten.

On April 12, the Catholic Bishops' Conference of Zimbabwe released a pastoral letter entitled *God Hears The Cry Of The Oppressed*, which criticized the Mugabe regime for a crisis of governance. The letter, read by priests in churches throughout the country, noted that as citizens protest, "the state responds with even harsher oppression through arrests, detentions, banning orders, beatings, and torture." The conference called for a new Constitution, free and fair elections, and repeal of repressive legislation. Almost a month later, in an interview with the government-controlled *Herald*, President Mugabe termed the letter "political nonsense" and accused the bishops of embarking on a "dangerous path." There were also reports that suspected intelligence agents and ruling party supporters threatened several priests who read the letter during mass and accused them of working for the opposition.

On September 10, intelligence agents detained Reverend Sonykis Chimbuya, the chairman of the local NGO Pastors' Forum, accusing him of having held an antigovernment meeting. At least 20 pastors from Pentecostal churches attended the meeting to discuss problems affecting disadvantaged communities in Zimbabwe.

*Societal Abuses and Discrimination.*—There were no reports of societal violence, harassment, or discrimination against members of religious groups, including inter-religious and intrareligious incidents, other than incidents that were politically motivated.

There were approximately 270 Jews in the country. There were no reports of anti-Semitic acts.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution and law provide for freedom of movement within the country and foreign travel; however, the Government restricted freedom of movement, foreign travel, and the rights of internally displaced persons (IDPs) in practice. The Government generally cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing assistance to refugees and asylum seekers, but interfered with some humanitarian efforts directed at IDPs.

During the year police continued to routinely erect roadblocks staffed with armed police in and around cities and rural districts, especially during election periods and before demonstrations and opposition meetings. In June and August, when the Government issued decrees to control prices and to restrict imports, security forces were deployed to augment the roadblocks and border security. Security forces claimed that they were looking for criminals, smuggled goods, and food; however, in many cases, police arbitrarily seized goods for their own consumption.

Authorities seized passports and prevented citizens from leaving the country during the year.

For example, on March 17, authorities at Harare International Airport prevented opposition leaders Grace Kwinjeh and Sekai Holland, both of whom were tortured by police after being arrested following the March 11 prayer rally, from leaving the country to seek medical attention in South Africa. Authorities told Kwinjeh and Holland that they needed letters of clearance from the Ministry of Health before being allowed to take a medical evacuation flight. Police forcibly returned the two to



Harare Central police station, where their travel documents were confiscated, and later took them to a hospital where they were placed under police guard. Kwinjeh and Holland were allowed to leave the country on March 22 after a high court judge ordered authorities not to interfere further.

The same day, security officials also arrested and seized the passport of pro-Senate MDC faction leader Arthur Mutambara at Harare International Airport when he attempted to leave the country. Police initially sought to charge Mutambara with inciting public violence in connection with the March 11 prayer rally; he was released on March 19 without charge.

During the year travel bans on a variety of persons remained in effect, including British government officials, members of the British Parliament, a foreign human rights activist, and journalists. Foreign correspondents were denied visas during the year.

The Constitution prohibits forced exile, and there were no reports that the Government used it. A number of persons, including former government officials, prominent businessmen, and human rights lawyers, left the country and remained in self-imposed exile.

The Citizenship Act requires all citizens with a claim to dual citizenship to have renounced their claim to foreign citizenship by January 2002 to retain their Zimbabwean citizenship. The act revokes the citizenship of persons who fail to return to the country in any 5-year period. Legal rights groups have described the legislation as a government attempt to disenfranchise citizens perceived to have opposition leanings, including more than 200,000 commercial farm workers from neighboring countries, and approximately 30,000 mostly white dual nationals.

Registrar General Tobaiwa Mudede continued to seek to strip the citizenship of persons deemed critical of the Government and to deny the renewal of their passports. Although Mudede lost a series of legal challenges in the Supreme Court and the High Court, he continued to intimidate and harass perceived critics of the Government. For example, in December 2006 Mudede announced a decision to strip the citizenship of Trevor Ncube, owner of the independent newspapers the Standard and the Zimbabwe Independent, stating that Ncube had a claim to Zambian citizenship which he had not renounced. Ncube challenged the decision in the High Court, which ruled in his favor on January 25 and ordered the registrar general to renew his passport.

*Internally Displaced Persons (IDPs).*—An estimated 700,000 persons lost their homes or businesses following Operation Restore Order in 2005, and approximately 2.4 million persons were directly affected. The Government's campaign of forced evictions and the demolition of homes and businesses continued during the year. Meanwhile, the government program Operation Live Well, purportedly launched to build housing for those displaced, primarily benefited government officials and the police rather than victims of Operation Restore Order. Many of those displaced continued to lack permanent shelter. Although humanitarian agencies had access to most displaced persons, the Government continued to interfere with some organizations' efforts to assist IDPs during the year. Civil society activists believed that residents were routinely targeted for eviction for political reasons.

*Protection of Refugees.*—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against refoulement, the return of persons to a country where there is reason to believe they fear persecution, and granted refugee status or asylum.

According to law, refugees must live at Tongogara refugee camp, but the camp afforded no means to earn a livelihood. Most refugees lived in urban areas without the permission of the Government. In some cases, the Government permitted refugees with special needs to live in urban centers. The Government granted work permits to a few refugees, primarily those with special skills.

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

The Constitution provides citizens with the right to change their government peacefully; however, this right was restricted in practice because the political process continued to be tilted heavily in favor of ZANU–PF, which has ruled continuously since independence in 1980.

*Elections and Political Participation.*—The presidential election in 2002 and the parliamentary elections in 2005 resulted in the election and continued domination of President Mugabe and the ruling ZANU–PF party; the elections were neither free nor fair. Although the Constitution allows for multiple parties, the ruling party and

security forces intimidated and committed abuses against opposition parties and their supporters and obstructed their activities.

In June SADC-mandated talks between ZANU–PF and both factions of the MDC, mediated by South African President Thabo Mbeki, began in Pretoria with the goal of reaching a negotiated political settlement between the parties, reportedly including an agreement on terms for national elections scheduled for 2008 and a new Constitution. The negotiations were ongoing at year's end.

In September, as a result of the SADC talks, Parliament unanimously passed Constitutional Amendment 18, which provides for significant changes in the country's electoral procedure. The amendment provides for presidential and parliamentary elections to be held at the same time by reducing the presidential term of office from 6 to 5 years to coincide with the parliamentary term of office; increases the number of MPs from 150 to 210 and senators from 66 to 93; mandates Parliament to serve as an electoral college should the office of president become vacant; and directs the Zimbabwe Electoral Commission (ZEC), created in 2005 by the Zimbabwe Electoral Act to preside over elections and voter education, to delimit parliamentary and local constituencies. Many civil society groups were critical of the amendment because they believed the changes strengthened the power of the ruling party. The amendment came into effect on October 30.

In the 2005 parliamentary elections, ZANU–PF distorted the political campaign and manipulated voter registration rolls and vote tallies to ensure its large margin of victory; ZANU–PF captured 78 of the 120 contested seats. The Government invested immense powers in the presidency through the 2005 Electoral Act, including full control of the voter roll and registration and the ability to change district lines without notice on the eve of an election. Electoral officers often did not operate in a fully open and transparent manner. Western observers declared the elections fundamentally flawed. Approximately 10 percent of would-be voters were turned away from the polls, especially in opposition areas. Rejected potential voters were likely to be disproportionately opposition voters because the demographics matched those of MDC supporters. Critics noted the process for registering voters was legal but confusing, and some voters may have been excluded from the voters roll intentionally. The office of the registrar general, which maintains the voters roll, is not independent from the Government.

Election observers also noted voter intimidation at polling stations. Some polling stations were located in areas regarded as intimidating to voters, such as at a police station or next to a local ZANU–PF headquarters. At some stations, police officers and other unidentified individuals recorded the names of those who voted. There were reports that voters in some districts had been told that the translucent ballot boxes would be used to note how individuals voted.

Observers at numerous polling stations reported that in many cases police, rather than election officials, communicated vote counts to the tabulation centers, which exceeded the role of the police. Observers also reported that opposition party agents and observers were not allowed to witness the vote tabulation in key districts. Contrary to the Electoral Act, many polling stations did not post their results.

These reports and conflicting election results issued by the ZEC, the first coming only hours after the poll closed and the second a few days later, suggested that the final toll was manipulated. Discrepancies heavily favored the ruling party; of the 19 constituencies where the final results differed by more than 5,000 from the initial reports, ZANU–PF candidates won 18. The number of rejected potential voters combined with the discrepancies in the Government's announced tallies exceeded the candidate's margin of victory in 24 constituencies, 20 of them won by ZANU–PF.

In 2005 the Government used its two-thirds majority in Parliament to pass a constitutional amendment that established a 66-member Senate. The Government was criticized for creating the Senate, which was widely seen as a vehicle for patronage and a useless and expensive body. It is to sit for a single 5-year term and has no independent political authority.

The MDC's president called for a boycott of the elections. However, several other MDC leaders opposed the boycott decision. The MDC split in 2005, ostensibly over participation in the newly recreated Senate, although long-simmering leadership divisions appear to have been the root cause. Both factions claimed the MDC name and logo. One faction, conventionally called the anti-Senate faction, remained loyal to MDC President Morgan Tsvangirai and appeared to maintain the bulk of grassroots support. Another faction, conventionally called the pro-Senate faction, emerged under the leadership of Arthur Mutambara. Twenty-six candidates ran under the MDC banner.

Of the 50 elected seats, ZANU–PF won 19 unopposed and an additional 24 on election day; MDC pro-Senate candidates won seven. However, the boycott appeared to have been successful, as turnout was historically low at only 19 percent of eligible

voters. In addition President Mugabe appointed six seats, and the ruling party-controlled council of chiefs appointed 10, giving ZANU–PF an overwhelming majority of seats. Despite the fraudulent elections, the MDC factions held 41 of 120 elected seats in the House of Assembly and seven of 50 elected seats in the Senate at year's end.

There were few regional and no international observers at the elections. Domestically, the Zimbabwe Election Support Network (ZESN), a local NGO dedicated to promoting democratic elections, mounted a small observation effort. However, ZESN observed that at some polling stations there were much larger numbers of voters than at others, a possible indication of fraud, and that the circumstances remained heavily tilted toward the ruling party.

In February 2006 the Supreme Court rejected MDC President Morgan Tsvangirai's application to have it take over from the High Court the MDC's 2002 election challenge. The electoral challenge was still pending at year's end.

In July 2006 the Supreme Court found unconstitutional the process of judicial appointments to the electoral court, which was established in 2005 to resolve electoral disputes. As a result of the Supreme Court's decision, all pending and new complaints arising from elections must be heard by the already overburdened ordinary courts.

The president appointed a large majority of ZEC members. MDC reported that only a few of the names it submitted appeared on the list that went to the president. The ZEC presided over two parliamentary by-elections during the year, during which the Government's manipulation of the electoral process, including partisan disbursement of food and other material assistance to perpetuate public dependence on the ruling party, disenfranchised voters and skewed elections in favor of ruling party candidates. In some areas a ZANU–PF card was required to obtain food and agricultural inputs. According to the ZESN, ZANU–PF prevailed on traditional leaders to get out the vote for the ruling party. For example, on February 2, Chief Fortune Charumbira, president of the national Council of Chiefs, ordered traditional leaders to expel villagers who supported the opposition and to withhold government-supplied food aid from them.

ZESN observed the mobile voter registration exercise in each of the country's 62 districts from June 18 to August 17 and reported that the process was not sufficient due to a lack of adequate publicity, registration centers, and resources. The Government extended the registration for an additional 3 weeks; however, ZESN expressed concern that the extension was not nationwide. In December the Zimbabwe Peace Project, a local NGO, reported that the restrictive requirement to obtain stamped confirmation letters as proof of residence from local traditional leaders or to register to vote in rural areas resulted in discrimination, especially against opposition supporters who frequently could not obtain these letters.

Domination by the ruling party resulted in restrictions and violence against the opposition. On March 18, a group of unidentified assailants attacked anti-Senate MDC spokesperson and MP Nelson Chamisa with iron bars at Harare International Airport as he attempted to travel to a European Union-sponsored meeting of parliamentarians in Brussels, Belgium. Chamisa sustained serious head injuries in the attack. The attack was believed to be carried out by government security agents or youth militia because the incident occurred in full view of airport police, who failed to react.

On April 7, police raided the home of Philip Katsande, a provincial executive member of the anti-Senate MDC faction, seeking to arrest him in connection with alleged gasoline bomb attacks. Police shot Katsande three times in the arms and chest; Katsande survived. None of the officers involved in the shootings were disciplined.

The president may unilaterally declare a state of public emergency for a period of up to 14 days; has sole power to dissolve Parliament and to appoint or remove a vice president and any minister or deputy minister; and directly appoints 20 of the 150 MPs, including 12 nonconstituency MPs, eight provincial governors who sit in Parliament, and six senators. The president also exerts great influence on the process by which the country's chiefs (traditional rulers) select 10 of their number to sit as MPs and 10 as senators. All 30 of the appointed MPs have been consistent ZANU–PF supporters. While most of the Senate appointments were ZANU–PF supporters, some appeared to maintain relatively neutral positions.

There were reports that the Government removed from the civil service and the military persons perceived to be opposition supporters. Additionally, the Government deployed soldiers and youth service training center graduates to help enforce the price control program launched in June. There also were reports that the Government assigned soldiers and youth service members to work in government ministries.

The Government routinely interfered with MDC-led local governments. Commissions appointed by Minister of Local Government Ignatius Chombo continued to run the cities of Harare, Mutare, and Chitungwiza in place of democratically elected MDC mayors. In March a High Court judge declared the Harare commission illegal, but the Government ignored the ruling. On August 6, Sekesayi Makwavarara, who was appointed to chair the commission in 2004 after the dismissal of the popularly elected executive mayor of Harare, resigned. The Combined Harare Residents' Association (CHRA), a local NGO, called for immediate elections to select a new executive mayor and councilors; however, Chombo appointed Michael Mahachi and announced that the new commission would run until local government elections could be held in 2008.

The ruling party's candidates continued to benefit from the ZANU-PF's control of the state- and party-owned firms that dominated the country's economy and from its control of the state-monopolized broadcast media. Youth wings of the ruling party continued to commit abuses against the opposition and members of civil society with impunity.

There were 24 women in the 150-seat House of Assembly and 23 women in the Senate, including the president of the Senate. The vice president, four ministers, and two governors were women. In July 2006 Rita Makarau became the first woman to hold the position of judge-president of the High Court. Women participated in politics without legal restriction, although according to local women's groups, husbands commonly directed their wives to vote for the husband's preferred candidates, particularly in rural areas. The ZANU-PF congress allotted women one-third of party positions and reserved 50 positions for women on the party's 180-member central committee, which was one of the party's most powerful organizations.

There were 10 members of minority groups in the cabinet, including Vice President Joseph Msika. There were 36 members of minority groups in the 216-seat House of Assembly, including 30 Ndebele, four Tonga, and two whites.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively and impartially, and officials frequently engaged in corrupt practices with impunity. The World Bank's worldwide indicators reflected that corruption was a severe problem. Implementation of the Government's ongoing redistribution of expropriated, white-owned, commercial farms substantially favored the ruling party elite and continued to lack transparency. Top ruling party officials continued to handpick multiple farms and register them in the names of family members to evade the Government's one-farm policy. The Government continued to allow individuals aligned with top officials to seize land not designated for acquisition.

Top ruling party officials and entrepreneurs supporting the ruling party received priority access to limited foreign exchange and fuel. The Government's campaign to provide housing plots and vending sites for victims of Operation Restore Order mostly benefited civil servants, security forces, and ruling party supporters.

On June 26, Minister of Industry and International Trade Obert Mpofu introduced "Operation Reduce Prices," a campaign to lower prices on goods and services by half or more. Price reductions had the consequence of inducing consumers to purchase mass quantities of goods, which caused widespread shortages of basic commodities such as bread, milk, maize meal, meat, and cooking oil throughout the country. Over the following months, police arrested and fined more than 5,000 business executives and store managers for violating the price reduction decree. Despite official condemnation of the practice, some price monitoring teams, composed of police and ZANU-PF supporters, took advantage of the situation by ordering prices reduced to arbitrary levels, after which other supporters entered the stores and bought out the stock at the lowered prices. Many of the products were later resold on the black market at original or higher prices. The Government often did not investigate reported abuses by price monitoring teams, and police frequently denied that goods were seized when business owners attempted to reclaim their stocks.

There were continuing government efforts to combat corruption, but they were ineffective and lacked political will. A government-appointed Anticorruption Commission was established in 2005 but had yet to register any notable accomplishments.

Prosecutions for corruption continued but were selective and generally seen as politically motivated. The Government targeted persons who had fallen out of favor with the ruling party or individuals without high-level political backing. Prosecutions were often for externalizing foreign currency, which was a common practice among the political and business elites.

The Government stated that the AIPPA was intended to improve public access to government information; however, the law contains provisions that restrict freedom of speech and press, and these elements of the law were the ones the Government enforced most vigorously. One NGO reported in 2005 that it made several informa-

tion requests under AIPPA, but the Government had not provided any information. The NGO stated it had taken the Government to court in several cases, but the courts had not ruled in its favor.

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

A number of domestic and international human rights groups operated in the country, investigating and publishing their findings on human rights cases; however, they were subject to government restrictions, interference, monitoring, and harassment.

Domestic NGOs worked on human rights and democracy issues, including lobbying for revision of POSA and AIPPA; increasing poor women's access to the courts; constitutional and electoral reform; raising awareness of the abuse of children; conducting civic education; preserving the independence of the judiciary; and eliminating torture, arbitrary detention, and restrictions on freedom of the press and assembly. Major local human rights NGOs included the Crisis in Zimbabwe Coalition, Zimbabwe Human Rights NGO Forum, ZLHR, Zimbabwe Peace Project, NCA, SST, and WOZA.

The Government continued to use the state-controlled media to disparage and attack human rights groups. Articles typically dismissed the efforts and recommendations of NGOs that were considered critical of the Government as groups that merely did the bidding of "Western governments."

During the year police arrested or detained NGO members, often in connection with demonstrations or marches; many were beaten during arrest and tortured while in custody. In at least one case, an NGO member died. On July 25, Bronislawa Kwinjo, a 64-year-old grandmother and supporter of local NGO NCA, suffered brain trauma as a result of injuries sustained when police tortured her and more than 200 other NCA activists for over 5 hours after a demonstration in Harare calling for a new Constitution. Kwinjo fell into a coma on August 21 and died as a result of her injuries on September 7. None of the officers involved had been disciplined at year's end.

On July 25, police detained more than 240 NCA activists after a demonstration in Harare calling for a new Constitution. Police at Harare Central Police Station forced the activists, who included elderly women and women with young children, to lie down as more than 100 uniformed and plainclothes officers and suspected ZANU-PF youth militia took turns assaulting the group for approximately 5 hours. More than 170 required medical attention for injuries, including broken bones, lacerations, and head wounds. Police released all detainees without charge that same evening. None of the officers involved had been disciplined by year's end.

The Government harassed some NGOs it believed opposed government policies with raids on their offices and investigations into their activities. For example, on March 23, police raided the offices of CHRA 3 days after the group held a demonstration in downtown Harare. CHRA members also reported receiving threatening phone calls and visits from police at their homes.

The Government increased its harassment and intimidation of human rights lawyers during the year. Police often threatened, and in some cases assaulted, lawyers when they attempted to gain access to their clients in police custody. For example, on March 11, police denied ZLHR member Harrison Nkomo access to his MDC clients who were detained at Machipisa police station; police beat Nkomo with a baton stick before forcing him to leave the station.

On April 16, Information Minister Sikhanyiso Ndlovu announced that the Government would deregister all NGOs to screen out groups with ties to Western governments; however, the Ministry of Labor and Social Welfare, the agency responsible for registering NGOs, disavowed any knowledge of the initiative. Many political observers believed the Government's intention was to intimidate civil society. No official action had been taken to deregister the NGOs by year's end.

The Government continued to obstruct the activities of organizations involved in humanitarian activities, particularly in rural areas. The Government restricted feeding programs and blocked efforts by local and international NGOs to provide humanitarian relief to those affected by Operation Restore Order.

In October 2006 the Government submitted its long overdue 7th, 8th, 9th, and 10th combined periodic report to the ACHPR in accordance with Article 62 of the African Charter on Human and Peoples' Rights. Although African Union (AU) member states are required to submit updates on the human rights situation in their countries every 2 years, the report covered an 8-year period. According to a shadow report submitted to the ACHPR in May by a coalition of five internationally respected human rights organizations, the Government's "glowing account of Zimbabwe's record on civil and political rights" and the claim that the Government

“has shown commitment to the protection and promotion of the human rights” were undermined by the realities on the ground. The report stated that the Government was acting in violation of the African Charter. On May 19, a group of NGOs in attendance at the 41st Session of the ACHPR in Ghana declined to make an address during the proceedings, citing fear of retribution by the Zimbabwean Government. In an earlier briefing, Justice Minister Patrick Chinamasa had accused NGOs operating in Zimbabwe of working to destabilize the country. At the 42nd Session of the ACHPR in November, the Commission adopted a resolution on the upcoming elections and the status of freedom of expression in Zimbabwe. The resolution reaffirmed the fundamental importance of freedom of expression as a cornerstone of democracy and called on the Zimbabwean Government to ensure that it created conditions conducive to free, fair, and credible elections by pursuing the ongoing SADC talks with the political opposition.

In September Parliament unanimously approved Constitutional Amendment 18, which provides for the establishment of a parliamentary human rights commission. Critics charged that the law would circumvent efforts by international human rights organizations to accurately report on the country’s human rights situation. No further action was taken toward establishing the commission by year’s end.

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

The Constitution and law provide that no person can be deprived of fundamental rights, such as right to life, liberty, and security of person, based on one’s race, tribe, place of origin, political opinions, color, creed, sex, or disability; however, the Constitution allows for discrimination, primarily against women, on the grounds of “customary law.” Discrimination against women and persons with disabilities remained problems. The Government and ruling party infringed on rights to due process, citizenship, and property ownership in ways that affected the white minority disproportionately.

*Women.*—The law makes rape and nonconsensual sex between married partners a crime; however, few cases of rape, especially spousal rape, were reported to authorities because women were unaware that spousal rape was a crime and, feared losing the support of their families, particularly in rural areas. The criminal code defines sexual offenses as rape, sodomy, incest, indecent assault, or immoral or indecent acts with a child or person with mental disabilities and provides for penalties up to life in prison for sexual crimes. Police acted on reported rape cases, and the Government media frequently published stories denouncing rape and reporting convictions. In many cases the victims knew their rapists. The criminal code also makes it a crime to infect anyone knowingly with HIV.

Domestic violence against women, especially wife-beating, continued to be a serious problem. In 2006 the Musasa Project, a local NGO that worked for the protection and promotion of women’s rights, reported that approximately one-third of women in the country were in an abusive marital relationship. Most cases of domestic violence went unreported due to traditional sensitivities and fear of economic consequences for the family. Authorities generally considered domestic violence to be a private matter and usually only arrested an offender for assault if there was physical evidence of abuse. There were newspaper reports of wife killings, and there were a few reports of prosecutions and convictions for such crimes.

On October 25, the Government enacted the Domestic Violence Act, which criminalizes domestic violence and provides enhanced protection for victims of abuse; the act was viewed as a milestone by women’s rights groups. The law provides for a fine and a maximum prison sentence of 10 years. The Ministry of Women’s Affairs and local women’s groups coordinated efforts to develop an implementation strategy after the act passed Parliament in December 2006. The Government media reported that police charged Clement Chaplin Kanyoka under the Domestic Violence Act for the December 15 killing of his wife. The case was pending at year’s end.

During the year the Government conducted a public awareness campaign on the act. Several women’s rights groups worked with law enforcement and provided training and literature on domestic violence as well as shelters and counseling for women. Local women’s rights groups reported that awareness of domestic violence increased following the October enactment of the Domestic Violence Act.

Prostitution is illegal, and several civil society groups offered anecdotal evidence that the country’s worsening economic problems were forcing more women and young girls into prostitution. There were increasing reports that women and children were sexually exploited in towns along the border with South Africa, Botswana, Mozambique, and Zambia. During the year there were numerous media reports regarding concerted efforts by police to halt prostitution throughout the country. Police arrested both prostitutes and their clients during the year.

Labor legislation prohibits sexual harassment in the workplace and an employer may be held liable for civil remedies if found in violation of provisions against "unfair labor practices" including sexual harassment; however, women commonly faced workplace sexual harassment, and there were no reports of any prosecutions during the year.

Despite laws aimed at enhancing women's rights and countering certain discriminatory traditional practices, women remained disadvantaged in society. Economic dependency and prevailing social norms prevented rural women in particular from combating societal discrimination. Despite legal prohibitions, women remained vulnerable to entrenched customary practices, including pledging young women to marry partners not of their choosing and forcing widows to marry the brothers of their late spouses.

The law recognizes women's right to own property independently of their husbands or fathers; however, many women continued to be unaware of their property and inheritance rights. Divorce and maintenance laws were equitable, but many women lacked awareness of their rights.

Women and children continued to be adversely affected by the Government's forced evictions and demolition of homes and businesses in several cities and towns. Many widows who earned their income in the informal economy or by renting out cottages on their property lost income when their market stalls or cottages were destroyed. Widows faced particular difficulties when forced to relocate to rural areas. Traditionally, women joined their husband's family when married and were considered an unwanted burden by their childhood families. Likewise, they were sometimes unwelcome in their husband's family in rural areas where resources were already strained.

The Ministry of Women's Affairs, Gender, and Community Development showed some improvement in efforts to advance the cause of women. The ministry, through collaboration with local NGOs, introduced training workshops for traditional leaders in the rural communities to create more awareness on women's issues. Women's Affairs Minister Oppah Muchinguri also established "gender units" in every ministry to advance women's rights. The Government gave qualified women access to training in the military and national service. Although there were advances for women within the armed forces in recent years, they continued to occupy primarily administrative positions. In recent years women progressed in health and education but in general were concentrated in the lower echelons of the workforce, especially in the financial industry. Women held positions of importance in the legislative and executive branches of the Government.

Several active women's rights groups concentrated on improving women's knowledge of their legal rights, increasing their economic power, combating domestic violence, and protecting women against domestic violence and sexual transmission of HIV/AIDS.

*Children.*—The Government's commitment to children's rights and welfare showed some improvement during the year; however, declining socioeconomic conditions continued to place more children at risk. On February 15, the Ministry of Public Service, Labor, and Social Welfare and the U.N. Children's Fund (UNICEF) formalized agreements with 21 NGOs to advance the National Action Plan for Orphans and Vulnerable Children (NAP for OVC), designed to ensure that orphans and vulnerable children were able to access education, food, health services, and birth registration and were protected from abuse and exploitation. UNICEF reported that the NGOs involved in the program had reached 100,000 OVC with comprehensive support and protection during the year. Although legislation existed to protect children's rights, it was difficult to administer and enforce, primarily due to a lack of funding and resources. Many orphaned children were unable to obtain birth certificates, which the Child Protection Society reported made it difficult for the children to enroll in school and access health services; however, the Government made improvements during the year by decentralizing the authority to issue birth certificates to local Registrar General offices throughout the country.

Primary education is not compulsory, free, or universal for any children. According to the UNICEF Humanitarian Action Report 2007: Zimbabwe, "the education system has been eroded by deteriorating infrastructure, reduced public expenditure and high attrition of human resources. School enrollment ratios are low, attendance and completion ratios declining, and learning spaces and teaching/learning materials scarce." The Central Statistical Office's consumer price index statistics showed that education costs increased nearly 1,162 percent from April 2006 to April 2007. In February the IRIN news service reported that increased tuition fees forced many parents to withdraw their children from school.

UNICEF estimated 82 percent net primary school enrollment through 2005; however, children's welfare activists believed the number to be much lower than in 2005

due to Operation Restore Order and the displacement of thousands of children from their homes and schools. The highest level achieved by most students was primary level education. UNICEF figures through 2005 showed a net secondary school enrollment of 35 percent for boys and 33 percent for girls.

In most regions of the country, fewer girls than boys attended secondary schools. If a family was unable to pay tuition costs, it was most often female children who left school. The Child Protection Society reported that girls were more likely to drop out because they were more readily employable, especially as domestic workers. In October 2006, in collaboration with UNICEF and other partners, the Government launched a National Girls' Education Strategic Plan to increase the likelihood of achieving universal primary education and ensuring that girls stayed in school.

According to *Children Crossing Borders*, a July report by Save the Children UK, unaccompanied children as young as 7 crossed the South African border to find work. Many of them could not afford school fees.

Child abuse, including incest, infanticide, child abandonment, and rape continued to be serious problems during the year. The local NGO Girl Child Network reported cases of child sexual abuse had increased during the year. Anecdotal evidence suggested that a relative or someone who lived with the child was the most common abuser. Girl Child Network reported that girls believed to be virgins were at risk for rape due to the belief among some that having sex with a virgin would cure men of HIV and AIDS.

The traditional practice of offering a young girl in marriage as compensatory payment in interfamily disputes continued during the year. Arranged marriage of young girls also continued. The legal age for a civil marriage is 16 for girls and 18 for boys. Customary marriage, recognized under the Customary Marriages Act, does not provide for a minimum marriage age for either boys or girls; however, the criminal code prohibits sexual relations with anyone younger than 16 years of age. According to UNICEF, 29 percent of young women married when they were under 18 years of age. Child welfare NGOs reported that they occasionally saw evidence of underage marriages, particularly in isolated religious communities or among AIDS orphans. In July IRIN news service reported that poverty had driven many heads of households to demand a large amount of money or other commodity as the dowry price for their daughters.

The Government gave preference to national youth service graduates among those entering and those seeking employment in the civil service, especially in the security forces. The stated purpose of the training camps was to instill national pride in youth, highlight the history of the struggle for independence, and develop employment skills; however, news reports quoted deserters as saying that the camps subjected trainees to racist and partisan political indoctrination as well as military training. There were numerous credible reports that graduates were used by the Government to carry out political violence.

There were an estimated 1.6 million HIV/AIDS orphans in 2006, and the number was increasing. The number of AIDS orphans (including children who lost one as well as both parents) was about 10 percent of the country's population. Many grandparents were left to care for the young, and, in some cases, children or adolescents headed families and were forced to work to survive. AIDS orphans and foster children were at high risk for child abuse. Some children were forced to turn to prostitution as a means of income. According to local custom, other family members inherit before children, leaving many children destitute.

During the 2005 Operation Restore Order, the Government detained many street children and took them to transit camps or juvenile detention centers. At year's end NGOs were uncertain how the operation affected the number of children living on the streets, which in previous years had risen dramatically. One local child welfare advocacy group reported that the continuing economic decline and the Government's lack of support to social welfare institutions contributed to a noticeable rise in the estimated 12,000 street children throughout the country. NGOs operated training centers and homes for street children and orphans, and government officials referred children to these centers.

NGOs operated training centers and homes for street children and orphans, and government officials referred children to these centers.

*Trafficking in Persons.*—No laws specifically or comprehensively address trafficking in persons, and the country was a source, transit, and destination country for trafficking in persons.

Trafficking was a serious problem. Rural children were trafficked into farms or cities for agricultural labor, domestic servitude, and commercial sexual exploitation, often under the false pretenses of job or marriage proposals, according to one NGO. Reports suggested that those children in desperate economic circumstances, especially those in families headed by children, were most at risk. Women and children



were reportedly trafficked for sexual exploitation in towns along the borders with the four surrounding countries. There were also reports that young women and girls were lured to South Africa, the People's Republic of China, Egypt, the United Kingdom, Canada, and Zambia with false employment offers that resulted in involuntary domestic servitude or commercial sexual exploitation. Women and children from the Democratic Republic of the Congo, Malawi, Mozambique, and Zambia were trafficked through the country to South Africa. Small numbers of South African girls were trafficked to the country for forced domestic labor.

Traffickers were typically independent businesspersons who were part of small networks of local criminal groups that facilitated trafficking within the country, as well as into South Africa or other surrounding countries. Anecdotal reporting indicated that traffickers approached a potential victim, usually young women or girls, with the offer of a lucrative job in another part of the country or in a neighboring country. Many young men and boys were exploited by "guides" when they attempted to cross the border illegally into South Africa to find work. Trafficked citizens often labored for months without pay in South Africa before their "employers" reported them to authorities as illegal immigrants. Traffickers often transported victims covertly across borders at unrecognized border crossing points. The use of child laborers, especially as farm workers or domestic servants, was common in the country, often with the complicity of family members.

The Constitution and law prohibit forced or compulsory labor, including by children, with the exception of working for parents or the national youth service; however, there were reports that such practices occurred. Forced labor is punishable by a fine, 2 years' imprisonment, or both. It is a crime under the criminal code to transport persons across the border for sex. The law provides for a fine and a maximum prison sentence of 2 years (10 years if the victim is under the age of 16) for procuring another person to become a prostitute, whether inside or outside the country. Traffickers also can be prosecuted under other legislation such as immigration and abduction laws.

The Government demonstrated interest in combating trafficking; however, it did not devote sufficient resources to investigating and prosecuting cases.

There was no statistical tracking of trafficking prosecutions. The primary government authority to combat trafficking was the ZRP, which relied on NGOs to alert them to any cases. In April 2006 the Government formed an interministerial taskforce to coordinate efforts to combat trafficking, but had not registered any notable accomplishments by year's end. The Interpol National Central Bureau Zimbabwe's "antitrafficking desk" was staffed with ZRP officers who assisted with international investigations.

There were anecdotal reports that corruption in law enforcement, especially at the local level, directly or indirectly facilitated trafficking. The Government took steps during the year to educate and train officials to combat trafficking. Several senior government officials attended an International Organization for Migration (IOM) seminar on trafficking during the year. Officials from social services, law enforcement, immigration, and health care agencies attended five antitrafficking workshops conducted by IOM during the year.

Although the Government lacked resources to provide protective services on its own, the police Victim Friendly Unit, social services, and immigration officials utilized an established process for referring victims to international organizations and NGOs that provided shelter and other services. The Government coordinated closely with the IOM-run migrant reception center in the town of Beitbridge on the border with South Africa, which provided social and reintegration services to the large number of illegal migrants repatriated from South Africa. During the year, the Government allocated land to the IOM to open a second reception center in the town of Plumtree on the border with Botswana.

Victims suffering from child or domestic abuse were treated with special procedures in victim-friendly courts, and trafficked persons had the option to take cases before such courts. Local immigration and social services officials referred trafficking victims to NGO-funded centers. Save the Children Norway also offered shelter and referrals for medical attention at the IOM reception center in Beitbridge for unaccompanied children and trafficking victims.

The government-run media prominently featured articles about trafficking in persons, and the Government had prevention programs to provide alternatives for children at risk. The Government also cooperated with the IOM and Interpol in a public awareness radio campaign that led to the identification of several victims during the year.

*Persons with Disabilities.*—The Constitution and law prohibit discrimination against persons with disabilities in employment, access to public places, and the provision of services; however, the lack of resources devoted to training and edu-

cation severely hampered the ability of persons with disabilities to compete for scarce jobs. The law stipulates that government buildings be accessible to persons with disabilities, but implementation has been slow. NGOs continued to lobby to include albinos in the definition of “disabled” under the law. Persons with disabilities faced harsh societal discrimination. Traditional belief viewed persons with disabilities as bewitched, and children with disabilities often were hidden when visitors arrived.

According to the National Association of Societies for the Care of the Handicapped, persons with disabilities continued to be a forgotten and invisible group in society. For example, although an estimated 10 percent of citizens had disabilities, the sector was largely been marginalized from HIV/AIDS intervention programs. Except for a short period in the 1990s, instructions on the use of condoms have never been distributed in Braille for the visually impaired, and no efforts were made to advertise condoms in sign language for the deaf. Additionally, there was no HIV/AIDS information in Braille. The organization also reported that only 33 percent of children with disabilities had access to education.

Operation Restore Order in 2005 severely affected persons with disabilities, and, according to the U.N. special envoy’s report on the operation, the Government held approximately 50 persons with physical and mental disabilities without care at a transit camp separated from the rest of the camp population.

The Government broadcasts a regular, prime-time program on state radio to promote awareness of the rights of persons with disabilities.

*National/Racial/Ethnic Minorities.*—According to government statistics, the Shona ethnic group makes up 82 percent of the population, Ndebele 14 percent, whites less than 1 percent, and other ethnic groups 3 percent. There was some tension between the African majority and the white minority, between the Shona majority and the Ndebele minority, and among the various Shona subgroups.

The Government attempted to attribute the country’s economic and political problems to the white minority and Western countries. On some occasions, President Mugabe, members of his government, and the government-controlled media attempted to reignite resentment of the white minority. Ruling party supporters seldom were arrested or charged for infringing upon minority rights, especially those of the white commercial farmers targeted in the land redistribution program.

On October 2, Parliament passed the Indigenization and Economic Empowerment Bill; however, President Mugabe had yet to sign it into law at year’s end. The bill’s official purpose was to increase participation of indigenous citizens in the economy with the ultimate objective of at least 51 percent indigenous ownership of all businesses. An indigenous Zimbabwean was defined as any person, or the descendant of such person, who before April 18, 1980—the date of the country’s independence—was disadvantaged by unfair discrimination on the grounds of his or her race. The bill was criticized as an attempt to create patronage for ZANU–PF.

*Other Societal Abuses and Discrimination.*—Over a period of years, President Mugabe publicly denounced homosexuals, blaming them for Africa’s ills. Although there was no statutory law proscribing the activities of homosexuals, common law prevents homosexual men, and to a lesser extent, lesbians, from fully expressing their sexual orientation and, in some cases, criminalizes the display of affection between men. In July 2006, the 2004 amended criminal code became effective, broadening the definition of sodomy to include “any act involving physical contact between males that would be regarded by a reasonable person to be an indecent act.”

The Government had a national HIV/AIDS policy that prohibited discrimination against persons living with HIV/AIDS, and the law aims to protect against discrimination of workers in the private sector and parastatals. Despite these provisions, societal discrimination against persons affected by HIV/AIDS remained a problem. Although there was an active information campaign by international and local NGOs, the Ministry of Health, and the National AIDS Council to destigmatize HIV/AIDS, ostracism and condemnation of those affected by HIV/AIDS continued.

*Incitement to Acts of Discrimination.*—Throughout the year government-controlled newspapers, radio, and television stations continued to selectively vilify citizens of European ancestry and to blame them for the country’s problems.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—While the law provides private sector workers with the right to form or join unions without prior authorization, and workers exercised these rights, they were not always respected in practice. The 2005 Labor Amendment Bill eliminated some previous public sector employee rights and excluded such employees from protection under labor laws, placing them instead under the Public Service Act, which does not provide for the right to form and belong to trade unions,

collective bargaining, strikes, or alternative dispute resolution mechanisms. These restrictions, however, were not enforced in practice. The Government also restricted union activity indirectly by defining all senior employees as managers even though such employees did not enjoy benefits attached to the title. Employees in positions designated as managerial were excluded from general union membership. Unions must be registered with the Ministry of Public Service, Labor, and Social Welfare.

During the year approximately 700,000 persons were employed in the formal sector, 37 percent of which belonged to the 36 unions that form the ZCTU; approximately 65 percent of industries were unionized.

The Zimbabwe Federation of Trade Unions (ZFTU), a government-created alternative labor body, continued to support splinter unions in each economic sector; however, there was no evidence that either employers or employees viewed the splinter unions as legitimate. In addition to fostering confusion among workers, splinter unions forced existing unions to spend scarce resources guarding against declining membership. The splinter unions did not bargain collectively, handle worker complaints, or provide worker education.

During the year the Government openly targeted the ZCTU, declaring it aligned with the opposition MDC. Some pro-ZANU-PF employers declared their shops off-limits to the ZCTU. The Government continued to use POSA to limit the ZCTU and its affiliates' ability to meet with and consult their constituencies, although the law does not apply to labor unions. For example, unions were prevented from holding meetings with their members, sometimes by the police and under threat of arrest. On July 27, police disrupted an HIV/AIDS workshop in Kadoma and arrested four ZCTU officials for holding an "illegal" meeting under POSA. Three of the arrestees were released without charge the same day. John Ngirazi, president of the Pulp and Paper Worker's Union, a ZCTU affiliate, was released the next day. Police failed to pursue charges against Ngirazi. The police continued to monitor ZCTU and other labor union meetings, despite court rulings against such action.

On September 18, police visited the home of ZCTU President Lovemore Matombo to question him about a planned labor action. Matombo was not home, so police arrested his brother and an employee of Matombo's to coerce them to reveal Matombo's whereabouts. Police reportedly threatened and beat the two before releasing them 2 days later. In September, in a response to a ZCTU lawsuit filed against the Government for the arrests and beatings of union demonstrators in September 2006, police stated that they had used "only minimal force" and denied any assault. There were no further developments in the court ordered investigation into the case by year's end.

Although the law prohibits antiunion discrimination, in practice union members faced discrimination and harassment. A labor court handled complaints of such discrimination under the mechanism for resolving cases involving "unfair labor practices." The determining authority may direct that workers fired due to antiunion discrimination be reinstated, although this did not happen in practice.

In June the International Labor Organization's (ILO) Application of Standards Committee, in its report on trade union rights abuses, included cases filed by the ZCTU concerning violations of freedom of association and protection of the right to organize after the Government refused to appear before the committee to discuss the submissions. The International Trade Union Confederation also criticized government harassment of unions during the year.

*b. The Right to Organize and Bargain Collectively.*—The Labor Relations Amendment Act (LRAA) provides workers with the right to organize and permits unions to bargain collectively over wages and conditions of employment, and workers exercised this right in practice; however, government harassment of union leaders and interference by ZFTU sometimes made such negotiations difficult. Collective bargaining agreements applied to all workers in an industry, not just union members. Public sector employees do not have the right to collective bargaining, strike, or alternative dispute resolution mechanisms; however, these restrictions were not enforced in practice. For example, the Apex Council, which represents civil servants, negotiated with the Government over salaries. Teachers, the largest civil servant sector, engaged in labor actions during the year.

The minister of labor retained the power to veto agreements that he believed would harm the economy, but he did not involve himself directly in labor negotiations unless requested to do so by one of the parties.

Although the LRAA explicitly recognizes the right to strike, it has been circumscribed with procedural limits including 14-day advance notice requirements, mandated 30-day reconciliation periods, possible mandatory referral to binding arbitration, and the requirement that at least 50 percent of employees vote for a strike, although workers protesting health and safety standards or lack of equipment may strike without the notification and arbitration procedure. The act prohibits "essen-

tial services” employees from striking on the grounds that it “endangers immediately the life, personal safety, or health of the whole or any part of the public.” The law also allows that “any nonessential service may be declared an essential service by the minister if a strike in a sector, service industry, or enterprise persists to the point that the lives, personal safety, or health of the whole or part of the population is endangered.” Managers also were prohibited from striking, and, in some industries, the Government defined most employees as managers.

In practice, the Government harassed and arrested union leaders who called for strikes and union members who attempted to participate in strikes. Government-imposed delays prevented most employees and their unions from declaring legal strikes, and those who participated in strikes deemed illegal faced government intimidation and harsh sentences of up to 5 years in prison.

On March 13, police raided ZCTU offices in Harare and detained and assaulted ZCTU staff while searching for “subversive materials” related to planned labor protests; police similarly raided ZCTU offices in Gweru, Chinhoyi, and Mutare on March 27. In the days leading up to the strike, the Government newspaper the Herald ran front-page headlines warning workers to ignore the “illegal” strike and stating that police would ensure shops remained open. Labor Minister Nicolas Goche stated employers would be expected “to deal with the workers” who chose to stay away from work.

In the week preceding a September ZCTU strike, security forces arrested and interrogated at least 10 ZCTU labor leaders and organizers; all were released without charge. On September 17, police arrested three ZCTU members in Harare for distributing flyers about the strike and reportedly beat them. The union members were charged with “criminal nuisance”; a Harare magistrate dismissed the charges on October 5.

The Export Processing Zones Act states the LRAA does not apply to workers in export processing zones (EPZs); however, according to the ZCTU, employers generally applied the same wages and standards in the EPZs as in the general economy. The ZCTU has negotiated directly with EPZ employers to allow some unions in the EPZ, although their number and level of activity remained low.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children, with the exceptions of working for parents or the national youth service; however, there were reports that such practices occurred. Forced labor is punishable by a fine, 2 years’ imprisonment, or both. Forced labor by children occurred.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—Under the LRAA, child labor is punishable by a fine, 2 years’ imprisonment, or both; however, child labor was common. Under the LRAA, a child between the ages of 13 and 15 can work as an apprentice or if the work is an integral part of (or in conjunction with) “a course of training or technical or vocational education.” The law further states that no person under 18 shall perform any work likely to jeopardize that person’s health, safety, or morals. The status of children between 15 and 18 years of age is not directly addressed, but 15 years of age is still the minimum for light work, work other than apprenticeship, or work associated with vocational education.

The Government released the 2004 Child Labor Report in March 2006. According to the survey, approximately 46 percent of children between the ages of 5 and 17 were engaged in economic activity. The unemployment rate continued to grow, with some estimates as high as 80 percent, which decreased the number of children employed in the formal sector. However, the incidence of children who worked in the informal sector continued to increase as more children worked to fill the income gap left by ill, unemployed, or deceased relatives. Children often lacked access to necessary safety equipment and training. Children worked in the agricultural sector, as domestics, in illegal gold mining, as street vendors, and as car-watchers. In addition there were reports of an increasing number of girls engaged in prostitution. Although the Government and NGOs increasingly discussed the problem of child labor in the agricultural, domestic, and informal sectors, they were unable to gather concrete data on the number of cases.

Although the incidence of child labor on commercial farms decreased as a result of land redistribution, most economically active children still worked in the agriculture industry. The General Agricultural and Plantation Workers’ Union of Zimbabwe (GAPWUZ) estimated that, of the country’s approximate 200,000 farm workers, 10 percent were children under the age of 16. GAPWUZ also reported children continued to work on tea and sugar estates.

Some employers did not pay wages to child domestic workers, believing they were assisting a child from a rural home by providing housing and board. In addition employers paid the parents for the child’s work. Relatives often used AIDS-orphaned

children as domestics without pay. There were also reports from NGOs that police rounded up street children and took them to work on farms without pay.

The Department of Social Welfare in the Ministry of Labor is responsible for enforcing child labor laws, but the department lacked the human resources to carry out inspections or any other monitoring. On October 1, the Ministry of Public Service, Labor and Social Welfare signed a memorandum of understanding with the ILO to collaborate on a multiphased program for the elimination of the worst forms of child labor. The program was expected to address child labor issues and the implementation of ILO Convention 182, including identifying the worst forms of child labor and implementing activities pertaining to the prevention of child labor and the protection of working children.

*e. Acceptable Conditions of Work.*—There is no national minimum wage except for agricultural and domestic workers. Government regulations for each of the 22 industrial sectors continued to specify minimum wages, hours, holidays, and required safety measures. The minimum wage did not provide a decent standard of living for a worker and family, and approximately 80 percent of the population lived below the Government's poverty line. The Ministry of Public Service, Labor, and Social Welfare is responsible for enforcing the minimum wage; however, monitoring systems were ineffective, and many agricultural and domestic workers were remunerated below the minimum wage. Minimum wages in the formal sector changed continuously as a result of the high inflation rate.

The maximum legal workweek is 54 hours, and the law prescribes a minimum of one 24-hour rest period per week. No worker is allowed to work more than 12 continuous hours; however, there was little or no enforcement, particularly in the agricultural and domestic worker sectors. The law prescribes that workers receive not less than twice their standard remuneration for working on a public holiday. However, workers were unlikely to complain to authorities about violations due to fear of losing their jobs.

The public service commission sets conditions of employment in the public sector. Health and safety standards were determined on an industry-specific basis. The Government designated the Zimbabwe Occupational Safety Council, a quasi-governmental advisory body made up of six representatives each from the Government, employers, and trade unions, to regulate safe work conditions; however, budgetary constraints and staffing shortages, as well as its status as an advisory council, made the council ineffective. The National Social Security Authority (NSSA) continued to experience difficulty monitoring the thousands of work sites across the country; however, it continued to close shops and factories not in compliance. The NSSA reported in December that a high turnover in staff meant that only 20 of 31 safety and health inspector positions were filled to service an estimated 14,000 registered factories. In December the Government media reported 64 workplace fatalities and 5,568 injuries through November. Workers have a legal right to remove themselves from dangerous work situations without jeopardy to continued employment but in practice risked the loss of their livelihood if they did so.



## EAST ASIA AND THE PACIFIC

### AUSTRALIA

Australia is a constitutional democracy with a Federal parliamentary Government. Its population was approximately 21.1 million. Citizens periodically choose their representatives in free and fair multiparty elections. In Federal parliamentary elections held on November 24, the Australian Labor Party (ALP) defeated the governing Liberal Party and National Party coalition of Prime Minister John Howard, and on December 3, ALP leader Kevin Rudd replaced Howard as prime minister. The civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of addressing individual instances of abuse. Problems were reported in a few areas, including domestic violence against women and children, particularly in Aboriginal communities, and societal discrimination against Aboriginal people. Domestic labor unions and the International Trade Union Confederation continued to criticize the 1996 Federal Workplace Relations Act and the 2005 WorkChoices law (which amended the act), particularly the laws' curbs on trade unions, restrictions on strikes, and emphasis on individual employment contracts; support for repeal of portions of WorkChoices was a major plank in the ALP's election campaign platform.

#### RESPECT FOR HUMAN RIGHTS

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

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

On June 20, a Queensland jury acquitted a police officer of manslaughter and assault in the 2004 case of an indigenous man who died in police custody after his arrest for public drunkenness on Queensland's Palm Island. In September 2006 the Queensland State coroner concluded that the man was beaten while in custody and died as a result, but the state prosecutor initially declined to prosecute the officer involved. In January a retired judge appointed by the Queensland State attorney general to review the prosecutor's decision found that there was sufficient evidence to charge the officer with manslaughter.

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits such practices, and the Government generally respected these provisions in practice. However, there were occasional reports that police and prison officials mistreated suspects in custody. Some indigenous groups charged that police harassment of indigenous people was pervasive and that racial discrimination by some police and prison custodians persisted.

*Prison and Detention Center Conditions.*—Prison conditions generally met international standards, and the Government permitted visits by independent human rights observers.

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

*Role of the Police and Security Apparatus.*—Civilian authorities maintained effective control over the armed forces and the police, and the Government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

*Arrest and Detention.*—Police officers may seek an arrest warrant from a magistrate when a suspect cannot be located or fails to appear; however, they also may arrest a person without a warrant if there are reasonable grounds to believe the person committed an offense. Police must inform arrested persons immediately of their legal rights and the grounds for their arrest, and arrested persons must be

brought before a magistrate for a bail hearing at the next sitting of the court. However, legislation passed in 2005 permits the police to hold individuals in preventive detention for up to 24 hours without charge if a senior police official finds it is “reasonably necessary to prevent a terrorist act or preserve evidence of such an act.” Individuals may be detained for an additional 24 hours under an extension of the initial court order. Bail generally is available to persons facing criminal charges unless the person is considered to be a flight risk or is charged with an offense carrying a penalty of 12 months’ imprisonment or more. Attorneys and families were granted prompt access to detainees. Government-provided attorneys are available to provide legal advice to detainees who cannot afford counsel.

The antiterrorism law permits a judge to authorize “control orders” on individuals suspected of involvement with terrorism-related activities. These orders may include a range of measures, such as monitoring of suspects and house arrest, and may be in effect for up to a year without the filing of criminal charges. If a control order is still warranted after 1 year, a new order must be sought from a court. Both the preventive detention and control order provisions of the antiterrorism legislation expire in 2015. The law mandates a review of these provisions after 5 years (in 2010). On August 2, the High Court ruled that control orders were constitutional.

On July 2, the Australian Federal Police (AFP) detained Mohamed Haneef, an Indian doctor working at a Queensland hospital on a temporary visa, under the Crimes Act for alleged links to a foiled terrorist attack in Britain. Although the act states that the maximum investigation period a person can be held without charge is 24 hours (unless extended by court order), amendments enacted in 2004 introduced a concept called “dead time,” in which the allowable time for questioning of a suspect can be spread across an unspecified number of days. This enabled police to detain Haneef for 12 days before he was charged on July 14 with recklessly providing support for a terrorist group and granted bail on July 16. That day the Government revoked his visa on character grounds, and he was placed in immigration detention. On July 27, he was released after the Director of Public Prosecutions dropped the charges following its examination of evidence in the case. The next day Haneef returned to India. On August 21, the Federal Court of Australia granted his appeal against the cancellation of his visa. On December 21, the full bench of the Federal Court rejected the Government’s appeal of the August 21 decision, and the new immigration minister stated he would accept that decision. Human rights groups, the media, and the legal profession criticized the laws under which Haneef was held and police handling of the case. The Law Council, the country’s highest legal body, described the “dead time” provision as introducing “indefinite detention by stealth.”

*e. Denial of Fair Public Trial.*—The law provides for an independent judiciary, and the Government generally respected judicial independence in practice.

There are federal, state, and territorial courts, which handle both civil and criminal matters. The highest Federal court is the High Court, which exercises general appellate jurisdiction and advises on constitutional issues.

*Trial Procedures.*—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. In the state district and county courts and the state and territorial supreme courts, there generally are a judge and jury for serious offenses. The judge conducts the trial, and the jury decides on the facts and the verdict. Defendants have the right to an attorney, and government-funded attorneys are available to low-income persons. The defendant’s attorney can question witnesses, present evidence on the defendant’s behalf, and access relevant government-held evidence. Defendants enjoy the presumption of innocence and have the right to appeal the court’s decision or the sentence imposed.

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

*Civil Judicial Procedures and Remedies.*—There is an independent and impartial judiciary in civil matters. There is also an administrative process at the state and Federal levels to seek redress for alleged wrongs by government departments. Generally, administrative tribunals can only review a government decision if the decision is in a category specified under a law, regulation, or other legislative instrument as subject to a tribunal’s review.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law prohibits such actions, and the Government generally respected these prohibitions in practice.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—Although the Constitution does not explicitly provide for freedom of speech or of the press, the High Court has held that a right



to freedom of expression is implied in the Constitution, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

On June 25, Victoria State's County Court convicted Melbourne Herald Sun reporters Gerard McManus and Michael Harvey of contempt of court for refusing to name their sources for an article they published in 2004 and fined them \$6,300 (A\$7,000) each. The County Court chief judge filed the charges in 2005 after the reporters refused to give evidence or name their sources during court proceedings against a government employee charged with unauthorized release of information to the reporters. After the verdict the Federal attorney general urged all states and territories to pass legislation to protect confidential communications between journalists and their sources. As of year's end, such legal protection existed only in federal, New South Wales (NSW), and Australian Capital Territory courts.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Internet access was widely available and widely used by citizens.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*—While the rights of peaceful assembly and association are not codified in law, the Government generally respected these rights in practice.

*c. Freedom of Religion.*—The law provides for freedom of religion, and the Government generally respected this right in practice.

*Societal Abuses and Discrimination.*—According to the 2006 census, the country's Jewish community numbered 88,832 persons. In the 12-month period ending September 30, an annual report on anti-Semitism in Australia written by the director of international and community affairs of the Australia/Israel and Jewish Affairs Council, a nongovernmental organization (NGO), recorded 638 anti-Semitic incidents. This was twice the previous annual average since 1989 and 8 percent higher than 2002, the previous record year. These incidents included physical assault, property damage, harassment, and offensive written and electronic media. Incidents of assault, arson attacks, face-to-face harassment, and vandalism, broadly defined as "attacks," were recorded at the highest rate on record, at nearly three times the previous annual average.

On August 20 in Melbourne, two men shouting anti-Semitic slurs assaulted a 17-year-old Jewish youth with baseball bats; the case remained under investigation at year's end. On September 12, a large swastika and "KKK" were carved into the green of a historic Jewish golf club at the Cranbourne Golf Club in Victoria; the club reported that vandals caused approximately \$4,050 (A\$4,500) in damage during the year, including another incident of anti-Semitic vandalism on a club green. Police investigated the case but had not made any arrests by year's end.

At year's end police had identified no suspects in their investigation into a September 2006 incident in which a single bullet was fired from a stationary car into the window of a mosque in Mirrabooka, a suburb of Perth.

In February a man was convicted of harassment and fined \$1,800 (A\$2,000) plus court costs for making threatening telephone calls to two Muslim schools in Perth in October 2006.

In March police charged three members of Melbourne's Ocean Grove Football Club in the October 2006 assault of a Jewish man by club members. In subsequent trials one defendant was convicted and fined \$900 (A\$1,000), and another was convicted and fined \$675 (A\$750). The third man was fined \$900 (A\$1,000), but no conviction was recorded; the court was told he acted on "the spur of the moment" and had no prior convictions.

In December 2006 the Victoria State Supreme Court ruled in favor of an appeal by two Christian pastors of the Victoria civil and administrative tribunal's 2004 ruling that they publish apologies, via newspaper advertisements, for comments that the tribunal held had vilified Muslims. The court ordered the case back to the tribunal to be heard by a different judge. On May 31, the Islamic Council of Victoria and the pastors' organization, Catch the Fire Ministries, agreed to mediation in the matter. The council filed the complaint under Victoria's Racial and Religious Tolerance Act in 2003.

The Government promoted acceptance of diversity through a number of programs, including an antiracism education campaign and ongoing public awareness programs conducted by Human Rights and Equal Opportunity Commission (HREOC).

In his annual report on anti-Semitism in Australia, the director of international and community affairs of the Australia/Israel and Jewish Affairs Council praised these programs in the context of combating anti-Semitism and racism. The Government's "Living in Harmony" program funded community projects that promoted tolerance. In January the Government announced commitment of \$7.2 million (A\$8 million) to fund a National Centre of Excellence in Islamic Studies to be based at three universities. The Government also funded a variety of interfaith forums, including the International Dialogue on Interfaith Cooperation.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

The law does not address forced exile, but the Government did not use it in practice.

*Protection of Refugees.*—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. The Government granted refugee status and asylum and facilitated local integration. In practice the Government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution.

The Government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers.

In August the immigration minister announced that the country's Offshore Humanitarian Program for 2007–8 would reduce the African portion of the program's total intake from 50 percent to 30 percent and increase the intake from the Middle East and Asia to 35 per cent each. Among reasons the minister cited for the changes were improved conditions in Africa, a commitment to resettle Burmese refugees, and problems among some groups, particularly Sudanese refugees, in adjusting quickly to the Australian way of life. With regard to the latter, a UNHCR spokeswoman commented that "[e]levating so-called integration factors as a consideration in determining refugee quotas would seem to be at odds with the purpose of a refugee resettlement program."

Noncitizens arriving at a national border without prior entry authorization are detained, and unless subsequently granted permission to remain in the country, must be removed as soon as reasonably possible. Individuals may be released pending full adjudication of their asylum claim if they meet certain criteria such as old age, ill health, or experience of torture or other trauma. Detainees were either released upon receiving asylum and an appropriate visa or removed once it was determined that they did not qualify for protection. The Department of Immigration and Citizenship (DIAC) provided immigration advice and assistance to persons making an initial asylum claim or application for lawful residence. DIAC also has a statutory obligation to facilitate access to legal representation for persons in immigration detention.

During the year some asylum seekers intercepted at sea continued to be detained in offshore processing centers in Nauru, including 82 Tamils intercepted in February. The Tamils were found to be refugees (80 by DIAC and two by the UNHCR), and the Government indicated it would seek their resettlement in a third country. Subsequently the new government, which announced it would close the Nauru facility, stated it would resettle the Tamils in Australia. In December seven Burmese asylum seekers held at the Nauru facility since September 2006 were granted refugee status and moved to Australia for resettlement. In May the human rights and equal opportunity commissioner requested access to the Nauru facility as part of his annual visits to immigration detention centers, but the then immigration minister denied the request on the basis that the commissioner had no jurisdiction over offshore processing facilities.

At year's end there were approximately 600 persons in immigration detention. Of these, approximately 300 had been detained for less than 3 months, and approximately 40, including all families with children, were placed in "residence determination arrangements" in the community rather than in detention centers. Approximately 180 of those detained were illegal foreign fishers, primarily from Indonesia; illegal fishers generally remained in detention for only a short period pending their removal from the country.

Although delays in processing asylum applications were not a significant problem during the year, a small number of asylum seekers remained in detention, some for years, despite having exhausted the appeal process. They could not be returned to their home country because they lacked travel documents or could not obtain necessary transit visas. The ombudsman reviews the cases of persons in detention more than 2 years. For the 12 months ending June 30, DIAC provided reports to the ombudsman on 367 persons who had been detained for 2 years or more. As of June 30, 275 were no longer in detention; 16 of these were granted Removal Pending Bridging Visas (RPBVs). The law allows the immigration minister to grant an RPBV to a person in immigration detention whose removal from the country is not practical at that time. Holders of RPBVs may work and access government services, including public health care and education.

The country's immigration laws and detention policy continued to be criticized by some human rights and refugee advocacy groups, which charged that the sometimes-lengthy detentions violated asylum seekers' human rights.

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

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage and mandatory voting.

On August 30, the High Court ruled that a 2006 Federal law denying voting rights to all prisoners was unconstitutional. However, the court upheld the previous law, which denied the vote to prisoners serving sentences of 3 years or more. In 2006 Parliament changed the law so that voter registration is closed the day the official notice is issued for an election (typically the day the prime minister announces the election). This was criticized by nongovernment parties as making it more difficult for young people and other potential first-time voters to vote.

*Elections and Political Participation.*—In Federal elections held on November 24, the ALP won a majority of seats in the lower house of Parliament, and on December 3, ALP leader Kevin Rudd replaced John Howard as prime minister. The ALP also won state elections held in NSW during the year.

There are no legal impediments to public office for women and indigenous people. As of December, there were 67 women in the 226-seat Federal Parliament (40 in the House of Representatives and 27 in the Senate). There were four female ministers in the 20-member Federal cabinet, three women among the 10 ministers outside the cabinet, and three women among the 12 parliamentary secretaries. There was one woman among the eight premiers and chief ministers of the six states and two territories. For the first time, a woman was sworn in as deputy prime minister. On September 3, a woman was sworn in as a High Court judge, bringing the number of women on that bench to two for the first time.

Aboriginals generally were underrepresented among the political leadership. There were no Aboriginals in the Federal Parliament. There was one Aboriginal in the Tasmanian state Parliament, one in the NSW state Parliament, two in the Western Australia (WA) state Parliament, and four in the Northern Territory (NT) legislative assembly. In November an Aboriginal woman became the highest ranking indigenous member of government in the country's history when she was appointed NT deputy chief minister. There was one Asian-Australian in the Federal cabinet.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively. There were isolated reports of government corruption.

On June 1, police raided Liberal Party offices in Queensland in connection with an investigation into alleged party misuse of Federal election printing allowances by three Liberal Party members of the Federal Parliament. The Department of Public Prosecutions declined to press charges against any of the three Members of Parliament. In October a WA Corruption and Crime Commission reported that three public officials and three local government councilors in that state had engaged in misconduct by concealing their links to lobbyists supporting a land development project.

Queensland, WA, and NSW have independent anticorruption bodies that can investigate alleged government corruption, and every jurisdiction has an ombudsman who can investigate and make recommendations in response to complaints about government decisions. Public officials are subject to financial disclosure laws. In March a Queensland Liberal Party Federal senator—and government minister—resigned after failing to disclose share purchases as required by Senate rules. Some of these shares were directly related to his ministerial portfolio.

Federal, state, and territorial governments have freedom of information (FOI) laws that provide the public with access to government information, generally subject to both an application and a processing fee. Government information may be exempted from disclosure to protect essential public interests or the private or business affairs of others. An applicant, including foreign media, may appeal a government decision to deny a request for information to the quasi-legal Administrative Appeals Tribunal (AAT), an executive body that reviews administrative decisions by government entities. An adverse AAT decision may be appealed to the Federal Court of Australia.

The Australian Press Association and others have criticized the FOI application process as unduly lengthy and costly, particularly with regard to requests for non-personal information. On May 10, major media organizations launched a campaign entitled "Australia's Right to Know," calling for an "audit" of press freedom in the country. Partly in response to this, in September the Government directed the Australian Law Reform Commission to examine FOI laws. The commission's review was ongoing at year's end.

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

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

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

Federal laws prohibit discrimination based on sex, disability, race, color, descent or national or ethnic origin, marital status, or age. An independent judiciary and a network of federal, state, and territorial equal opportunity offices effectively enforced the law. HREOC investigates complaints of discrimination or breaches of human rights under the Federal laws that implement the country's human rights treaty obligations.

*Women.*—The law criminalizes rape, including spousal rape, and the Government enforced the law effectively when cases were reported to the authorities. Penalties for rape are prescribed in the laws of the individual states and territories.

In December The Australian newspaper publicized the 2006 gang rape of a developmentally disabled 10-year-old indigenous girl in her community of Aurukun in the Cape York area of Queensland; none of nine defendants who pleaded guilty in the case received prison sentences. In October an Aurukun court sentenced six juveniles to 1 year's probation; in November the Cairns District Court gave the remaining three defendants, including a 26-year-old man with prior sex offense convictions, 6-month suspended sentences. Although a minor cannot give "informed consent" under the law, the judge in Cairns justified the suspended sentences on the grounds that there was no evidence of force in the case and the prosecutor had not requested prison sentences. The Queensland premier subsequently ordered a review of all sentences handed down in sexual assault cases in Cape York over the past 2 years. The Queensland attorney general lodged appeals against the sentences given the nine defendants and also applied for an extension of the appeal period.

The law prohibits violence against women, including domestic abuse, and the Government enforced the law. Nonetheless, violence against women remained a problem, particularly in Aboriginal communities.

Domestic violence was believed to be widely underreported in indigenous communities. In a November 2006 report entitled *Family Violence among Aboriginal and Torres Strait Islander Peoples*, which analyzed information from a number of existing studies and other data bases, the Australian Institute of Health and Welfare noted that reluctance among indigenous women to report domestic violence "may be a result of fear both of the police and the perpetrator" and that "past personal or cultural experiences . . . with the criminal justice system may also result in under-reporting." The report also cited the isolation of many indigenous communities as a factor. In April there were press reports on widespread domestic violence and child abuse in Aboriginal communities in WA (see Section 5, Children). The Federal Department of Family and Community Services and the state departments of community services had programs to both combat domestic violence and support its victims, and the federal, state, and territorial governments funded numerous women's shelters. The Federal Government also funded an advertising and information campaign against violence against women as part of its "Women's Safety Agenda."

Prostitution is legal or decriminalized in several states and territories, and the Governments of Victoria, Queensland, NSW, and the Australian Capital Territory license brothels operating within their borders. However, some brothels operated il-

legally. In some locations state-funded sexual health services employees visited brothels to educate workers about sexual health matters and to prevent worker mistreatment. Local governments or prostitution licensing authorities inspected brothels to ensure compliance with planning laws and licensing requirements, including health and safety regulations. However, government officials faced difficulties enforcing health and safety standards in illegal brothels. Trafficking in persons, primarily women from Asia, for prostitution was a limited problem.

The Sex Discrimination Act prohibits sexual harassment. Circumstances that give rise to complaints of such harassment can also give rise to criminal proceedings or disciplinary action against the subject of the complaint and to compensation claims by the complainant. The independent Federal sex discrimination commissioner, which is part of HREOC, undertakes research, policy, and educational work designed to eliminate discrimination between men and women. There also is a Federal Office for Women. In August the Federal minister for women published a report, *Women in Australia 2007*, which provided an overview of progress made over the past 10 years in raising the status of women across a wide range of areas.

HREOC received 472 complaints under the Sex Discrimination Act from July 2006 through June 2007. Of these, 17 percent alleged discrimination based on pregnancy, and 19 percent alleged sexual harassment. The commission resolved 452 of the complaints, 46 percent by conciliation.

Women have equal status under the law, and the law provides for pay equity. In February the Australian Bureau of Statistics (ABS) estimated that women's full-time total average weekly earnings were 83.6 percent of those of men. The Equal Opportunity for Women in the Workplace Act requires organizations with 100 or more employees to establish a workplace program to remove the barriers to women entering and advancing in their organization.

There were highly organized and effective private and public women's rights organizations at the federal, state, and local levels.

*Children.*—The Government demonstrated its strong commitment to children's rights and welfare through its publicly funded educational and medical care systems. While the structure of education varied among states and territories, all children between 6 and 15 years of age are entitled to 9 to 10 years of compulsory and free education. An ABS survey issued in February found that the full-time school participation rate for 15-year-olds as of August 2006 was 94.5 percent, with most children completing grade 12. The student retention rate from grades seven and eight to grade 12 was 80.6 percent for girls and 69 percent for boys.

The Government provided universal health insurance coverage to all citizens and lawful residents from birth on a copayment basis. Boys and girls had equal access to government-provided medical care.

State and territorial child protection agencies investigate and institute prosecutions of persons for child neglect or abuse. All states and territories have laws or guidelines that require members of certain designated professions to report suspected child abuse or neglect. The Federal Government's role in child abuse prevention is limited to funding research and education campaigns, developing an action plan against the commercial exploitation of children, and funding community-based parenting programs. According to the Australian Institute of Health and Welfare, there were 55,921 substantiated cases of child abuse and neglect from July 2005 to June 2006, the latest period for which national statistics were available. These included physical abuse (22 percent of cases), sexual abuse (10 percent), emotional abuse (40 percent), and neglect (27 percent).

The Government has enacted tough criminal laws aimed at restricting the trade in, and possession of, child pornography; the law allows suspected pedophiles to be tried in the country regardless of where the crime was committed. The Child Sex Tourism Act prohibits child sex tourism and related offenses for the country's residents and citizens overseas and provides for a maximum sentence of 17 years' imprisonment upon conviction. From January 1, 2004 through October 23, 2007, the AFP conducted 153 investigations and assessments under the act. As of June 30, there were 28 prosecutions, with 18 convictions and two cases still pending before the courts. During the year the Government continued its awareness campaign to deter child sex tourism through the distribution of materials to citizens and residents traveling overseas. Child protection NGOs raised community awareness of child trafficking. There were no reports of children trafficked into the country during the year. In August the Government allocated \$170 million (A\$189 million) for free Internet filtering and more resources to help police better protect children from online predators.

In June a board of inquiry created in August 2006 to investigate allegations of sexual abuse of children in Aboriginal communities in the NT reported that child sexual abuse was serious, widespread, and often unreported. The board found in-

stances of sexual abuse in all 45 communities it visited and cited high rates of poverty and alcohol abuse as major contributing factors. Also in June, in response to what he called a “horrifying” report, the prime minister used the Federal Government’s constitutional authority over the territories to take emergency measures in all the NT indigenous communities, including emergency bans on alcohol and pornography sales, restrictions on the payment of welfare benefits in cash, linkage of support payments to school attendance, and medical examinations for all NT indigenous children under age 16. Some of the emergency measures as well as other remedial assistance for indigenous communities were codified in legislation approved by Parliament in August. The public generally welcomed the announcement; however, some lawyers and Aboriginal activists expressed concern that there was inadequate consultation and that the changes might be racially discriminatory.

In October a coroner’s inquiry into whether alcohol and drugs contributed to the deaths of up to 23 indigenous persons in the Kimberley region of WA’s far north found that children often went without food because their parents spent money on alcohol. Also in October, the WA government appointed the state’s first commissioner for children and young persons, reporting directly to the state Parliament, to act as an independent advocate and to ensure the protection of children.

*Trafficking in Persons.*—The law prohibits all forms of trafficking in persons, but the country continued to be a destination for some trafficked women in the sex industry and trafficked laborers.

Some women, primarily from the People’s Republic of China (PRC), the Republic of Korea, and Southeast Asia, entered the country for the purpose of prostitution, sometimes entering with fraudulently obtained tourist or student visas. Many of these women traveled to the country voluntarily to work in both legal and illegal brothels, but under conditions that amounted to debt bondage or sexual servitude. There were several reports of men and women from India, the PRC, and South Korea migrating to Australia temporarily for work whose labor conditions amounted to slavery, debt bondage, and involuntary servitude.

Authorities believed that sex trafficking networks were composed primarily of individual operators or small crime groups that often relied on larger organized crime groups to procure fraudulent documentation for the trafficked women.

The Commonwealth Criminal Code comprehensively criminalizes “people trafficking” offenses, including sexual servitude, slavery, deceptive recruitment, debt bondage, child trafficking, and domestic trafficking. These offenses carry penalties of up to 25 years’ imprisonment for slavery, debt bondage, child trafficking, and domestic trafficking; 15 years for sexual servitude; and 7 years for deceptive recruitment. Under the Child Sex Tourism Act, it is an offense for citizens or residents to travel abroad to engage in sex with minors under age 16.

The Government had a wide range of programs to combat trafficking, prosecute traffickers, and assist trafficking victims. The AFP and DIAC have lead roles in combating trafficking in persons. The AFP’s Transnational Sexual Exploitation and Trafficking Teams are responsible for investigating trafficking syndicates operating in the country and abroad. State police forces worked closely with the AFP on a comprehensive policing strategy to counter trafficking in persons. From 2004 through March 1, 2007, the AFP investigated 117 cases relating to allegations involving slavery, deceptive recruiting, and sexual servitude, as well as more than 150 allegations of child sex tourism offenses. Since passage of an expanded antitrafficking law in 2005, four persons were convicted of trafficking-related offenses. At year’s end three of these cases were under appeal, and eight additional trafficking cases were before the courts.

An ambassador for people-smuggling issues is responsible for promoting a coherent and effective international approach to combating trafficking in persons (particularly in the Asia-Pacific region), assisting in the negotiation of international agreements for the return and resettlement of persons brought illegally into the country, and working for the prosecution of traffickers in persons. The ambassador coordinates the country’s participation with Indonesia in the Bali Process on People Smuggling, Trafficking in Persons, and Related Transnational Crime. The Government has antitrafficking agreements with Cambodia, Burma, Laos, and Thailand designed to improve international cooperation and police investigations of trafficking syndicates. The Government also funded awareness campaigns in source countries and continued funding the Asia Regional Cooperation to Prevent People Trafficking project. Underway in four countries—Thailand, Laos, Burma, and Cambodia—the project focused on strengthening the criminal justice process to combat trafficking in persons.

Within the country the Government continued an awareness campaign targeting the sex industry and the community at large and widely publicized criminal cases against traffickers. Trafficking victims willing to cooperate with authorities in the

investigation and prosecution of traffickers qualify for a temporary visa and a range of social services. Counseling, temporary shelter, and other assistance were available to all trafficking victims.

*Persons with Disabilities.*—The law prohibits discrimination against persons with disabilities in employment; education; access to premises; provisions of goods, services (including health services), and facilities; accommodation; purchase of land; activities of clubs and associations; sport; and the administration of Federal laws and programs, and the Government effectively enforced the law.

The disability discrimination commissioner, which is part of HREOC, promotes compliance with Federal laws that prohibit discrimination against persons with disabilities. The commissioner also promotes implementation and enforcement of state laws that require equal access and otherwise protect the rights of persons with disabilities. The law also provides for mediation by HREOC of discrimination complaints, authorizes fines against violators, and awards damages to victims of discrimination.

HREOC's July 2006 to June 2007 annual report stated that 802 complaints were filed under the Disability Discrimination Act. Of these, 46 percent were employment related, and 29 percent involved the provision of goods and services. HREOC resolved 682 complaints, 44 percent through conciliation.

As part of its "welfare to work" reforms, the Howard government tightened eligibility for disability pensions but increased assistance for persons with disabilities seeking work and incentives for employers to hire persons with disabilities.

*National/Racial/Ethnic Minorities.*—According to HREOC's July 2006 to June 2007 annual report, it received 250 complaints under the Racial Discrimination Act. Forty-two percent involved employment, 16 percent involved provision of goods and services, and 15 percent alleged "racial hatred." Persons born outside the country filed 60 percent of the complaints, and Aboriginals and Torres Strait Islanders filed 25 percent.

In May a member of a neo-Nazi group, charged together with the group's leader, Jack van Tongeren, with involvement in a 2004 conspiracy to firebomb Chinese restaurants in Perth, was convicted and sentenced to 4½ years' imprisonment. Van Tongeren was released in December 2006 after he agreed to plead guilty to criminal damage and conspiracy to cause arson and was required to leave Western Australia.

*Indigenous People.*—According to the June 2006 census, Aboriginals and Torres Strait Islanders numbered approximately 517,200 persons, approximately 2.5 percent of the total population. The Government's approach toward indigenous citizens continued to emphasize "practical reconciliation" aimed at raising the health, education, and living standards of indigenous people. The National Indigenous Council, an indigenous advisory group, provided advice to the Government on improving conditions for indigenous people. In April Prime Minister Howard wrote to the top 100 companies in the country urging them to support and employ more members of the indigenous community. He also instructed all government agencies to prepare detailed action plans to help bridge the gap in living standards between indigenous and nonindigenous citizens. The Howard government favored an approach promoting individual responsibility and an end to passive welfare. A wide variety of continuing government initiatives and programs sought to improve all aspects of Aboriginal and Torres Strait Islander life. The Government budgeted \$2.8 billion (A\$3.1 billion) for indigenous-specific services in 2006–7 and \$3.15 billion (A\$3.5 billion) in 2007–8.

In July the Supreme Court of South Australia ruled that an Aboriginal man was treated unlawfully when he was placed with a nonindigenous foster family in 1958 at age 13 months without his parents' permission. He was placed with the foster family after being hospitalized for a stomach ailment. The court awarded the man \$473,000 (A\$525,000) in compensation. The South Australia State government stated it would not appeal the decision.

According to the Government's third report on Overcoming Indigenous Disadvantage, released in June, the life expectancy of an indigenous person was 17 years less than that of a nonindigenous person. The report, which compared up to 10 years of available data, noted improvements in some areas, including increases in indigenous employment, home ownership, and education levels, and decreases in infant mortality rates and hospitalizations of children up to age 14 for diseases associated with poor environmental health. Despite these improvements, wide gaps remained between the indigenous and nonindigenous populations in virtually every area. The infant mortality rate was still two to three times the rate for the total population. From 2001 to 2005 there was an increase in the number of long-term health problems among indigenous people. For example, kidney disease among the indigenous population increased from five times the nonindigenous rate in 2001 to 10 times the

nonindigenous rate in 2005. Older indigenous persons also had increased hospitalization rates for diseases associated with poor environmental health.

The report also found that indigenous imprisonment rates increased by 32 percent between 2000 and 2006. After adjusting for age differences, in 2006 indigenous people were 13 times more likely than the nonindigenous to be imprisoned, and indigenous juveniles were 23 times more likely to be detained.

The National Drug Research Institute reported that Aboriginals were more than twice as likely as their nonindigenous counterparts to die from alcohol abuse; researchers cited high rates of poverty and unemployment, low educational levels, and lack of adequate access to health services among Aboriginals as contributing causes, particularly in isolated communities. In October evidence in a coroner's inquiry into the role of alcohol and drugs as contributors to the deaths of up to 23 indigenous people in the Kimberley region of WA's far north prompted calls for a government commission to look into inherent poverty, child sex abuse, alcohol and drug use, and unacceptably high death rates in remote Aboriginal communities. The call came as the town of Fitzroy Crossing became bitterly divided over the introduction of a controversial 6-month ban on the sale of take-out alcohol.

The National Native Title Tribunal resolves native land title applications through mediation and acts as an arbitrator in cases where the parties cannot reach agreement about proposed mining or other development of land. The 1993 Native Title Act removed the time limit previously in effect for lodging native title claims, and Aboriginal groups continued to express concern that the amended act limited the future ability of Aboriginal people to protect their property rights. In 2002 the High Court ruled that native title rights did not extend to mineral or petroleum resources and that, in cases where leasehold rights and native title rights were in conflict, leaseholder rights prevailed but did not extinguish native title rights.

The \$1.26 billion (A\$1.4 billion) indigenous land fund is a special account that provides an ongoing source of funds for indigenous people to purchase land for their use. It is separate from the Native Title Tribunal and is not for payment of compensation to indigenous people for loss of land or to titleholders for return of land to indigenous people.

The NGO Aboriginal Tent Embassy in Canberra, set up in a small structure on public land opposite the old Parliament building more than 30 years ago, worked to publicize Aboriginal grievances. The tent Embassy, which also encompassed an itinerants' camp, remained in the same location during the year despite continued efforts to relocate it by the Government and some local indigenous groups who asserted that it was not representative of the entire indigenous community. Other Aboriginal NGOs included groups working on native title issues, reconciliation, deaths in custody, and Aboriginal rights in general. International NGOs, such as Amnesty International, also monitored and reported on indigenous issues and rights.

*Other Societal Abuses and Discrimination.*—On June 21, HREOC presented a report to Parliament noting 58 Federal laws that denied same-sex couples and their children basic financial and work-related entitlements available to heterosexual couples and their children. At year's end the new government was considering the report.

In October police reported that there were nine "sexual preference prejudice" assaults during the year around Oxford Street in Sydney, a popular gay area.

Federal and various state laws prohibit discrimination on the grounds of HIV-positive status. In the 12 months ending June 30, there were 21 discrimination complaints lodged with the Federal disability discrimination commissioner, which is part of HREOC, on the grounds of HIV/AIDS status. These complaints also were included in the total of 802 disability-related complaints to HREOC.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law provides workers, including public servants, the right of association domestically and internationally and protection against antiunion discrimination, and workers exercised these rights in practice. A 2006 ABS survey indicated that union membership decreased over the previous 12 months from 22.4 to 20.3 percent of the total workforce, and to only 15 percent of the private-sector workforce. Unions generally carried out their functions free from government or political control.

The 1996 Federal Workplace Relations Act (WRA), which contained curbs on union power, restrictions on strikes, and limits on redress and compensation claims by dismissed employees, was substantially changed by the 2005 Workplace Relations Amendment Act (known as WorkChoices), which came into effect in March 2006. Under the WRA, as amended by WorkChoices, workers are free to join or decline to join industrial associations, and discrimination against individuals for membership or nonmembership in a union is prohibited. The Australian Council of Trade



Unions (ACTU, the umbrella trade union organization), the ALP, and a number of international labor organizations criticized both the 1996 law and WorkChoices, alleging that they violate a number of worker rights provided for in several International Labor Organization conventions that the Government has signed, including the right to assembly. The new government, elected in part because of public opposition to WorkChoices, stated it would introduce legislation to abolish Australian Workplace Agreements (AWAs) and amend the law to provide more protection for individual workers.

In 2005 the Department of Employment and Workplace Relations advised all Federal Government agencies that “leave should not be made available to cover participation in industrial action.” However, on September 6, the Federal Court of Australia ruled that this directive violated the WRA because one of the act’s objectives was to “ensure freedom of association.”

*b. The Right to Organize and Bargain Collectively.*—Federal, state, and territorial laws provide workers with the right to organize and bargain collectively, and workers exercised this right in practice.

Under the WRA, negotiation of contracts covering wages and working conditions shifted further from a centralized awards system to enterprise-level agreements certified by the Australian Industrial Relations Commission. The WRA also provided for the negotiation of AWAs between employers and individual workers, which were subject to fewer government regulations than awards or enterprise bargaining agreements; however, AWAs had to meet a “no disadvantage” test: A worker could not be made worse off compared to the relevant award.

WorkChoices substantially changed the WRA. The law provides for five minimum standards of employment: A minimum wage, annual leave, sick leave, unpaid parental leave, and maximum working hours. All other workplace conditions are negotiable, preferably at the workplace or enterprise level. The law provides for collective workplace agreements as well as AWAs, although by providing that an employer may require new employees to sign AWAs as a condition of employment, the law favors this type of employment agreement. Once an AWA is in force, it cannot be displaced by a collective agreement, but a collective agreement may be overridden by an AWA. From March 2006, when WorkChoices was introduced, to November 30, 2007, a total of 560,758 AWAs were signed.

WorkChoices does not cover employees of unincorporated businesses, some state government employees, and sole traders and partnerships. However, employees in those categories in Victoria (which transferred its industrial relations powers to the Federal Government in 1997) and the territories are covered by WorkChoices.

Unions criticized as adversely affecting collective bargaining rights WorkChoices’ provisions on “prohibited content,” which are matters that the law prohibits from inclusion in workplace agreements. Such prohibitions include, for example, mandatory union involvement in dispute settlement and remedies for unfair dismissal. The law also provides for imposition of fines for violation of the “prohibited content” provisions.

Under WorkChoices unions can enter certain workplaces to investigate a suspected breach of the WRA or hold discussions with employees. However, unions may only enter a workplace to investigate a breach of an award or collective agreement if a union member is carrying out work at the premises and the suspected breach affects a union member. If all employees are on AWAs or there is a collective agreement to which the union is not a party, a union does not have a right of entry for discussion purposes.

Federal law first recognized an implicit right to strike in 1994. The WRA significantly restricted this right. The law, as amended by WorkChoices, subjects strikers to heavy fines for taking industrial action during the life of an agreement and contains tough secondary-boycott provisions. The law confines strikes to the period when unions are negotiating a new enterprise agreement and specifies that strikes must concern matters under negotiation. This is known as “protected action.” Protected action provides employers, employees, and unions with legal immunity from claims of losses incurred by industrial action. WorkChoices requires industrial action to be authorized by a secret ballot of employees; unions complained that this requirement was unduly time consuming and expensive to implement. The law permits the Government to stop strikes if they are judged to have an “adverse effect” on the employer or damage third parties, but this provision was not used during the year.

According to the ABS, during the 12 months ending September 30, there were 151 industrial disputes, 105 fewer than the previous year; during the same period, total workdays lost due to strikes fell from 159,400 to 79,600. In December a curtain manufacturer reportedly threatened to dismiss its entire staff if they voted to take industrial action in pursuit of a new enterprise agreement. One worker subse-

quently left the union, and five others agreed to vote against industrial action. The Workplace Ombudsman was reviewing the case at year's end.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law explicitly prohibits forced or compulsory labor, including by children; however, trafficking in persons was a limited problem.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—There is no federally mandated minimum age of employment, but state-imposed compulsory educational requirements, enforced by state educational authorities, effectively prevented most children from joining the work force full time until they were 15 or 16 years of age. Federal and state governments monitored and enforced a network of laws, which varied from state to state, governing the minimum school-leaving age, the minimum age to claim unemployment benefits, and the minimum age to engage in specified occupations. The ACTU also monitored adherence to these laws. Workers under age 18 require parental or guardian consent to sign an AWA.

*e. Acceptable Conditions of Work.*—Although a formal minimum wage exists, most workers received higher wages through enterprise agreements or individual contracts. There are above-minimum wage classifications for individual trades and professions. In October the Australian Fair Pay Commission, which determines minimum wage increases, raised the Federal minimum award wage to \$470.57 (A\$522.86) per week from \$461.34 (A\$512.60) per week. The ACTU criticized the increase as inadequate, claiming it did not keep up with inflation. According to the ABS, real wages increased by 3.1 per cent between July 1, 2006 and June 30, 2007, compared with an increase of 1.8 per cent during the previous 12 months.

In response to concerns that employees signing AWAs were being stripped of formerly mandated conditions of employment (such as higher pay for working weekends or holidays) without adequate compensation, in May the Government announced it would introduce proposed legislation to establish a “fairness test” for AWAs; in June Parliament passed this provision. The Office of Employment Advocate was renamed the “Workplace Authority” and the Office of Workplace Services became the “Workplace Ombudsman.” The Workplace Authority conducts the fairness test by considering both monetary and nonmonetary compensation offered under an AWA compared to what would be payable otherwise. If the fairness test is not met, an AWA is not approved. The Workplace Ombudsman provides employers and employees advice about their rights and has authority to investigate employers alleged to have unlawfully exploited employees.

As of November 30, the Workplace Authority had received 222,276 AWAs for review since the fairness test was introduced. Of the 72,859 agreements finalized, 41,273 passed the fairness test and an additional 9,139 passed following acceptance of recommendations from the Workplace Authority. The fairness test did not apply to 15,754 agreements, either because protected award conditions did not change or because the employee earned more than \$67,500 (A\$75,000) per year. The authority voided 6,693 agreements because required changes were not made.

Over the past two decades, there has been a substantial increase in the percentage of the workforce regarded as temporary workers. The ABS reported that, as of December, approximately 3 million persons (28.2 percent of the workforce) were employed as “part-time” workers, of whom 71 percent were women. Such employees were not entitled to certain employment benefits such as sick leave or annual leave but were paid at a higher hourly wage rate.

Federal or state occupational health and safety laws apply to every workplace. The law provides Federal employees with the right to cease work without endangering their future employment if they believe that particular work activities pose an immediate threat to individual health or safety. Most states and territories have laws that grant similar rights to their employees. Employees have recourse to state health and safety commissions, which investigate complaints and demand remedial action.

Labor law protects citizens, permanent residents, and migrant workers alike. Migrant worker visas require that employers respect these protections and provide bonds to cover health insurance, worker compensation insurance, unemployment insurance, and other benefits. However, there were complaints that some individuals entering the country to work temporarily on so-called 457 skilled-worker visas were being underpaid or charged excessive rents by their employers. There also were complaints that some employers used foreign workers as a less expensive substitute for Australian workers. In September a parliamentary committee recommended that DIAC review its entire 457 program, focus more on employer compliance with program requirements, and provide clear instructions to both employers and employees as to their rights under the program. There were no reports of worker rights abuses

in the country's three inhabited dependent territories of Christmas Island, Cocos (Keeling) Island, and Norfolk Island.

## BRUNEI

Brunei Darussalam is a sultanate ruled by the same family for more than 600 years, and it has a population of approximately 383,000. Sultan Haji Hassanal Bolkiah governed under emergency powers that place few limits on his power. The Legislative Council, with a limited role in recommending and approving legislation, met during the year and expanded its activity to include a debate of the Government budget. The sultan maintained control over the security forces.

The following human rights problems were reported: Inability of citizens to change their government; arbitrary detention; limits on freedom of speech, press, assembly, and association; restrictions on religious freedom; discrimination against women; restricted labor rights; and exploitation of foreign workers.

### RESPECT FOR HUMAN RIGHTS

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

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

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits mistreatment of prisoners, and there were no reports of such mistreatment. Caning is mandatory for 42 criminal offenses, and it was included in 80 percent of criminal sentences. During the year, 68 persons were sentenced to caning for immigration violations. Canings were carried out in the presence of a doctor, who had the authority to interrupt the punishment for medical reasons.

*Prison and Detention Center Conditions.*—Prison conditions generally met international standards.

In August the Government opened a new welfare housing complex for juvenile offenders and children in need of shelter and rehabilitation. Previously juveniles served their sentences in adult detention centers, but segregated from adults. Conditions in police station detention cells were Spartan. During the year there were credible reports that Internal Security Act (ISA) detainees had been held in isolation, were denied access to sunlight or fresh air, and were denied facilities suited to performing Islamic religious obligations. Independent sources asserted that conditions improved at the ISA facility in response to complaints by detainees.

During the year there were no reports that human rights monitors requested prison visits; foreign diplomats had consular access to detained nationals. Family members were permitted to visit prisoners and bring food.

*d. Arbitrary Arrest or Detention.*—The law provides for prompt judicial determination regarding the validity of an arrest but in practice these provisions were superseded through invocation of emergency powers.

*Role of the Police and Security Apparatus.*—The police force and Internal Security Department (ISD) are under the direct control of the Prime Minister's Office. The police and the ISD were considered free of major corrupt practices, although there were reports of petty corruption. There were 13 arrests involving police and military personnel for criminal acts. There were no reports of prosecution or conviction of police or military personnel for corruption.

*Arrest and Detention.*—A magistrate must endorse a warrant for arrest, except when police are unable to otherwise obtain an endorsement in time to prevent the flight of a suspect. Police officers have broad powers to make warrant-less arrests of persons caught in the act of committing a crime. For these arrests, police may detain a suspect up to 48 hours before bringing the individual before a magistrate.

The ISA permits the Government to detain suspects without trial for renewable 2-year periods. ISA detainees are denied the right to legal counsel and are not presumed to be innocent. According to reports, detainees were promptly informed of the charges against them. Information on detainees is made public only after their release.

The Government regularly convened an independent advisory board consisting of executive and judicial branch officials to review individual ISA detentions and recommend whether they should be renewed for an additional 2 years.

The criminal procedure code allows for bail except in cases indicated as "discretionary" by law. Detainees generally had prompt access to lawyers and family visita-

tions; however, police may deny access in exceptional cases, such as probable cause to suspect witness tampering. There is no legal provision to provide affordable legal counsel for poor defendants, except in capital cases. In non capital cases, indigent defendants may act as their own lawyers in court.

In July the Government released five persons detained in 2004 under the ISA for involvement in a counterfeit ring, including Sofri Dahali, Abdul Salam Dollah, Bakar Bali, Razali Kahan, and Juni Garip. An advisory board renewed the detention of three remaining detainees allegedly involved in the ring. According to official information, five persons were being held under the ISA at the end of the year.

*e. Denial of Fair Public Trial.*—The law does not provide specifically for an independent judiciary, but the courts appeared to act independently, and there were no known instances of government interference with the judiciary. All higher court judges are appointed by and serve at the pleasure of the sultan.

The judicial system consists of five levels of courts, with final recourse for civil cases available through the Privy Council in the United Kingdom.

A court run by the military legal unit provides military personnel with the same rights as in civilian criminal court.

*Trial Procedures.*—Secular law, based on English common law, provides citizens with a fair and efficient judicial process. Procedural safeguards include the right to defense counsel, an interpreter, and a speedy trial, as well as the right to confront accusers and to avoid self-incrimination. Lawyers have access to the accused once charges are filed through the trial process, but not during initial questioning. Defendants in criminal proceedings are presumed innocent. Most criminal cases are conducted in public trials by a judge or panel of judges. ISA detainees were denied the right to legal counsel and were not presumed to be innocent.

Shari'a (Islamic law) supersedes secular law for Muslims in cases of divorce, inheritance, and some sexual crimes. Shari'a is not applied to non-Muslims.

*Political Prisoners and Detainees.*—There were no reports of political prisoners or detainees; however, information was very difficult to obtain.

*Civil Judicial Procedures and Remedies.*—There is no specific provision of law to bring civil suit for human rights violations. In customary practice individuals may present written complaints about rights violations to the sultan directly for review. Such complaints were typically handled privately, and there were no reports of civil remedies handled in this manner during the year. Individual government servants who act outside their authority resulting in a civil wrong may be subject to fines or prosecution. Civil courts are generally unbiased.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law permits government intrusion into the privacy of individual persons, families, and homes. Shari'a permits enforcement of khalwat, an Islamic prohibition on the close proximity of a Muslim and a member of the opposite sex other than a spouse or close male relative. There continued to be numerous reports that religious enforcement officers entered homes, buildings, and vehicles to detain suspects. According to religious authorities, 691 khalwat cases were reported in 2007, almost double the number for 2006. According to the Ministry of Religious Affairs, many reported khalwat cases were dropped for lack of evidence.

The Government monitored citizens' private e-mail, cell phone messaging, and Internet chatroom exchanges believed to be subversive. An informant system was used as part of the Government's internal security apparatus to monitor suspected dissidents.

## *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—Under the emergency powers, the Government significantly restricted freedom of speech and of the press. Members of the legislative council are allowed to "speak their opinions freely," but they are prohibited from using language or exhibiting behavior deemed "irresponsible, derogatory, scandalous, or injurious," and may be disqualified for service on the basis of various offenses, including disloyalty to the sultan.

Under the Seditious Act, it is an offense to challenge in any way the authority of the sultan or members of the royal family. The act also makes it an offense to challenge "the standing or prominence of the national philosophy, the Malay Muslim Monarchy concept." This ideology permeates the country's life and government administration, promoting Islam as the state religion and monarchical rule as the sole governing system, upholding the rights and privileges of the Brunei Malay race.

The act provides for prosecution of newspaper publishers, proprietors, or editors who publish anything allegedly having a seditious intent. Publication may be suspended for up to 1 year, and publishers, printers, or editors can be prohibited from publishing, writing, or editing any other newspaper. Printing equipment can also be

seized. Persons convicted under the act face fines of up to \$3,500 (B\$5,000) and jail terms of up to 3 years.

The law requires local newspapers to obtain operating licenses and prior government approval of foreign editorial staff, journalists, and printers. The law also gives the Government the right to bar distribution of foreign publications and requires distributors of foreign publications to obtain a government permit. The law allows the Government to close a newspaper without giving prior notice or showing cause. Journalists deemed to have published or written "false and malicious" reports may be subjected to fines or prison sentences.

The country's daily newspapers, the Borneo Bulletin and the Brunei Times, practiced self-censorship in their choice of topics to avoid angering the Government. However, letters to the editor often included comments critical of government handling of certain social, economic, and environmental issues. On occasion the Government responded to public opinion on topics concerning social or environmental problems and the delay of public services.

Foreign newspapers were routinely available, although the Government must approve their distribution. Internet versions of foreign media were routinely available.

The Government owned the only television station. Three Malaysian television stations were also available, along with two satellite television services. Some content was subject to censorship based on theme, but such censorship was not consistent.

The Government's tolerance of political criticism was not tested, since there was no organized opposition. In the past the Government arrested those who attempted to propagate unwelcome political views. Local media published limited reports on the activities of two political parties.

On January 17, Isa bin Haji Jaya, William bin Rahman, and Tuah bin Sabang were released for good behavior after serving 8 months in prison. The three had been sentenced to 1 year in prison and fined \$3,200 (B\$5,000) under the sedition act for distributing via mobile telephone a satirical video clip depicting immediate members of the royal family.

*Internet Freedom.*—According to official statistics, more than 19,000 households have Internet access and over 176,000 people (nearly half of the population) were Internet users. The Government monitored private e-mail and Internet chatroom exchanges of citizens believed to be subversive. There was anecdotal information that fear of government surveillance reduced the number of visitors to Internet forums. The primary Internet service provider was state owned.

In April 2006 the Attorney General's Chambers and Authority for Info-Communications Technology Industry advised Internet service and content providers to monitor for content contrary to public interest, national harmony, and social morals. There were no reports of any government action to enforce this advisory.

*Academic Freedom and Cultural Events.*—The Government generally respected academic freedom; however, some researchers chose to publish under a pseudonym from overseas when they perceived that subject matter would not be well received.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—Under the emergency powers, the Government significantly restricted the right to assemble. According to the Societies Order, public gatherings of 10 or more persons require a government permit, and police have the authority to stop an unofficial assembly of five or more persons deemed likely to cause a disturbance of the peace.

*Freedom of Association.*—The law requires formal groups including religious, social, or cultural to register with the Registrar of Societies and provide regular reports on membership and finances. The Government continued to restrict the activities of international service organizations such as Rotary, Kiwanis, and the Lions, which developed out of the established business community. Religious regulations promulgated by the Ministry of Religious Affairs and the State Mufti's Office prohibited Muslims from joining these organizations.

*c. Freedom of Religion.*—The law states, "the religion of Brunei Darussalam shall be the Muslim religion according to the Shafi'i sect of that religion: Provided that all other religions may be practiced in peace and harmony by the person professing them in any part of Brunei Darussalam." However, in practice the Government restricted non-Islamic religions and non-Shafi'i Islamic groups, reinforcing the legitimacy of the observance of traditional and Islamic values through its national Malay Muslim Monarchy ideology. The Government controlled mosques and the Ministry of Religious Affairs prepared the weekly Friday sermons delivered in mosques countrywide.

The Government used its internal security apparatus against persons it considered to be purveyors of radical Islam, non-Muslims who attempted to proselytize, and religious groups that did not belong to the official religion. According to government statistics, 30 foreign citizens were expelled in the first 8 months of the year for religious violations, primarily the sale of traditional or mystical bomoh healing services.

Registration is required by law for a group to worship communally. An organization that fails to register can face charges of unlawful assembly. All non-Shafi'i religious groups are required to register as associations. There continued to be credible reports that certain Christian groups were denied permission to register or chose not to register out of the expectation that their applications would be rejected.

The Government routinely restricted the practice of non-Muslim religions by prohibiting proselytizing and, in the past, occasionally denying entry to foreign clergy, banning the importation of religious teaching materials or scriptures such as the Bible, and denying requests to expand or build new churches, temples, and shrines. During the year the Government permitted refurbishment of the Anglican St. Andrews Church buildings.

Non-Muslims who proselytize may be arrested or detained and held without charges for an extended period of time; however, during the year there were no reports that persons were arrested or detained for proselytizing.

Muslims who wished to change or renounce their religion faced considerable difficulties. Born Muslims faced both official and societal pressure not to leave Islam. Permission from the Ministry of Religious Affairs must be obtained, and there were no reports of anyone requesting such permission. There were instances of persons who converted to Islam (often foreign nationals) as a prelude to marrying Muslims; conversion is required by the country's Islamic law. Government statistics indicated that 24 percent of the 351 conversions to Islam during the year were due to marriage. After the marriages took place, those who wished to return to their former religion faced intense official pressure not to do so or encountered extraordinary delays in obtaining permission.

Authorities continued to arrest Muslims for offenses under Shari'a, such as khalwat and consumption of alcohol.

The Ministry of Education requires courses on Islam and the national ideology, and prohibits the teaching of other religions and comparative religious studies. However, during the year there were reports of Islamic Studies students from government-run educational institutions visiting Christian churches and attending lectures by church officials as part of their required course work. The ministry requires all students, including non-Muslims, to learn Jawi, the Malay language in Arabic-derived script. The International School of Brunei and the Jerudong International School were exempt from these requirements, but both offered voluntary, extra-curricular Islamic instruction to Muslim students. Private Christian schools were not allowed to give Christian instruction but could offer voluntary, Islamic instruction to Muslim students. However, the Government did not prohibit or restrict parents from giving religious instruction to children at home.

The Government routinely censored magazine articles on other faiths by blacking out or removing photographs of crucifixes and other religious symbols. Government officials also confiscated religious materials and prevented public display, distribution, and sale of items featuring non-Islamic religious symbols. However, some Christian churches displayed crosses on their buildings.

The Government requires residents to carry an identity card that states the bearer's ethnicity, which is used in part to determine whether they are subject to Shari'a law. Visitors to the country were asked to identify their religion on their visa applications. Ethnic Malays are assumed to be Muslim, and therefore subject to Shari'a law. Non-Muslims are not held accountable to Shari'a precepts. Religious authorities check identity cards for ethnicity when conducting raids.

Only Islamic groups belonging to the Shafi'i school were permitted to organize public religious processions; however, the Government allowed public lion dances to celebrate the Chinese Lunar New Year.

*Societal Abuses and Discrimination.*—The country's various religious groups coexisted peacefully. There were no known Jewish communities in the country, and there were no reports of anti-Semitic acts.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—Generally the Government did not restrict the freedom of movement of citizens, visitors, and permanent residents. Government employees, both citizens and foreigners working on a contractual basis, must apply for approval to

go abroad, which was granted routinely. The Government restricted the movement of former political prisoners during the year following their release.

By law the sultan may forcibly exile, permanently or temporarily, any person deemed a threat to the safety, peace, or welfare of the country. However there have been no cases of banishment since 1984.

*Protection of Refugees.*—The laws do not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and the 1967 protocol. The Government has not established a system for providing protection to refugees. During the year the Government did not grant refugee status or asylum. In practice, the Government did not provide protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. There were no reported cases of individuals seeking temporary refuge.

*Stateless Persons.*—A sizeable number of “stateless” persons, including persons born and raised in the country, were not automatically accorded citizenship and its attendant rights but were granted permanent resident status. Since these individuals, mostly ethnic Chinese, did not enjoy full privileges of citizenship, they did not have the right to own land and were not entitled to subsidized health care or higher education. In lieu of Brunei passports, the Government issued “certificates of identity” to allow these persons international travel and reentry; foreign visas may be entered in the certificates.

Primary education is free for citizens and permanent residents. Secondary education (above grade 10 equivalent) is free for citizens; fees of approximately \$100 (B\$140) per month are required for non citizens. University education is free for citizens; yearly fees for non citizens are approximately \$2,000 to \$2,500 (B\$2,800 to B\$3,500).

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

Citizens did not have the right to change their government peacefully.

The same family has ruled the country for more than 600 years. In 1962 the then sultan invoked an article of the Constitution that allowed him to assume emergency powers for 2 years. These powers have been renewed every 2 years since 1962, most recently in March 2006. The state of emergency places few limits on the sultan’s power. The sultan also serves as prime minister, minister of defense, minister of finance, chancellor of the national university, inspector general of the Royal Brunei Police Force, and head of the Islamic faith.

*Elections and Political Participation.*—Political authority and control rested entirely with the sultan. A 29-person legislative council made up primarily of appointed members provided a forum for public discussion of proposed government programs as well as administrative deficiencies. However, the council held no independent power. In 2005 the sultan increased the membership of the legislative council to include five indirectly elected members from Brunei’s four administrative districts, elected by their peers from among mukim (collection of villages) and village heads. The legislative council held a 5-day session in March. Government departments were instructed to submit new budget proposals to the council for its approval.

Persons 18 years of age and above may vote by secret ballot in village consultative council elections, which are based on a traditional system of village chiefs. Candidates must be Muslim, approved by the Government, and be citizens or permanent residents for more than 15 years. The councils communicated constituent wishes through a variety of channels, including periodic meetings chaired by the minister of home affairs. The Government also met with mukim representatives to allow for airing of local grievances and concerns.

During the year the Government held nation-wide assemblies of the Mukim and Village Consultative Councils to address social issues at the grassroots level.

At the end of the year, the Brunei National Development Party (NDP) remained the only registered political party in Brunei. In March the Brunei People’s Awareness Party (PAKAR) lost its registration due to internal leadership disputes. In November the Brunei National Solidarity Party (PPKB), the oldest political party, was deregistered due to its failure to furnish annual reports to the Registrar of Societies. NDP, as had the other parties prior to deregistration, pledged to support the sultan and the Government. Although the parties criticized administrative deficiencies, their few activities received limited publicity and they were hindered by membership restrictions. Several members and former members of political parties were consulted informally about the work of the legislative council.

During the year there were credible reports that government officials advised members of political parties not to discuss certain politically sensitive issues during their congresses.

Individuals sought to express their views or influence government decisions and policies by posting messages to Internet discussion boards, writing letters to local newspapers, and petitioning the sultan or handing him letters when he appeared in public.

There were no female ministers in the Government or the legislative council; however, the sultan's sister, Princess Masna, was the second-ranking official in the Ministry of Foreign Affairs, and one of four permanent secretaries in the Prime Minister's Office was a woman. One cabinet-level post and two Legislative Council positions were held by ethnic Chinese.

*Government Corruption and Transparency.*—There were reliable reports of corruption in the Government. In accordance with its zero tolerance policy for corrupt practices, the Government successfully prosecuted a number of low-level officials. At year's end the case of a former government minister accused of corruption in awarding government projects was pending a final ruling from the chief justice.

During the year the Legislative Council approved, and the Government published, a summary of the fiscal year government budget. However, the Government continued to restrict and classify as confidential some information on the financial dealings of the Government and the royal family. The law provides that no court can compel any person to give evidence relating to unpublished government records unless consent is given by the relevant government ministry's permanent secretary. The Anti-Corruption Bureau, under the purview of the Prime Minister's Office, reports directly to the sultan.

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

Few if any civil society organizations dealt directly with human rights. A nongovernmental organization (NGO) seeking to operate in the country is required to apply for permission under the Companies Act and provide a list of members. The Government may suspend the activities of a registered NGO if it deems such an act in the public interest.

The 432 registered NGOs were generally professional, business, sports, or social associations. In the past the Consumers' Association of Brunei attempted to address human rights, but the Government impeded these attempts. However, the association remained active in building relationships with other NGOs in the region dealing with consumer protection issues.

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

The law does not contain specific provisions prohibiting discrimination based on race, sex, disability, language, or social status.

*Women.*—The law stipulates imprisonment of up to 30 years and caning with not fewer than 12 strokes for rape; for the rape of a minor the penalty is 8 to 30 years' imprisonment and caning with not fewer than 12 strokes. The law does not criminalize spousal rape; it explicitly states that sexual intercourse by a man with his wife, as long as she is not under 13 years of age, is not rape. According to police statistics, there were 24 reported rape cases during the year; four of these cases resulted in conviction, and the remaining 20 were under investigation. Police were generally responsive in the investigation of such cases.

In August a nation-wide Friday sermon prepared by the Ministry of Religious Affairs condemned the immodest dress of young women as leading to social ills and potentially inciting rape. Government officials indirectly criticized the linkage to rape.

During the year there were 111 reported cases of domestic violence against women, resulting in 10 convictions and 101 ongoing investigations. The criminal penalty for a minor domestic assault is 1 to 2 weeks in jail and a fine. An assault resulting in serious injury is punishable by caning and a longer jail sentence.

A special unit staffed by female officers existed within the police department to investigate domestic abuse and child abuse complaints. A hot line was available for persons to report domestic violence. The Ministry of Culture, Youth, and Sport's Department of Community Development (DCD) provided counseling for women and their spouses. Based on individual circumstances, some female and minor victims were placed in protective custody in the DCD-operated Taman Noor Hidayat shelter while waiting for their cases to be brought to court.

Islamic courts staffed by both male and female officials offered counseling to married couples in domestic violence cases. Officials did not encourage wives to reconcile



with flagrantly abusive spouses, and Islamic courts recognized assault as grounds for divorce.

Prostitution is illegal. Women who entered the country for purposes of prostitution generally were tried, sentenced, and deported swiftly.

In accordance with the Government's interpretation of Koranic precepts, Muslim women have similar rights as Muslim men in areas such as in divorce and custody of children, as provided under Emergency Order 1999 (Islamic Family Law), although local law requires that males receive twice the inheritance of women. The law permits female citizens to pass their nationality on to their children and to own property and other assets, including business properties.

Men were eligible for permanent positions in government service whether or not they had university degrees, but married women without university degrees were only eligible to hold government positions on a month-to-month basis. Women in these month-to-month positions could not apply for travel allowances for their husband and children. With this exception, they received the same allowance privileges as their college-educated counterparts in permanent positions.

*Children.*—No statistics were published regarding the welfare of children. The strong commitment to family values within society, the high standard of living, and government funding for children's welfare provided most children a healthy and nurturing environment. Education is free, compulsory, and universal for the first 12 years, after which it is still free but no longer compulsory. The highest level of education achieved by most children was completion of secondary school, which normally consists of 12 to 14 years in school, ending between ages 16 to 18, depending on whether the course of study pursued is vocational, academic, or arts.

Medical care for all citizens, including children, was heavily subsidized and widely available.

*Trafficking in Persons.*—The law prohibits trafficking and sexual exploitation of women and girls, and there were no confirmed reports that persons were trafficked to, from, or within the country. There were very few identifiable cases of trafficking; however, it was likely that trafficking of foreign workers recruited from Indonesia, the Philippines, Pakistan, India, and Bangladesh took place. Such workers occasionally faced harsh, exploitative conditions in which their freedom of movement was restricted. There were reports that women arrested for prostitution subsequently claimed to have been victims of trafficking. There were also reports that the country was used as a transit stop for smugglers trafficking women to third countries.

Under the Trafficking and Smuggling Persons Order, a person convicted of trafficking persons, harboring smuggled persons, or endangering the lives or safety of trafficked or smuggled persons can be fined up to \$700,000 (B\$1 million), imprisoned for up to 30 years, and caned. A person convicted of facilitating trafficking or smuggling persons can be fined up to \$35,000 (B\$50,000) and imprisoned for up to 10 years. Immigration and other law enforcement officials received training to investigate and prosecute suspected offenders and to deal with trafficked victims. During the year there were no reported cases of prosecutions for human trafficking, nor were there any reports of government officials involved in trafficking. A national committee coordinates government-wide strategies for combating transnational crime, including trafficking.

The country had limited capacity to protect foreign trafficking victims. There were no NGOs to assist trafficking victims, and victims were subject to prosecution for violations of immigration and labor codes. There was no formal system of protection or benefits for foreign trafficking victims. In cases where the Government considers a victim to be a material witness in the prosecution of traffickers, police will provide temporary protection and shelter as necessary for prosecution. Several foreign Embassies also provided shelter for persons who may have been victims of trafficking.

*Persons with Disabilities.*—The law does not mandate accessibility or other assistance for persons with disabilities. The Government provided educational services for children with disabilities, but countrywide the level of services available was uneven. In December Brunei became a signatory to the U.N. Convention on the Rights of Persons with Disabilities. The community development department of the Ministry of Culture, Youth, and Sports conducted several programs targeted at promoting awareness of the needs of people with disabilities.

*Other Societal Abuses and Discrimination.*—There were no reports of societal violence or discrimination based on sexual orientation or against persons with HIV/AIDS. The law makes it a criminal offense to have "sexual intercourse against the order of nature." There were no reports of official discrimination based on sexual orientation in employment, housing, access to education, or health care.

*Section 6. Worker Rights*

*a. The Right of Association.*—Under the Trade Unions Act, unions are legal and must be registered with the Government. All workers, including civil servants other than those serving in the military and those working as prison guards or police officers, may form and join trade unions; however, in practice there was very little union activity in the country. The Government did not encourage unions or facilitate their formation, and employers in the industrial sector did not encourage foreign workers to form unions. The three registered trade unions were in the oil sector and had a total membership of less than 5 percent of the industry's total work force. It was estimated that there were 88,000 foreign workers, including approximately 5,775 garment industry workers, none of whom were members of any trade union.

While the law permits the formation of trade union federations, it forbids affiliation with international labor organizations unless there is consent from the home affairs minister and Department of Labor (DOL).

In January Brunei became a member of the International Labor Organization.

*b. The Right to Organize and Bargain Collectively.*—The law prohibits employers from discriminating against workers in connection with union activities but provides no legal framework for collective bargaining. There was very little union activity in the country, and employer discrimination against union members was not reported. The law makes no explicit provision allowing the right to strike. Wage and benefit packages were based on market conditions.

There is a free trade zone in Muara Port, known as the Muara Export Zone (MEZ). Labor laws are fully applicable in the MEZ.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children; however, there were isolated reports of non payment of wages and little or no time off for some foreign domestic workers.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—Various laws prohibit the employment of children under age 16. Parental consent and approval by the Labor Commission is required for those under 18. Female workers under 18 may not work at night or on offshore oil platforms. The DOL, which is part of the Ministry of Home Affairs, effectively enforced laws related to the employment of children. There were no reports of violations of child labor laws.

*e. Acceptable Conditions of Work.*—Most employed citizens commanded good salaries. There is no minimum wage. The standard workweek is Monday through Thursday, and Saturday, with Friday and Sunday off, allowing for two rest periods of 24 hours each week. Overtime is paid for work in excess of 48 hours per week, and double time is paid for work performed on legal holidays.

Occupational health and safety standards are established by government regulations. The DOL inspected working conditions on a routine basis and in response to complaints. The DOL generally enforced labor regulations effectively, but enforcement in the unskilled labor sector was lax, especially for foreign laborers at construction sites, where pay arrearage and inadequate safety and living conditions were reported. The DOL may close a workplace where health, safety, or working conditions are unsatisfactory. The law permits a worker to leave a hazardous job site without jeopardizing his employment, but generally this did not occur.

According to government data, approximately 88,000 foreign persons worked in the country. There were an estimated 25,000 foreign workers in domestic jobs not included in the official labor statistics. There were reports of foreign maids and other domestic workers whose liberty was severely restricted while working exceptionally long hours without being granted a day for rest. There also were isolated reports of employers who beat domestic employees or did not provide them with adequate food. The Government prosecuted some cases; employers found guilty of abuses typically were fined or sentenced to prison and ordered to compensate the victim.

Government protective measures for foreign workers included arrival briefings for workers, inspections of facilities, and a telephone hot line for worker complaints. Government mediation continued to be the most common means used to resolve labor disputes. Abusive employers faced criminal and civil penalties. When grievances could not be resolved, repatriation of foreign workers was at the expense of the employer, and all outstanding wages were ordered paid. The majority of abuse cases were settled out of court by the employer paying financial compensation to the worker.

Workers, most notably in the garment industry, signed contracts with employment agents or other sponsors in their home countries that reduced their promised salaries through payments to the agencies or sponsors. The Government forbade wage deductions to agencies or sponsors and mandated that employees receive their

full salaries; nevertheless, foreign workers continued to pay high fees to manpower agents to obtain work in the country.

Female domestic servants, most of whom were foreign workers, were sometimes subjected to abuse by their employers. While the overall level of violence was generally low, beating servants or refusing them the right to leave the house on days off was the most common form of abuse. Since most foreign female domestics were highly dependent on their employers, those subject to abuse often were unwilling or unable to bring complaints, either to the authorities or to their respective government Embassies. However, when such complaints were made, the Government was usually quick to investigate allegations and impose fines and punishment. Many workers settled assault cases out of court with their employers. Three foreign Embassies maintained shelters for domestic workers involved in disputes with employers and were active in protecting their citizens' rights.

There were credible reports of domestic and construction workers from neighboring countries paying the equivalent of 2 months wages to fictitious employers to obtain labor passes and work freelance on the local economy. There were also credible reports of nationals from South Asian countries working for little or no pay for up to 2 years to pay back foreign agents for securing jobs for them.

During the year the DOL recorded 26 complaints by domestic helpers and 108 complaints by corporate/garment workers against employers who failed to pay workers' salaries. Sixteen of the complaints by domestic workers and 60 of the complaints by corporate/garment workers were resolved, largely by employer compensation payments. Eighteen complainants withdrew their complaints while the remaining cases were still under investigation.

The Government also prosecuted employers who employed illegal immigrants or did not process workers' documents, rendering them in illegal status.

Immigration law allows for prison sentences and caning for workers who overstayed their work permits and illegal immigrants seeking work, as well as for foreign workers employed by companies other than their initial sponsor. While the majority of prosecutions were for long-term overstayers, many workers stayed in an illegal status due to their former employers' negligence.

## BURMA

Since 1962 Burma, with an estimated population of 54 million, has been ruled by a succession of highly authoritarian military regimes dominated by the majority ethnic Burman group. The State Peace and Development Council (SPDC), led by Senior General Than Shwe, was the country's de facto government. Military officers wielded the ultimate authority at each level of Government. In 1990 prodemocracy parties won more than 80 percent of the seats in a general parliamentary election, but the regime continued to ignore the results. The military government totally controlled the country's security forces without civilian oversight.

The Government's human rights record worsened during the year. The regime continued to abridge the right of citizens to change their government. Government security forces killed at least 30 demonstrators during their suppression of prodemocracy protests in September, and they continued to allow custodial deaths to occur and committed other extrajudicial killings, disappearances, rape, and torture. In addition, regime-sponsored, mass-member organizations such as the Union Solidarity and Development Association (USDA) and regime-backed "private" militias increasingly engaged in harassment, abuse, and detention of human rights and prodemocracy activists. The Government continued to detain civic activists indefinitely and without charges, including more than 3,000 persons suspected of taking part in prodemocracy demonstrations in September and October, at least 300 members of the National League for Democracy (NLD), and at least 15 members of the 88 Generation Students prodemocracy activists. The Government continued to prohibit the International Committee of the Red Cross (ICRC) from working unhindered in conflict areas and visiting prisoners privately. The army continued its attacks on ethnic minority villagers in Bago Division and Karen and Shan states to drive them from their traditional land. The Government abused prisoners and detainees, held persons in harsh and life-threatening conditions, routinely used incommunicado detention, and imprisoned citizens arbitrarily for political motives. NLD General Secretary Aung San Suu Kyi and NLD Vice Chairman Tin Oo remained under house arrest. The Government routinely infringed on citizens' privacy and restricted freedom of speech, press, assembly, association, religion, and movement. The Government did not allow domestic human rights nongovernmental organizations (NGOs) to function independently, and international NGOs encountered a difficult environ-

ment. Violence and societal discrimination against women continued, as did recruitment of child soldiers, discrimination against ethnic minorities, and trafficking in persons, particularly of women and girls. Workers' rights remained restricted. Forced labor, including that of children, also persisted. The Government took no significant actions to prosecute or punish those responsible for human rights abuses.

Ethnic armed groups allegedly committed human rights abuses, including forced labor, although to a much lesser extent than the Government. Some cease-fire groups also reportedly committed abuses, including forced relocation of villagers in their home regions. Armed insurgent groups and cease-fire groups also recruited child soldiers.

#### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—There were numerous reports that the Government or its agents committed arbitrary or unlawful killings. The Government did not punish officials responsible for the deaths. In particular, there were reports of extrajudicial killings, custodial deaths, and deaths and injuries caused by security forces using civilians to clear landmines.

On January 10, police led by Deputy Superintendent Soe Moe took Maung Chan Kun from his home in Pantanaw, Irrawaddy Division. The next morning authorities told his wife that her husband was in the local hospital, where she learned of his death and saw his body with numerous injuries to his head and shoulders, including a puncture wound to the back of his head. Pantanaw authorities told journalists that Maung Chan Kun was arrested for escaping from an army labor camp in Thaton, a charge his wife denied.

On February 9, Lin Lin Naing was found hanged in a cell at the Phadoe police station in Bago Division. Police had arrested him the night before on allegations of shoplifting. On February 10, authorities reportedly disposed of the body without the knowledge of his family. At the end of the year, the family had not located Lin Lin Naing's remains.

On March 19, Ko Naing Oo's brother discovered his body in a Rangoon police station with numerous injuries to the head, legs, and torso. USDA members in Rangoon had detained and turned Ko Naing Oo over to police the day before, following a family dispute involving another USDA member. At the station, he was reportedly interrogated by the local suburban council chairman Nyi Nyi Lwin. Witnesses reported hearing screams coming from the police station throughout the night. Authorities told Ko Naing Oo's family that he had died from a cold contracted during the night.

The Assistance Association for Political Prisoners—Burma (AAPP) estimated that authorities killed approximately 100 persons during the regime's violent suppression of peaceful prodemocracy demonstrations in September. In his December report, the U.N. Special Rapporteur on the Situation of Human Rights in Myanmar, Paulo Sergio Pinheiro, reported that between September 26 and 27, at least 30 persons died as a direct result of the protests and the regime's crackdown. The regime-run *New Light of Myanmar* newspaper reported that 10 protesters were killed during the September crackdown. Credible sources told Pinheiro that security forces cremated a large number of bodies at the Ye Way crematorium in Rangoon between September 27 and September 30.

On September 26, Buddhist monk and scholar U Thilavantha died in Myitkyina hospital from injuries sustained while in custody. On September 25, U Thilavantha was arrested by soldiers at his monastery in Myitkyina in Kachin State. Witnesses reported that soldiers severely beat him while in custody. Authorities reportedly told pathologists at the hospital where he was taken to record heart disease as the cause of death.

On September 27, a member of the security forces shot and killed foreign photojournalist Kenji Nagai while he was covering the violent suppression of a peaceful prodemocracy demonstration in downtown Rangoon. Authorities initially claimed that Nagai was killed by a rock thrown by protesters but later recanted when presented with videotape and Japanese forensic evidence demonstrating he had been shot at close range. However, a December 20 editorial in the *New Light of Myanmar* disputed the Japanese autopsy's findings and claimed that Nagai had been accidentally shot from a distance of more than 30 yards rather than at close range. It also asserted that Nagai was responsible for his own death because he had entered the country illegally on a tourist visa.

On October 9, NLD member Win Shwe died during questioning in Plate Myot Police Station. He was arrested for his alleged participation in the demonstration on September 26 near Mandalay. His body was not returned to his family.

On November 3, 22-year-old Ko Ko Win died of head injuries inflicted by authorities during the violent suppression of prodemocracy protests in Rangoon. Witnesses reported that authorities severely beat Ko Ko Win as he participated in peaceful demonstrations on September 27. Family members reported that he suffered from severe dizziness, headaches, and nausea after he returned home that day. On October 5, they took him to a local hospital, where he died on November 3.

Witnesses at a Rangoon detention center reported that at least 14 persons arrested during the demonstrations died in custody between September and October due to mistreatment and poor conditions (see Section 1.c.).

The Government took no action to punish those responsible for custodial deaths in 2006, including the following cases: A prisoner beaten to death in January by prison authorities at a labor camp in Rakhine State after he killed a prison official who had beat him; former political prisoner Thet Naing Oo, reportedly beaten and killed in March by members of a government-affiliated “fire brigade” and two police corporals; Wai Phyo Naung, who died in the custody of Mandalay police in March and whose postmortem report revealed signs of torture and beating; Ma Nyo Kyi, who died in custody in June after being arrested by the Myo Hla police; and Saw Stin Pho, who died in Patheingyi Military Headquarters in July after being interrogated by Military Security Affairs (MSA) personnel.

There were no developments in the 2005 killings of the following persons: NLD member Aung Hlaing Win; labor activist Moe Naung; NLD member Min Htoo Wai; Saw Stanford of Tawako Village, Ayeyarwady Division; Htay Lwin of Aung Myay Thazan Township, Mandalay Division; Aung Myint Thein of Bago Division; and Ko Than Htaik.

The Government persisted in its refusal to investigate or take responsibility for the 2003 attack by government-affiliated forces on an NLD convoy led by party leader Aung San Suu Kyi near the village of Depeyin, in which as many as 70 persons were killed. The fate of other persons, including 31 prodemocracy supporters from the convoy, remained unknown.

*b. Disappearance.*—Private citizens and political activists continued to “disappear” for periods ranging from several hours to several weeks or more, and many persons never reappeared. Such disappearances generally were attributed to authorities detaining individuals for questioning without informing family members and to the army’s practice of seizing private citizens for portering or related duties, often without notifying family members. Requests for information directed to the military forces were routinely ignored. In some cases individuals who were detained for questioning were released soon afterward and returned to their families. U.N. Special Rapporteur Pinheiro reported at least 74 cases of enforced disappearance where authorities were unable or unwilling to account for the whereabouts of persons allegedly taken into custody.

Witnesses reported the regime conducted numerous nighttime raids on monasteries and private homes following September’s peaceful prodemocracy protests. In Rangoon local witnesses, media, and foreign diplomatic representatives reported that large numbers of residents were taken from their homes and many monks were missing from their monasteries after the crackdown began on September 26. At year’s end many of the monks had not returned, and many remained missing.

The whereabouts of persons seized by military units to serve as porters, as well as of prisoners transferred for labor or portering duties, often remained unknown. Family members generally learned of their relatives’ fates only if fellow prisoners survived and later reported information to the families.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—There are laws that prohibit torture; however, members of the security forces and other progovernment forces reportedly tortured, beat, and otherwise abused prisoners, detainees, and other citizens. They routinely subjected detainees to harsh interrogation techniques designed to intimidate and disorient. As in previous years, authorities took little or no action to investigate the incidents or punish the perpetrators.

In his December report, Pinheiro cited reports of torture and degrading conditions of detention that failed to meet international standards on the treatment of prisoners and constituted cruel, inhuman, and degrading treatment prohibited under international law. His report stated that after the crackdown there were an increasing number of reports of deaths in custody; beatings; ill treatment; and lack of food, water, or medical treatment in overcrowded, unsanitary conditions.

In 2005 the AAPP released a report on the “brutal and systematic” torture that the Government inflicted on political prisoners. Based on the testimony of 35 former political prisoners, the report gave graphic details of the physical, psychological, and sexual abuse the Government employed on dissidents, and it identified by name

many of the perpetrators. The report detailed the kinds of torture the Government used, including severe beatings, often resulting in loss of consciousness and sometimes death; repeated electric shocks to all parts of the body, including genitals; rubbing iron rods on shins until the flesh comes off; burning with cigarettes and lighters; prolonged restriction of movement for up to several months using rope and shackles around the neck and ankles; repeatedly striking the same area of a person's body for several hours; forcing prisoners to walk or crawl on an aggregate of sharp stones, metal, and glass; using dogs to rape male prisoners; and threatening female prisoners with rape. Security officials frequently placed a hood on those accused or suspected of political crimes upon arrest. Authorities used prolonged solitary confinement to punish prisoners.

According to the AAPP report, the ministers of home affairs, defense, and foreign affairs form a three-person committee that oversees the detention of political prisoners charged under the State Protection Act. The report also indicated that during initial interrogations torture is conducted mainly by the MSA. Interrogations are also conducted by the Bureau of Special Investigations and the Special Branch (SB) of the police.

The armed forces routinely used coercive and abusive recruitment methods to procure porters. Persons forced into portering or other labor faced extremely difficult conditions, beatings, rape, lack of food and clean water, and mistreatment that at times resulted in death.

*Prison and Detention Center Conditions.*—Prison and labor camp conditions generally were harsh and life threatening. The Department of Prisons operated approximately 35 prisons and 70 labor camps. Food, clothing, and medical supplies reportedly were scarce in prisons. There were reports that authorities in some prisons forced prisoners to pay for food. Bedding consisted of a single mat on the floor. Prisoners were forced to rely on their families, who were allowed one or two visits per month, for basic necessities. The Government solicited private donations of food, clothing, and medical supplies as well as books and television sets for prisoner use but reportedly diverted all donated goods to government officials. Prisoners were held without being charged for weeks or months, and until a prisoner was officially charged with a crime, families could not visit or send critical supplementary food. HIV/AIDS infection rates in prisons reportedly were high due to communal use of syringes for injections and sexual abuse by other prisoners.

Witnesses reported thousands of persons detained in connection with September's peaceful prodemocracy demonstrations were held at makeshift detention facilities, including Plate Myot Police Center in Mandalay, the Government Technical Institute (GTI), Kyaik Ka San Interrogation Center, Police Center Number 7, Aung Tha Paye, and Riot Police Center Number 5 in Rangoon. The regime told Pinheiro that security forces took 1,930 demonstrators to the GTI between September 27 and October 15. Witnesses at the GTI estimated that well over 2,000 persons were held in a facility designed for no more than 1,500. Persons released from the GTI reported that detainees were held in overcrowded, unsanitary, degrading, and dangerous conditions. According to several eyewitnesses, few of the holding areas had adequate toilet facilities, forcing detainees to relieve themselves in plastic bags or on the floor where others slept. Female detainees reported that they were not provided with sanitary products and were forced to improvise under harsh and public conditions. Food and water were unclean and resulted in many detainees becoming sick, further exacerbating the unsanitary conditions.

In September and October there were numerous reports that several persons detained during the prodemocracy demonstrations died in custody due to poor conditions. Pinheiro cited a detained monk's eyewitness account that approximately 14 persons arrested in connection with the prodemocracy protests died while being held at the GTI between September 27 and October 5. The monk attributed their deaths to poor conditions of detention rather than injuries sustained during the protests. In October authorities informed the family of prodemocracy activist and NLD member Win Shwe that he had died in custody. Police told family members they had cremated the body and did not allow the family to retrieve the remains. Win Shwe was arrested on September 26 near Mandalay for his alleged role in prodemocracy demonstrations. Win Shwe's family said he had a heart condition that required treatment and medication but noted they were not permitted to see him or send necessary medications while he was in custody.

The Government denied prisoners adequate medical care, although medical services in prisons partially reflected the poor health care services available to the general population. In September and October the families of several detainees reported that authorities did not provide their family members with medical care to treat chronic and serious health conditions. At least two detainees who had been released

confirmed that authorities denied them access to doctors and medication needed to treat life-threatening medical conditions during their detention.

Prominent political prisoners who suffered from deteriorating health included NLD members of Parliament-elect (MPs-elect) Than Nyein, May Win Myint, Naing Naing, and journalist Win Tin. The health of writer Than Win Hlaing, held in Thayarwady Prison in Bago Division, continued to deteriorate due to harsh prison conditions; however, prison authorities continued to reject his family's appeals for medical treatment. Rohingya MP-elect Kyaw Min and family also continued to experience health problems.

The Shan National League for Democracy reported that imprisoned member U Sai Hla Aung, who was suffering from high blood pressure and diabetes, had not been seen by doctors in more than 3 years. In December his family again asked authorities for permission to have doctors treat him but had not received a response at year's end.

Despite the Government's insistence that it did not hold any political prisoners, reports by prisoners indicated that authorities frequently placed politically active prisoners in communal cells where they were subjected to beatings and severe mistreatment by common criminals.

The Government continued to deny the ICRC unfettered access to prisoners. The ICRC was unable to talk in private with prisoners, make repeated visits as desired, or provide necessary healthcare and hygienic supplies. As a result, the ICRC could not follow the cases of more than 4,000 detainees, including security detainees, minors, foreigners, and prisoners who were especially vulnerable, such as the sick and elderly.

*d. Arbitrary Arrest or Detention.*—The law does not prohibit arbitrary arrest or detention, and the Government routinely used them. The law allows authorities to extend sentences after prisoners have completed their original sentence, and the Government regularly used this provision.

*Role of the Police and Security Apparatus.*—The police are auxiliary forces of the military and are under direct military command. They primarily deal with common crimes and do not handle political crimes. The Myanmar Police Force falls administratively under the Ministry of Home Affairs. Corruption and impunity were serious problems due to a government-imposed system whereby police were required to collect funds for their operations. Police typically required victims to pay substantial sums for crime investigations and routinely extorted money from the civilian population. There are no effective legal mechanisms available to investigate security force abuses. The Government took no significant measures to reform the security forces.

MSA and SB police officers are responsible for detaining persons suspected of "political crimes" perceived to threaten the Government. Once a person is detained, MSA officers, or in some cases SB officers, interrogate the individual for a period ranging from hours to months and can charge the person with a crime at any time during the interrogation.

The USDA increasingly assumed the responsibilities of law enforcement authorities, engaging in the arrest, detention, and interrogation of human rights and prodemocracy activists.

*Arrest and Detention.*—By law warrants for searches and arrests are required; however, the MSA and police have special authority to conduct searches and make arrests at will. The law permits a court to detain persons without charge for up to 2 weeks, with the possibility of a second 2-week extension. However, authorities frequently extended detentions beyond this period without producing the detainees before a judge. The Government often held persons under the Emergency Act of 1950, which allows for indefinite detention. In practice many persons were held for years without being informed of the charges against them.

Bail was commonly offered in criminal cases, but it was rarely allowed for political prisoners. The Government regularly refused detainees the right to consult a lawyer, denied them and their families the right to select independent legal representation, or forced them to use government-appointed lawyers. The Government continued to use incommunicado detention and often failed to inform detainees' relatives of the detentions until much later.

Between August and December, the regime detained at least 3,000 persons, including many prodemocracy and human rights activists and several top opposition leaders and MPs-elect. Pinheiro estimated that between 3,000 and 4,000 persons were arrested in September and October alone. Articles in the *New Light of Myanmar* in August and October acknowledged that authorities had detained approximately 2,900 persons in connection with prodemocracy demonstrations. The August 27 issue carried an editorial accusing opposition activists of attempting to

disrupt the National Convention and warning those who supported them of possible vigilante reprisals by private citizens.

On August 21, authorities detained 13 top prodemocracy leaders from the 88 Generation Students: Min Ko Naing, Ko Ko Gyi, Phone Cho, Min Zeya, Mya Aye, Jimmy, Zeya, Markee, Arnt Bwe Kyaw, Panneik Yun, Zaw Zaw Min, Thet Zaw, and Nyan Lin. Police reportedly arrested them in their homes without warrants and seized their computers and papers. The detentions closely followed an August 19 protest by the 88 Generation Students. On August 22, the regime's official newspaper carried an article stating the leaders had been arrested because of their intent to incite demonstrations and disrupt the National Convention.

On August 23, USDA members detained 16 NLD members and supporters during a procession near NLD headquarters in Rangoon. Among the protesters detained were Ko Myo Khin, Ko Kyi Phyu, Ko Aung Min Naing, Ko Tun Myint, Ko Tin Myint, Ko Tin Oo Maung, Thin Gan Gyun, Ko Phyo Min Kyin, Ko Tin Zaw Oo, Ko Law Lwin, Ko Taw Taw Aung, and Ko Ye. Witnesses, including foreign diplomatic representatives, reported that police stood by as USDA members verbally and physically abused protesters, some of them seriously, before taking them away in trucks.

On August 24, authorities in South Dagon Township in Rangoon arrested seven NLD members en route to a protest. Witnesses reported that the authorities physically and verbally abused the detainees and demanded they tell police the whereabouts of NLD member and HIV/AIDS activist Phyu Phyu Thin. Also on August 24, police and USDA members arrested 17 activists attempting to stage a protest near Rangoon's city hall. According to witnesses several of the protesters were beaten by USDA members and plainclothes police before being taken away. On the same day, police arrested human rights activist Myint Aye in his home.

On August 25, 88 Generation Students member Sandar Min was arrested in her home shortly after returning from a reception hosted by a foreign Embassy. Police also seized her computer and personal effects. Also on August 25, security forces arrested prodemocracy activist and Myanmar Development Committee leader Htin Kyaw along with his supporters Zaw Nyunt, Ko Han, and Han Ti shortly after they staged a protest in Rangoon. Witnesses reported that the men were severely beaten before being taken into custody.

On August 28, police and the USDA attacked a demonstration of approximately 20 prodemocracy activists led by NLD member and labor activist Su Su Nwe. USDA members and plainclothes police beat and arrested several activists protecting Su Su Nwe.

On September 25, authorities arrested comedian and political activist Zarganar. He was held without charge until his release on October 17.

On September 26, police arrested NLD spokesman U Myint Thein, NLD member U Hla Pe, NLD Central Women's Committee Member Daw Lei Lei, MP-elect Htaung Kho Htan, and Zomi National Congress leader Pu Chin Sian Thang. They were held without charge for more than 30 days before being released on October 30. Pu Chin Sian Thang was rearrested on November 20, held without charge, and released on November 26.

On the night of September 26, soldiers and police raided at least six large monasteries in Rangoon and arrested approximately 100 monks, including Sayada Aindakaat, the leader of Maggin Monastery.

On October 13, authorities raided a private home and arrested 88 Generation Students leader Htay Kywe and four other prodemocracy activists.

On October 14, police in Sagaing Division arrested Ko Wunna Aung, Ko Ye Min Zaw, and Ko Soe Khine, all members of the NLD's youth wing. A fourth NLD member, Shwe Maung, was arrested on October 15 in Mandalay.

On November 4, the regime arrested U Gambira, a prominent monk and alleged leader of September's prodemocracy demonstrations. At year's end the regime had not formally acknowledged arresting him and or revealed what charges, if any, he faced.

On November 13, the regime arrested labor and human rights activist Su Su Nwe. She had been sought by authorities since August and had been in hiding.

On November 15, approximately 150 USDA members, local officials, and police raided a monastery in New Dagon Township in Rangoon, confiscating the monastery's funds and detaining a monk, U Sanda Wara.

On November 20, authorities arrested NLD official and MP-elect Myint Naing, 70-year-old Rakhine ethnic activist U Tin Ohn, and 60-year-old Kachin activist Khun Tu. U Tin Ohn was released on November 21; the others remained in custody at year's end.

On November 22, soldiers raided the Kachin Independence Organization's (KIO) regional offices in Dawhpum Yang Township in Kachin State and arrested six KIO



soldiers and two senior officials, the latter identified by the media as Zai San and Zau Gawng.

On November 26, authorities arrested human rights activist Aung Zaw Oo at a Rangoon teashop. At year's end the regime had not acknowledged his arrest, and his whereabouts remained unknown. On November 27, police arrested prodemocracy activists Win Maw and Myat San. On November 30, authorities arrested prodemocracy activist Aung Gyi.

Approximately 1,000 persons arrested in connection with September's prodemocracy demonstrations remained in custody at year's end in addition to the estimated 1,150 political prisoners held prior to the protests. Other activists, in hiding at year's end, remained wanted by the regime.

*Amnesty.*—In January authorities announced the release of approximately 2,830 prisoners as part of an Independence Day amnesty. While the majority of those released were incarcerated for minor common crimes, several political prisoners were released, such as MP-elect Than Htay and activists Thaug Htun, Than Win Hlaing, Soe Moe Naing, Kyaw Shwe, Kyaw Htoo, and Khin Maung Oo (also known as Saw Win).

*e. Denial of Fair Public Trial.*—The judiciary is not independent of the Government. The SPDC appoints justices to the Supreme Court, which in turn appoints lower court judges with SPDC approval. These courts adjudicate cases under decrees promulgated by the SPDC that effectively have the force of law. The court system includes courts at the township, district, state, and national levels. While separate military courts for civilians do not exist, the military regime frequently directs verdicts in politically sensitive trials of civilians.

The Government continued to rule by decree and was not bound by any constitutional provisions providing for fair public trials or any other rights. Although remnants of the British-era legal system remain formally in place, the court system and its operation were seriously flawed, particularly in the handling of political cases. The misuse of blanket laws—including the Emergency Provisions Act, the Unlawful Associations Act, the Habitual Offenders Act, and the Law on Safeguarding the State from the Danger of Subversive Elements—and the manipulation of the courts for political ends continued to deprive citizens of the right to a fair trial and stifle peaceful dissent. Executive Order 5/96 providing for the arrest of any person deemed a threat to the National Convention effectively stifled open debate among convention delegates and other interested citizens. Pervasive corruption further served to undermine the impartiality of the justice system.

*Trial Procedures.*—Although the regime denied holding any political prisoners, there is a fundamental difference between criminal trials involving political prisoners and defendants charged with common crimes. Some basic due process rights, including the right to be represented by a defense attorney, are generally respected in common criminal cases but not in political cases that the Government deem especially sensitive. By law the Government is not obligated to provide an attorney at public expense except in death penalty cases. Juries are not used in any criminal trials. In common criminal cases, defense attorneys generally are permitted 15 days to prepare for trial, may call and cross-examine witnesses, examine evidence, and be granted a 15-day delay for case preparation. However, their primary function is not to disprove their client's guilt, which is usually a foregone conclusion, but rather to bargain with the judge to obtain the shortest possible sentence for their clients. Political trials are normally not open to family members or the public, and often defense attorneys are not permitted to attend. Reliable reports indicated that senior government authorities dictated verdicts in political cases, regardless of the evidence or the law. The law provides those convicted of crimes with a right of appeal; however, in most cases verdicts were upheld without consideration of the legal merits of the appeal.

NLD members and other prodemocracy activists generally appeared to be able to retain the counsel of lawyers without fear that the lawyers might be imprisoned; however, lawyers were not always told when trials would begin, and authorities often refused to allow them to attend their clients' trials. In December authorities removed the trials of prodemocracy activists Su Su Nwe and Htin Kyaw from a public court to specially convened closed courts in Insein Prison. Authorities did not permit their families or attorneys to attend any proceedings in the closed court or otherwise participate in their defense. Requests to hold their trials in open court were denied. Reliable reports indicated that numerous other political prisoners were tried and convicted in closed courts without the assistance of counsel.

Fourteen lawyers remained imprisoned at year's end. Most had been sentenced prior to 1998.

The Government routinely extended prison sentences under the Law Safeguarding the State from the Dangers of Subversive Elements. The minister of home affairs has the right to extend unilaterally a prison sentence on six separate occasions for 2 months, for a total of up to 1 year. SPDC Chairman Senior General Than Shwe can add 5 years to a sentence. As in the previous year, the Government did not release any prisoners being held under this law.

*Political Prisoners and Detainees.*—At year's end there were approximately 1,400 "security detainees," including political prisoners, merchants, violators of state security laws, and those accused of fostering religious disturbances. Because the Government usually charged political detainees with criminal offenses, it denied holding any political prisoners. However, according to NGOs and foreign diplomatic representatives, at year's end there were more than 2,000 political prisoners, including at least 15 MPs-elect. Despite government assertions, a vast majority of these prisoners were not believed to have engaged in any violence, theft, or other common crimes.

On July 24, Ko Myint Hlaing and Ko Myint Naing, members of the Human Rights Defenders and Promoters organization, were sentenced to 8 years in prison for inciting public unrest.

On September 7, labor activists Thurein Aung, Wai Lin, Kyaw Min, and Myo Win were each sentenced to 28 years for sedition, illegal association, and immigration violations. Labor activists Nyi Nyi Zaw and Kyaw Kyaw were sentenced to 20 years for sedition.

On October 15, the regime sentenced both Kyaw Khine, the 85-year-old chairman of the Taunggok Township NLD in Rakhine State, and 75-year-old NLD member Sein Kyaw to at least 4½ years in prison. NLD members Tun Kyi and Than Pe were each sentenced to 7½ years. Authorities reportedly sentenced Rakhine State NLD official Min Aung to 9½ years. These men were reportedly charged with violating the Emergency Provisions Act, which allows authorities to imprison those deemed to be a threat to public order and stability. The regime did not acknowledge their arrests or publicize the nature of the charges against them. All five men were convicted in closed trials.

At year's end several political prisoners arrested in 2006 remained in prison, including Win Ko, Phyzo Zaw Latt, Aung Thein, Thein Oo, Aung Moe, Khaing Mar Soe, Khin Maung Win, Sai Nyunt Lwin, Hso Ten, and Sai Nyunt Lwin. Hkun Htun Oo, arrested in 2005, also remained in prison.

National Democratic Party for Human Rights MP-elect Kyaw Min, sentenced in 2005 to 47 years' imprisonment, and his wife, two daughters, and a son, all sentenced to 17 years' imprisonment on charges of having improper house registration documents, remained in prison.

NLD General Secretary Aung San Suu Kyi remained under house arrest without charge and without trial. On May 25, the SPDC again extended her detention for another year. Authorities continually denied Aung San Suu Kyi the ability to meet freely with her supporters and others at a time and place of her choosing. However, on November 9, authorities allowed Aung San Suu Kyi to meet with NLD party leaders U Nyan Win, U Aung Shwe, U Lwin, and U Nyunt Wai under the regime's supervision at a government guest house. On the same day, she met with Labor Minister and regime-appointed liaison Aung Kyi. She also was permitted to meet with U.N. Special Envoy Gambari at a government guest house in October and November. However, authorities denied her subsequent requests to have meetings with her supporters and did not honor their commitment for regime liaison Aung Kyi to hold regular meetings with her. The regime also continued to deny Aung San Suu Kyi's requests to meet with her legal counsel. NLD Vice-Chairman Tin Oo also remained under house arrest without trial; on February 14, authorities again extended his house arrest for 1 year.

*Civil Judicial Procedures and Remedies.*—Civil judicial procedures and remedies existed in principle, but in practice there was no assurance that a complainant would receive a fair hearing.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law does not prohibit such actions, and authorities routinely infringed citizens' privacy. Through its intelligence network and administrative procedures, the Government systematically monitored the travel of all citizens and closely monitored the activities of many citizens, particularly those known to be active politically.

Forced entry without a court order is legal. The law requires that any person who intends to spend the night at a place other than his registered domicile inform local Peace and Development Council authorities in advance. Any household that hosts a person not domiciled there must maintain a guest list and submit it to authorities. Ward-level officials continued unannounced nighttime checks of residences for un-

registered visitors. During the political crackdown that began in August, authorities conducted intrusive, nightly searches of residences in Rangoon. Authorities in Rangoon Division continued sporadically to require households to have “family photographs” taken for government agents to use when conducting nighttime checks of residences, although reports of this practice decreased. Households subjected to this requirement were required to pay for the cost of their photographs, usually at significantly higher than market rates, and permanently display in their homes the photographs of authorized residents.

Security personnel regularly screened private correspondence, telephone calls, and e-mail.

The Government continued to control and monitor closely the licensing and procurement of all two-way electronic communication devices. Possession of an unregistered telephone, facsimile machine, or computer modem is punishable by imprisonment. Users of unregistered cordless telephones face up to 3 years in prison and a heavy fine. Use of unregistered radios is also punishable by a fine and imprisonment.

The Government continued its practice of conscripting ethnic minorities for service as military porters in Bago Division and Karen, Kachin, Kayah, and northern Rakhine states.

Government employees generally were prohibited from joining or supporting political parties; however, this proscription was applied selectively. The Government used coercion and intimidation to induce persons, including nearly all public sector employees and most students, to join the Government’s mass mobilization organizations—the USDA, Myanmar Women’s Affairs Federation (MWAFF), and Myanmar Maternal and Child Welfare Association—and attend meetings in support of the regime. The Government also used coercion to entice or force members of the NLD and other opposition parties to resign, and it publicized the coerced resignations in government media.

Weak private property rights and poor land ownership records facilitated involuntary relocations of persons by the Government. The law does not permit private ownership of land, recognizing only different categories of land-use rights, many of which are not freely transferable. Postcolonial land laws also revived the precolonial tradition that private rights to land were contingent upon the land being put to productive use.

Forced relocations in rural areas continued during the year. The relocations reportedly were often accompanied by rapes, executions, and demands for forced labor to build infrastructure for military units. For decades successive military governments have applied a strategy of forced relocation against ethnic minority groups in an effort to deny support to armed ethnic groups.

While less frequent than in rural areas, reports persisted of forced relocation in urban areas. The Government reportedly continued to relocate forcibly some urban households for “security” reasons. In Rangoon persons were compelled to leave homes or dwellings located on property that could be used for commercial gain. In some cases those forced to move were poorly compensated, if at all.

At year’s end most civil servants in the new administrative capital Nay Pyi Taw continued to live separately from their families in Rangoon, due to lack of family housing and schools in the new capital.

There were numerous reports that government troops looted and confiscated property and possessions from forcibly relocated persons or from persons who were away from their homes. These materials often were used for military construction. Diplomatic sources reported that commandeering privately owned vehicles for military or VIP transport without compensating the vehicle owners was commonplace throughout the country. The practice was particularly widespread in Shan, Kayah, and Karen states and in areas of Mon State and Bago Division.

In these same areas, thousands of civilians were displaced from their traditional villages—which often were then burned to the ground—and moved into settlements tightly controlled by SPDC troops in strategic areas. In other cases villagers driven from their homes fled into the forest, frequently in heavily mined areas, without adequate food, security, or basic medical care.

Forced relocations often generated large refugee flows to neighboring countries or to parts of the country not controlled by the Government. In some areas the Government replaced the original occupants with ethnic Burmans. In Karen State, army units forced or attempted to force ethnic Karen to relocate to areas controlled by the Democratic Karen Buddhist Army.

The Government routinely confiscated property, cash, and food from civilians. Additionally, USDA members, acting under the cover of governmental authority, confiscated property for their own use. In July local USDA members attacked Daw San San Nwe, a farmer in Zee Phyu Gone Village, Rakhine State, and attempted to seize

her farmland. She suffered facial lacerations and had the tips of two of her fingers severed. The case was reported to the local Peace and Development Council, but authorities took no action against the alleged perpetrators.

Military personnel also routinely confiscated livestock, fuel, food supplies, fishponds, alcoholic drinks, vehicles, and money. Such abuses were widespread. Regional commanders forced contributions of money, food, labor, and building materials from civilians throughout the country.

Marriages between female citizens and foreigners are banned, and the Government ordered local attorneys not to be witnesses to such marriages; however, the ban was not widely enforced.

The Government punished family members for alleged violations by individuals.

In August authorities detained and interrogated the brother of prodemocracy leader Htay Kywe when they were unable to locate Htay Kywe following a series of peaceful protests. The brother was released the next morning. The brother of another activist was forced by authorities to sell his transportation business at a great loss due to his sibling's activities.

On October 1, authorities arrested Khin Mar Lar. At the time the regime was seeking to arrest her husband, poet Ko Nyein Thit. Authorities held Khin Mar Lar without charge until October 21. She was not otherwise wanted or accused of having committed any crimes. Police subsequently arrested Ko Nyein Thit, who remained in custody at year's end.

On October 10, police detained the mother and mother-in-law of Thet Thet Aung, whom they sought in connection with her alleged role in September's peaceful prodemocracy protests. Authorities released her mother-in-law shortly after Thet Thet Aung was arrested on October 19 but held her mother until November 2 without charge. Neither her mother nor mother-in-law were otherwise wanted by the authorities or alleged to have committed any crimes.

On the night of October 16, security officials arrested the mother and two brothers of activist monk U Gambira in their home. Another of his brothers, Ko Aung Kyaw Kyaw, was arrested the next day as he tended to HIV patients in a Rangoon clinic. On November 4, authorities also arrested U Gambira's father. At the time authorities were seeking to arrest U Gambira for his alleged role in September's protests. His family members were held for several weeks without charges before being released. None of U Gambira's detained family members were alleged to have committed any crimes or were otherwise wanted by the authorities.

In his December report, Pinheiro stated these cases violated international law and constituted hostage taking in that they applied explicit or implicit pressure on the wanted person to come forward as a condition for releasing or not harming the hostage.

*g. Use of Excessive Force and Other Abuses in Internal Conflicts.*—Ethnic insurgent groups continued to battle the Government for autonomy or independence, including the Shan State Army-South, the Karenni National Progressive Party, and the Karen National Union (KNU), through its armed wing, the Karen National Liberation Army. In ethnic minority regions, military personnel reportedly killed and raped civilians, shelled villages and burned homes, destroyed food and seized moveable property, confiscated land, forced villagers to work on infrastructure projects, and demanded that villagers provide food and construction materials for military camps.

There were unverified reports of deaths and injuries caused by security forces using civilians to clear landmines, particularly in Karen State, where the army continued attacks against ethnic villages.

There was an unverified report that on August 20, an armed ethnic group shot and killed KNU Lieutenant Colonel Kyi Lin in Kawkaik Township, Karen State. There were unverified reports that he had been trying to negotiate independently with the Government and was killed by the KNU as a result.

There were reports of disappearances in connection with the conflicts in Bago Division and Karen, Kayah, and Shan states.

Newly arrived refugees and internally displaced persons (IDPs) near the Thai border reported that government soldiers in Chin, Shan, Kayah, Kachin, and Karen states continued to rape ethnic women and girls. The Thailand-based Karen Women's Organization cited 959 cases of women and girls in Karen State who reported sexual abuses in the past 25 years. Additionally, NGOs and international organizations continued to report numerous sexual assaults by soldiers throughout the rest of the country.

On February 2, four Kachin girls, ages 14 to 16, from a village south of Putao in northern Kachin State were gang-raped at a local military camp by three army officers and four soldiers from an infantry battalion based in Munglang Shidi, Putao District. The officers involved reportedly paid the families of the victims approxi-

mately \$232 (290,000 kyat) in compensation and warned them not to discuss the incident publicly. When word of the rape was reported in the independent media later that month, the four girls were arrested and jailed.

On June 26, soldiers in Thapaung Township, Irrawaddy Division, reportedly raped and killed a 20-year-old woman. Witnesses reported that at least five soldiers, including one officer, participated in the assault. The family reported the incident to local police, but authorities took no action to investigate the case.

Karen NGO sources indicated that human rights abuses continued in Karen State, despite intermittent peace talks. On May 11, soldiers from the 11th Light Infantry Division attacked the village of Htee Nya Mu Kee. Witnesses reported that soldiers burned a stockpile of rice and forced 107 villagers to abandon their homes.

On May 13, approximately 30 soldiers from the 88th Light Infantry Division attacked the village of Yaw Ki in Karen State with small arms and mortar fire. During the attack soldiers shot and killed Saw Ra Say and reportedly burned four farm huts.

On May 17, soldiers from Taw Lu Pla Man in Karen State attacked the village of Klaw Kloe Lo. Witnesses reported that troops shot and killed Naw Ku Lue and burned her body. Soldiers also reportedly burned seven houses and a large stockpile of rice. Also in May soldiers raped and killed two women in the village of Takehder in Luthaw Township, Karen State. According to reports, the women had been gathering vegetables when they were captured by troops from Military Operations Command 5.

On June 23, troops from the 203rd and 284th Battalions based in Htee K'bler captured and killed five family members from the village of Htee K'bler in Doooplaya District, Karen State. Witnesses reported that the victims were Saw Nying Htun, Naw Wah Kyng, Saw Pa Heh Soe, Kyaw Eh Wah, and Naw Pler Poe.

Numerous Karen villages were attacked and burned, forcing hundreds of villagers to flee into the jungle with limited supplies. The army continued to embargo food supplies moving beyond Mile 13 of the highway east of Taungoo Township.

Military forces continued to abuse thousands of villagers and drive them from their homes, particularly during campaigns in Bago Division and Karen, Kayah, and Shan states. Thai-based NGOs reported that approximately 25,000 ethnic Karen became IDPs during the year.

There were no reports that the Government investigated or otherwise attempted to identify and punish those responsible for numerous acts of killing, injury, and destruction committed against Karen communities during the year.

According to the Office of the U.N. High Commissioner for Refugees (UNHCR), approximately 150,000 Burmese refugees lived in camps in Thailand. The regime did not allow the UNHCR to fully monitor the potential areas of return to assess conditions for the voluntary return of the refugees and IDPs, leading the UNHCR to determine that conditions remained unsuitable for their return.

Approximately 21,000 Rohingyas lived in refugee camps in southeastern Bangladesh, and it was estimated that as many as 200,000 others lived outside the camps.

In her November 16 report on the use of child soldiers in Burma, U.N. Special Representative for Children and Armed Conflict Coomaraswamy cited evidence that the both the Government army and several armed insurgent and cease-fire groups, including the United Wa State Army, Kachin Independence Army, Karenni National People's Liberation Front, Democratic Karen Buddhist Army, Shan State Army-South, Myanmar National Democratic Alliance Army, and Karen National Union Peace Council, recruited child soldiers.

Coomaraswamy's report stated that, despite the Government's official policy of prohibiting the recruitment of children under the age of 18, there was enormous pressure to increase army recruitment rates, which led to a pattern of underage recruitment into the military. The report stated that often children were lured into joining with promises of food and shelter. Some children were recruited from the street from brokers who received up to approximately \$32 (40,000 kyat) for each recruit, while others were reportedly detained by the police and offered the choice of joining the army or going to jail. Coomaraswamy also cited the practice of "prerecruitment," in which underage children were taken to army bases and used in noncombatant capacities until they reached the age of majority and were enlisted. Age verification remained a significant problem, since many children did not have reliable proof of age.

According to Coomaraswamy's report, children can join the Wa State Army and work in noncombatant positions at the age of 12 and serve in combatant positions at age 15. She cited credible reports of uniformed and armed children in the Wa State Army, including witnesses who reported children as young as 9 under arms.

Coomaraswamy cited reports of a Kachin Independence Army (KIA) policy mandating that each family contribute one child for military service regardless of age. She recounted a report that early in the year, KIA recruited a 15-year-old girl when she returned home from her school in Myitkyina, Kachin State. The girl's family had not yet contributed a child to the KIA, and neither of her siblings was living in the village. At year's end the girl remained in KIA custody.

Coomaraswamy stated that the Karenni National People's Liberation Front had a reputation for having many children in its ranks. Her report stated that children had reportedly been used to search for landmines laid by other armed groups, but she acknowledged difficulty in verifying these reports in detail. She also stated that the U.N. had received credible reports indicating the presence of uniformed and armed children in and near Democratic Karen Buddhist Army camps.

According to Coomaraswamy, the U.N. received reports of frequent sightings of children being forcibly taken and used by armed groups in Shan State, including the Myanmar National Democratic Alliance Army and Shan State Army-South. She also cited reports from several sources indicating that the Karen National Union Peace Council, a breakaway faction of the KNU active in Karen State, had recruited children from a refugee camp and villages in the border areas early in the year.

Coomaraswamy's report stated that the U.N. did not receive any reports during the year of recruitment or use of children by the Karen National Union or Karen National Liberation Army, Karenni National Progressive Party, or Karenni Army.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The law does not provide for freedom of speech and of the press, and the Government continued to restrict these rights severely and systematically. The Government arrested, detained, convicted, and imprisoned citizens for expressing political opinions critical of the Government and for distributing or possessing publications in which opposition opinions were expressed. Security services also monitored and harassed persons believed to hold antigovernment opinions.

The Government continued to use force to prohibit all public speech critical of the regime by all persons, including by persons elected to Parliament in 1990 and leaders of political parties. The Government pursued this policy consistently with few exceptions.

On May 25, approximately 50 USDA members surrounded a group of 30 NLD members at a Rangoon pagoda assembled to pray for Aung San Suu Kyi's release. The USDA members attempted to drown out the NLD members' prayers by shouting and physically assaulting some NLD members as they departed the pagoda.

In June NLD member Aung Than and Zeya Aung, a student at Pegu University, were sentenced to 19 years in prison for having written and distributed a collection of poems entitled "Daung Man," ("The Power of the Peacock"), a reference to the NLD.

Between August and October, the Government arrested at least 3,000 persons participating in peaceful prodemocracy demonstrations.

The Government controlled content in all print publications and owned and controlled all domestic radio and television broadcasting facilities. The official media remained propaganda organs of the Government and did not report opposing views except to criticize them.

Privately owned media existed, but the Government's Press Scrutiny Board tightly controlled all media and publications and took action against any attempt to provide independent interpretation or comment on news. The Ministry of Information issued licenses to private media publishers as long as the media printed government-approved material. An estimated one-third of private media licenses were held by government agents or supporters.

A few foreign news agencies remained but had no expatriates based in the country and relied on local journalists. Their bureau chiefs were rarely permitted to enter on journalist visas.

Due to widespread poverty, limited literacy, and poor infrastructure, radio and television remained the primary media of mass communication. News periodicals rarely circulated outside urban areas. The Government continued to monopolize and control the content of the two domestic radio stations. Foreign radio broadcasts, such as those of Radio Free Asia, the Voice of America, the BBC, and the Democratic Voice of Burma, remained the principal sources of uncensored information.

The Government continued to monopolize and control all domestic television broadcasting tightly, offering only three channels, including an armed forces channel. The general population was allowed to register satellite television receivers for a fee. Illegal satellite television was also available, but access to satellite television remained far beyond the reach of the majority of the population.

Reporters were subject to arrest, harassment, intimidation, and violence by the authorities and supporters of the regime. In March journalists Thaug Sein and Ko Moe Htun of the religious magazine Dharmah-Yate were arrested for taking unauthorized photos of the new capital Nay Pyi Taw and sentenced to 3 years in prison.

On August 23, USDA members verbally and physically threatened a local reporter for an international wire service while he was trying to cover a procession by NLD members in Rangoon. Before chasing him from the scene, USDA members told the reporter that he had been warned not to cover such events and would be beaten if he did not leave immediately.

Many prominent writers and journalists remained in prison for expressing their political views. Reporters Without Borders reported that as of January 1, at least seven journalists remained in prison, including 76-year-old Win Tin, in prison since 1989. He had reportedly suffered two heart attacks in prison and required treatment for high blood pressure and an inflamed prostate. Myat Swe (Sunny Swe) and his father Thein Swe, co-owners of the English- and Burmese-language weekly newspaper Myanmar Times; Thaug Tun; Than Win Hlaing; Monywa Aung-Shin; and Ne Min also remained in prison. Government censorship boards prohibited publication or distribution of works authored by those in prison.

There were no reports that any imprisoned journalists were released during the year.

All privately owned publications remained subject to prepublication censorship by state censorship boards. Due in part to the time required to obtain the approval of the censors, private news periodicals generally were published weekly.

The Government forced private periodicals to publish articles and photographs criticizing foreign diplomats for visiting NLD headquarters and meeting with student leaders. Government controls encouraged self-censorship, and publications generally did not report domestic political news or sensitive economic and political topics.

Imported publications remained subject to predistribution censorship by state censorship boards, and possession of publications not approved by the state censorship boards was a serious offense. The Government also restricted the legal importation of foreign news periodicals and discouraged subscriptions to foreign periodicals; however, some foreign newspapers could be purchased in Rangoon. Some foreign newspapers and magazines were distributed uncensored.

The Government generally issued few visas to foreign journalists. Journalists reported that, unlike in the previous year, the Government did not permit foreign journalists to enter the country to cover the National Convention and revoked the visas of several journalists at the last minute. Foreign media reported that a news conference and orientation program of the convention scheduled for July was abruptly canceled without explanation.

The law makes it a criminal offense to publish, distribute, or possess a videotape not approved by a state censorship board. The Government continued to crack down on uncensored foreign videotapes and digital video discs, although pirated copies remained widely available on the street.

*Internet Freedom.*—No laws or regulations exist regarding monitoring Internet communications or establishing penalties for the exercise of freedom of expression via the Internet. However, the Government monitored Internet communications and blocked Web sites so that individuals could not freely engage in such activities.

Authorities frequently blocked access to Web sites that attracted many users or large attachments related to political issues. E-mail messages sometimes took several days to arrive in a receiver's inbox, often with attachments deleted. Citizens believed this was due to the regime's censoring of incoming and outgoing e-mail.

The Government banned all Web sites critical of the regime and its activities. Authorities also periodically banned all access to free e-mail services such as Yahoo and Hotmail, as well as Internet telephone and messaging services offered by Gmail, Gtalk, and Skype.

The Government blocked most Web sites containing words that it considered suspicious, such as Burma, drugs, military government, democracy, student movement, 8888, and human rights. Users could sometimes reach the home pages of the Democratic Voice of Burma and BBC's Burma service, but they could not access most articles on the sites. Occasionally the Government mistakenly blocked educational or other sites when its software detected censored words.

There were no reports of anyone being charged with a crime for expressing political, religious, or dissenting views in electronic fora, including e-mail. However, the Government reportedly often charged persons suspected of expressing political, religious, or dissenting views in electronic fora with other crimes.

In its annual report, Reporters Without Borders stated that the Government closely monitored Internet cafes, at which many computers automatically executed

screen captures every 5 minutes to monitor a user's activity. All Internet cafes displayed a notice that forbade users to access political and pornographic sites but did not state a specific punishment.

*Academic Freedom and Cultural Events.*—The Government restricted academic freedom. University teachers and professors remained subject to the same restrictions on freedom of speech, political activities, and publications as other state employees. The Ministry of Education routinely warned teachers against criticizing the Government. It also instructed them not to discuss politics at work, prohibited them from joining or supporting political parties or from engaging in political activity, and required them to obtain advance approval for meetings with foreigners. The Government closely monitored curricula, censored course content, and intimidated academics to practice self-censorship. Like all state employees, professors and teachers were required to join the USDA. Teachers at all levels continued to be held responsible for the political activities of their students. Parents of school-age children reported that in November authorities ordered teachers at several Rangoon high schools to fail any students who did not attend progovernment rallies organized by the regime and its supporters. Foreigners were not permitted to visit university campuses without prior approval or attend any meetings involving students, including graduation ceremonies.

To limit the possibility of student unrest, the Government placed undergraduate campuses in remote areas, warned teachers and students that disturbances would be dealt with severely, and kept most on-campus dormitories closed. The Government placed heavy security around schools, even during summer vacation. These measures caused the quality of education to deteriorate to such an extent that many students opted to use self-study or private tutoring.

The Government tightly controlled the limited number of private academic institutions and their curricula. Similar controls extended to Buddhist monastery-based schools, Christian seminaries, and Muslim madrassas. During the year the Government cracked down on private classes and tried to ban the practice. Aung Pe, a private teacher and NLD supporter, remained in prison, reportedly in poor health, serving a 3-year sentence for alleged violation in 2005 of the Private Tuition Act.

The Government strictly monitored and censored all cultural events. Authorities routinely harassed and questioned members of the Myanmar Debate Society regarding their organization's activities. In June members of the society were denied permission to travel abroad for a debate tournament and had their passports confiscated.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The law limits freedom of assembly, and the Government severely restricted it in practice. An ordinance officially prohibits unauthorized outdoor assemblies of more than five persons, although it was not enforced consistently and authorities sometimes prohibited smaller gatherings. All NLD offices except its Rangoon headquarters remained closed by government order, and the NLD could not conduct party activities outside its headquarters building. The nine other legally registered political parties were required to request permission from the Government to hold meetings of their members. Informal meetings involving NLD members occurred outside the NLD office, such as regular Tuesday visits by a women's group to Rangoon's Shwedagon Pagoda; however, security officials closely monitored these activities. Authorities occasionally demanded that NLD leaders provide them with lists of attendees in advance in an attempt to discourage participation.

The Government at times interfered with the assembly of religious groups. Beginning in 2004 a group of Buddhist laypersons known as the Tuesday Prayer Group attempted to gather every Tuesday to pray for the release of Aung San Suu Kyi. On January 16, USDA members verbally and physically attacked the group and its leader, Naw Ohn Hla, as they tried to enter Rangoon's Shwedagon Pagoda. Witnesses observed approximately 100 men in plain clothes surround Naw Ohn Hla and demand that she and the other prayer group members depart immediately. When they did not depart, witnesses reported that USDA members hit and kicked several of the members, both men and women. Uniformed police at the scene did not try to stop the attack, and authorities did not investigate the incident or pursue a complaint filed by Naw Ohn Hla.

*Freedom of Association.*—The Government restricted freedom of association, particularly for NLD members, prodemocracy supporters, and those who contacted exile groups. On September 7, six labor activists arrested in connection with a May 1 seminar in Rangoon were sentenced to prison terms of between 20 and 28 years for sedition and violations of the illegal associations statute.



At year's end NLD member Hla Myint Than and eight others, convicted in 2005 for contact with an "illegal organization," possession of a satellite telephone, and illegal travel to Thailand, remained in prison under sentences of 8 to 25 years.

Freedom of association generally existed only for government-approved organizations, including trade associations, professional bodies, and the USDA. Few secular, nonprofit organizations existed, and those that did took special care to act in accordance with government policy. There were 10 legally registered political parties, but most were moribund. Authorities harassed and intimidated three of the opposition parties. The seven other legal parties supported regime policies in return for more favorable treatment.

*c. Freedom of Religion.*—Constitutional support for religious freedom does not exist. There is no official state religion; however, the Government continued to show preference for Theravada Buddhism, the majority religion. The Ministry of Religious Affairs has a separate department for the "promotion and propagation of Sasana" (Buddhism). The Government promoted education at Buddhist monastic schools in rural areas and subsidized Buddhist universities in Rangoon and Mandalay. Most adherents of registered religious groups generally were free to worship as they chose; however, the Government imposed restrictions on certain religious activities and promoted Buddhism over other religions. The Government also prohibited efforts by Buddhist clergy to promote human rights and political freedom.

Virtually all organizations, religious or otherwise, must register with the Government. Although an official directive exempts "genuine" religious organizations from registration, in practice only registered organizations were allowed to buy or sell property or open bank accounts. Consequently, most religious organizations registered with the Government.

The Government continued its efforts to control the Buddhist clergy (Sangha). It tried Sangha members for "activities inconsistent with and detrimental to Buddhism" and imposed on the Sangha a code of conduct enforced by criminal penalties. The Government did not hesitate to arrest and imprison lower-level Buddhist monks who opposed the Government. In prison monks were defrocked and treated as laypersons. In general they were not allowed to shave their heads and were not given food in accordance with the monastic code. Like other political prisoners, they were often beaten and forced to do hard labor. The Government also subjected the Sangha to special restrictions on freedom of expression and association. Members of the Sangha were not allowed to preach sermons pertaining to politics. Religious lectures could not contain any words, phrases, or stories reflecting political views. The regime told Sangha members to distance themselves from politics, political parties, or members of political parties. The Government prohibited any organization of the Sangha other than the nine state-recognized monastic orders under the authority of the State Clergy Coordination Committee. The Government prohibited all religious clergy from being members of a political party.

In September the regime violently suppressed peaceful demonstrations led by Buddhist monks. The AAPP estimated that security forces raided at least 52 monasteries between September 26 and year's end in response to the peaceful prodemocracy demonstrations. International NGOs estimated that at least 150 monks were arrested between September and October, although at year's end many more monks were reportedly missing from their monasteries.

On September 5, authorities fired warning shots to disperse a peaceful procession of approximately 300 Buddhist monks in Magwe Division. Witnesses reported the monks were collecting alms and chanting for peace and an end to oppression. Three monks were detained but released later that day.

Beginning on September 26, security forces conducted nighttime raids on monasteries throughout the country as part of the regime's suppression of the monk-led protests. Opposition activists and members of the clergy reported soldiers forcibly entered the monasteries at night and deployed tear gas, fired rubber bullets, and beat monks with batons and bamboo sticks.

At 2:00 a.m. on September 27, security forces raided the Ngwe Kyar Yan monastery in Rangoon. Witnesses reported that police and soldiers beat monks and destroyed property. Approximately 70 monks were taken away. Cash, jewelry, and other valuables were also reported missing following the raid. An official from the Religious Affairs Department returned later in the day to demand that the remaining monks clean up evidence of the raid and relocate to another monastery. When the monks refused and local residents gathered to support them, soldiers and police returned and fired live ammunition to disperse the crowd. Witnesses told journalists that at least two men were killed by the gunfire, including 18-year-old Zayar Naing Oo.

Similar raids were reported at Kyaik Ka San, Moe Kaung, and Mahar Bawdi monasteries.

In late September and early October, foreign diplomatic representatives and members of the media visited several local monasteries and found many damaged and nearly empty. On September 28, journalists and foreign diplomatic representatives visited Ngwe Kyar Yan monastery in Rangoon and found bamboo batons, riot control munitions, broken windows, and pools of blood on the floor of the monastery's dormitory.

The Government continued to restrict the building of religious structures by minority religious groups. The Government also permitted the destruction of religious centers and schools.

The Government's border security force continued to conduct arbitrary "inspections" of mosques in northern Rakhine State, demanding that mosque officials show permits to operate the mosques. When mosque officials could not produce the permits, officials ordered congregation members to destroy the mosques.

In most regions of the country, Christian and Muslim groups that sought to build small churches or mosques on side streets or other inconspicuous locations occasionally were able to proceed, but based only on informal approval from local authorities. These groups reported that formal requests encountered long delays, generally were denied, and could be reversed by a more senior authority.

The Government's pervasive internal security apparatus imposed de facto restrictions on collective and individual worship through its infiltration and monitoring of meetings and activities of virtually all organizations, including religious ones. Religious activities and organizations were subject to restrictions on freedom of expression and association.

Although authorities appear to have moved away from a campaign of forced conversion, there continued to be evidence that other means were used to entice non-Buddhists to convert to Buddhism. Christian Chins were pressured to attend Buddhist seminaries and monasteries and encouraged to convert to Buddhism. Christian Chins reported that local authorities operated a high school that only Buddhist students could attend and promised government jobs to the graduates. Christians had to convert to Buddhism to attend. An exile Chin human rights group claimed that local government officials placed the children of Chin Christians in Buddhist monasteries, where they were given religious instruction and converted to Buddhism without their parents' knowledge or consent. Reports suggested that the Government also sought to induce members of the Naga ethnic group in Sagaing Division to convert to Buddhism by similar means.

The Government discouraged proselytizing by all clergy. Evangelizing religions, including some Christian denominations and Islam, were most affected by these restrictions. The Government generally has not allowed permanent foreign religious missions to operate in the country since the mid-1960s, when it expelled nearly all foreign missionaries and nationalized almost all private schools and hospitals.

Buddhist doctrine remained part of the state-mandated curriculum in all government elementary schools. Students could opt out of instruction in Buddhism, and some did, but students of government schools were required to recite a Buddhist prayer daily. Some Muslim students were allowed to leave the room during this act, while at some schools non-Buddhists were forced to recite the prayer.

Citizens and permanent residents of the country were required to carry government-issued national registration cards that often indicated religious affiliation and ethnicity. There appeared to be no consistent criteria governing whether a person's religion was indicated on the identification card. Citizens also were required to indicate their religion on certain official application forms, such as for passports.

The Government allowed some Muslims to go on the annual hajj and Buddhists to go on pilgrimage to Bodhgaya, India, although it limited the number of pilgrims. An estimated 2,500 Muslims went on the hajj in the year, 500 fewer than in 2006. Approximately 300 went on government-sponsored trips. Only 180 ethnic Rohingya residing in Rakhine State were able to go on the hajj, due to difficulty in obtaining passports and exit permission from the regime. As in 2006, an estimated 2,000 to 2,500 Buddhists made pilgrimages to Bodhgaya.

*Societal Abuses and Discrimination.*—In contrast with 2006, there were no reports of conflicts between Muslims and Buddhists in Magway Division. While official religious discrimination was limited, de facto preferences for Buddhists remained. There was one synagogue in Rangoon that served a Jewish congregation of eight local families. There were no reports of anti-Semitic acts.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—Although the Government restricted freedom of movement, most citizens were able to travel within the country. Exceptions included Muslims trav-

eling to, from, and within Rakhine State, as well as some opposition political party members. However, citizens' movements were closely monitored, and all were required to notify local officials of their whereabouts. Movement was restricted in areas of armed conflict. Citizens were subjected to arbitrary relocation. Authorities prohibited NLD members who traveled to Rangoon to attend party functions from lodging in the city overnight.

The Government maintained close control over most ethnic leaders' movements, requiring them to seek permission from the Government before making any domestic trips.

Ethnic minority areas previously affected by conflict, such as the large Karen areas of Ayeyarwady, continued to experience tight controls on personal movement, including frequent military checkpoints and monitoring by the MSA. Bribes were extracted at checkpoints in border areas.

In Rakhine State many controls and checkpoints applied only to the Muslim population. The Government tightly controlled the movement of Muslim Rohingyas, particularly in Buthidaung, Kyauktaw, Maungdaw, and Rathedaung townships along the border between Rakhine and Bangladesh. Muslim youth from Rakhine accepted to universities and medical schools outside the state were unable to enroll due to travel restrictions imposed upon them. The Government also required other noncitizens, primarily ethnic South Asians and Chinese, to obtain prior permission to travel internally. Nonetheless, the country's borders with China, Thailand, Bangladesh, and India remained very porous, with significant undocumented migration and commercial travel occurring.

An ordinary citizen needed three documents to travel outside the country: A passport from the Ministry of Home Affairs, a revenue clearance from the Ministry of Finance and Revenue, and a departure form from the Ministry of Immigration and Population. To address the problem of trafficking in persons, the Government continued to hinder or restrict international travel for women, particularly those under 25 years of age.

The Government carefully scrutinized prospective travel abroad for all passport holders. Rigorous control of passport and exit visa issuance perpetuated rampant corruption, as applicants were forced to pay bribes of up to \$230 (300,000 kyat), approximately equivalent to the average annual salary of a skilled worker. The Government regularly denied passports on political grounds. College graduates who obtained a passport (except for certain government employees) were required to reimburse the Government for the cost of their education. It frequently took several months to receive a passport, particularly if the applicant was unwilling to offer a bribe as incentive for speedier service.

On March 5, a student was arrested at Rangoon International Airport while en route to an exchange program sponsored by a foreign government. The student was held for more than 1 month and was not permitted to travel abroad to participate in the program.

The Government permitted foreign diplomats and foreign U.N. employees based in Rangoon to travel outside of Rangoon to designated tourist sites without prior permission; all other travel required advance permission and was regularly denied. The Government required all foreign and local residents, except diplomats, to apply for authorization to leave the country.

Restrictions on nonresident foreigners' travel to some areas of the country were relaxed during the year. However, certain categories of applicants, including human rights advocates, journalists, diplomats, and political figures, were regularly denied entry visas unless they were traveling under the aegis of a sponsor acceptable to the Government and for purposes approved by the Government.

The abrogated 1974 Constitution did not provide for forced exile, and the Government generally did not use it.

Citizens who emigrated legally generally were allowed to return to visit relatives, and some who lived abroad illegally and acquired foreign citizenship also were able to return.

The Government did not have legal arrangements to accept its citizens deported from other countries; however, in the past the Government accepted the return of several thousand illegal migrants from Thailand and China.

Harassment, fear of repression, and deteriorating socioeconomic conditions continued to force many citizens to leave for neighboring countries and beyond. In border regions populated by minority ethnic and religious groups, the Government maintained its practices of forced labor, confiscation of land, compulsory contributions of food and money, and forced relocations. These policies continued to produce large numbers of refugees in neighboring countries, particularly Thailand, India, Malaysia, and Bangladesh.

*Internally Displaced Persons (IDPs).*—According to the International Displacement Monitoring Center, there were at least 500,000 IDPs in the country at year's end, although precise figures were difficult to determine due to poor access to affected areas. The center reported that the Government forcibly relocated 3,077 villages between 1996 and 2006 and displaced an average of 81,500 persons a year between 2002 and 2006. The Government provided little or no protection or assistance to IDPs, many of whom were forcibly resettled under dangerous conditions. IDPs did not have unfettered access to domestic and international humanitarian organizations, although the UNHCR had limited access to IDPs in northern Rakhine State. Humanitarian organizations were denied access to many IDPs in eastern regions along the Thai border on security grounds. IDPs in these areas regularly were caught in the crossfire between government army and insurgent groups, according to credible observers along the border. In addition, IDP women frequently suffered rape, according to these observers.

*Protection of Refugees.*—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has not established a system for providing protection to refugees. The Government did not grant refugee status or asylum; however, there were no reports that persons formally sought asylum in the country during the year, nor were there reports of forced repatriation.

The UNHCR continued to negotiate for permission to work with "communities that are affected by displacement." The Government allowed the UNHCR to provide humanitarian assistance to Rohingyas in northern Rakhine State, whom the Government does not recognize as citizens.

In August the UNHCR signed a 2-year memorandum of understanding (MOU) with the Ministry of Border Affairs that permitted the UNHCR to work with implementing partners in the southeast region, including parts of Karen and Mon states and Tanintharyi Division, to which the UNHCR had previously been denied access. Under the MOU, UNHCR foreign personnel also were permitted to monitor their project activities in the region.

*Stateless Persons.*—According to the UNHCR, there were approximately 800,000 legally stateless persons residing in the country. Only persons who were able to prove long familial links to the country were accorded full citizenship. Most stateless persons were from the Muslim Rohingya ethnic minority in northern Rakhine State near the border with Bangladesh. The Government denied citizenship to most Rohingyas on the grounds that their ancestors did not reside in the country for 1 year prior to the start of British colonial rule in 1824, as required by the highly restrictive citizenship law.

Native-born but nonindigenous ethnic populations such as Chinese, Indians, Bengalis, and some Eurasians were denied the full benefits of citizenship based on their nonindigenous ancestry.

Persons without full citizenship faced restrictions in domestic travel. They were barred from certain advanced university programs in medicine and technological fields and excluded from government positions.

Rohingyas experienced severe legal, economic, and social discrimination. The Government required them to receive approval for all travel outside northern Rakhine State. Rohingyas had extremely limited access to higher education and could not work as civil servants, including service as doctors, nurses, or teachers. Access to medical care was extremely limited. Rohingyas did not have access to state-operated schools beyond primary education, nor did they have the right to vote.

The Government continued a UNHCR-administered program that issued temporary identification cards to stateless persons in northern Rakhine State. At year's end the UNHCR estimated that approximately 400,000 stateless persons possessed temporary identification cards.

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

The regime continued its systematic use of coercion and intimidation to deny citizens the right to change their government. The 1947 Constitution contained a clause that gave citizens the right to recall elected MPs. The 1974 Constitution contains a similar clause, but there was no record that this clause was ever exercised. The SPDC continued to prevent the Parliament elected in 1990 from convening.

Since 1962 active-duty military officers have occupied the most important positions in the central government and in local governments, and the SPDC placed active duty or retired military officers in senior-level positions in almost every ministry. At year's end active-duty or retired military officers occupied 30 of 33 ministerial-level posts, including that of prime minister and the mayoral posts in Rangoon, Mandalay, and the new administrative capital, Nay Pyi Taw.

*Elections and Political Participation.*—In the most recent parliamentary elections, held in 1990, the NLD won a majority of seats. However, the military regime refused to implement the election results and disqualified, detained, or imprisoned many successful candidates.

The Government outlawed the existence of all but 10 political parties and routinely harassed members of the few legal opposition parties. The NLD continued to press for substantive dialogue on political reform and publicly voiced criticisms of the policies and actions of the Government, including the jailing of dissidents. However, the Government refused to engage in dialogue with the NLD and continued its systematic campaign to destroy the NLD. At year's end 12 MPs-elect remained in prison for political reasons, some since the early 1990s.

On July 28, the regime reconvened the National Convention, first summoned in 1993 and in recess since December 29, 2006. The convention is part of the Government's seven-step "road map" to adopt a new Constitution. The regime convened the convention with more than 1,000 handpicked delegates, including representatives from 17 ethnic cease-fire groups. However, it prohibited free debate on the drafting of a new Constitution and threatened to imprison persons for periods of 5 to 20 years for any criticism of the process. The convention concluded its final session on September 3. Shortly after the conclusion of the final session, the Government released a list of 104 principles approved by the convention delegates to guide the drafting of the Constitution. On October 18, the regime appointed a 54-person constitutional drafting committee; the committee held its first meeting on December 3 and continued to meet at year's end.

Due to the limitations on open debate, the NLD decided in 1995 not to participate in the convention, and the authorities did not invite NLD members to join subsequent convocations.

Women were excluded from political leadership. Members of certain minority groups also were denied a role in government and politics. There were no female or ethnic minority members of the SPDC, cabinet, or Supreme Court.

*Government Corruption and Transparency.*—The law provides for criminal penalties for official corruption; however, the Government rarely and inconsistently enforced the anticorruption statute, and officials frequently engaged in corrupt practices with impunity. A complex and capricious regulatory environment fostered corruption. Authorities usually enforced anticorruption laws only when the regime's senior generals wanted to take action against officials whose egregious corruption had become an embarrassment or when they wanted to punish officials deemed a threat to the senior generals' power.

The Government did not provide access to most official documents, nor is there a law allowing for it. Most government data, even routine economic statistics, were classified or tightly controlled. Government policymaking was not transparent, with decision-making confined to the top layers of government, and new government policies rarely were published or explained openly.

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

The Government did not allow domestic human rights organizations to function independently, and it remained hostile to outside scrutiny of its human rights record. On November 2, the Ministry of Foreign Affairs informed the diplomatic corps that the regime was expelling the U.N. resident coordinator in response to his statement on U.N. Day, in which he pointed out the deteriorating economic situation and called on the Government to address the political, economic, humanitarian, and human rights problems facing the country.

Approximately 35 nonpolitical, international humanitarian NGOs operated in the country. A few others had a provisional presence while undertaking the protracted negotiations necessary to establish permanent operations in the country. Many international humanitarian NGOs and U.N. agencies reported increasing government pressure to curtail their activities, and access to human rights activists, prisoners, and ethnic minorities by international personnel became more difficult.

U.N. agencies and NGOs continued to negotiate with the Government to agree on mutually acceptable guidelines for the activities of humanitarian organizations. The Burmese-language version of the guidelines, released in February 2006, contained measures that were more restrictive than those in the English-language version.

The Government maintained travel restrictions on foreign journalists, NGO staff, U.N. agency staff, and diplomats in most regions. Human rights advocates regularly were denied entry visas unless traveling under the aegis of a sponsor acceptable to the Government and for purposes approved by the Government. The Government's monitoring of the movements of foreigners, its frequent interrogation of citizens concerning contacts with foreigners, its restrictions on the freedom of expression and

association of citizens, and its practice of arresting citizens who passed information about government human rights abuses to foreigners impeded efforts to collect or investigate human rights abuses. Reports of abuses, especially those committed in prisons or ethnic minority areas, often emerged months or years after the abuses allegedly were committed and seldom could be verified.

Some international NGOs and U.N. agencies were required to have a government representative accompany them on field visits, at the NGOs' or U.N.'s expense, although this rule was not consistently enforced. Foreign staff experienced difficulty obtaining permission to travel to project sites.

On May 22, the U.N. Secretary-General appointed Ibrahim Gambari as U.N. envoy to Burma. Gambari visited the country in October and November. However, on both occasions the regime refused to allow him to control his own schedule, insisting instead on dictating his meetings and restricting him to the new capital and the Government guesthouse in Rangoon.

U.N. Special Rapporteur Paulo Sérgio Pinheiro conducted an official mission to the country November 11–15 to investigate allegations that the regime committed numerous human rights violations during its response to the prodemocracy demonstrations of August and September. During his visit he met with government officials, foreign diplomatic representatives, members of the U.N. country team, representatives from international NGOs, representatives from national ethnic groups, representatives of women's development associations, monks, and five detainees—Su Su Nwe, Win Tin, Min Zeya, Maung Kan, and Than Tin. He was not permitted to meet with any military commanders. He was allowed to conduct supervised visits to Insein Prison, the detention facilities at GTI and Number 7 Police Battalion Control Command Headquarters, the Htain Bon crematorium, and Nan Oo and Ngwe Kyar Yan monasteries. On December 7, Pinheiro released a report describing his findings, including incidents involving the use of excessive and lethal force, arbitrary arrest and detention, deaths in custody and torture, and severe reprisals against peaceful protesters. He also provided recommendations for immediate and transitional measures addressed to the Government.

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

The SPDC continued to rule by decree and was not bound by any constitutional or statutory provisions concerning discrimination based on race, gender, disability, language, or social status.

*Women.*—Rape is illegal, but the Government did not enforce the law effectively. If the victim is under 14 years of age, the act is considered rape with or without consent. In such cases the maximum sentence is 2 years when the victim is between ages 12 and 14, and 10 years to life imprisonment when the victim is under 12. Spousal rape is not a crime unless the wife is under 14.

The Government did not release statistics regarding rape; however, it stated that rape was not common in populous urban areas but occurred more often in remote areas. Nonetheless, it was generally considered unsafe for women to travel at night without a male escort, and employers typically had to supply a bus or truck to return female workers to their homes at night. Use of taxis at night was considered particularly hazardous for women because of the risk of rape or robbery. Prostitutes traveling at night typically had to pay substantial additional fees to taxi operators or risk being raped, robbed, or turned over to the police. There were credible reports that prostitutes taken into police custody were sometimes raped or robbed by the police. Incidents of rape in conflict areas and other ethnic minority areas continued, particularly by military personnel garrisoned in those regions. Authorities rarely, if ever, took action against government officials accused of rape. Occasionally, authorities would arrest and prosecute women who reported being raped by police or soldiers. The regime did not release any statistics concerning the number of rape prosecutions and convictions.

Domestic violence against women, including spousal abuse, remained a problem; however, because the Government did not maintain statistics related to spousal abuse or domestic violence, it was difficult to measure. There are no laws specifically against domestic violence or spousal abuse, although there are laws related to committing bodily harm against another person. The related prison terms range from 1 year to life, in addition to possible fines. The government-affiliated MAAF sometimes lobbied local authorities, including the police, to investigate domestic violence cases involving spousal abuse. Since the MAAF is controlled by wives of regime leaders, police usually investigated such cases referred to them by the group.

Prostitution is prohibited by law and punishable by 3 years in prison; however, its prevalence grew in urban areas, particularly in some of Rangoon's "border towns" and "new towns," populated chiefly by poor families who were relocated forcibly from older areas of the capital.

There are no laws against sexual harassment, which continued to be a problem. Women remained underrepresented in most traditionally male occupations and were effectively barred from certain professions, including the military officer corps. Poverty affected women disproportionately. Women did not receive equal pay for equal work on a consistent basis. Women legally are entitled to receive up to 26 weeks of maternity benefits, but in practice these benefits often were not accorded them.

There were no independent women's rights organizations, although there were several groups with some relationship to the Government. The MAAF, chaired by the wife of former prime minister General Soe Win, was the leading "nongovernmental" women's rights organization. With branches in all 14 states and divisions, it was the primary government organization responsible for addressing women's interests. The Myanmar Maternal and Child Welfare Association, another government-controlled agency, provided assistance to mothers and children. These organizations were closely allied with the Government and conducted activities that furthered government objectives. The Myanmar Women Entrepreneurs' Association, a professional society for businesswomen, provided loans to women starting new businesses. While not controlled by the Government, the association enjoyed good relations with the Government and was allowed to conduct its activities to support women in business.

*Children.*—Children were at high risk, as deteriorating economic conditions forced destitute parents to take them out of school to work in factories and teashops or to beg. Many were placed in orphanages. With few or no skills, increasing numbers of children worked in the informal economy or in the street, where they were exposed to drugs, petty crime, risk of arrest, trafficking for sex and labor exploitation, and HIV/AIDS.

There are laws prohibiting child abuse, but they were neither adequate nor enforced. Efforts in this regard were severely constrained by lack of resources. The Department of Social Welfare (DSW) provided limited social welfare services, but there were only a few officially appointed social workers. The DSW provided support and schooling for a small number of orphaned children or others who were in some other way estranged from their families.

The Government continued to allocate minimal resources to public education. According to official figures for Fiscal Year 2007–8 (April through March), official expenditure allocations for the Ministry of Education comprised 1.1 percent of gross domestic product (GDP). Public schooling was ostensibly provided free through the 10th standard (approximately age 16). However, on average public school teachers' pay was equal to approximately \$4 (5,300 kyat) per month, far below subsistence wages, forcing many teachers either to leave the profession or demand extra payments from their students. Thus, many families had to pay to send their children to school, even at the primary level. According to a Kachin women's group, families in Kachin State had to pay as much as \$230 (300,000 kyat) for their children to attend 10th standard, an amount approximately equal to the average annual income of a skilled laborer. In some areas where families were not able to afford unofficial payments, teachers ceased to work. In response to official neglect, private institutions began to provide assistance in education, despite a legal ban on private schools.

Education is compulsory through the 4th standard, or approximately age 10. The U.N. Children's Fund (UNICEF) reported that 50 percent of primary school students dropped out of school before finishing the 4th standard. Rates of school attendance were low, largely due to increasing economic hardship, causing students to seek work as domestic helpers or waiters at urban teashops. NGOs estimated that nationwide nearly 1 million primary-age children did not attend school. There was no difference in the attendance rate of boys and girls.

The Government cooperated with the U.N. Committee on the Rights of the Child. UNICEF reported close working relationships with the DSW and the Ministry of Education, where it worked to support primary education and produce children's storybooks in five minority languages. Faith-based organizations, Buddhist monks and nuns, and private community-based groups also provided educational and other support for children.

Children also suffered from the Government's severe neglect of health care. According to official government figures, the budget for the Ministry of Health in Fiscal Year 2007–8 amounted to 0.3 percent of GDP. There were no reports that the Government discriminated between boys and girls in the provision of health care.

The law prohibits child abuse, and the Government stated that child abuse was not a significant problem. However, accurate statistics were not available, and some international NGOs believed the problem may have been more widespread than the Government acknowledged.

Trafficking in girls for the purpose of prostitution—especially Shan girls who were sent or lured to Thailand—persisted as a major problem. In Rangoon and Mandalay, diplomatic representatives noted widespread presence of female prostitutes who appeared to be in their teens. Additionally, some brothels reportedly offered young teenage “virgins” to their customers for a substantial additional fee.

The use of child soldiers remained a problem, although the number of child soldiers was not known. The official age of enlistment in the army is 18 years. The Government stated that its official policy is to avoid conscripting child soldiers; however, numerous recruiters reportedly ignored the policy.

During the June 25–29 visit of U.N. Special Representative Coomaraswamy, the regime appointed an official in the Ministry of Social Welfare to work with his counterpart on the U.N. Country Team on problems pertaining to children and armed conflict. The Government also appointed an official in the Ministry of Foreign Affairs to work with UNICEF on the child soldier issue. The official from the Ministry of Social Welfare is responsible for matters pertaining to the release and reintegration of child soldiers, while the Ministry of Foreign Affairs official is responsible for monitoring and reporting. In September the Government established a technical level working group on the monitoring and prevention of child recruitment. The Committee for Prevention Against Recruitment of Minors for Military Service also agreed to develop, in coordination with UNICEF, a plan for reintegrating into civilian society children affected by armed conflict. However, numerous international NGOs and diplomatic observers reported that a more robust monitoring and training mechanism was needed to address the child soldier problem adequately.

Although authorities allowed Coomaraswamy to meet with representatives of the United Wa State Army, they prevented her from meeting with representatives of the Karen National Liberation Army and Karenni Army, both of which were listed in the U.N. Secretary-General’s 2006 Security Council Report as using child soldiers.

On October 31, Human Rights Watch published a report entitled *Sold to be Soldiers: The Recruitment and Use of Child Soldiers in Burma*, which detailed numerous specific instances of child soldier recruitment and use in the country.

On November 16, Coomaraswamy presented her report on children and armed conflict in the country. The report stated that the U.N. had received numerous credible reports about violations of international humanitarian law, human rights law, and military directives resulting in the recruitment and use of children by some government military units and several nonstate actors, including the United Wa State Army, Kachin Independence Army, Karenni National People’s Liberation Front, Democratic Karen Buddhist Army, Shan State Army-South, Myanmar National Democratic Alliance Army, and Karen National Union Peace Council. However, the report stated that the Government had shown increasing interest in addressing underage recruitment and cautioned that it was not able to provide a full picture of the breadth and depth of these violations due to limited access to conflict areas and the lack of guaranteed protection for monitors and victims of violations.

*Trafficking in Persons.*—Although there are laws prohibiting trafficking in persons, trafficking, including of children, remained a problem; however, there were no reliable statistics regarding its extent. Laws specifically prohibiting child prostitution and child pornography were not enforced effectively. In addition to forced labor and forced recruitment of civilians to work as soldiers, Burmese victims were trafficked to East and Southeast Asia and the Middle East for sexual exploitation, domestic servitude, and bonded labor.

Government data showed that Thailand was the primary destination for trafficking victims, with much smaller numbers going directly to China, Malaysia, Bangladesh, Republic of Korea, and Macau.

Young women and girls were at high risk for trafficking for the purpose of sexual exploitation, while both young men and women were trafficked to East and Southeast Asia and the Middle East for domestic servitude and bonded labor. Victims of trafficking faced hazardous conditions, including sexual and physical abuse by their traffickers, poor nutrition and sanitary conditions, and disease, including tuberculosis and HIV/AIDS.

Shan and other ethnic minority women and girls were trafficked across the border from the north; Karen and Mon women and girls were trafficked from the south. There was evidence that internal trafficking generally occurred from poor agricultural and urban centers to areas where prostitution flourished (trucking routes, mining areas, military bases, and industrial areas) as well as along the borders with Thailand and China. Men and boys also reportedly were trafficked to other countries for sexual exploitation and labor.

Human traffickers appeared to be primarily free-lance, small-scale operators using village contacts to send victims to more established trafficking brokers. Bro-



kers were primarily foreign, but some Burmese brokers operated in Thailand and China.

The penalties for trafficking women and minors is 10 years to life; for trafficking men, 5 to 10 years; for fraud for the purpose of trafficking, 3 to 7 years; for using trafficked victims for pornography, 5 to 10 years; for trafficking with an organized criminal group, 10 years to life; for serious crime involving trafficking, 10 years to life or the death penalty; for a public official accepting money related to an investigation of the trafficking law, 3 to 7 years. All penalties also include the option of a fine.

The Government made limited progress against trafficking in persons. Officials recognized the importance of preventing cross-border trafficking and prosecuting traffickers, but they did little to combat domestic trafficking and took no action on forced labor. Authorities claimed to identify more than 400 traffickers involved in 191 separate cases in 2006; the Government took action against 274 offenders, of whom 65 were convicted, and returned 419 trafficking victims, according to police reports. Most of those convicted received sentences of less than 5 years. Since the Government did not accurately distinguish between human traffickers and smugglers, the actual number of traffickers convicted was probably less.

The Government worked with the U.N. Inter-Agency Project on Human Trafficking to sponsor seminars for national, state/division, and lower-level authorities and received training from the Asia Regional Trafficking in Persons Project.

The Ministry of Home Affairs continued to maintain that there was no complicity of government officials in trafficking; however, corruption among local government officials was widespread. NGOs reported that government officials were complicit in trafficking, although it appeared limited to local and regional officials turning a blind eye to trafficking activities. Authorities took no law enforcement action against trafficking by government or military officials. Although corruption was pervasive along the borders, there were no reports of action taken against officials complicit in profiting from or involved in trafficking.

The Government had four vocational training centers and one house to shelter female trafficking victims; male victims were temporarily sheltered in training schools. The Government insisted that repatriated victims stay for 1 month in these centers, where they were confined contrary to international norms of victim protection.

The MAAF and the DSW provided some basic health and compulsory counseling services and job training for trafficking victims before turning them over to an NGO or returning them to their families. However, government funding for these programs was very limited.

The Government made it difficult for single women to obtain passports or marry foreigners, ostensibly to reduce the outflow of women as victims of trafficking. Regulations forbid females under the age of 25 from crossing the border unless accompanied by a guardian, but most trafficked women crossed the border without passports.

The Ministry of Home Affairs placed antitrafficking units at nine locations known for frequent trafficking. With assistance from international NGOs, the Government conducted training and advocacy workshops and also approved nationwide television and radio announcements and distribution of materials at the state/division level.

International and local NGOs offered poverty alleviation and educational programs designed to counter trafficking. These programs were moderately successful.

*Persons with Disabilities.*—The Government did not actively discriminate against persons with disabilities in employment, access to health care, education, or in the provision of other state services, but there were few official resources to assist persons with disabilities. There are no laws mandating accessibility to buildings, public transportation, or government facilities, and persons with disabilities faced societal discrimination. There were several local and international organizations that assisted persons with disabilities, but most such persons had to rely exclusively on their families to provide for their welfare.

Military veterans with disabilities received benefits on a priority basis, usually a civil service job at equivalent pay. In principle, official assistance to nonmilitary persons with disabilities included two-thirds of pay for up to 1 year for a temporary disability and a tax-free stipend for permanent disability; however, the Government did not provide job protection for private sector workers who became disabled.

The Ministry of Health is responsible for medical rehabilitation of persons with disabilities, and the Ministry of Social Welfare is responsible for vocational training. The Government operated three schools for the blind, two for the deaf, two rehabilitation centers for adults with disabilities, and two for children with disabilities. However, the Government provided inadequate funds for its schools and programs for persons with disabilities. Local NGOs operated four schools for the blind.

The ICRC continued to provide rehabilitation services to both civilian and military victims of landmine injuries. Besides operating an orthopedic rehabilitation center in Hpa-an, Karen State, the ICRC also had an active outreach program to identify and refer amputees from remote border villages to its prosthetic services.

*National/Racial/Ethnic Minorities.*—Wide-ranging governmental and societal discrimination against minorities persisted. Animosities between the country's many ethnic minorities and the Burman majority, which has dominated the Government and the armed forces since independence, continued to fuel active conflict that resulted in serious abuses during the year. The abuses included reported killings, beatings, torture, forced labor, forced relocations, and rapes of Chin, Karen, Karenni, Rohingya, Shan, Mon, and other ethnic groups by SPDC soldiers. Some armed ethnic groups also may have committed abuses, but on a much smaller scale than the Government army.

Rohingya Muslims who returned to Rakhine State were discriminated against because of their ethnicity. Returnees faced severe restrictions on their ability to travel, engage in economic activity, obtain an education, and register births, deaths, and marriages.

Ethnic minority groups generally used their own languages at home. However, throughout all parts of the country controlled by the Government, including ethnic minority areas, Burmese remained the mandatory language of instruction in state schools, and teaching in local languages was not offered. Even in ethnic minority areas, most primary and secondary state schools did not offer instruction in the local ethnic minority language. There were very few domestic publications in indigenous minority languages.

The Government continued to resettle groups of ethnic Burmans in various ethnic minority areas through the establishment of "model villages" in Rakhine State and other regions. Many of these new inhabitants had been released from prison on the condition that they resettle in a "model village." Government jobs in ethnic minority regions, including as teachers, were increasingly reserved for ethnic Burmans, according to reports from Kachin and Kayah states.

There were ethnic tensions between Burmans and nonindigenous ethnic populations, including South Asians, many of whom were Muslims, and a rapidly growing population of Chinese, most of whom emigrated from Yunnan Province. Chinese immigrants increasingly dominated the economy of the northern part of the country.

*Other Societal Abuses and Discrimination.*—Many citizens viewed homosexuals with scorn. Penal code provisions against "sexually abnormal" behavior were applied to charge gays and lesbians who drew unfavorable attention to themselves. Nonetheless, homosexuals had a certain degree of protection through societal traditions.

HIV-positive patients were discriminated against, although HIV activists reported that awareness campaigns helped to reduce discrimination and stigma. However, some persons reportedly were reluctant to visit clinics that treat HIV/AIDS patients for fear of being suspected of having the disease.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law permits workers to form trade unions with the prior consent of the Government; however, no free trade unions existed in the country. Domestic and internationally affiliated unions are not allowed, nor is individual membership in unions. The Government forbade seafarers who found work on foreign vessels through the Seafarers Employment Control Division from having contact with the International Transport Workers' Federation, and the Government often refused to document seafarers who were abroad, which made it impossible for a seafarer to find regular employment.

On September 7, six labor activists were sentenced to between 20 and 28 years in prison for sedition and illegal association for their connection with a labor rights workshop held in Rangoon on May 1.

On November 20, authorities arrested labor activist U Tin Hla along with his wife and children on charges that he organized railway workers to join September's pro-democracy protests. While his family was released 5 days later, U Tin Hla remained in custody at year's end.

The Government maintained its 2006 ruling that criminalizes contact with the Federation of Trade Unions—Burma, claiming it is a "terrorist group."

*b. The Right to Organize and Bargain Collectively.*—The Government does not allow workers to organize or bargain collectively. The Government's central arbitration board, which once provided a means for settling major labor disputes, remained dormant, although the Ministry of Labor reportedly played an arbitration role in settling some disputes. Township-level labor supervisory committees existed to ad-

dress minor labor concerns. Local labor authorities intervened as mediators in informal labor strikes to ensure peaceful resolutions between workers and employers.

The Government unilaterally set wages in the public sector. In the private sector, market forces generally set wages; however, the Government pressured joint ventures to pay salaries no greater than those of ministers or other senior government employees. Some joint ventures circumvented this with supplemental pay or special incentive systems. Foreign firms generally set wages near those of the domestic private sector but followed the example of joint ventures in awarding supplemental wages and benefits.

The law prohibits labor strikes, although employees at a number of large factories organized more than 60 informal strikes during the year and in many cases won higher wages. Most strikes were resolved without government intervention, but in some cases authorities pressured workers and employers for resolution.

There are no export processing zones; however, there are special military-owned industrial parks, such as Pyin Ma Bin, near Rangoon, which attracted foreign investors, and the 2,000-acre Hlaing Thaya Industrial Zone in Rangoon, where several companies operated. Labor laws are applicable in all industrial zones and across all industries, but they were not always enforced.

*c. Prohibition of Forced or Compulsory Labor.*—The law provides for the punishment of persons who impose forced labor on others. However, government and military use of forced or compulsory labor remained a widespread and serious problem, particularly targeting members of ethnic minority groups. During the 96th session of the International Labor Conference, which met May 30–June 15, the International Labor Organization’s (ILO) Committee on the Application of Standards submitted a report on forced labor in the country and expressed its profound concern at the widespread use of the practice, particularly in Karen and Rakhine states. Throughout the country, international observers verified that the Government routinely forced citizens to work on roads, construction, and other maintenance projects. Citizens also were forced to work in the military-owned industrial zones.

The Government’s use of forced labor in support of military garrisons or military operations remained serious in ethnic or religious minority regions. According to credible NGO sources, villagers were ordered to build or repair military camp infrastructure and perform other tasks within the camps, such as standing guard. The same sources also reported that villagers were required to bring lumber, at their own expense, to construct and repair military facilities.

According to the Free Burma Rangers, on March 1, Commander Tin Soe and Sergeant Kyaw Nyut Oo allegedly forced at least 30 villagers from Maladaw in Karen State to carry equipment and food from Maladaw to a new army camp in Saw Tay Der.

The Free Burma Rangers also reported that on March 1, the 375th Light Infantry Battalion forced 160 villagers from Paw Pe Der, Aung Chan Tha, Myaung Oo, and Ye Bet in Karen State to carry supplies from Paw Pe Der to an army camp in Paung Zeik.

On May 7, the army allegedly forced 154 villagers to work on a new road between the 599th Light Infantry Battalion headquarters in Toe Daw and the 590th Light Infantry Battalion in Yin O Sein in Karen State. According to witnesses the villagers were forced to cut wood and bamboo, build livestock shelters, and clean army facilities. Residents in the area reported that the road construction destroyed more than 500 acres of their farmland.

During the year NGOs presented credible evidence that the army continued to use ethnic Karen villagers as porters in attacks against Karen villages in Bago Division and Karen and Kayah states.

The ILO reported that military units continued to issue oral rather than written demands to village heads to provide forced labor. The ILO also reported that in some cases the Government substituted demands for forced labor with demands for forced contributions of materials, provisions, or money. The ILO reported that since 2002 the Government increasingly used prisoners not sentenced to hard labor in place of civilians as forced laborers, possibly due to international pressure against the use of civilians. There reportedly were new labor camps, but many were temporary, existing only until the completion of a specific work project. During the year the army reportedly transported convicts from prisons throughout the country to serve as porters in its attacks against Karen villages in Bago Division, Karen State, and Kayah State. The convicts faced dangers from minefields and exposure to gunfire while working with inadequate food and no medical care.

Reports of forced labor for smaller projects in villages countrywide persisted. Authorities also continued to use forced labor countrywide to maintain existing civil infrastructure, including transportation and irrigation facilities. Authorities often al-

lowed households or persons to substitute money or food for labor for infrastructure projects, but widespread rural poverty forced most households to contribute labor. Parents routinely called upon children to help fulfill their households' forced labor obligations.

There were reports from nearly every division and state that authorities forced citizens to buy and plant physic nut trees on public and private property as part of the SPDC's campaign to produce more biodiesel fuel. Those who tried to avoid planting the trees were frequently threatened with fines.

On February 26, the ILO and the Government signed an agreement establishing a mechanism to address forced labor complaints. Under the agreement the Government and the ILO may jointly investigate allegations of labor abuses referred by the ILO. In March authorities responded to the first ILO case referrals and initiated investigations into the cases. In April a court in Aunglan Township in the central region found two village authorities guilty of forcing villagers to repair a road and sentenced them to 6 months in prison; a third official was acquitted. In a separate case involving child soldier recruitment, the child was returned to his family in April, while local authorities continued to investigate. In August the ILO and the Government conducted a joint investigation into forced labor complaints in Rakhine State dating back to March.

The law does not specifically prohibit forced and bonded labor by children, and forced labor by children continued to be a serious problem.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The law sets a minimum age of 13 for the employment of children, but in practice the law was not enforced. Child labor was prevalent and highly visible. In cities children were employed primarily in small or family enterprises. In rural areas children worked in family agricultural activities. Children working in the urban informal sector in Rangoon and Mandalay often began work at very young ages. In cities child workers were found mostly in the food processing, street vending, refuse collecting, and light manufacturing industries, and as restaurant and teashop attendants.

The law does not prohibit compulsory labor by children, and children were subjected to forced labor. Authorities reportedly rounded up teenage children in Rangoon and Mandalay and forced them into portering or military service.

While no specific government agency has been designated to enforce child labor laws, the Ministry of Labor worked with the Attorney General's Office to change the minimum working age. In December 2006 UNICEF completed a review of legal provisions for working children found in 10 separate labor laws enacted from 1923 to 1993 and made recommendations for protecting children who work. Since 2006 UNICEF has worked with the Ministry of Labor to facilitate several interagency meetings and workshops on the protection of children. In July and November the U.N., the Ministry of Labor, international NGOs, and employers held two workshops to discuss preparing a draft for minimum standards and codes of conduct for the protection of working children. In October UNICEF conducted training for Ministry of Labor staff and labor inspection officers on international standards, child rights, and the minimum standards for protecting the rights of working children. According to UNICEF, the Government worked with UNICEF to disseminate the minimum standards for the protection of working children.

*e. Acceptable Conditions of Work.*—Only government employees and employees of a few traditional industries were covered by minimum wage provisions. The minimum monthly wage for salaried public employees remained at the market equivalent of \$11.50 (15,000 kyat) for what was in effect an 8-hour workday. The rate for day laborers was \$0.38 (500 kyat) per day. Various subsidies and allowances supplemented this sum. Neither the minimum wage nor the higher wages earned by senior officials provided a worker and family with a decent standard of living. Low real wages in the public sector fostered widespread corruption and absenteeism. In the private sector, urban laborers earned approximately \$0.38 to \$0.75 (500 to 1,000 kyat) per day, while rural agricultural workers earned approximately half that rate. Some private sector workers earned substantially more: A skilled factory worker earned approximately \$23 (30,000 kyat) per month, according to private sector employers.

A surplus of labor, a poor economy, and the lack of protection by the Government continued to foster substandard conditions for workers. The law prescribes a 5-day, 35-hour workweek for employees in the public sector and a 6-day, 44-hour workweek for private and state enterprise employees, with overtime paid for additional work. Factory workers at state-owned enterprises must work 44 to 48 hours per week, depending on the type of factory. The law also allows for a 24-hour rest period per week, and workers are permitted 21 paid holidays per year; however, in practice such provisions benefited only a small portion of the labor force, since most of the

labor force was engaged in rural agriculture or the informal sector. The laws were generally enforced in the Government sector, but there were frequent violations by private enterprises.

Numerous health and safety regulations existed, but the Government did not make necessary resources available to enforce the regulations. Although workers may remove themselves from hazardous conditions, many workers could not expect to retain their jobs if they did so.

---

## CAMBODIA

Cambodia is a constitutional monarchy with an elected government and a population of approximately 14 million. Following national elections in 2003, the Cambodian People's Party (CPP), led by Prime Minister Hun Sen, and the National United Front for a Neutral, Peaceful, Cooperative, and Independent Cambodia (FUNCINPEC), led by Prince Norodom Ranariddh, formed a coalition government in 2004. The CPP continued to dominate the three branches of government and other national institutions, with most power concentrated in the hands of the prime minister. Although the civilian authorities nominally controlled the security forces, in practice security forces answered to the CPP leadership.

The Government's human rights record remained poor. Although there were no reports that the Government or its agents committed politically motivated killings, security forces committed extrajudicial killings and acted with impunity. There was little political will to address the failure by government authorities to adhere to the rule of law. Detainees were abused, often to extract confessions, and prison conditions were harsh. Human rights monitors reported arbitrary arrests and prolonged pretrial detention, underscoring a weak judiciary and denial of the right to a fair trial. Land disputes and forced evictions, often accompanied by violence, were a continuing problem. The Government restricted freedom of speech and the press through the use of defamation and disinformation suits, controlled or influenced the content of television and radio broadcasts, and at times interfered with freedom of assembly. Corruption was endemic and extended throughout all segments of society, including the executive, legislative, and judicial branches of Government. Domestic violence and child abuse occurred, education of children was inadequate, and trafficking in women and children persisted. The Government offered little assistance to persons with disabilities. Antiunion activity by employers and weak enforcement of labor laws continued, and child labor remained a problem.

In a positive turn, on June 12, the Extraordinary Chambers of the Courts in Cambodia for the Prosecution of Crimes Committed during the Period of Democratic Kampuchea adopted its internal rules to begin prosecuting senior leaders of the Khmer Rouge regime and those most responsible for committing serious crimes. On July 31, the ECCC charged Kaing Guek Eav, alias Duch, with crimes against humanity and subsequently charged four other senior officials; at year's end all were in detention awaiting trial. In addition, on December 10, the Government permitted a Human Rights Day march of 500 human rights activists, monks, and other persons and rally of an estimated 2,500 persons in Phnom Penh.

### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—There were no reports that the Government or its agents committed politically motivated killings. However, human rights nongovernmental organizations (NGOs) reported that extrajudicial killings continued to occur.

The Cambodian Human Rights and Development Association (ADHOC) recorded 53 cases of extrajudicial killings, 14 of which were committed by police, nine by soldiers, six by fishery officials, and the remaining 24 by unidentified government forces. Police arrested perpetrators in four cases.

Political activists continued to be the victims of killings. On February 27, Eang Sok Thoeurn, a Khmer Kampuchea Krom monk, was found dead with his throat cut in the Tronum Chhroeung Monastery in Kandal Province. The deceased monk was discovered the morning after he participated in a demonstration in front of the Vietnamese Embassy in Phnom Penh for the rights of Khmer Kampuchea Krom persons living in Vietnam. Police quickly declared the death a suicide and disposed of the body without further investigation. NGOs and Khmer Kampuchea Krom groups suspected the killing was politically motivated.

Active members of political parties were killed during the year, but NGOs and police could not confirm their deaths were politically motivated. On February 14, three unidentified persons killed Sam Rainsy Party (SRP) activist Chea Sovin, spouse of an SRP candidate for the April commune council elections in Battambang Province. On July 27, three unidentified persons shot and killed Kleb Un, SRP commune-level vice party chairperson in Banteay Meanchey Province. A local police chief reported that the perpetrators fled without robbing the victim or taking anything from the scene. Police arrested one suspect in the case but released him after questioning. In both killings, police stated that investigations continued.

On April 4, police officer Siv Soeun allegedly shot and killed a person he claimed was illegally fishing on private property in the Kompong Siem District of Kampong Cham Province. The victim's family filed a complaint against the police officer but later withdrew the complaint after Siv Soeun allegedly paid the family \$3,000 (12 million riel) in compensation. At year's end Siv Soeun had not been charged or arrested.

On November 15, during the eviction of squatters from state land in Choam Ksan commune, Preah Vihear Province, unidentified government forces killed two villagers who protested the eviction. Approximately 150 police, military police, and soldiers evicted 317 families. There was no official investigation into the killings. Police arrested 18 of the squatters, including a deputy governor, on charges of encroachment on state land. The 18 villagers were imprisoned and awaited trial at year's end.

In June the Prey Veng Provincial Court sentenced one suspect in the November 2006 killing of SRP activist Man Meth to 10 years in prison and two others to 6 months in prison for conspiring in the killing.

On July 18, the Phnom Penh Municipal Court sentenced Heng Pov, former Phnom Penh police commissioner and under secretary of state of the Ministry of Interior (MOI), to an additional 22.5 years in prison for the 2005 illegal detention of a person, use of illegal weapons, and possession of counterfeit currency. Heng Pov was already serving an 18-year sentence for the 2003 murder of Judge Sok Sethamony, multiple counts of premeditated killings, and involvement in illegal arrests and detentions. During his July trial, Heng Pov stated that Born Samnang and Sok Sam Oeun, the two suspects he ordered arrested in 2005 and who later were convicted for the killing of union activist Chea Vichea, were innocent of the crime. On April 12, the appeals court had upheld 20-year sentences each for Born Samnang and Sok Sam Oeun. Their lawyers submitted grievances to the Supreme Court, and at year's end they awaited Supreme Court action.

There were no developments in the 2006 cases of SRP activists Koent Chhuon and Thoeung Thear, killed in Preah Vihear and Kampong Cham provinces, respectively. Likewise, there were no developments in the cases of Pao Rum and Khat Thoeun, who died in police custody in Kandal Province in 2006, or the 2006 cases of attempted prison breaks in Kampong Thom and Battambang that left 10 inmates dead. In the case of Nong Sam, who reportedly died June 2006 in a Siem Reap hospital from head injuries received during a beating by police officers, a provincial court prosecutor closed the case, declaring Nong Sam's death a suicide.

There were no developments in the 2005 killings of five SRP activists or in the 2005 case of an attempted escape from Trapoeung Phlong Prison in which 19 prisoners and the prison director were killed. The appeals court took no action in the 2005 deaths of five villagers and injuries to others by government security forces during a mass eviction from disputed land in the village of Kbal Spean in Banteay Meanchey Province.

On February 8, in Prey Veng Province, district- and commune-level deputy police chiefs Bun Samphea, Suos Bunthat, and Hay Chivon, charged in a 2000 killing, failed to appear for their provincial court trial, reportedly stating they were too busy. The court rescheduled the trial to June but postponed it again after the officers said they were too busy to come to the June trial. A new trial date was not set.

Mines dating from the Indochina conflict and Khmer Rouge period continued to cause casualties. According to the Cambodia Mine/UXO Victim Information System, during the year mines and unexploded ordnance caused 63 deaths, 56 amputations, and 222 other injuries.

Vigilante justice and mob killings persisted. ADHOC reported that mobs killed five persons during the year. Few suspects were arrested. In some instances authorities could not protect suspects from angry mobs. NGOs noted that a majority of mob killings were related to thefts, robberies, or suspected witchcraft. On June 9, Yos Chor villagers in Kampong Speu Province killed a person for stealing a neighbor's chickens. On June 21, a mob killed a traditional healer in the Boribo Dis-

tract of Kampong Chhnang Province because they suspected him of witchcraft. Police made no arrests in either case.

On June 27, the Kratie Provincial Court sentenced six persons to sentences ranging from 7 to 10 months in prison for the 2006 vigilante justice killing of Sam Rooun. The court convicted them on charges of causing injury, reduced from investigation findings of murder. There were no developments in the February 2006 case of a person beaten and killed for allegedly practicing witchcraft.

*b. Disappearance.*—On June 30, Khmer Kampuchea Krom monk Tim Sakhorn, head of a pagoda in the Kirivong District of Takeo Province for more than 10 years, disappeared. Previously, on orders of the country's top Buddhist leader, Great Supreme Patriarch Tep Vong, monks from Phnom Penh had defrocked Tim Sakhorn, after which unidentified persons believed to be attached to the MOI pushed him into a vehicle and drove away. The defrocking order stated Tim Sakhorn "broke the solidarity" between Cambodia and Vietnam by using pagodas to spread propaganda that affects the dignity of Buddhism. The monk was known locally for providing food and shelter to Khmer Kampuchea Krom coming from Vietnam. The MOI stated that Tim Sakhorn volunteered to go to Vietnam after he was defrocked, and ministry officials produced a document stating this intent. While signed by Tim Sakhorn, the handwritten document appeared not to be in his writing. On August 2, Tim Sakhorn reappeared in court custody in Vietnam, held on charges of destroying political solidarity. In September the Information Ministry stated that the Cambodian consulate in Ho Chi Minh City was investigating Tim Sakhorn's condition in detention. On November 8, a Vietnamese newspaper reported that a court in Vietnam convicted Tim Sakhorn of undermining solidarity between Cambodia and Vietnam and sentenced him to 1 year in prison.

On August 10, Land Border Protection Unit 504 soldier Im Bun Ny disappeared in Pailin. According to witnesses, that night four soldiers from his unit invited him to a rubber plantation owned by their unit commander, Brigadier General Pol Sinuon. After Im Bun Ny arrived, the four soldiers beat him and accused him of stealing a gun. Unconfirmed witness reports said Im Bun Ny died from the beating and the soldiers buried his body. At year's end Im Bun Ny was still missing. According to a human rights NGO, local police completed an investigation and submitted findings to the court. The court took no action, and the four soldiers remained at large.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution such practices; however, beatings and other forms of physical mistreatment of police detainees and prison inmates continued to be a serious problem.

There were credible reports that military and civilian police officials used physical and psychological torture and severely beat criminal detainees, particularly during interrogation. Based on interviews with 1,293 detainees from 18 of the country's 26 prisons, the Cambodian League for the Prevention and Defense of Human Rights (LICADHO) reported that during the year authorities tortured 155 prisoners, of whom 125 were tortured in police custody and 30 in prisons. Kicking, punching, and pistol whipping were the most common methods of physical abuse, but techniques also included electric shocks, suffocation, caning, and whipping with wire. NGOs reported that it was not uncommon for police to torture detained suspects until they confessed to a crime. Courts used forced confessions as legal evidence during trial despite admissibility prohibitions under the law.

NGOs noted that during the year there were 180 cases of physical assaults by local authorities, government agents, or private bodyguards, compared with 164 cases in 2006 and 154 cases in 2005.

On May 27, military police officer Prak Vutha of Phnom Sruoch District, Kampong Speu Province, reportedly arrested Sok Soeun after a small scuffle at a restaurant, kept him in military detention overnight without a warrant, and beat him unconscious. According to ADHOC, Sok Soeun's family gave Prak Vutha two cases of beer in return for Sok Soeun's release. Sok Soeun later filed a complaint with local police that the police did not accept. There was no investigation into the case or legal action against Prak Vutha.

No legal action was taken against two policemen from Border Protection Unit 701 implicated in a February 2006 beating of a 13-year-old boy. Likewise, there was no action against officials and no progress in the police investigation of an April 2006 case involving Police Commissioner Team Sangkriem in Preah Vihear Province and three other police agents who detained Kong Salath without a warrant and beat him. No disciplinary or legal action was taken against abusive officers in the April 2006 beating of a motorist by Battambang military police. Regarding the December 2006 case of Tous Sdoeung, whom two military police officers allegedly tortured to death while in detention, early in the year a provincial court prosecutor completed

an investigation and forwarded it to an investigating judge. The court investigation continued. The two alleged perpetrators continued to work in their positions as military police officers.

*Prison and Detention Center Conditions.*—Prison conditions did not meet international standards. Conditions remained harsh and at times were life threatening. Government efforts to improve them continued to be hampered by a lack of funds and weak enforcement. Human rights organizations cited a number of serious problems, including overcrowding, medical and sanitation problems, food and water shortages, malnutrition, and poor security. According to LICADHO, the 18 prisons they monitored had a designed capacity of approximately 6,440 inmates but held a total 9,582 inmates.

There were reports at some prisons that cells of 40 by 20 feet held up to 110 prisoners. At CC1 prison, cells of 26 by 26 feet held an average of 50 prisoners. In some prisons authorities used shackles and held prisoners in small, dark cells as a form of harsher punishment.

LICADHO reported that 56 prisoners in 18 of the country's prisons died during the year.

Government ration allowances for purchasing prisoners' food routinely were misappropriated and remained inadequate, exacerbating malnutrition and disease. One NGO claimed that in some cases prison authorities sold the NGO's donations of supplemental food intended for prisoners. According to rights organizations, families had to bribe prison officials in order to visit prisoners or provide them food and other necessities. NGOs reported that prisoners whose families bribed prison authorities received preferential treatment including access to visitors, transfer to better cells, and the opportunity to leave cells during the day.

There were reports that officials demanded bribes before allowing prisoners to attend trials or appeal hearings and before releasing inmates who had served full jail terms.

In most prisons there was no separation of adult and juvenile prisoners, of male and female prisoners, or of persons convicted of serious crimes and persons detained for minor offenses. Pretrial detainees were routinely held together with convicted prisoners. LICADHO reported that there were 622 incarcerated minors ages 13 to 17, many of whom were held in prisons that did not have facilities to separate minors from adult prisoners.

The Government generally continued to allow international and domestic human rights groups, including the International Committee of the Red Cross, to visit prisons and provide human rights training to prison guards. However, NGOs reported that at times cooperation from local authorities was limited. Authorities curtailed access to pretrial detainees, in particular. The MOI continued to require that lawyers, human rights monitors, and other visitors obtain permission prior to visiting prisoners. The MOI withheld such permission in some politically sensitive cases. NGOs were not allowed to interview prisoners in private.

*d. Arbitrary Arrest or Detention.*—The law prohibits arbitrary arrest and detention; however, at times the Government did not respect these prohibitions. On June 7, the National Assembly passed a criminal procedures code, and in August the king signed the law into effect. The new code went allows for pretrial detention of up to 6 months for misdemeanors and 18 months for felonies. Prior to enactment of this code, the maximum length of pretrial detention for an adult person was 6 months under the U.N. Transitional Authority in Cambodia (UNTAC) code, although the Government sometimes held pretrial detainees for longer periods. ADHOC reported that at least 100 persons were illegally arrested and detained during the year. ADHOC stated that 32 of those illegally detained were subsequently freed following detainee complaints, interventions by human rights NGOs, or payment of bribes. ADHOC believed that the actual number of arbitrary arrests and detentions was somewhat higher, because some victims in rural areas did not file complaints due to difficulty in traveling to the NGO's offices or out of fear for their family's security. According to ADHOC, no legal or disciplinary actions were taken against the persons responsible for the illegal actions.

*Role of the Police and Security Apparatus.*—The General Commissariat of the national police, which is under the supervision of the MOI, manages all civilian police units. The police forces are divided into those who have the authority to make arrests, those without such authority, and the judicial police. Military police are permitted to arrest civilians on military property or when authorized by local governments.

Police officers acted with impunity, and in most cases the Government took little or no action. There were reports that police, prosecutors, investigating judges, and presiding judges received bribes from owners of illegal businesses.



The law requires police, prosecutors, and judges to investigate all complaints, including those of police abuses; however, in practice judges and prosecutors rarely conducted an independent investigation prior to a public trial. Presiding judges passed down verdicts based only on written reports from police and witness testimonies. In general police received little professional training. Police who failed to prevent or respond to societal violence were rarely disciplined.

There were no developments in the April 2006 case of an antidrug department and military police officer who shot and injured a well-known singer, Sovansocheata. No legal action was taken in the April 2006 case of two Brigade 70 military unit officers who shot and injured a person in Phnom Penh. There were no developments in the June 2006 case in which a military officer shot and injured a garment factory worker. In February an investigating judge in Siem Reap Province issued a warrant for the arrest of three police officers who allegedly raped a 12-year-old girl in November 2006; however, the suspects remained at large. There were no developments in the pending appeal of the April 2006 acquittal of three judges, two deputy prosecutors, and two court clerks originally convicted, then retried after appeal on finding of a mistrial, on charges of corruption and corruption-related conspiracy.

*Arrest and Detention.*—The law requires police to obtain a warrant from an investigating judge prior to making an arrest, but police may arrest without a warrant anyone caught in the act of committing a crime. The law allows police to take a person into custody and conduct an investigation for 48 hours, excluding weekends and government holidays, before charges must be filed. In felony cases of exceptional circumstances prescribed by law, police may detain a suspect for an additional 24 hours with the approval of a prosecutor. However, authorities routinely held persons for extended periods before charging them. Many prisoners, particularly those without legal representation, had no opportunity to seek release on bail. Under the new criminal procedures code, accused persons may be arrested and detained for up to 24 hours before meeting with a lawyer, but prisoners routinely were held for several days before gaining access to a lawyer or family members. According to government officials, such prolonged detention largely was a result of the limited capacity of the court system.

LICADHO reported that as of midyear at least 101 pretrial detainees had been detained longer than the 6-month limit. Under the allowable pretrial detainee periods stipulated by the new code, at year's end there were at least 34 such prisoners.

On May 19, two military police officers in Banteay Meanchey Province detained Kim Heang for 3 days after Kim Heang had a dispute with his neighbor, a regional military official. The two officers made the arrest without a warrant. After an NGO intervened, the officers' commander ordered Kim Heang released. No administrative or legal action was taken against the officers.

On May 25, the Ratanakiri Provincial Court sentenced a 13-year-old Jarai ethnic minority youth to 8 months and 10 days in prison for stealing brass gongs. The youth was 12 years old when arrested, under the minimum age for imprisonment, but spent more than 8 months in pretrial detention. According to ADHOC, on May 25, a prosecutor filed a suit with the appeals court, but at year's end the youth remained in jail.

On August 9, the Phnom Penh Municipal Court convicted six persons and acquitted two charged with planning bombings at the November 2006 Water Festival. Two of the convicted were sentenced in absentia to 12 years in prison. The remaining four received 6-year sentences. Lawyers and NGOs maintained the police did not serve arrest warrants or tell the suspects the charges against them.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, but the Government did not respect judicial independence. The courts were subject to influence and interference by the executive branch, and there was widespread corruption among judges, prosecutors, and court officials.

The court system consists of lower courts, an appeals court, and the Supreme Court. The Constitution also mandates a constitutional council, which is empowered to review the constitutionality of laws, and a supreme council of the magistracy, which appoints, oversees, and disciplines judges. The composition of both councils heavily favored the CPP.

There is a separate military court system, which suffered from deficiencies similar to those of the civilian court system. While civilians may fall under military court jurisdiction in some cases, the legal distinction between the military and civil courts sometimes was ignored in practice. Civilians have been called for interrogation by military courts with no apparent jurisdiction in their cases.

On June 12, the Extraordinary Chambers in the Courts of Cambodia (ECCC) adopted its internal rules to begin prosecuting egregious crimes of the 1975–79 Khmer Rouge regime. On July 31, the ECCC investigating judges charged Kaing

Guek Eav (alias Duch), former Khmer Rouge director of the S-21 torture prison, or Tuol Sleng, for crimes against humanity and placed him in an ECCC provisional detention center. The ECCC later arrested and detained four more Khmer Rouge leaders and charged them with crimes against humanity and war crimes: Nuon Chea (also known as "Brother Number 2"), Khieu Samphan, Ieng Sary, and Ieng Thirith, who was charged only with crimes against humanity. In August Duch's lawyers filed an appeal against his provisional detention. On December 3, the ECCC pretrial chamber decided unanimously to affirm the detention order and dismiss the appeal.

*Trial Procedures.*—Trials are public. Juries are not used; the presiding judge possesses the authority to pass a verdict. Defendants have the right to be present and consult with an attorney, confront and question witnesses against them, and present witnesses and evidence on their own behalf. If a defendant cannot afford an attorney, the court is required to provide the defendant with free legal representation; however, the judiciary lacked the resources to provide legal counsel, and most defendants sought assistance from NGOs or went without legal representation. Trials typically were perfunctory, and extensive cross-examination usually did not take place. Defendants and their attorneys have the right to examine government-held evidence relevant to their cases; however, at times it was difficult for them to obtain such access, especially if the case was political or involved a high-ranking government official or well-connected member of the elite.

Defendants are entitled by law to the presumption of innocence and the right of appeal, but due to pervasive corruption, defendants often were expected to bribe judges to secure a verdict. A citizen's right to appeal sometimes was limited by difficulty in transferring prisoners from provincial prisons to the appeals court in Phnom Penh. Many appeals thus were heard in the absence of the defendant.

A lack of resources, low salaries, and poor training contributed to a high level of corruption and inefficiency in the judicial branch, and the Government did not ensure due process. From January through September, the Center for Social Development monitored 1,420 felony and misdemeanor hearings with 2,437 defendants and found trial procedure abuses in the Supreme Court, appeals court, and four lower courts. In a report of trials observed from January to March, the center stated that courts tried 34 percent of 740 defendants in absentia. At the appeals level, defendants were not present during trial in 69 percent of cases. Of defendants charged with felonies, 37 percent had legal representation, compared with 7 percent of those charged with misdemeanors.

Officials reported many suits were pending due to a shortage of judges and courtrooms. NGOs blamed the slow process on court officials who focused on cases from which they could gain financial benefits.

There remained a critical shortage of trained lawyers, particularly outside Phnom Penh. Persons without means to secure counsel often were effectively denied the right to a fair trial. According to the Bar Association, approximately 30 percent of the country's 573 lawyers provided legal counsel to poor persons, although this was inadequate to cover the basic legal rights of all of the country's poor.

Sworn written statements from witnesses and the accused usually constituted the only evidence presented at trials. The accused person's statements sometimes were coerced through beatings or threats, and illiterate defendants often were not informed of the content of written confessions that they were forced to sign. In cases involving military personnel, military officers often exerted pressure on judges of civilian criminal courts to have the defendants released without trial.

Court delays or corrupt practices often allowed accused persons to escape prosecution. Government officials or members of their families who committed crimes often enjoyed impunity.

Although the courts prosecuted some members of the security forces for human rights abuses, impunity for most of those who committed abuses remained a problem. In many criminal cases, rich or powerful accused individuals usually paid money to victims and authorities to drop the criminal charges against them. Authorities were known to urge victims or their families to accept financial restitution in exchange for dropping criminal charges.

Born Samnang and Sok Sam Oeun remained in prison for the murder of Chea Vichea. On April 12, an appeals court hearing upheld the Phnom Penh Municipal Court decision sentencing them to 20 years each in prison, despite new exculpatory evidence. On June 7, lawyers filed grievances with the Supreme Court and at year's end were awaiting action.

On June 7, the National Assembly passed a criminal procedures code, and in August the king signed the law into effect. As a cornerstone of national law also to be employed at the Khmer Rouge Tribunal, the new code was based on wide inter-

national consultation and was viewed as meeting an international standard suitable for the tribunal's trial judges.

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

*Civil Judicial Procedures and Remedies.*—The country has a judiciary in civil matters, and citizens are entitled to bring lawsuits seeking damages for human rights violations. Generally, there are both administrative and judicial remedies. However, the judiciary was generally viewed as corrupt, politically biased, and weak, and persons seldom filed complaints because they did not trust the judicial system. The public appeared especially distrusting of the judiciary to act in a transparent manner when a case was in conflict with the Government. Enforcing a court order for a civil or criminal case was often problematic. Persons occasionally turned to vigilante justice.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law provides for the privacy of residence and correspondence and prohibits illegal searches; however, police routinely conducted searches and seizures without warrants.

There continued to be reports of authorities entering private properties without proper judicial authorization. Due to the forced collectivization during Khmer Rouge rule and the return of thousands of refugees, land ownership often was unclear, and most landowners lacked adequate formal documentation of ownership. The 2001 land law states that any person who peacefully possessed private property without contention for 5 years prior to the 2001 promulgation of the law has the right to a definitive title to that property. Widespread land speculation fueled disputes and increased tensions between poor rural communities and speculators. The Cadastral Commission, which settles disputes over land that was not registered or where an owner was not given a land certificate, continued to perform its functions slowly. The courts remained responsible for resolving disputes in cases where land was registered or disputants were given land titles. The National Authority for Resolving Land Disputes, established in 2006 to adjudicate land cases, was ineffective.

Problems of inhabitants being forced to relocate continued to occur when officials or businesspersons colluded with local authorities. Some persons also used the court system to intimidate the poor and vulnerable into exchanging their land for compensation below market value. ADHOC reported receiving 382 land-related cases affecting 19,329 families during the year. During the same period, LICADHO received 98 land-related cases in Phnom Penh and 13 other provinces affecting a total of 6,048 persons. The poor often had no legal documents to support their land claims and lacked faith in the judicial system. Some of those expelled successfully contested these actions in court, but the majority lost their cases.

On January 23, 200 ethnic Jarai villagers in Ratanakiri Province filed a complaint with the provincial court and a criminal complaint with the provincial prosecutor against Keat Kolney, a well-connected individual, for confiscation of 1,112 acres of their land in 2004. Many villagers rejected Keat Kolney's settlement offers. On June 19, Keat Kolney sent a letter to the Cambodian Bar Association alleging the legal aid NGO lawyers who represented the villagers trained the villagers to say false things to the media and asked the association to investigate the lawyers. On June 21, Keat Kolney filed criminal complaints accusing the villagers of fraud and the lawyers of inciting villagers to commit fraud. In late July 42 of the 200 villagers retracted earlier statements and said they willingly sold the land to Keat Kolney. At year's end a provincial court investigation continued.

On April 20, approximately 150 military police and police officers armed with guns, electric batons, and tear gas forcibly evicted 117 families from the Mittapheap District in Sihanoukville. Several villagers were injured, and their houses were demolished.

On May 4, 30 L'Vea Em District villagers of Kandal Province approached the National Assembly to intervene in an economic land concession. Community families had been farming and inhabiting the disputed 1,730 acres when, on April 25, a Chinese company began digging up the land, acting on a 2006 government concession for development. The company reportedly suspended operations due to villagers' protests.

On May 29, 40 soldiers from ACO Tank Command Headquarters in Kampong Speu Province used an armored vehicle to destroy crops and fences on 60 acres of land occupied by 25 Phnom Srouch District families. Military officials stated the land was part of a shooting range and the villagers had illegally occupied the land. In 2002 the villagers had sought title to their land with the Cadastral Commission, and in 2006 they complained to the National Authority to Resolve Land Disputes,

stating they had lived on the land since 1979. At year's end these requests had not resulted in any action.

Eviction notices were served without proper judicial authorization. On July 31, Sihanoukville City Hall issued an eviction notice ordering more than 100 families out of the city's Mittapheap District. Responding to villagers' plea for intervention, the prime minister ordered the Sihanoukville governor to reexamine the case. On May 8, representatives of 146 families of the Phnom Penh Tonle Bassac Group 78 (G78) area made public their own neighborhood development plan. The plan was in response to a June 2006 municipality eviction notice stating the land would be developed for beautification purposes. Many of the families had lived on the land since the 1980s and claimed ownership under the 2001 land law. G78 community members stated that the municipality offered compensation that was approximately equal to 2 percent of the independently assessed market value, plus one plot in a Phnom Penh eviction resettlement site per family. At year's end there were no decisions on these evictions.

On March 3, the CPP Central Committee granted the prime minister sole power to resolve land disputes involving CPP officials. The prime minister then announced a war against illegal land grabbers, warning CPP officials to surrender illegally obtained land or face removal from their positions. As a result, the Government claimed that the director general of the military's technical and materials department, Chao Phirun, handed over 495 acres of land and an anonymous CPP official withdrew from a Kandal Province land dispute. Neither official faced reprimand. On March 10, authorities arrested CPP member and military Colonel Te Haing over a 2,500-acre land dispute in Banteay Meanchey Province. At year's end Te Haing was awaiting trial. In November Tan Seng Hak, a former advisor to CPP Chairperson Chea Sim, was convicted for falsifying documents and giving false testimony in connection with his alleged efforts to take over 740 acres in Phnom Penh. He was sentenced to a total of 5 years and 8 months in prison. There were no developments on the prime minister's May 2006 plan to redistribute 494,210 acres of land to 50,000 farmers in Sihanoukville.

Living conditions worsened at two of the resettlement sites for former residents of the two Phnom Penh communities of Tonle Bassac Sambok Chab and Preah Monivong Hospital areas, whose 1,200 and 168 families, respectively, were evicted in 2006, reportedly through a nontransparent process that may not have included proper judicial authorization. Authorities offered evicted residents relocation site plots, but plots at two of the sites were widely considered to be inadequate compensation. The sites lacked sufficient sanitation facilities, electricity, clean water, health facilities, schools, and central markets and were far from Phnom Penh's commercial center, where residents could earn an adequate income.

The appeals court took no action on a February 2006 complaint by SRP parliamentarian Son Chhay, who was directed by the Siem Reap Provincial Court to sell 7.8 acres of his land to a government agency for an amount below the market price. The appeals court took no action in the 2006 case of 12 persons convicted in connection with a Kampot Province confrontation between 2,000 squatters and local police over the squatters' rights to live on government land. In a 2006 eviction case in Peam Chor District, Prey Veng Province, that left one person dead and four others injured, police who were implicated in the killing accused some of the villagers of robbery, in what NGOs said was an attempt to intimidate the villagers. On November 1, the provincial court questioned seven of the villagers on the robbery charges, and the court investigation continued at year's end. However, there were no new developments in the investigation of the eviction killings and injuries. There were no new developments in the August 2006 Koh Kong Province land dispute in which the Ministry of Agriculture provided two adjacent land concessions to businessperson and CPP senator Ly Yong Phat in contravention of known legal standards.

There were no developments in a 2005 land dispute involving indigenous Phnong hill tribe members and a Chinese company in Mondulkiri Province.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press; however, these rights were not always respected in practice.

The Constitution implicitly limits free speech by requiring that it not adversely affect public security. The Constitution also declares that the king is "inviolable." In December the Ministry of Information issued a directive that reiterates these limits and prohibits publishers and editors from running stories that insult or defame government leaders and institutions.

The 1995 press law prohibits prepublication censorship or imprisonment for expressing opinions. However, the Government continued to use the older UNTAC law to prosecute journalists and others on defamation and disinformation charges. In

2006 the National Assembly amended the UNTAC law, eliminating imprisonment for defamation but not for spreading disinformation, which carries prison sentences of up to 3 years. In both types of cases, judges can order fines, which may lead to jail time if not paid.

The Government and influential individuals used the weak and often politically biased judiciary to file defamation and disinformation suits, both civil and criminal, in an effort to silence critics. In February the Phnom Penh Municipal Court charged Sralanh Khmer of disinformation and insulting the court's director, Chiv Keng. Also in February Sihanoukville Municipal Governor Say Hak filed a defamation suit against pro-Norodom Ranariddh Party (NRP) newspaper Samleng Yuveachun Khmer (Voice of Khmer Youth) over an article linking him to land grabbing. In July NRP Vice Secretary General Sao Rany filed a defamation suit against Sralanh Khmer for printing a report claiming his daughter had an affair with Prince Ranariddh. In November General Un Den lodged a defamation and disinformation lawsuit against Thach Keth, the publisher of Sralanh Khmer, for printing an article that accused the general of smuggling vehicles across the border from Thailand. At year's end there were no formal decisions in these cases.

In July Phnom Penh Municipality Governor Kep Chuktema filed a disinformation suit against the editor of Samleng Yuveachun Khmer for an article alleging the governor sold City Hall to a private developer. In November the editor paid bail of \$500 (2 million riel), and at year's end the case was pending with the court.

The Constitution states that the country shall not invade any country nor interfere in any other country's internal affairs, directly or indirectly. Making a statement in contravention of this constitutional provision is considered a crime. In the case of at least one Khmer Kampuchea Krom activist, an arrest warrant was outstanding due to his statements about what the Government considers to be sovereign Vietnamese territory.

Many interpreted a law passed in 2006 as limiting the right of members of Parliament (MPs) to speak freely. The law declares that MPs may not use their parliamentary immunity to abuse national security, social customs, or an individual's honor. In addition, the law allows an MP to be arrested, charged, and detained prior to the lifting of parliamentary immunity. At year's end no MP had been charged under this law.

All major political parties had reasonable and regular access to the print media. Although the press law does not specifically permit newspapers to receive financial support from political parties, all major Khmer-language newspapers received such support and were politically aligned. There were an estimated 20 Khmer-language newspapers published regularly; more than half were considered pro-CPP, and at least two newspapers were considered to support each of the other main political parties—FUNCINPEC, the SRP, and the NRP. Although the three largest circulation newspapers were considered pro-CPP, most newspapers criticized the Government, particularly on corruption and land grabbing. The prime minister, NRP President Prince Norodom Ranariddh, FUNCINPEC party leaders, and opposition party leader Sam Rainsy frequently came under attack.

The Government, military forces, and ruling political party continued to dominate the broadcast media and influence the content of broadcasts. There were approximately 50 radio stations and seven television stations. Most were controlled or strongly influenced by the CPP, although a few were independent or aligned with other parties. In August the Ministry of Information issued a broadcast license to a CPP government official to open a Phnom Penh radio station after denying similar requests since 2003 from the SRP and independent human rights advocacy organizations. In September the Cambodian Center for Human Rights (CCHR) Voice of Democracy (VOD) again requested a license, but the ministry denied the application, restating previous claims that the media market was saturated. In February the Information Ministry ordered all television and radio stations not to transfer or sell licenses if unable to continue operating and to return the license to the ministry.

Despite being unable to obtain a broadcast license, the VOD radio program, which included independent and often antigovernment views, remained popular and continued broadcasting its program on several radio stations, including the SRP-aligned radio station FM 93.5. In July CCHR announced that it had transferred management of VOD to the newly established Cambodian Center of Independent Media. Taped programming from Voice of America (VOA) and Radio Free Asia (RFA) Khmer-language service was also regularly broadcast on Beehive/FM 105, the Women's Media Center FM 102, and Rota Angkor FM 95.5 (Siem Reap) radio stations. Four political parties were each broadcasting daily 1-hour shows on FM 105.

Journalists, publishers, and distributors were also subject to other forms of harassment and intimidation, including death threats. In June the Ministry of Informa-

tion ordered the confiscation of printed copies of a report by the international NGO Global Witness accusing the prime minister and close relatives and associates of involvement in illegal logging. The report was freely available via the Internet, and local media made references to the report. A June 8 letter signed by Information Minister Khieu Kanharith to Sralanh Khmer demanded the newspaper immediately stop publishing a serialized version of the report or face legal action; the newspaper complied.

In the same period, French-language newspaper *Cambodge Soir* closed down, reportedly due to bankruptcy. A few days prior, according to media reports, employees declared a strike because a reporter was dismissed for publishing a story about the Global Witness report. After a closure of several months, the newspaper resumed as a weekly publication.

In October Radio Beehive Director Mam Sonando suspended the NRP's radio show "Royalist Voices" for several days after the program criticized the prime minister. An RFA journalist fled the country reportedly after receiving death threats for his coverage of illegal logging in Kampong Thom Province. The reporter returned several weeks later and resumed work unharmed.

In February the Ministry of Information threatened to close pro-NRP newspaper *Khmer Amatak* (Permanent Khmer) for printing an article alleged to have incited tension between the country's two main Buddhist sects, and in October the ministry suspended the newspaper for 1 month for failing to publish a "correction" the ministry requested regarding a September article involving two senior FUNCINPEC officials.

In early November authorities seized copies of the premier issue of foreign-funded *Free Press Magazine* for criticizing retired king Norodom Sihanouk, the prime minister, and other government officials.

In May the prime minister publicly criticized an RFA reporter as "insolent" and "rude" for asking questions about the coalition between the CPP and FUNCINPEC. Purportedly fearing for his personal safety, the reporter went into hiding outside the country. He returned to work a few weeks later without incident.

In June three reporters from the newspapers *Sarpotamean Ekkereach Kampuchea* (Cambodian Independence News) and *Sarpotamean Tasanak Khmer* (Khmer Vision News) in Pursat Province alleged that provincial court official bodyguards beat them at gunpoint for trying to take photographs of a truck carrying illegal timber.

On August 4, Oeun Vannak, deputy commander of the Pursat Province military police, allegedly physically attacked journalist Heng Veasna over the journalist's investigation into claims of illegal use of firearms by two military police officers. Heng Veasna filed a complaint with the provincial prosecutor, but at year's end the court had not taken action in the case, and Oeun Vannak continued his military police duty.

In August the home of a *Chhbas Ka* (Accurate News) newspaper reporter was set on fire twice. The journalist claimed the first fire was set the day after he received a threatening telephone call over his report on illegal logging in Pursat Province. A few days later, provincial authorities charged two suspects with arson. The cases were pending before the court at year's end.

In November a man accused three journalists from the newspaper *Samleng Santepheap* (Voice of Peace) in Kampong Thom of stealing \$1,050 (4.2 million riel) when the reporters visited his home to investigate allegations that he was illegally raising snakehead fish. Police arrested and questioned the reporters but eventually released them after the intervention of a senior official from the Ministry of Information.

In December a VOD reporter investigating the removal of a statue from a pagoda claimed to have been detained by military and police officers, who deleted photographs from his camera before releasing him.

Most reporters and editors privately admitted to some self-censorship due to fear of government reprisals. In February two major daily Khmer newspapers refused to print advertisements demanding justice for the two men imprisoned for the killing of union leader Chea Vichea. Reporters for VOA, RFA, and some opposition newspapers worked from unmarked offices and reported stories using pseudonyms.

The government-controlled national television and radio stations broadcast live or taped sessions of National Assembly debates; however, in several instances these broadcasts were censored. National radio and television stations broadcast some human rights, social action, public health, education, and civil society programming produced by domestic NGOs.

The Government occasionally restricted media access to some government facilities. The Constitution mandates media access to National Assembly sessions, and the National Assembly allowed reporters to enter its grounds upon clearance by its

security office. In 2005 the Phnom Penh Municipal Court chief ordered that reporters must have written permission to bring recording devices into the courtroom and to interview court officials. Such permission rarely was sought, and there were no reports of the court denying permission. A July 2006 Council of Ministers directive prohibiting government officials and employees from speaking to the media or the public about government corruption remained in effect.

In August government authorities confiscated digital video discs with images of bodies in an airplane crash in Kampot Province, stating that the images would create fear among tourists. The video discs remained readily available in Phnom Penh and other areas of the country.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Although the International Telecommunication Union estimated the country's Internet penetration was 0.3 percent in 2006, in urban areas Internet access was widely available through Internet cafes and home subscriptions.

*Academic Freedom and Cultural Events.*—In general there were no legal impediments to academic freedom. However, scholars tended to be careful when teaching politically related subjects for fear of offending politicians. In February the Phnom Penh Municipal Court sentenced Tieng Narith, a former professor at the Buddhist University of the Royal Academy of Preah Sihanouk Reach, to 2½ years in prison for teaching from a self-published text containing antigovernment material. The verdict also ordered a fine of \$1,250 (5.25 million riel) or 2 additional years in prison. Tieng Narith's family claimed that he was mentally ill, and during the trial the court ordered a psychiatric examination, the results of which were kept confidential. It was unclear how the medical exam results affected the case, if at all. At year's end the case was under appeal.

There were no government restrictions on cultural events.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The Constitution provides for freedom of peaceful assembly, but at times the Government did not respect this right in practice. The Government required that a permit be obtained in advance of a march or demonstration. The Government routinely did not issue permits to groups critical of the ruling party or of nations with which the Government had friendly relations. Authorities cited the need for stability and public security as reasons for denying permits. Police forcibly dispersed groups that assembled without a permit, often resulting in minor injuries to some demonstrators.

ADHOC reported that out of 98 protests—55 of which were related to land and 26 to labor disputes—police and military police dispersed 17 protests, three of which were by labor protesters, 10 by land rights protesters, and four by Khmer Kampuchea Krom monks. However, the Government permitted some human rights-related marches and demonstrations. On December 10, the Government permitted a Human Rights Day march of 500 human rights activists, monks, and other persons and a rally of an estimated 2,500 persons in Phnom Penh. In the previous 2 years, such rallies without marches occurred in an enclosed space.

On February 27, police and military police dispersed 60 Khmer Kampuchea Krom Buddhist monks demonstrating at the Vietnamese Embassy in Phnom Penh during a state visit by the Vietnamese president. Demonstrators assembled to support Khmer Kampuchea Krom monks in Vietnam who had been defrocked and arrested, urging their release and reinstatement as monks. The next morning one monk protester was found dead with his throat cut. On March 16, police and local authorities in Kandal Province prevented the deceased monk's Khmer Kampuchea Krom community members and monks from holding his funeral.

On April 20, police and municipal authorities dispersed 80 Khmer Kampuchea Krom monks assembled at the Vietnamese Embassy trying to deliver a petition in protest of alleged Vietnamese Government rights abuses of Khmer Kampuchea Krom living in Vietnam. The protesters decided to go to another Embassy to present the petition. On the way a group of unidentified, non-Khmer Kampuchea Krom monks and laypersons aggressively intercepted the demonstrators and attempted to disperse them. In the ensuing scuffle, one of the Khmer Kampuchea Krom monks was injured. Authorities did not intervene in the confrontation and did not conduct an investigation. On December 17, 40 monks sought again to deliver a petition to Vietnamese Embassy officials for the release of Tim Sakhorn and other Khmer Kampuchea Krom monks imprisoned in Vietnam, and also for the return of land that they claimed the Vietnamese Government seized from Khmer Kampuchea Krom persons in southern Vietnam. Police attempted to disperse the crowd, but the monks refused to disband, and violence broke out on part of both the police and the

monks. A local NGO reported that six monks were injured; police stated that some of the police sustained minor injuries.

On November 26, Ratanakiri provincial police blocked the CCHR from holding a public forum in Kong Yu Village, where community members were embroiled in a land dispute with Keat Kolney. Police gave conflicting reasons for preventing the forum from taking place (see Section 1.f.).

On June 8, Supreme Patriarch Non Ngeth and Minister of Cults and Religious Affairs Khun Haing signed a directive prohibiting monks from participating in protests, strikes, riots, or marches. According to media reports, a constitutional council member stated the ban violated the Constitution.

*Freedom of Association.*—The Constitution provides for freedom of association, and the Government generally respected this right in practice; however, the Government did not effectively enforce the freedom of association provisions of the labor law.

Membership in the Khmer Rouge, which ruled the country from 1975 to 1979 and after its overthrow conducted an armed insurgency against the Government, is illegal, as is membership in an armed group.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The Constitution also prohibits discrimination based on religion, and minority religions experienced little or no official discrimination. Buddhism is the state religion, and more than 93 percent of the population is Buddhist. Ethnic Cham Muslims constitute most of the remaining population.

The law requires all religious groups, including Buddhists, to submit applications to the Ministry of Cults and Religious Affairs to construct places of worship and conduct religious activities. However, there is no penalty for failing to register. In July the Ministry of Cults and Religious Affairs issued a directive restating a 2003 order prohibiting public proselytizing, which continued to be loosely enforced. On August 10, authorities in Phnom Penh dispersed a gathering of approximately 3,000 Christians, stating that organizers did not have proper permits. Prior to the gathering, organizers obtained a permit from the MOI but had not received a response on a request pending with the Ministry of Cults and Religious Affairs.

*Societal Abuses and Discrimination.*—Minority religions experienced little or no societal discrimination. There was no known Jewish community in the country, and there were no reports of anti-Semitic acts.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

The Constitution prohibits forced exile, and the Government did not employ it.

*Protection of Refugees.*—The laws provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. The convention and its protocol have had the full force of the law in the country since accession in 1992. According to the Office of the U.N. High Commissioner for Refugees (UNHCR), the Government abides by the convention and international customary law on refugees. The Government allows the UNHCR to process asylum seekers and assist refugees while they are in the country.

A memorandum of understanding that the Government signed in 2005 with the UNHCR and the Government of Vietnam to resolve the situation of Montagnards under UNHCR protection remained in effect. Asylum seekers who reached the UNHCR Phnom Penh office were processed with government cooperation. During the year there were 449 new arrivals seeking asylum with the UNHCR. According to the UNHCR, 97 Montagnard and 20 non-Montagnard refugees departed for a third country, while authorities deported 30 rejected Montagnard asylum seekers to Vietnam, and 33 Montagnards voluntarily returned to their country of origin. At year's end there were 467 Montagnards in UNHCR protection sites in Phnom Penh, which included 101 Montagnards who arrived in previous years. According to the UNHCR, during the year no refugees requested local integration.

In practice the Government provided some protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. Through the assistance of the UNHCR, during the year the Government provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol, affording such protection to approxi-



mately 150 persons. However, an NGO based in Ratanakiri Province reported that local police unofficially returned 59 asylum-seeking Montagnards to Vietnam without UNHCR review.

On April 20, Ratanakiri provincial police arrested two persons on charges of human trafficking for their roles assisting Montagnards. NGOs claimed the suspects provided asylum seekers food, shelter, and transportation to the UNHCR office in Phnom Penh once they had crossed the border from Vietnam. At year's end the suspects had been released with charges against them dropped.

An NGO claimed that local authorities at the border with Vietnam continued searches for Montagnards when they received information about new arrivals of Montagnards. There were unconfirmed reports that Vietnamese authorities offered incentive awards to Cambodian border police who returned Vietnamese refugees to Vietnam and that Vietnamese secret police covertly conducted searches for Vietnamese refugees on the Cambodian side of the border.

*Stateless Persons.*—The country had habitual residents who were de facto stateless, and the Government had not effectively implemented laws or policies to provide such persons the opportunity to gain nationality. Under the nationality law, citizenship is derived by birth from a foreign mother and father who were born and living legally in the country, or from a mother or father who has Cambodian citizenship. A study commissioned by the UNHCR estimated that several thousand potentially stateless persons lived in the country. However, the study's estimated number of such persons came from anecdotal evidence of NGOs that provided services to disenfranchised communities, including persons with no proof of nationality, and not from a survey of stateless persons; therefore, local UNHCR representatives did not consider the figure conclusive.

The UNHCR stated that the country's potentially stateless population included mostly ethnic Vietnamese. According to an NGO that worked with ethnic Vietnamese, individuals without proof of nationality often did not have access to formal employment, education, marriage registration, the courts, and land ownership. The most common reason for statelessness was lack of proper documents from the country of origin.

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

The Constitution provides citizens the right to change their government peacefully, and citizens generally exercised this right in practice through periodic elections on the basis of universal suffrage. Suffrage is voluntary for all citizens age 18 years and older.

*Elections and Political Participation.*—On April 1, the country held elections for 11,353 chiefs, first deputies, second deputies, and councilors for 1,621 commune councils. The CPP won 70.4 percent of the positions, the SRP 23.4 percent, NRP 3.7 percent, and FUNCINPEC 2.4 percent.

Most observers agreed the commune council elections were the least violent and best organized elections ever held in the country. While there were problems at some polling stations, NGOs, opposition parties, monitors, and others disagreed as to how and whether the problems affected the overall outcome of the elections. Three NGOs reported that election officials did not allow some registered voters to vote because of voter registration list discrepancies such as mistyped and misspelled names or absence of names from the voter list, often due to names transferred to different polling stations without informing the voter. Additionally, NGOs and opposition parties complained that the CPP started advertising weeks or months in advance through the mostly CPP-dominated media without reprisal. NGOs reported that on election day, some ruling party incumbents illegally issued voter registration documents, stood watch in some polling station areas where local authorities were prohibited, and provided assistance to voters in these prohibited areas.

Parties and individuals were free to be candidates without restrictions. On March 13, the Phnom Penh Municipal Court sentenced NRP President Prince Norodom Ranariddh in absentia to 18 months in prison and a \$150,000 (600 million riel) fine on charges of breach of trust. The prince chose self-exile during the election campaign and on election day rather than face the charges. On October 3, the appeals court rejected his appeal of the Phnom Penh court's decision. Plans to appeal this decision had not been realized by year's end.

Some NGOs and political parties alleged that membership in the dominant CPP party provided advantages, such as gifts or access to government emergency aid.

Traditional culture limited the role of women in government; however, women took an active part in the 2003 national elections. The number of women increased in the National Assembly, Senate, and senior government positions. There were 22 women in the 123-seat National Assembly, nine women in the 61-seat Senate, and

24 women working as ministers, secretaries of state, undersecretaries of state, and National Election Commission officials. Women also served as advisors, and there were 13 female judges in the municipal and provincial courts, appeals court, and Supreme Court. In the April commune council elections, 14.6 percent of the elected councillors were women, of whom 67 were elected as chiefs. This was an increase from the 2002 commune council elections, when women won 9 percent of the total positions.

There were four members of minorities—two Cham and two other ethnic minorities—in the National Assembly. There also were six members of minorities in the Senate. At least eight officials in senior positions in the Government were from minority groups.

*Government Corruption and Transparency.*—There is no anticorruption law, and only a few provisions of other laws provide criminal penalties for official corruption. Officials frequently engaged in corrupt practices with impunity. The World Bank's Worldwide Governance Indicators reflected that corruption was a severe problem.

In 2005 the prime minister instructed the Ministry of National Assembly-Senate Relations and Inspection to prepare a draft anticorruption law. As of year's end, observers had not seen a revised draft since September 2006, and the issue was pending with the Council of Ministers.

Corruption was considered endemic and extended throughout all segments of society, including the executive, legislative, and judicial branches of Government. Public perception of corruption was widespread. A 2006 Economic Institute of Cambodia assessment found that the private sector perceived the judiciary to be the most corrupt institution in the country, followed by the tax and customs services, public health care, and police. Meager salaries contributed to "survival corruption" among low-level public servants, while a culture of impunity enabled corruption to flourish among senior officials.

The Economic Institute's 2006 assessment of corruption in the private sector estimated that in 2005 private sector unofficial payments to public officials totaled 330 million riel. The assessment also found that the larger the private firm, the larger the payments required by government officials. The same study found that approximately 25 percent of potential taxes were collected from the private sector in 2005, representing a loss to the Government of approximately 400 million riel. In June Global Witness published a report charging high-level government officials with corruption related to illegal logging. Some observers and many government officials criticized the report as noncredible based on its heavy reliance on anonymous sources.

The National Archives Law allows unlimited access to informational documents in the public archive. However, the law grants access to other unspecified government documents only after 20 years, and documents affecting national security and preservation of personal lives would be released after 40 and 120 years, respectively. In practice the Government occasionally denied access to information, citing reasons of confidentiality or national security.

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

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often cooperated with human rights workers in performing their investigations; however, there were numerous reports of lack of cooperation or even intimidation by local authorities throughout the country.

There were approximately 40 human rights NGOs in the country, but only a small portion of them were actively involved in organizing training programs or investigating abuses.

Domestic and international human rights organizations faced threats and harassment from local officials. These took the form of restrictions on and disruptions during gatherings sponsored by NGOs, verbal intimidation, threats of legal action, and bureaucratic obstruction.

On May 15, a CCHR coordinator went into hiding claiming that Sihanoukville authorities threatened to arrest him on charges of forming an illegal armed force for his role organizing a resistance effort to a forced eviction in Sihanoukville's Mittapheap District. He returned to work a few weeks later without incident.

There were no developments in the May 2006 case of an ADHOC activist temporarily detained in Koh Kong Province for photographing a confrontation between villagers and officials.

In January the U.N. Special Representative of the Secretary-General for human rights in Cambodia, Yash Ghai, submitted to the U.N. Human Rights Council a report on his March 2006 visit expressing concerns about land grabbing and govern-

ment land concessions. Afterward the prime minister publicly called the special representative derogatory names, refusing to meet with him ever again. In December Yash Ghai made a 10-day assessment visit to the country during which the prime minister reiterated his opinions and no government official granted him a meeting.

The Cambodian National Human Rights Commission remained largely inactive. The committee did not have regular meetings or a transparent operating process.

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

The Constitution prohibits discrimination based on race, sex, color, or language; however, the Government did not generally protect these rights.

*Women.*—The law prohibits rape and assault; nevertheless, local and international NGOs reported that violence against women, including domestic violence and rape, was common. Rape is a criminal offense and punishable by a prison sentence of between 5 and 10 years, according to the UNTAC law. Spousal rape and domestic abuse are not recognized as separate crimes. A case of spousal rape could be prosecuted as “rape,” “causing injury,” or “indecent assault,” but such charges were rare. The domestic violence law criminalizes domestic violence but does not specifically set out penalties. However, the UNTAC law on battery and injury can be used to penalize domestic violence offenses, with penalties ranging from 2 months to 5 years’ imprisonment.

According to one NGO, there were 1,025 cases of domestic violence and 221 cases of rape reported in three provinces. Of these cases, courts tried 104 and 28, respectively, resulting in successful conviction in five cases of domestic violence and 20 cases of rape. LICADHO documented 209 cases of domestic violence affecting 213 victims in 12 provinces during the same time period. The MOI’s antitrafficking department investigated 529 cases of violence against women and children, resulting in the arrest of 582 perpetrators and rescue of 771 victims. Of the 582 arrests, 458 were for rape and attempted rape. Twelve cases of rape resulted in the death of the victims. A legal advocacy NGO reported receiving 84 cases of domestic violence, 34 of which went to trial during the year. The number of cases likely underreported the scope of the problem, due to ineffective enforcement and the fact that women were afraid to make complaints against perpetrators. NGOs reported that enforcement of the domestic violence law was weak, authorities continued to avoid involvement in domestic disputes, and victims frequently were reluctant to pursue formal complaints.

The Government supported NGOs that provided training for poor women vulnerable to spousal abuse, prostitution, and trafficking. A local media center, an NGO, and the Ministry of Women’s Affairs produced programming on women’s issues. NGOs provided shelters for women in crisis.

The Constitution prohibits prostitution; however, there is no specific legislation against working as a prostitute. Trafficking in women for the purpose of prostitution was a serious problem, despite laws against procuring and kidnapping for purposes of sexual exploitation. There were reports that police abused prostitutes. Despite sporadic crackdowns on brothel operators in Phnom Penh, prostitution and related trafficking persisted. Estimates of the number of working prostitutes ranged from 14,725 to 18,250. Sex tourism was a problem, fueled by pervasive poverty and the perception of impunity.

The labor law has provisions against sexual harassment in the workplace but does not specify penalties. The International Labor Organization (ILO) reported that sexual harassment in the industrial sector was rare.

The Constitution contains explicit language providing for equal rights for women, equal pay for equal work, and equal status in marriage. In practice women had equal property rights, the same legal status to bring divorce proceedings, and equal access to education and some jobs; however, cultural traditions continued to limit the ability of women to reach senior positions in business and other areas. Women often were concentrated in low-paying jobs and largely were excluded from management positions. Men made up the vast majority of the military, police, and civil service.

The Ministry of Women’s Affairs, mandated to protect the rights of women and promote gender equality in society, continued its Neary Ratanak (Women as Precious Gems) program. The program aimed to improve the image of women through gender mainstreaming, enhanced participation of women in economic and political life, and protection of women’s rights.

*Children.*—The Constitution provides for children’s rights, and the Government made the welfare of children a specific goal. The Government relied on international aid to fund most child social welfare programs, resulting in only modest funds for problems that affect children.

In 2002 the Government instituted a modernized birth registration system administered by the MOI, which reported the program successfully registered 91 percent of births in 2006. The system did not include special outreach to minority communities. The Government failed to register all births, resulting in discrimination, including the denial of public services. A study commissioned by the UNHCR on statelessness in the country stated that the birth registration process often excludes children of ethnic minorities and stateless persons. NGOs that provided services to disenfranchised communities reported that children without birth registration were often denied access to education and healthcare. They stated that later in life the same individuals may be unable to access employment, own property, vote, and use the legal system.

Children were affected adversely by an inadequate educational system. Education was free, but not compulsory, through grade nine. Many children left school to help their families in subsistence agriculture, began school at a late age, or did not attend school at all. In 2005 the Ministry of Education reported that 91 percent of eligible children were enrolled in primary school, but this number did not reflect attendance. After primary school, 26 percent of eligible students attended junior high and 9 percent attended high school. Despite a school construction program, schools were overcrowded and lacked sufficient equipment. In rural areas schools often provided only a few years of education. According to ministry data, 46 percent of schools lacked drinking water and 37 percent had no toilets. Teacher salaries were irregularly paid and inadequate to support a decent standard of living, leading to demands for unofficial payments from parents, which poor families could not afford. The Government did not deny girls equal access to education; however, families with limited resources often gave priority to boys. In many areas schools were remote and transportation was a problem. This especially affected girls due to safety concerns in traveling between their homes and schools.

Boys and girls had equal access to state-provided medical care.

Child abuse was believed to be common, although statistics were not available. Child rape remained a serious problem; a local NGO reported 199 cases of rape and attempted rape committed on persons under age 18, two of which resulted in death. Twenty-nine of the cases involved children below age 5. Sexual intercourse with a person under age 15 is illegal; however, child prostitution and trafficking in children occurred. During the year raids on brothels rescued underage girls trafficked for prostitution. The MOI reported arrests of seven foreign pedophiles. Some children were engaged in prostitution for survival, without third-party involvement.

A domestic NGO estimated that more than 1,200 street children in Phnom Penh had no relationship with their families and more than 10,000 children worked on the streets but returned to families in the evenings. An estimated 500 to 1,500 children lived with their families on the streets in provincial towns. The Ministry of Social Affairs and Youth Rehabilitations provided lower statistics, reporting 3,084 street children nationwide in 2005.

A study conducted by a local NGO stated that in September 2006 there were 37 children under the age of 6 living with their mothers in prison, and those children were subjected to mistreatment by prison guards and faced physical dangers from adult criminal cellmates. The children generally lacked proper nutrition and education.

Child labor was a problem in the informal sector of the economy.

*Trafficking in Persons.*—The law prohibits trafficking in persons; however, the country was a source, destination, and transit country for men, women, and children trafficked for sexual exploitation and labor. A 2003 study estimated the number of trafficking victims in the sex industry to be 2,000, approximately 80 percent of whom were ethnic Vietnamese women and girls. Children were trafficked domestically for sexual exploitation and labor. Some Vietnamese women and girls were trafficked through the country for exploitation in the commercial sex trade in other Asian countries.

Children were trafficked to Thailand and Vietnam for begging, soliciting, street vending, and flower selling. The children frequently were placed into debt bondage to beg or sell, or they formed part of organized begging rings even when there was no debt or economic hardship involved. Women as well as children were trafficked to Malaysia and Thailand for sexual exploitation and forced labor in factories or as domestic servants, while men were trafficked for forced labor in the agriculture, fishing, and construction sectors.

Trafficking victims, especially those trafficked for sexual exploitation, faced the risk of contracting sexually transmitted diseases, including HIV/AIDS. In some cases victims were detained and physically and mentally abused by traffickers, brothel owners, and clients.

Local traffickers covered specific small geographic areas and acted as middlemen for larger trafficking networks. Organized crime groups, employment agencies, and marriage brokers were believed to have some degree of involvement. Traffickers used a variety of methods to acquire victims. In many cases victims were lured by promises of legitimate employment or travel documents. In other cases acquaintances, friends, and family members sold the victims or received payment for helping deceive them. Young children, the majority of them girls, were often “pledged” as collateral for loans by desperately poor parents; the children were responsible for repaying the loan and the accumulating interest. A September report by the International Organization for Migration (IOM) stated that child domestic workers, particularly those used as collateral or placed into debt bondage, were more likely to be trafficked and to enter commercial sexually exploitive activities.

The law establishes a prison sentence of 15 to 20 years for a person convicted of trafficking in persons under 15 years of age; the penalty is 10 to 15 years for trafficking persons age 15 or older. According to the MOI, police investigated 529 cases of violence against women and children, including child sexual exploitation, rape, debauchery, and human trafficking. The investigations resulted in the arrest of 582 offenders, of whom 46 were arrested for cross border and domestic trafficking. However, NGOs continued to report the general failure of law enforcement and other government officials to act on tip-offs.

The Ministries of Interior, Women’s Affairs, and Justice had primary responsibility to combat trafficking in persons. In April the Government established a National Task Force to serve as an interministerial antitrafficking coordination body. The task force included an oversight body involving the top government officials. There was a Department of Anti-Human Trafficking and Juvenile Protection, and the MOI operated specialized antitrafficking divisions in all provinces and municipalities. While the Government arrested and prosecuted traffickers and continued its support for prevention and protection programs through collaboration with foreign and domestic NGOs and international organizations, its antitrafficking efforts continued to be hampered by corruption and a weak judicial system. It was widely believed that some law enforcement and other government officials received bribes that facilitated the sex trade and trafficking in persons.

On March 16, the Sihanoukville Municipal Court acquitted the owner of O Pi Guesthouse and an employee of all charges and convicted another employee of a lesser charge of pimping, sentencing her to a 2-year imprisonment plus a 3-year suspended sentence. Erratic official behavior during the trial and the light penalty raised concerns that there was an exchange of bribes in return for light treatment of the case.

On March 21, the Phnom Penh Municipal Court acquitted Meng Say, former chief of the Phnom Penh antitrafficking unit, who was suspended in 2006 for extorting money from South Korean nationals. One police officer remained in jail in connection with the 2006 Phnom Penh Municipal Court case of three police officers sentenced to 5 to 7 years in prison for trafficking-related corruption. Two of the officers appealed their cases; there was no court action on the appeal, and the two officers had not started serving their sentences.

On August 1, the Sihanoukville Municipal Court tried a pimping case but acquitted the suspect, citing lack of evidence. Observers reported irregularities in the case hearing, and the case was under appeal at year’s end.

On August 9, a royal decree directed the Supreme Council of the Magistracy to dismiss Appeals Court President Ly Vouch Leng. The directive was issued for her alleged acceptance of bribes in exchange for the release of human traffickers who were running the Chhay Hour II brothel in Phnom Penh. Three Supreme Council of Magistracy officials were also removed in connection with the case, and three appeals court judges and one deputy prosecutor received official letters of reprimand. Ly Vouch Leng was transferred to an unknown position in the Ministry of Justice; no charges were brought against her. The Ministries of Interior and Justice reported their investigations continued.

A legal advocacy NGO reported that five trafficking cases went to trial during the year, resulting in two convictions. For the same period, the MOI reported five convictions on human trafficking charges with sentences ranging from 4 to 15 years in prison. The Phnom Penh Municipal Court reported 49 convictions of human trafficking offenders from January to October. Police, court officials, and judges often did not separate victims from perpetrators during raids, arrests, and trials. In some cases officials spoke and acted as though victims were perpetrators. During a March 9 Sihanoukville trafficking trial, the presiding judge spoke harshly to underage trafficking victims in the courtroom and acquitted two of the alleged perpetrators.

The Ministry of Social Affairs and Youth Rehabilitations (MOSAVY) referred trafficking victims to NGOs, which provided most assistance to victims. The Govern-

ment participated as a partner in a number of these efforts; however, its contributions were severely hampered by limited resources. NGOs provided intake screening services to identify trafficking victims. Some victims were encouraged by NGOs and the MOI to file complaints against perpetrators; however, in the general climate of impunity, victim protection was problematic, and victims were known to be intimidated into abandoning their cases. Social stigma against women who were prostitutes, victims of sexual assault, or victims of sex trafficking made it difficult for victims to reintegrate into families, communities, and society.

The trafficking law contains no provisions to protect foreign victims from being charged under immigration laws, but during the year there were no reported cases of trafficking victims being treated as illegal immigrants. The MOSAVY worked with the IOM to repatriate trafficked victims from Thailand and Vietnam to Cambodia, and from Cambodia to Vietnam. However, repatriation to Vietnam continued to be a long and arduous process.

The MOSAVY repatriated from Thailand, Vietnam, and Malaysia 845 child and adult victims, as well as others vulnerable to becoming victims, and reintegrated them with their families. With financial and technical support from the IOM, the MOSAVY repatriated eight trafficked Vietnamese girls to Vietnam.

Both the Government and international donors had programs to prevent child labor or remove children from labor. The country is a signatory to the Coordinated Mekong Ministerial Initiative against Trafficking, whose activities include ensuring the legal, social, and community protection of victims of trafficking; strengthening law enforcement capacity to combat trafficking; and building a comprehensive response involving all relevant ministries. Several ministries—including the Ministry of Women's Affairs and the Ministry of Tourism—had antitrafficking initiatives to reduce child labor. Donors supported programs to combat child labor implemented by the ILO and World Education, among others.

The MOSAVY worked with the U.N. Children's Fund (UNICEF) and local NGOs to manage community-based networks aimed at preventing trafficking.

*Persons with Disabilities.*—There is no law explicitly prohibiting discrimination against persons with disabilities. The Government does not require that buildings or government services be accessible to persons with disabilities. The Government prohibits persons with disabilities from being teachers in public schools. On October 1, the Government signed the U.N. Convention on the Rights of Persons with Disabilities.

Programs administered by various NGOs brought about substantial improvements in the treatment and rehabilitation of persons who had lost limbs, but they faced considerable societal discrimination, especially in obtaining skilled employment.

There are no legal limitations on the rights of persons with disabilities to vote or participate in civic affairs, but the Government did not make any concerted effort to assist them in becoming more civically engaged. The MOSAVY is responsible for making policy to protect the rights of persons with disabilities and for rehabilitation and vocational skill training for persons with disabilities.

*National/Racial/Ethnic Minorities.*—The rights of minorities under the 1996 nationality law are not explicit; constitutional protections are extended only to “Khmer people.” Citizens of Chinese and Vietnamese ethnicity constituted the largest ethnic minorities. Ethnic Chinese citizens were accepted in society, but animosity continued toward ethnic Vietnamese, who were seen as a threat to the nation and culture. Some groups continued to make strong anti-Vietnamese statements. They complained of political control of the CPP by the Vietnamese Government, border encroachment, and other problems for which they held ethnic Vietnamese at least partially responsible.

*Indigenous People.*—The Government often ignored efforts by indigenous communities to protect their ancestral lands and natural resources. In spite of the 2001 land law, which calls for the registration of communal lands of indigenous people, little was done to implement communal land titling. NGOs called for a moratorium on land sales and land concessions affecting indigenous communities. International and local NGOs were active in educating the indigenous communities about their land rights and providing legal representation in disputes.

On March 9, more than 200 indigenous villagers in Stung Treng Province protested the clearing of community forest land by four companies to which the Government allegedly illegitimately granted timber concessions. The land had long been used by indigenous villagers for subsistence farming, hunting, and resin production. In May provincial authorities created a special committee to resolve the problem, but the committee did not take any action.

On March 15, more than 500 Jarai indigenous families in Ratanakiri Province demanded the removal of local officials who they alleged were involved in the fraudu-

lent sale of more than 3,000 acres of their communal land. In September 2006 the villagers learned their land had been sold when they saw workers demarcating it as private property. The villagers submitted a complaint to provincial authorities, but authorities did not respond to the complaint.

In early August a Ratanakiri provincial official prevented Tampoun indigenous villagers from burying their dead on land that had served as their traditional burial ground since 1979. The provincial court stated it would arrest anyone who tried to bury bodies there, claiming the land belonged to the provincial finance department director. Authorities sanctioned a new burial ground approximately 500 yards from the traditional plot. The villagers enlisted the help of an NGO and planned to file a suit with the provincial court.

During the August 9 commemoration of the International Day for Indigenous Peoples, the U.N. High Commissioner for Human Rights noted the Government's failure to protect and implement the rights of indigenous people to their lands, territories, and natural resources. The U.N. commissioner called for swift action to halt land grabbing in tribal areas, particularly the growing number of economic land concessions and mining licenses granted without community consultation.

*Other Societal Abuses and Discrimination.*—Societal discrimination against those infected with HIV/AIDS remained a problem in rural areas; however, discrimination was moderated by HIV/AIDS awareness programs. There was no official discrimination against those infected with HIV/AIDS. There were no reported cases of sexual orientation discrimination in employment, housing, statelessness, or access to education or health care. However, homosexuality was typically treated with fear and suspicion, and there were few support groups based on sexual orientation where such cases could have been reported.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The labor law provides private-sector workers in the formal economy the right to join the trade union of their choice without prior authorization. However, the Government's enforcement of this right was selective. Membership in trade unions or employee associations is not compulsory, and workers are free to withdraw from such organizations, although a few unions attempted to intimidate workers who wanted to withdraw. Unions may affiliate freely, but the law does not address explicitly their right to affiliate internationally. While the law applies to foreign workers, it does not apply to civil servants, including teachers, judges, and military personnel, or to workers in the informal sector. Personnel in the air and maritime transportation industries are not entitled to the full protections of the law but are free to form unions.

The vast majority of the country worked in the informal sector, primarily as subsistence rice farmers, vendors, or skilled or unskilled laborers. Only a small fraction, estimated at less than 1 percent, of the labor force was unionized. Unions were concentrated in the garment and footwear industries, where approximately 40 to 50 percent of the 350,000 workers were union members. The Cambodian Tourism and Service Workers Federation represented 4,000 hotel, casino, and airport workers. Of the 31 national labor federations and confederations, 26 were allied with the Government, four were independent, and one had pro-opposition leanings.

The Cambodia Independent Teachers Association (CITA), registered as an "association" due to prohibitions on public sector unions, represented 8,150 of the country's 89,000 teachers. CITA marches and other protests were often forbidden, although the union reported no direct government interference in day-to-day activities. Some members feared that CITA affiliation could hamper their chance of career advancement, according to union officials. Another public sector association, the Cambodian Independent Civil Servants' Association (CICA), represented approximately 500 officials from ministries, provincial departments, and commune councils, out of approximately 100,000 civil servants nationwide. CICA leaders alleged that fears of harassment or demotion prevented other civil servants from joining.

Some independent and pro-opposition unions and federations complained of unnecessary delays and costs in registering with the Government.

Unions were generally seen as slowly gaining strength, but many were not able to adequately represent member interests due to insufficient resources, training, and experience. In addition, corruption plagued unions, employers, and government officials, hampering legitimate industrial relations. Violence, harassment, and intimidation between rival unions were common.

On February 24, two unidentified men shot and killed local union leader Hy Vuthy as he left the Suntex garment factory after completing his night shift. Since 2005 Suntex and Bright Sky factories, which share a compound, have been the scene of fierce interunion rivalry and violence. Hy Vuthy was a member of the country's largest union, the Free Trade Union of Workers in the Kingdom of Cambodia

(FTUWKC), which alleged that he might have been killed because of his labor work. No suspects were arrested. Two other FTUWKC leaders—national FTUWKC President Chea Vichea and local union leader Ros Sovannareth—were killed in 2004.

In some factories persons employed in management appeared to have established their own unions, supported promanagement unions, or compromised union leaders. Union leaders from across the political spectrum complained that the Khmer Youth Federation of Trade Unions habitually threatened strikes to extort money from management and threatened and harassed workers from other unions. Independent union leaders complained that the progovernment Cambodian Coalition of Trade Unions frequently intervened in the affairs of other unions, extorted money from management in exchange for discouraging workers from conducting legal strikes and demonstrations, and threatened rival union leaders.

Enforcement of the right of association and freedom from antiunion discrimination was poor. Government enforcement was hampered by a lack of political will and by confused financial and political relationships with employers and union leaders. The Government also suffered from a lack of resources, including trained, experienced labor inspectors, in part because it did not pay staff adequate salaries. The Ministry of Labor and Vocational Training (MOLVT) often decided in favor of employees but rarely used its legal authority to penalize employers who defied its orders, instead referring many cases to an arbitration council.

There were credible reports of antiunion harassment by employers, including the dismissal of union leaders, in garment factories and other enterprises. Employers sometimes used the courts to dismiss or punish union leaders. In two cases union leaders were charged with inciting workers to strike, destroying private property, and attempting to incite workers to commit assault. At year's end the cases were pending. On several occasions dismissed union leaders accepted cash settlements after unsuccessfully appealing to the Government to enforce laws requiring their reinstatement. At other times the Government upheld labor rights. For example, the MOLVT formally warned 1,032 companies of legal violations, fined 10 companies, and charged five companies with violation of the labor law and regulations. The MOLVT sent 83 cases of unresolved labor disputes to the Arbitration Council.

*b. The Right to Organize and Bargain Collectively.*—The law provides for the right to organize and bargain collectively, but the Government's enforcement of these rights was inconsistent. Wages were generally set by market forces, except in the case of civil servants, whose wages were set by the Government. Garment-sector workers were guaranteed a minimum wage of \$50 per month (210,000 riel).

During the year there were 19 collective bargaining agreements registered with the MOLVT. Most were conciliation agreements that did not meet international collective bargaining standards. Only six genuine collective bargaining agreements existed within the garment industry, 10 at hotels, and one covering contract workers at the two international airports.

A 2001 regulation establishes procedures to allow unions to demonstrate that they represent workers for purposes of collective bargaining. The regulation also establishes requirements for employers and unions regarding collective bargaining and provides union leaders with additional protection from dismissal. The Bureau of Labor Relations is responsible for facilitating the process of union registration and certification of "most representative status" for unions, which entitles a union representing an absolute majority of workers in a given enterprise to represent all of the workers in that establishment. However, the "most representative" registration process was considered cumbersome, and international observers reported that government lists of "most representative unions" included management-controlled unions and unions whose "most representative" status should have expired years before. The Government began reexamining its "most representative" certification process with support from international organizations and a diplomatic mission.

The law provides for the right to strike and protects strikers from reprisal. The law stipulates that strikes can be held only after several requirements have been met, including the failure of other methods of dispute resolution (such as negotiation, conciliation, and arbitration), a secret-ballot vote of union membership, and a 7-day advance notice to the employer and the MOLVT.

The MOLVT reported that 82 strikes occurred during the year. International observers, employers, and many union leaders agreed that almost no strikes fulfilled all prestrike legal requirements. Other unions complained that a severe lack of MOLVT involvement led to industrial strikes.

The Government allowed most strikes held at factories but denied worker requests to hold protest marches outside of the factory district. Police intervention in strikes generally was minimal and restrained, even in those cases where property damage occurred. Police presence at the few marches that occurred tended to be excessive and often included a specialized police intervention unit.



On May 4, four workers and five security guards were injured when security guards inside the L.A. garment factory tried to prevent workers from leaving the factory to strike. The strike, which involved 4,000 workers, began 2 days earlier when workers demanded that a manager be dismissed for insulting and mistreating them.

On May 21, more than 100 provincial police officers violently dispersed approximately 200 striking workers at the River Rich garment factory in Kandal Province. Workers said police beat several protesters, but police denied causing any injuries. The strike began when management reneged on a promise to rehire 10 union activists whose contracts had not been renewed. Following the strike, management threatened to sue three union representatives for inciting workers to hold an illegal strike and for discrimination but later dropped the case.

On November 29, approximately 200 police officers violently dispersed a strike by more than 2,000 Fortune garment factory workers who protested reductions in bonuses and short-term contracts. Police accused the strikers of blocking a road, creating disorder, throwing stones, and injuring police officers. Workers said their strike was peaceful and that violent police repression—including firing guns into the air and using tear gas—resulted in three injured workers. Police detained four workers, releasing them later the same day.

There were no developments in the August 2006 case of three factory-level union leaders affiliated with the FTUWKC convicted of charges of illegal human confinement. After spending 1 month and 4 days in jail in 2006, the workers were released.

In spite of legal provisions protecting strikers from reprisals, there were credible reports that workers were dismissed on spurious grounds after organizing or participating in strikes. While most strikes were illegal, participating in an illegal strike was not by itself a legally acceptable reason for dismissal. In some cases strikers were pressured by employers to accept compensation and leave their employment. There are potential remedies for such dismissals, although none was particularly effective. The MOLVT can issue reinstatement orders, but these often provoked management efforts to pressure workers into resigning in exchange for a settlement. Collective disputes, such as when multiple employees are dismissed, can be brought before the Arbitration Council for a nonbinding decision. Individual disputes can be brought before the courts, although the judicial system was neither impartial nor transparent. Some unions urged the Government to expand the role of the Arbitration Council to include individual and collective interest disputes and to make its decisions binding.

There continued to be confusion about the overlapping roles of labor unions and elected shop stewards. According to regulation, trade union leaders have roles comparable to those of shop stewards, and certain union officers have protection from dismissal within an enterprise. However, employers did not always respect these protections.

There were no special laws or exemptions from regular labor laws in export processing zones (known as special economic zones).

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children, but there were reports that such practices occurred, almost exclusively in the informal sector. There were reports of isolated cases of forced labor by domestic servants. Forced child labor was a serious problem in the commercial sex industry.

Involuntary overtime remained widespread. Under the law, legal overtime work cannot exceed 2 hours daily and must be voluntary; however, in practice overtime was often extended beyond the legal limit, and employers used coercion to force employees to work. Workers often faced fines, dismissal, or loss of premium pay if they refused to work overtime.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The Government has adopted laws to protect children from exploitation in the workplace; however, enforcement was often weak. The law establishes 15 years as the minimum age for employment and 18 years as the minimum age for hazardous work. The law permits children between 12 and 15 to engage in “light work” that is not hazardous to their health and does not affect school attendance. A 2006 study by the World Bank, the ILO, and UNICEF estimated that there were 1.5 million children engaged in illegal labor, including 750,000 children younger than 12 years, 500,000 children ages 12 to 14 engaged in “nonlight” economic activity, and more than 250,000 children ages 15 to 17 working in prohibited hazardous sectors or working more than 43 hours per week.

No aspect of the law prohibiting child labor was adequately enforced in the formal employment sector. No employer was prosecuted for violating laws against child labor. The MOLVT has responsibility for child labor issues in both the formal and

informal sectors of the economy, but its labor inspectors played no role in the informal sector or in enforcing the law in illegal industries. Within the formal sector, labor inspectors conducted routine inspections of some industries, such as garment manufacturing (where the incidence of child labor is negligible), but in some industries with the highest child labor risk, labor inspections were entirely complaint driven.

The Constitution prohibits forced or bonded child labor; however, forced child labor was a serious problem in the commercial sex industry. Law enforcement agencies failed to combat child prostitution in a sustained, consistent manner. Widespread corruption, lack of transparency, inadequate resources, and staffing shortages remained the most challenging obstacles.

*e. Acceptable Conditions of Work.*—The law requires the MOLVT to establish a garment-sector minimum wage based on recommendations from the Labor Advisory Committee. There was no minimum wage for any other industry. The minimum wage for the sector was \$45 to \$50 (189,000 to 210,000 riel) per month. Garment-sector employers almost universally paid regular workers at least the minimum wage, although casual workers were often paid less. Garment workers earned an average wage of \$70 to \$80 (294,000 to 336,000 riel) per month, including overtime and bonuses. Prevailing monthly wages in the garment sector and many other professions were insufficient to provide a worker and family with a decent standard of living, although garment-sector wages were generally higher than wages in the informal economy. Civil service salaries also were insufficient to provide a decent standard of living, requiring government officials to secure outside sources of income, in many cases by obtaining second jobs or accepting bribes.

On June 8, despite strong protests from some unions, the National Assembly amended the labor law to establish a nightshift rate of 130 percent of daytime wages. Before this amendment, customary practice was to pay nightshift workers 200 percent of daytime wages, and few factories operated night shifts due to the high salary cost.

The law provides for a standard legal workweek of 48 hours, not to exceed 8 hours per day. The law stipulates time-and-a-half for overtime and double time if overtime occurs at night, on Sunday, or on a holiday. Employees are allowed to work up to 2 hours of overtime each day. However, the Government did not enforce these standards effectively. Workers reported that overtime was frequently excessive and sometimes mandatory. Similarly, outside the garment industry, regulations on working hours were rarely enforced.

The law states that the workplace should have health and safety standards adequate to ensure workers' well-being. The Government enforced existing standards selectively, in part because it lacked trained staff and equipment. Work-related injuries and health problems were common. Most large garment factories producing for markets in developed countries met relatively high health and safety standards as conditions of their contracts with buyers. Working conditions in some small-scale factories and cottage industries were poor and often did not meet international standards. Penalties are specified in the law, but there are no specific provisions to protect workers who complain about unsafe or unhealthy conditions. Workers who removed themselves from unsafe working conditions risked loss of employment.

## CHINA

The People's Republic of China (PRC) is an authoritarian state in which, as specified in its Constitution, the Chinese Communist Party (CCP) is the paramount source of power. Party members hold almost all top government, police, and military positions. Ultimate authority rests with the 25-member political bureau (Politburo) of the CCP and its nine-member standing committee. Hu Jintao holds the three most powerful positions as CCP general secretary, president, and chairman of the Central Military Commission. The party's authority rested primarily on the Government's ability to maintain social stability; appeals to nationalism and patriotism; party control of personnel, media, and the security apparatus; and continued improvement in the living standards of most of the country's 1.3 billion citizens. Civilian authorities generally maintained effective control of the security forces.

The Government's human rights record remained poor, and controls were tightened in some areas, such as religious freedom in Tibetan areas and in the Xinjiang Uighur Autonomous Region (XUAR); freedom of speech and the media, including the Internet; and the treatment of petitioners in Beijing. As in previous years, citizens did not have the right to change their government. The Government tightened restrictions on freedom of speech and the press, particularly in anticipation of and

during sensitive events, including increased efforts to control and censor the Internet. Nongovernmental organizations (NGOs), both local and international, continued to face intense scrutiny and restrictions. The Government continued its severe cultural and religious repression of minorities, with some tightening of control in the XUAR, and an increased level of religious repression in Tibetan areas. The Government stepped up efforts to rid Beijing of petitioners seeking redress for various grievances. Other serious human rights abuses included extrajudicial killings, torture and coerced confessions of prisoners, and the use of forced labor, including prison labor. The Government continued to monitor, harass, detain, arrest, and imprison journalists, writers, activists, and defense lawyers and their families, many of whom were seeking to exercise their rights under law. The party and state exercised strict political control of courts and judges, conducted closed trials and carried out administrative detention. Executions often took place on the day of conviction or immediately after the denial of an appeal. A lack of due process and restrictions on lawyers further limited progress toward rule of law. Individuals and groups, especially those deemed politically sensitive by the Government, continued to face tight restrictions on their freedom to assemble, their freedom to practice religion, and their freedom to travel. The Government continued its coercive birth limitation policy, in some cases resulting in forced abortion and sterilization.

The Government failed to protect refugees adequately, and the forced repatriation of North Koreans continued to be a grave problem. Serious social conditions that affected human rights included endemic corruption, trafficking in persons, and discrimination against women, minorities, and persons with disabilities. In the XUAR, trials of Uighurs charged with separatism continued.

The Government pursued some important criminal and judicial reforms. In January the country's highest court, the Supreme People's Court (SPC), reassumed the death penalty review power from provincial courts in cases handed down for immediate execution, a power that had devolved to provincial high courts in 1980. Also in January the Government implemented temporary rules for foreign journalists, which eliminated the requirement for journalists to seek approval from authorities before conducting interviews. The Foreign Correspondents Club of China (FCCC) reported that although the regulations improved overall reporting conditions for foreign journalists, problems with enforcement of the regulations remained a challenge, and there were over 180 reports of interference, some of which included plainclothes thugs intimidating or physically assaulting foreign journalists.

#### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—During the year the Government and its agents reportedly committed arbitrary or unlawful killings. No official statistics on deaths in custody were available. On January 5, 18 persons were killed and 17 were arrested during a raid at a location in the XUAR that Chinese officials called a terrorist training base. On February 27, Xu Hongmei and Shen Zili, two women who were arrested in January for Falun Gong activities, died after they were reportedly tortured by security forces. On March 22, local procuracy officials detained a Guilin judge, Li Chaoyang, on bribery allegations. After family members learned that Li was dead, they examined the body and found that Li was missing several teeth and had a stitched-up face wound. On May 28, local procuracy officials detained Lianyungang City electric utility official Liang Xuping, and Liang subsequently died. Liang's body was bruised, but officials claimed Liang died of a heart attack.

There were no developments in the investigation of the 2006 shooting of Tibetan nun Kelsang Namtso, who was shot and killed when People's Armed Police at the Nangpa La pass fired at a group of approximately 70 Tibetans, or the 2005 police killing of at least three protesters in Dongzhou Village, Guangdong Province.

Trials involving capital offenses sometimes took place under circumstances involving severe lack of due process and with no meaningful appeal. Some executions took place on the day of conviction or failed appeal. Executions of Uighurs whom authorities accused of separatism, but which some observers claimed were politically motivated, were reported. On February 8, authorities executed Ismail Semed, an ethnic Uighur from the XUAR, following 2005 convictions for "attempting to split the motherland" and other counts related to possession of firearms and explosives.

*b. Disappearance.*—Human rights defender Gao Zhisheng, who was detained and questioned several times over the past 2 years, was last seen September 22 in the presence of municipal security officials at his Beijing home. Gao wrote a letter addressing human rights in China to a foreign government, which became public in the days preceding his disappearance. In September a group of 21 farmers report-

edly disappeared in Beijing after traveling from Chengdu to petition the Government in a land compensation case. Tibetan Web master Tsewangnorbu has been missing since Gansu province security authorities shut down his Web site in 2005.

At year's end the Government still had not provided a comprehensive, credible accounting of all those killed, missing, or detained in connection with the violent suppression of the 1989 Tiananmen demonstrations.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law forbids prison guards from extracting confessions by torture, insulting prisoners' dignity, and beating or encouraging others to beat prisoners. However, in November 2006 the Supreme People's Procuratorate (SPP) Deputy Secretary Wang Zhenchuan acknowledged that illegal interrogation by "atrocious torture" existed in local judicial practice throughout China and that almost all mishandled criminal cases in the previous year involved the "shadow of illegal interrogation." Wang estimated that at least 30 wrongful convictions were issued each year because of torture. In addition there continued to be frequent reports that police and other elements of the security apparatus employed widespread torture and degrading treatment when dealing with some detainees and prisoners.

During the year there were reports that officials used electric shocks, beatings, shackles, and other forms of abuse. In February and March legal advisor and rights activist Guo Feixiong (also known as Yang Maodong) reportedly suffered repeated torture, including electric shocks and being tied to a "tiger bench" for 4 hours. When on a "tiger bench" the victim reportedly sits on a bench with legs tied stretched out straight on the bench and hands tied behind a vertical back support. Bricks or other hard objects are then pushed under the victim's legs or feet, causing the legs to bend upwards, sometimes until they break. The abuse reportedly drove Guo to attempt suicide. In June Guo Feixiong's wife reportedly sent an open letter to U.N. Special Rapporteur on Torture Manfred Nowak detailing her husband's abuse in prison, which included beatings with electric police batons when Guo refused to make a confession. On September 29, rights defender Li Heping reportedly was detained for 6 hours by plainclothes assailants who beat and tortured him with cattle prods before releasing him. In October a recently released cellmate of land activist Yang Chunlin reported that Yang was tortured in prison, including having his legs and arms stretched and chained to four corners of an iron bed for days.

In June 2006 authorities detained and beat Alim and Ablikim, the sons of prominent Uighur human rights activist Rebiya Kadeer, and Alim reportedly confessed to the charges against him after being tortured by security officials. In 2006 Beijing-based petitioner leader Ye Guozhu reportedly was tortured and abused in prison, including beatings with electric batons, suspension from the ceiling by his arms, and shackled and forced to sit in extreme positions for extended periods of time. In June the Guangzhou Intermediate Court convicted a police officer of beating to death a fraud suspect, Wang Weiqing, in 2002. Prosecutors determined that 40 officers in the local public security bureau (PSB) conspired to conceal the beating. Many alleged acts of torture occurred in pretrial criminal detention centers or reeducation-through-labor centers.

In March 2006 U.N. Special Rapporteur Nowak reaffirmed earlier findings that torture, although on a decline—particularly in urban areas—remained widespread, and that procedural and substantive measures were inadequate to prevent torture. Nowak reported that beatings with fists, sticks, and electric batons continued to be the most common forms of torture. He also found that prisoners continued to suffer cigarette burns, prolonged periods of solitary confinement, and submersion in water or sewage, and that they were made to hold extreme positions for long periods, were denied medical treatment, and were forced to do hard labor. Death row inmates were shackled or handcuffed 24 hours per day and systematically abused to break their will and force confessions. According to Nowak, officials specifically targeted for abuse house church groups, Falun Gong adherents, Tibetans, and Uighur prisoners. Nowak reported that Falun Gong practitioners accounted for 66 percent of victims of alleged torture while in government custody. Since the crackdown on Falun Gong began in 1999, estimates of the number of Falun Gong adherents who died in custody due to torture, abuse, and neglect ranged from several hundred to a few thousand.

Sexual and physical abuse and extortion occurred in some detention centers. Falun Gong activists reported that police raped female practitioners, including in 2005 at the Dongchengfang police station in Tunzhou City, Hebei Province, where two women were allegedly raped while in detention.

According to foreign researchers, the country had 20 ankang institutions (high-security psychiatric hospitals for the criminally insane) directly administered by the Ministry of Public Security. Persons committed to these institutions had no mechanism for objecting to public security officials' determinations of mental illness. Some

dissidents, persistent petitioners, and others were housed with mentally ill patients in these institutions. Patients in these hospitals were reportedly given medicine against their will and forcibly subjected to electric shock treatment. The regulations for committing a person to an anfang facility were not clear. Political activists, underground religious believers, persons who repeatedly petitioned the Government, members of the banned China Democratic Party (CDP), and Falun Gong adherents reportedly were incarcerated in such facilities during the year. Activists sentenced to administrative detention also reported they were strapped to beds or other devices for days at a time, beaten, forcibly injected or fed medications, and denied food and use of toilet facilities.

From January to May prosecutors nationwide investigated 2,808 cases of dereliction of duty and infringement of rights by officials, involving 3,470 persons. This represented an 8.3 percent increase in cases from the same period in 2006. In 2006 the SPP and the courts issued directives to eliminate interrogation through torture. By September 2,829 procuratorates throughout China had begun audio and video taping police interrogations, in some cases to prevent coerced confessions. Beginning in September Beijing and several other cities launched campaigns providing that police officers who obtain coerced confessions can be suspended.

*Prison and Detention Center Conditions.*—According to 2005 official statistics, the Ministry of Justice administered more than 700 prisons with a population of more than 1.8 million inmates. In addition 30 jails for juveniles held approximately 22,000 juvenile offenders. The country also operated hundreds of administrative detention centers, which were run by security ministries and administered separately from the formal court system.

Conditions in penal institutions for both political prisoners and common criminals generally were harsh and degrading. Prisoners and detainees often were kept in overcrowded conditions with poor sanitation. Inadequate prison capacity was an increasing problem in some areas. Food often was inadequate and of poor quality, and many detainees relied on supplemental food and medicines provided by relatives; some prominent dissidents were not allowed to receive such goods.

Many inmates in penal and reeducation-through-labor facilities were required to work, with minimal or no remuneration. In some cases prisoners worked in facilities directly connected with penal institutions; in other cases they were contracted to nonprison enterprises. Former prison inmates reported that workers who refused to work in some prisons were beaten. Facilities and their management profited from inmate labor.

In January Ministry of Health spokesman Mao Qunan reportedly acknowledged that the Government harvested organs from executed prisoners. On May 1, new regulations came into effect that include a ban on the trade of human organs and on live organ transplants from persons under the age of 18. The regulations also stipulate that the donation of human organs for transplant should be free and voluntary. However, the new regulations make no specific reference to the extraction of organs from death penalty prisoners.

Adequate, timely medical care for prisoners remained a serious problem, despite official assurances that prisoners have the right to prompt medical treatment. On July 1, Shanghai petitioner Chen Xiaoming died the day he was released from custody on medical parole. According to media reports, authorities refused earlier requests by the family for medical parole and only allowed the family to provide Chen with medication one time during his detention. Labor activist Yao Fuxin remained in prison in very poor health, and authorities denied his family's request for medical parole. Labor union leader Wang Sen remained in prison and was also reportedly in poor health. Wang applied for medical parole but was also denied. During the year cyber dissident He Depu's health reportedly deteriorated significantly due to medical neglect and maltreatment. However, prison officials stated that his condition would have to deteriorate further before he could be considered for medical parole. Journalist Ching Cheong's health also deteriorated, and in August the Hong Kong Journalists Association sent an open letter to President Hu Jintao urging authorities to grant him medical parole. Many other prisoners with serious health concerns remained in prison at year's end. Prison officials often denied privileges, including the ability to purchase outside food, make telephone calls, and receive family visits, to those who refused to acknowledge guilt.

Conditions in administrative detention facilities, such as reeducation-through-labor camps, were similar to those in prisons. Beating deaths occurred in administrative detention and reeducation-through-labor facilities.

The law requires juveniles to be held separately from adults, unless facilities are insufficient. In practice children sometimes were held with adult prisoners and required to work. Political prisoners were segregated from each other and placed with common criminals, who sometimes beat political prisoners at the instigation of

guards. Newly arrived prisoners or those who refused to acknowledge committing crimes were particularly vulnerable to beatings.

The Government generally did not permit independent monitoring of prisons or reeducation-through-labor camps, and prisoners remained inaccessible to local and international human rights organizations, media groups, and the International Committee of the Red Cross (ICRC).

*d. Arbitrary Arrest or Detention.*—Arbitrary arrest and detention remained serious problems. The law permits police and security authorities to detain persons without arresting or charging them. Because the Government tightly controlled information, it was impossible to determine accurately the total number of persons subjected to arbitrary arrest or detention. According to 2005 official statistics, 500,000 persons were held in 310 reeducation-through-labor camps. In 2004 special administrative detention facilities held more than 350,000 offenders.

*Role of the Police and Security Apparatus.*—The security apparatus is made up of the Ministries of State Security and Public Security, the People's Armed Police, the People's Liberation Army (PLA), and the state judicial, procuratorial, and penal systems. The Ministries of State Security and Public Security and the People's Armed Police were responsible for internal security. SPP and SPC officials admitted that courts and prosecutors often deferred to the security ministries on policy matters and individual cases. The SPP was responsible for the investigation of corruption and duty crimes. The PLA was responsible for external security but also had some domestic security responsibilities.

The Ministry of Public Security (MPS) coordinates the country's law enforcement, which is administratively organized into local, county, provincial, and specialized police agencies. Recent efforts have been made to strengthen historically weak regulation and management of law enforcement agencies; however, judicial oversight was limited, and checks and balances were absent. Corruption at the local level was widespread. Police officers reportedly coerced victims, took individuals into custody without just cause, arbitrarily collected fees from individuals charged with crimes, and mentally and physically abused victims and perpetrators.

The SPP acknowledged continuing widespread abuse in law enforcement. In July 2006 the SPP issued new standards for prosecuting official abuses of power. Domestic news media reported the convictions of several public security officials who had beaten to death suspects or prisoners in their custody. Nonetheless, investigation of misconduct typically only came in response to publicity, public pressure, and persistent efforts by relatives of victims to petition the Government. In July 2006 an SPP spokesperson said there were many abuse of power cases that the procuratorates did not dare handle.

*Arrest and Detention.*—Public security organs do not require court-approved warrants to detain suspects under their administrative detention powers. After detention the procuracy can approve formal arrest without court approval. According to the law, in routine criminal cases police can unilaterally detain persons for up to 37 days before releasing them or formally placing them under arrest. After a suspect is arrested, the law allows police and prosecutors to detain a person for up to 7 months while public security organs further investigate the case. Another 1½ months of detention are allowed where public security organs refer a case to the procuratorate to decide whether to file charges. If charges are filed, authorities can detain a suspect for an additional 1½-month period between filing and trial. However, in practice the police sometimes detained persons beyond the time limits stipulated by law. In some cases, investigating security agents or prosecutors sought repeated extensions, resulting in pretrial detention of a year or longer. The trial of New York Times researcher Zhao Yan was delayed almost 2 years before finally convening in June 2006. It was uncertain how many other prisoners were similarly detained. The criminal procedure law allows detainees access to lawyers before formal charges are filed, although police often limited such access.

The criminal procedure law requires a court to provide a lawyer to a defendant who is blind, deaf, mute, a minor, or may be sentenced to death, if the defendant has not already retained a lawyer, whether or not the defendant is indigent. Courts may also provide lawyers to other criminal defendants who cannot afford them, although courts often do not appoint counsel in such circumstances.

Detained criminal suspects, defendants, their legal representatives, and close relatives are entitled to apply for bail; however, in practice few suspects were released on bail pending trial. The Government used incommunicado detention. The law requires notification of family members within 24 hours of detention, but individuals often were held without notification for significantly longer periods, especially in politically sensitive cases. Under a sweeping exception, officials were not required to

provide notification if doing so would “hinder the investigation” of a case. In some cases police treated those with no immediate family more severely.

Administrative detention was frequently used to intimidate political activists and prevent public demonstrations. During the year individuals were assigned to administrative detention without charge, trial, or judicial review. Efforts to reform or abolish the reeducation-through-labor system remained stalled. In March 2006 the New Public Order Administrative Punishment Law went into effect, which provides for review of detention decisions but also creates 165 new offenses subject to administrative punishment. According to reports there were concerns that authorities were expanding the use of punitive administrative detention rather than reforming or abolishing it.

In May 2006 the SPP acknowledged that unlawful extended detentions remained a problem and that authorities misused legal provisions to hide this. A nationwide survey found that, between January 2003 and September, 33,643 persons were detained longer than provided by law at some stage of the investigation, prosecution, or trial process. A number of individuals in politically sensitive cases were held for periods longer than the time authorized by law. In some cases investigating security agents or prosecutors sought repeated extensions, resulting in pretrial detention of a year or longer.

Citizens who were reportedly detained with no or severely delayed notice included Pan Blue Alliance leader Sun Buer, who police in May took from his home and held incommunicado. On August 24, PSB officials arrested writer and rights activist Lu Gengsong following publication of articles critical of authorities. Lu was held in detention for more than a month, and on September 29 he was formally charged with “inciting subversion of state power.” On August 21, activist Yue Ming was detained for 2 weeks without charge for posting online messages calling a meeting for people upset over high housing costs.

The law permits nonjudicial panels, called labor reeducation panels, to sentence persons without trial to 3 years in reeducation-through-labor camps or other administrative detention programs. The labor reeducation committee is authorized to extend a sentence up to 1 year. Defendants could challenge reeducation-through-labor sentences under the administrative litigation law and appeal for a reduction in, or suspension of, their sentences. However, appeals rarely succeeded. Many other persons were detained in similar forms of administrative detention, known as “custody and education” (for prostitutes and those soliciting prostitutes) and “custody and training” (for minors who committed crimes). Administrative detention was used to intimidate political activists and prevent public demonstrations. Special reeducation centers were used to detain Falun Gong practitioners who had completed terms in reeducation-through-labor but whom authorities decided to continue detaining.

Authorities arrested persons on charges of revealing state secrets, subversion, and common crimes to suppress political dissent and social advocacy. Citizens also were detained and prosecuted under broad and ambiguous state secrets laws for, among other actions, disclosing information on criminal trials, meetings, and government activity. Information could retroactively be classified a state secret by the Government.

During the year human rights activists and defenders, Falun Gong practitioners, domestic and foreign journalists, unregistered religious figures, and former political prisoners and their family members were among those targeted for arbitrary detention or arrest.

The Government continued to use house arrest as a nonjudicial punishment and control measure against dissidents, former political prisoners, family members of political prisoners, petitioners, underground religious figures, and others it deemed politically sensitive. House arrest encompassed varying degrees of stringency but sometimes included complete isolation in one’s own home or another location under lock and guard. In some cases house arrest involved constant monitoring, but the target of house arrest was occasionally permitted to leave the home to work or run errands. When outside the home, the subject of house arrest was usually, but not always, under surveillance. In some instances security officials assumed invasive positions within the family home, rather than monitoring from the outside.

In March rights activist Hu Jia was released after spending 214 days under house arrest. On May 18, Hu and his wife, activist Zeng Jinyan, were placed under house arrest immediately before leaving on a trip overseas to speak about human rights. In November Hu Jia participated by webcam in a European Parliament hearing on human rights conditions in China. Hu was detained on December 27 on suspicion of inciting subversion of state authority. That same day, police reportedly placed Zeng Jinyan under house arrest with the couple’s newborn child. Bao Tong, the former aide to Zhao Ziyang (who died in 2005 after spending more than 15 years under house arrest), remained under similar surveillance in his home; restrictions

on Bao eased somewhat as he was allowed to give media interviews and to travel to his hometown during the year. In February local authorities blocked Dr. Gao Yaojie, a prominent HIV/AIDS activist, from traveling overseas to receive a human rights award by placing her under house arrest. Following international pressure, Gao was permitted to travel. In August Yuan Weijing was prevented from leaving the country to receive an award on behalf of her husband, legal activist Chen Guangcheng. Despite being released from prison in June 2006, activist lawyer Zheng Enchong was placed under house arrest for over a year and continued to be under round-the-clock surveillance. Several underground Catholic priests and bishops were under house arrest for varying periods during the year. The longest serving among them may be Bishop Su Zhimin, who has reportedly been detained in a form of house arrest in Baoding, Hebei Province, since 1997. An unverified press report circulated in June 2006 stated that Bishop Su had died in custody. The Government has not responded to inquiries about Bishop Su.

Police continued the practice of placing under surveillance, harassing, and detaining citizens around politically sensitive events, including before the second anniversary of Zhao Ziyang's death in January, the plenary sessions of the National People's Congress (NPC) and Chinese People's Political Consultative Conference (CPPCC) in March, and the 17th Communist Party Congress in October. Authorities in the XUAR used house arrest and other forms of arbitrary detention against those accused of the "three evils" of extremism, "splittism," and terrorism. Because authorities failed to distinguish carefully among peaceful political activities, "illegal" religious activities, and violent terrorism, it was difficult to determine whether raids, detentions, arrests, or judicial punishments were targeted at those peacefully seeking political goals, those seeking worship, or those engaged in violence. Others held under house arrest for varying periods during the year included Tiananmen activist Qi Zhiyong, rights lawyer Gao Zhisheng, and democracy activist Liu Anjun.

*e. Denial of Fair Public Trial.*—The law states that the courts shall exercise judicial power independently, without interference from administrative organs, social organizations, and individuals. However, in practice the judiciary was not independent. It received policy guidance from both the Government and the CCP, whose leaders used a variety of means to direct courts on verdicts and sentences, particularly in politically sensitive cases. At both the central and local levels, the Government and CCP frequently interfered in the judicial system and dictated court decisions. Trial judges decide individual cases under the direction of the adjudication committee in each court. In addition the CCP's law and politics committee, which includes representatives of the police, security services, procuratorate, and courts, had the authority to review and influence court operations at all levels of the judiciary; in some cases the committee altered decisions. People's congresses also had authority to alter court decisions, but this happened rarely.

Corruption often influenced judicial decision making, and safeguards against corruption were vague and poorly enforced. In 2006 292 judges were investigated for "illegally handling cases," which most often means taking bribes or abusing power; 109 were found criminally liable. Local governments appointed judges at the corresponding level of the judicial structure. Judges received their court finances and salaries from these government bodies and could be replaced by them. Local authorities often exerted undue influence over the judges they appointed and financed. Several high-profile corruption cases involved procuracy officials. In August the Anhui provincial deputy procurator-general was removed from his position after taking a government trip overseas based on a fraudulent invitation letter.

Courts lacked the independence and authority to rule on the constitutionality of laws. The law permits organizations or individuals to question laws and regulations they believe contradict the Constitution, but a constitutional challenge first requires consultation with the body drafting the questioned regulation and can only be appealed to the NPC. Accordingly, lawyers had little or no opportunity to use the Constitution in litigation.

The SPC is followed in descending order by the higher, intermediate, and basic people's courts. These courts handle criminal, civil, and administrative cases, including appeals of decisions by police and security officials to use reeducation-through-labor and other forms of administrative detention. There were special courts for handling military, maritime, and railway transport cases.

The CCP used a form of discipline known as *shuang gui* for violations of party discipline, but there were reports of its use against nonparty members. *Shuang gui* is similar to house arrest and can be authorized without judicial involvement or oversight. *Shuang gui* requires the CCP party member under investigation to submit to questioning at a designated place and time. According to regulations of the Central Discipline Inspection Commission (CDIC) governing *shuang gui*, corporal punishment is banned, the member's dignity must be respected, and he or she is



regarded as a comrade unless violations are proved. Absent any legal oversight, it is unclear how these regulations were enforced in practice. In September 2006 Zeng Jinchun, secretary of the discipline inspection committee in Chenzhou City, Hunan Province, was removed for abusing his shuang gui authority by accepting bribes.

*Trial Procedures.*—Trials took place before a judge, who often was accompanied by “people’s assessors,” lay persons hired by the court to assist in decision making. According to statistics published during the year, there were 55,681 people’s assessors. According to law, people’s assessors had authority similar to judges, but in practice they deferred to judges and did not exercise an independent jury-like function.

The law gives most suspects the right to seek legal counsel shortly after their initial detention and interrogation, although police frequently interfered with this right. Individuals who faced administrative detention do not have the right to seek legal counsel.

The Government expanded the scope of legal aid and required authorities to notify criminal defendants of their right to apply for legal aid. Both criminal and administrative cases remained eligible for legal aid, although 70 percent or more of criminal defendants still went to trial without a lawyer. According to the Ministry of Justice, during the first half of the year legal aid was granted in 124,800 cases. The number of government lawyers providing legal aid remained inadequate to meet demand. Nonattorney legal advisors and government employees provided the only legal aid options in many areas. According to government statistics, more than 12,155 employees provided legal aid at 3,171 legal aid centers. During 2006 courts waived more than \$169.4 million (RMB 1.21 billion) in litigation costs.

Government-employed lawyers often refused to represent defendants in politically sensitive cases, and defendants frequently found it difficult to find an attorney. When defendants were able to retain counsel in politically sensitive cases, government officials sometimes prevented effective representation of counsel. Officials deployed a wide range of tactics to obstruct the work of lawyers representing sensitive clients, including unlawful detentions, disbarment, intimidation, refusal to allow a case to be tried before a court, and physical abuse. According to the law, defense attorneys can be held responsible if their client commits perjury, and prosecutors and judges have wide discretion to decide what constitutes perjury. In February 2006 lawyer Tang Jingling was beaten by thugs after visiting Guo Feixiong. Police refused to investigate the incident. In April 2006 Tang, who had begun practicing law at a second firm, was stripped of his license to practice law and dismissed from that law firm. In some sensitive cases, lawyers had no pretrial access to their clients, and defendants and lawyers were not allowed to speak during trials. In practice criminal defendants often were not assigned an attorney until a case was brought to court. For example, officials detained prominent rights attorney Gao Zhisheng in August 2006 on “suspicion of involvement in criminal activity” and subsequently deprived Gao of his right to counsel by obstructing efforts to formalize Gao’s representation. Officials later claimed that Gao declined representation by counsel. Even in nonsensitive criminal trials, only one in seven defendants reportedly had legal representation.

The mechanism that allows defendants to confront their accusers was inadequate; the percentage of witnesses who came to court in criminal cases was less than 10 percent and as low as 1 percent in some courts. According to one expert, only 1 to 5 percent of trials involved witnesses. In most criminal trials, prosecutors read witness statements, which neither the defendant nor his lawyer had an opportunity to question. Approximately 95 percent of witnesses in criminal cases did not appear in court to testify, in part due to hardship or fear of reprisals. Although the criminal procedure law says pretrial witness statements cannot serve as the sole basis for conviction, officials relied heavily on such statements to support their cases. Defense attorneys had no authority to compel witnesses to testify or to mandate discovery, although they could apply for access to government-held evidence relevant to their case. In practice pretrial access to information was minimal, and the defense often lacked adequate opportunity to prepare for trial.

The criminal justice system was biased toward a presumption of guilt, especially in high-profile or politically sensitive cases. The conviction rate for first-instance criminal cases was above 99 percent in 2006. In many politically sensitive trials, which rarely lasted more than several hours, the courts handed down guilty verdicts immediately following proceedings. Courts often punished defendants who refused to acknowledge guilt with harsher sentences than those who confessed. There was an appeals process, but appeals rarely resulted in reversed verdicts. Appeals processes failed to provide sufficient avenue for review, and there were inadequate remedies for violations of defendants’ rights. Nationwide, courts at all levels found 1,713

defendants not guilty, which represented 0.19 percent of criminal defendants at trial.

SPC regulations require all trials to be open to the public, with certain exceptions, such as cases involving state secrets, privacy, and minors. Authorities used the legal exception for cases involving state secrets to keep politically sensitive proceedings closed to the public and sometimes even to family members, and to improperly withhold access to defense counsel. Under the regulations, foreigners with valid identification are allowed the same access to trials as citizens, but in practice foreigners were permitted to attend court proceedings by invitation only. As in past years, foreign diplomats and journalists sought permission to attend a number of trials only to have court officials reclassify them as "state secret" cases, fill all available seats with security officials, or otherwise close them to the public. Between June and July in Guangzhou, representatives of a foreign consulate initially were granted permission to attend the trial of Guo Feixiong, but authorities postponed the trial date and subsequently denied access to the consulate. On November 14, Guo was sentenced to 5 years' imprisonment and fined over \$5,600 (RMB 40,000) following a year in detention. Some trials were broadcast, and court proceedings were a regular television feature. A few courts published their verdicts on the Internet.

There was no adversary system, no presumption of innocence, and judges and prosecutors typically used an inquisitorial style to question the defendant, who was often the only witness. The law affords no right to remain silent, no protection against double jeopardy, and no rules governing the type of evidence that may be introduced.

Police and prosecutorial officials often ignored the due process provisions of the law. Because of the lack of due process, the consequences were particularly egregious in death penalty cases. By law there are at least 68 capital offenses, including nonviolent financial crimes such as counterfeiting currency, embezzlement, and corruption. Following the SPC's reassumption of death penalty review power on January 1, executions were not to be carried out on the date of conviction, but only on the SPC's approval following review. Media reports stated that approximately 10 percent of executions were for economic crimes, especially corruption. However, SPC Vice President Jiang Xingchang stated the SPC handed down only "a very small number of death sentences for economic crimes now, just a few a year."

Through the monitoring of publicly available records and reports, Amnesty International estimated that in 2006 at least 1,770 persons were executed, although the true figure was believed to be much higher. Other sources estimated that between 7,500 and 8,000 persons were executed in 2006. On January 1, the SPC reassumed jurisdiction to conduct final review of death penalty cases handed down for immediate execution (but not death sentences handed down with a 2-year reprieve), thus consolidating and reclaiming the death penalty review power from provincial courts. An SPC regulation effective February 28 clarified circumstances in which the SPC should approve, revise, or remand death sentences; in most cases the SPC does not have the authority to issue a new decision or declare a defendant innocent if it discovers errors in the original judgment. The regulation also provided that the SPC would generally limit the exercise of its discretion to approve or disapprove lower court decisions. Courts handling death penalty cases in the second instance are required to conduct hearings at which witnesses in certain circumstances, such as when the prosecution and defense disagree about a witness' testimony or when the judge orders it, should testify. In August the SPP sent to local procuracies guidance to improve due process standards in death penalty cases. Monitoring and analysis of the application of the death penalty was difficult because official statistics remained a state secret. After the new procedures went into effect, three Beijing intermediate courts asserted the number of death penalty cases declined by 10 percent, although they did not provide underlying figures. Given the absence of open procedures and statistics, it was not possible to evaluate independently the implementation and effects of the new procedures.

*Political Prisoners and Detainees.*—Government officials continued to deny holding any political prisoners, asserting that authorities detained persons not for their political or religious views, but because they violated the law; however, the authorities continued to confine citizens for reasons related to politics and religion. Tens of thousands of political prisoners remained incarcerated, some in prisons and others in reeducation-through-labor camps or administrative detention. The Government did not grant international humanitarian organizations access to political prisoners.

Foreign NGOs estimated that several hundred persons remained in prison for the repealed crime of "counterrevolution," and thousands of others were serving sentences under the state security law, which authorities stated covers crimes similar to counterrevolution. Persons who continued to be detained for counterrevolutionary

offenses included labor activist Hu Shigen and Inner Mongolian activist Hada. Foreign governments urged the Government to review the cases of those charged before 1997 with counterrevolution and to release those who had been jailed for nonviolent offenses under provisions of the criminal law, which were eliminated when the law was revised. To date, no systematic review has occurred. The Government maintained that counterrevolutionary prisoners were eligible for parole and early release on an equal basis with other prisoners but provided no evidence to support this assertion. According to Amnesty International, dozens of people were believed to remain in prison in connection with their involvement in the 1989 Tiananmen pro-democracy movement. Others estimated that at least 10 and as many as 200 Tiananmen activists were still in prison. The exact number was unknown because official statistics have never been made public.

Many political prisoners remained in prison or under other forms of detention at year's end, including rights activist Hu Jia; journalist Shi Tao; Internet writers Yang Zili and Xu Wei; labor activists Yao Fuxin, Mu Mingjun, Hu Shigen, Huang Xiangwei, Kong Youping, Ning Xianhua, Li Jianfeng, Li Xintao, Lin Shun'an, Yue Tianxiang, Zhang Shanguang, Gao Hongming, Zha Jianguo, Li Wangyang, and She Wanbao; China Democracy Party cofounder Qin Yongmin; family planning whistleblower Chen Guangcheng; Su Zhimin; Christian activist Zhang Rongliang; Uighurs Tohti Tunyaz and Dilkex Tilivaldi; and Tibetans Jigme Gyatso, Tenzin Deleg, and Gendun Choekyi Nyima. Political prisoners obtained parole and sentence reduction much less frequently than ordinary prisoners.

Criminal punishments included "deprivation of political rights" for a fixed period after release from prison, during which the individual is denied the already-limited rights of free speech and association granted to other citizens. Former prisoners sometimes found their status in society, ability to find employment, freedom to travel, and access to residence permits and social services severely restricted. Former political prisoners and their families frequently were subjected to police surveillance, telephone wiretaps, searches, and other forms of harassment, and some encountered difficulty in obtaining or keeping employment and housing.

*Civil Judicial Procedures and Remedies.*—Courts deciding civil matters suffered from internal and external limitations on judicial independence. The State Compensation Law provides administrative and judicial remedies for deprivations of criminal rights, such as wrongful arrest or conviction, extortion of confession by torture, or unlawful use of force resulting in bodily injury. In civil matters, prevailing parties often found it difficult to enforce court orders, and resistance to the enforcement sometimes extended to forcible resistance to court police.

*f. Arbitrary Interference with Privacy, Family, Home or Correspondence.*—The law states that the "freedom and privacy of correspondence of citizens are protected by law;" however, the authorities often did not respect the privacy of citizens in practice. Although the law requires warrants before law enforcement officials can search premises, this provision frequently was ignored; moreover, the PSB and prosecutors can issue search warrants on their own authority without judicial consent, review, or consideration. Cases of forced entry by police officers continued to be reported.

During the year authorities monitored telephone conversations, facsimile transmissions, e-mail, text messaging, and Internet communications. Authorities also opened and censored domestic and international mail. The security services routinely monitored and entered residences and offices to gain access to computers, telephones, and fax machines. All major hotels had a sizable internal security presence, and hotel guestrooms were sometimes bugged and searched for sensitive or proprietary materials.

Some citizens were under heavy surveillance and routinely had their telephone calls monitored or telephone service disrupted. The authorities frequently warned dissidents and activists, underground religious figures, former political prisoners, and others whom the Government considered to be troublemakers not to meet with foreign journalists or diplomats, especially before sensitive anniversaries, at the time of important government or party meetings, and during the visits of high-level foreign officials. Security personnel also harassed and detained the family members of political prisoners, including following them to meetings with foreign reporters and diplomats and urging them to remain silent about the cases of their relatives.

Forced relocation because of urban development continued and in some locations, increased during the year. During the year protests over relocation terms or compensation, some of which included thousands of participants, took place and some protest leaders were prosecuted. Some activists and NGOs linked evictions in Beijing to construction for the 2008 Olympics. In rural areas, relocation for major state projects, such as dams, and for commercial development resulted in the forced relocation of millions of persons.

The Government restricted the rights of parents to choose the number of children they will have and the period of time between births. While the national family planning authorities made some progress on maternal health issues and in emphasizing quality of care in family planning practices, the country's birth limitation policies retain harshly coercive elements in law and practice. The penalties for violating the law are strict, leaving some women little choice but to abort pregnancies.

The law standardizes the implementation of the Government's birth limitation policies; however, enforcement varied significantly from place to place. The law grants married couples the right to have one birth and allows eligible couples to apply for permission to have a second child if they meet conditions stipulated in local and provincial regulations. The law requires couples that have an unapproved child to pay a "social compensation fee," which sometimes reached 10 times a person's annual disposable income, and grants preferential treatment to couples who abide by the birth limits. Although the law states that officials should not violate citizens' rights, these rights, as well as penalties for violating them, are not clearly defined. The law provides significant and detailed sanctions for officials who help persons evade the birth limitations.

Social compensation fees are set and assessed at the local level. The law requires family planning officials to obtain court approval before taking "forcible" action, such as detaining family members or confiscating and destroying property of families who refuse to pay social compensation fees. However, in practice this requirement was not always followed.

The one-child limit was more strictly applied in the cities, where only couples meeting certain conditions (e.g., both parents are only children) were permitted to have a second child. In most rural areas (including towns of under 200,000 persons), which included approximately 60 percent of the country's population, the policy was more relaxed, generally allowing couples to have a second child if the first was a girl or had a disability.

All provinces have regulations implementing the national family planning law. For example, Anhui Province's law permits 13 categories of couples, including coal miners, some remarried divorcees, and some farm couples, to have a second child. Ethnic minorities, such as the Uighurs and the Tibetans, are also allowed more than one child. Several provinces—Anhui, Hebei, Heilongjiang, Hubei, Hunan, Jilin, Liaoning, and Ningxia—require "termination of pregnancy" if the pregnancy violates provincial family planning regulations. An additional 10 provinces—Fujian, Guizhou, Guangdong, Gansu, Jiangxi, Qinghai, Sichuan, Shanxi, Shaanxi, and Yunnan—require unspecified "remedial measures" to deal with out-of-plan pregnancies.

In order to delay childbearing, the law sets the minimum marriage age for women at 20 years and for men at 22 years. It continued to be illegal in almost all provinces for a single woman to have a child. Social compensation fees were levied on unwed mothers.

The country's population control policy relied on education, propaganda, and economic incentives, as well as on more coercive measures such as the threat of job loss or demotion and social compensation fees. Psychological and economic pressures were common. Those who violated the child limit policy by having an unapproved child or helping another to do so faced disciplinary measures such as job loss or demotion, loss of promotion opportunity, expulsion from the party (membership in which was an unofficial requirement for certain jobs), and other administrative punishments, including in some cases the destruction of property. In the case of families that already had two children, one parent was often pressured to undergo sterilization. The penalties sometimes left women with little practical choice but to undergo abortion or sterilization.

The law states that family planning bureaus will conduct pregnancy tests on married women and provide them with unspecified "follow-up" services. Some provinces fine women who do not undergo periodic pregnancy tests. For example, in Hebei fines range from \$28 to \$70 (RMB 200 to 500) and in Henan from \$7 to \$70 (RMB 50 to 500).

Officials at all levels remained subject to rewards or penalties based on meeting the population goals set by their administrative region. Promotions for local officials depended in part on meeting population targets. There continued to be sporadic reports of violations of citizens' rights by local officials attempting to reduce the number of births in their region. The most egregious reports of mass violations occurred in April and May in Guangxi Province, where authorities forced dozens of pregnant women to undergo abortions at a hospital in Baise City, some as late as 9 months. In a separate incident in Guangxi, thousands of residents of nine towns in Bobai and Rong counties protested illegal family planning measures, which included forced abortions and sterilizations, by attacking government workers and looting family

planning offices. The protesters claimed that thousands of homes had been ransacked by local officials, who also levied excessive fines to punish households with unauthorized pregnancies. Media reports stated that villagers were fined up to \$9,800 (RMB 70,000), whereas villagers reported that fines normally do not exceed \$700 (RMB 5,000). National authorities issued a statement instructing the local government to resolve the matter lawfully, protect citizens' legitimate rights, and train staff according to the law, including quality of service. National authorities stated that they would investigate reports of coercion and sanction violators, although by year's end no Guangxi officials had been punished.

According to law, citizens may sue officials who exceed their authority in implementing birth-planning policy. A couple from Hebei Province sued local family planning officials for forcing a late-term abortion in September 2000 of a fetus deemed "illegal" because it was conceived 5 months prior to the couple's marriage, which they said destroyed the mother's ability to conceive. In May the district court ruled against them, but in an unprecedented move, a higher court accepted the appeal in July. At year's end the case was still pending. However, there existed few protections for whistleblowers against retaliation from local officials.

Laws and regulations forbid the termination of pregnancies based on the sex of the fetus, but because of the intersection of birth limitations with the traditional preference for male children, particularly in rural areas, many families used ultrasound technology to identify female fetuses and terminate these pregnancies. National Population and Family Planning Commission (NPFPC) regulations ban nonmedically necessary determinations of the sex of the fetus and sex-selective abortions, but some Chinese experts believed that the penalties for violating the regulations were not severe enough to deter unlawful behavior. According to government estimates during the year, the male-female birth ratio for first births in rural areas was 122.85 to 100, higher than the national average of 119.58 to 100 (compared with norms elsewhere of between 103 and 107 to 100), and in some parts of the country, the ratio was even more skewed. For second births, the national ratio was 152 to 100. While the NPFPC continued to deny a direct connection between family planning and skewed sex ratios at birth, it promoted expanded programs to raise awareness of the sex ratio imbalance and to improve protection of the rights of girls.

Family members of activists and rights defenders, Falun Gong practitioners, journalists, unregistered religious figures, and former political prisoners were targeted for arbitrary arrest and detention. On September 29, state security officers detained the brother and son of Ye Guozhu, who was imprisoned in 2004 for leading protests against forced evictions. Ye Guozhu's son, Ye Mingjun, reportedly was released on bail on October 30. Ye Guozhu's brother, Ye Guoqiang, remains in custody. Ye Guoqiang reportedly has not been permitted to meet with attorneys, and it is not clear if he has been formally charged. In November 2006 Geng He, the wife of prominent human rights defender Gao Zhisheng, was attacked by local officials while shopping in Beijing. On May 27, Yuan Weijing, the wife of legal advisor Chen Guangcheng, was released from house arrest. She reportedly has continued to be subjected to police surveillance and other harassment.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The law provides for freedom of speech and of the press, although the Government generally did not respect these rights in practice. The Government interpreted the CCP's "leading role," as mandated in the Constitution, as superseding and circumscribing these rights. The Government continued to control print, broadcast, and electronic media tightly and used them to propagate government views and CCP ideology. Some controls tightened during the year, and it was increasingly difficult to express views that differed from the official line through broadcast media and in print. All media were expected to abide by censorship guidelines issued by the party. Media outlets received regular guidance from the Central Propaganda Department, which listed topics that should not be covered, including politically sensitive topics. During the year propaganda officials issued new guidelines restricting media coverage of an additional 20 topics, including judicial corruption and campaigns by legal rights defenders. These measures greatly restricted the freedom of journalists and Internet writers to report the news and led to a high degree of self-censorship.

So long as the speaker did not publish views that challenged the CCP or disseminate such views to overseas audiences, the range of permissible topics for private speech continued to expand. Political topics could be discussed privately and in small groups without punishment, and minor criticisms of the Government were common topics of daily speech. However, public speeches, academic discussions, and speeches at meetings or in public forums covered by the media remained circumscribed. The Government also frequently monitored gatherings of intellectuals,

scholars, and dissidents where political or sensitive issues were discussed. Those who aired views that disagreed with the Government's position on controversial topics or disseminated such views to an overseas audience risked punishment ranging from disciplinary action at government work units to police interrogation and detention.

On January 1, the Government implemented new temporary regulations governing foreign media coverage related to the 2008 Olympic Games. The regulations, which are set to expire October 17, 2008, eliminate the requirement that foreign journalists must obtain permission from local authorities before conducting interviews and investigations outside Beijing and Shanghai. The FCCC reported that although the regulations improved overall reporting conditions for foreign journalists, the Government and state security officials continued to detain, harass, and intimidate foreign journalists; they were also still required to apply for the rarely granted official permits to visit the Tibet Autonomous Region (TAR) and XUAR. In March security forces detained and expelled two BBC journalists from Zhushan, Hunan Province, who were investigating reports of the death of a student during a protest. During an August trip to the XUAR, a journalist for *Le Monde* newspaper was interrogated and searched by local authorities. According to the journalist, his sources in the XUAR were also questioned and intimidated after meeting with him.

Detention and harassment of journalists and Chinese employees working for foreign media outlets raised concern that local officials were attempting to intimidate foreign correspondents and newspapers. However, some foreign journalists reported that the temporary regulations widened access to individuals and topics that previously would have been strictly prohibited. Reuters interviewed prominent dissident Bao Tong on more than one occasion, as well as Xinna, the wife of Inner Mongolian political prisoner Hada. In July an FCCC survey found that 40 percent of foreign correspondents said they had encountered government interference, including intimidation of sources, detention, surveillance, and violence. Fifteen correspondents operating under the new rules reported that they had been detained. Some journalists said they encountered difficulties with officials who refused to accept the regulations. Some foreign academics and journalists critical of the country continued to be denied visas.

The Central Propaganda Department continued to list subjects that were off limits to the domestic media, and the Government maintained authority to approve all programming. Nearly all print media, broadcast media, and book publishers were owned by, or affiliated with, the CCP or a government agency. There were a small number of privately owned print publications, but no privately owned television or radio stations. International media were not allowed to operate freely and faced heavy restrictions.

Journalists who reported on topics that met with the Government's or local authorities' disapproval continued to suffer harassment, detention, and imprisonment. In July local authorities from Henan Province initially blocked a story that uncovered more than 1,000 illegal slave laborers in the brick kilns in Henan and Shanxi provinces, most of whom were kidnapped children or persons with mental disabilities. A state council information official criticized the local authorities' actions, and the story was covered extensively. However, within 2 weeks the propaganda department reportedly issued an order to stop the discussion. The local journalist, Fu Zhenzhong, was not permitted to speak with foreign correspondents, and families questioned by the foreign media were visited by the police, who reportedly urged them to avoid contact with outsiders. Although the factory owner, his foremen, and several other low-level bosses were prosecuted, only four officials, including one police officer, were prosecuted. Ninety-five party members who were implicated in the effort to cover up received warnings (see Sections 5 and 6.c.).

Local governments continued to use anonymous thugs suspected of being plainclothes police personnel to intimidate journalists. In January thugs beat to death LAN Chengzhang, a reporter for the *China Trade Times*, who was researching illegal coal mines in Hunyuan, Shanxi Province. The thugs allegedly were hired by the owner of the coal mine, but local police reportedly obstructed the activities of journalists who went to Hunyuan to investigate Lan's death. In August unidentified assailants reportedly beat five local journalists, including one from the *People's Daily*, who were reporting on a bridge collapse in Fenghuang, Hunan Province. Local officials detained the reporters and accused them of "illegal reporting," while the assailants were reportedly released without change.

Journalists who remained in prison included Ching Cheong, Lu Gengsong, Lu Jianhua, Huang Jinqiu, Li Changqing, Yu Huafeng, Li Minying, Cheng Yizhong, and Shi Tao. International NGOs reported that at least 29 journalists and 51 cyber dissidents remained imprisoned.

Government officials used criminal prosecution, civil lawsuits, and other punishments to intimidate authors and block controversial writings. On April 13, writer and painter Yan Zhengxue was sentenced to 3 years in prison for inciting subversion in connection with articles he posted on foreign Web sites attacking CCP leaders. Yan was detained in October 2006 and formally charged with inciting subversion in November 2006.

During the year journalists and editors who exposed corruption scandals frequently faced problems with the authorities. Newspapers and journalists who reported on corruption without government or party approval faced possible sanction, although authorities allowed reporting on some high-profile cases. Propaganda officials restricted independent reporting of the case of former Shanghai Party Secretary Chen Liangyu, who was dismissed from the CCP in July for corruption, and ordered publications to rely only on Xinhua News Agency reports for their coverage of this topic. Similar restrictions applied in the case of Zheng Xiaoyu, the former director of the State Food and Drug Administration, who was executed on July 10. Qi Chonghua, a Shandong Fazhi Zaobao journalist, was reportedly detained on June 25 and held for 2 months after reporting allegations of government corruption in Tengzhou, Shandong.

The Government continued to target publications that contained political information and restricted reporting on politically sensitive topics. During the first 3 months of the year, authorities confiscated nearly 400,000 copies of publications deemed to have harmed social stability, endangered state security, or incited ethnic separatism. In July Beijing PSB officials shut down the China Development Brief, an online journal that served as an information clearing house for NGOs and reported on social and civil society developments. In June security officials investigated the Chengdu Evening News after it ran an advertisement saluting the mothers of victims of the June 4 Tiananmen crackdown. The investigation determined that a young employee unfamiliar with June 4 history mistakenly allowed the advertisement to run.

Authorities continued to block reporting and restricted journalists from covering protests, including the June 1 and 2 demonstrations in Xiamen, during which an estimated 10,000 residents marched against the proposed construction of a chemical plant. Following the protest city authorities banned anonymous online postings. Police also detained protest organizer Li Yiqiang the day after the march and charged him with illegal assembly.

Officials continued to censor, ban, and sanction reporting on labor, health, environmental crises, and industrial accidents. On August 15, authorities in Hangzhou, Zhejiang Province, reportedly ordered an environmental protection Web site to remove posted articles about environmental activist Wu Lihong. Chinese media stated that Wu had been sentenced the week before to 3 years' imprisonment on charges of fraud and extortion, though foreign media reported that the sentence was retribution for his work exposing the pollution of Tai Lake. In August authorities interfered with reporting a mine disaster in Xintai, Shandong Province, by preventing journalists from interviewing the victims' relatives and urging the media to emphasize efforts to rescue trapped miners.

Several reports of food safety incidents surfaced, including a July story in which a Beijing television station reported that a street vendor substituted chemically treated cardboard for pork in its products. The Government later announced that the story was false and sentenced the reporter to 1 year in jail. In August the General Administration of Press and Publications (GAAP) launched a campaign to stamp out illegal news coverage and "false news." In November an emergency response law went into effect that punishes media organs for mistakes made in reporting natural disasters and emergencies, as well as government efforts to handle them, if they fail to obtain prior authorization to report. Journalists expressed concern that the measures were intended to further restrict press freedom. On November 12, the government-run English language newspaper China Daily reported that the Government would, in preparation for the 2008 Olympics, compile a database of foreign journalists, ostensibly to combat the phenomenon of "fake journalists" posing as reporters to extort money. The Ministry of Foreign Affairs later denied that such a database existed.

By law, only government-approved publishing houses were permitted to print books. The State Press and Publications Administration (PPA) controlled all licenses to publish. No newspaper, periodical, book, audio, video, or electronic publication may be printed or distributed without the PPA and relevant provincial publishing authorities' approval of both the printer and distributor. Individuals who attempted to publish without government approval faced imprisonment, fines, confiscation of their books, and other sanctions. The charge that Guo Feixiong conducted "illegal business activity" reportedly resulted from his publication of a book, Shenyang's Po-

litical Earthquake, without government approval. The CCP exerted control over the publishing industry by preemptively classifying certain topics as off limits. Underground printing houses were targets of periodic campaigns to stop all illegal publications, including pornography and pirated computer software and audiovisual products. Many intellectuals and scholars exercised self-censorship, anticipating that books or papers on political topics would be deemed too sensitive to be published. The censorship process for private and government media also increasingly relied on self-censorship and, in a few cases, post-publication sanctions.

During the year authorities in Urumqi, XUAR, destroyed over 25,000 "illegal" religious books. In 2006 XUAR authorities reported confiscating publications about Islam with "unhealthy content." Uighur writers and editors, including the editor of the Kashgar Literature Journal, Korash Huseyin, reportedly were jailed in 2005 for publishing stories that authorities maintained advocated separatism. Authorities continued to ban books containing content they deemed controversial. In January the GAPP reportedly banned eight books. Most of the banned titles dealt with China's recent history, including Zhang Yihe's *Past Stories of Peking Opera Actors*.

The authorities continued to jam, with varying degrees of success, Chinese-, Uighur-, and Tibetan-language broadcasts of the Voice of America (VOA), Radio Free Asia (RFA), and the BBC. English-language broadcasts on VOA generally were not jammed. Government jamming of RFA and BBC appeared to be more frequent and effective. Internet distribution of "streaming radio" news and "podcasts" from these sources often was blocked. Despite jamming overseas broadcasts, VOA, BBC, RFA, Deutsche Welle, and Radio France International had a large audience, including rights advocates, ordinary citizens, and government officials.

Television broadcasts of foreign news, largely restricted to hotels and foreign residence compounds, were occasionally subject to censorship. Politically sensitive coverage in Chinese, and to a lesser extent in English, was censored more than coverage in other languages. "Public service announcements" frequently interrupted news items critical of the Government, particularly in the south, where television programming from Hong Kong was available. In July China reportedly initiated a crackdown against local cable television systems that were illegally receiving the Hong Kong-based news station Phoenix TV via satellite. Prior to the crackdown, an estimated 200 million citizens had access to the television station. The Government prohibited some foreign and domestic films from appearing in the country when they were deemed to touch upon sensitive themes.

*Internet Freedom.*—The China Internet Network Information Center reported that at the end of the year the number of Internet users increased to 210 million, 78 percent of whom had broadband access to the Internet. There were 53 million Internet users in rural areas, more than double the number in 2006. While the Government took steps to monitor Internet use, control content, restrict information, and punish those who violated regulations, these measures were not universally effective. A large number of Internet users used proxy servers to access banned content. During the year political dissidents successfully used Internet instant messaging technology to hold large-scale, virtual meetings. In January President Hu Jintao called for purifying the Internet environment and stated that the CCP's ability to control the Internet is a matter affecting state stability. In the lead-up to the 17th Communist Party Congress in October, Internet regulators reportedly ordered the country's leading search engine operators, including Google, Baidu, Yahoo, Sina, and Sogou, to delete all "harmful information." Restrictions aimed at increasing government control over the Internet included stricter Web site registration requirements, enhanced official control of online content, and an expanded definition of illegal online content. All Web sites are required to be licensed by, or registered with, the Ministry of Information Industry (MII).

The MPS, which monitors the Internet under guidance from the Central Propaganda Department, employs thousands of people at the national, provincial, and local levels to police electronic communications. According to news reports, by the end of June all major portals and online forums were monitored by MPS, reportedly as part of a campaign against online pornography. Beijing public security officials unveiled cartoon police officers that popped up on Internet users' screens to warn them to stay away from forbidden Web sites. Operators of Web portals, blog hosting services, and other content providers engaged in significant self-censorship to ensure their servers were free from politically sensitive content.

The Government consistently blocked access to sites it deemed controversial, such as sites discussing Taiwan and Tibetan independence, underground religious and spiritual organizations, democracy activists, and the 1989 Tiananmen massacre. The Government also at times blocked access to selected sites operated by major foreign news outlets, health organizations, foreign governments, and educational institutions. According to news reports, between April and September, the MPS shut down



18,400 illegal Web sites; 8,808 for carrying pornographic content and another 9,593 because they were unregistered.

The number of blocked and censored sites increased around major political events and sensitive dates, particularly during the period leading up to the October 17th Communist Party Congress. The authorities employed more sophisticated technology enabling selective blocking of specific content rather than entire Web sites. Such technology also was used to block e-mails containing sensitive content. Individuals using the Internet in public libraries were required to register using their national identity card. Internet usage reportedly was monitored at all terminals in public libraries.

On February 13, lawyer Pu Zhiqiang, one of four lawyers who initiated an online campaign protesting the censorship of the Xinlang (new wave) blog, had his own blog shut down. In July authorities reportedly blocked access to an overseas Web site shvoong.com, which provided abstracts of academic papers and literature popular with intellectuals and students. In July Shanghai officials reportedly shut down an online literary forum run by poet Lu Yang reportedly due to a posting related to the anniversary of Tiananmen. According to news reports, authorities disconnected entire Internet data centers, which contained thousands of servers, because of blog pages containing sensitive material.

Regulations prohibit a broad range of activities that authorities interpret as subversive or slanderous to the state. Internet service providers (ISPs) were instructed to use only domestic media news postings, to record information useful for tracking users and their viewing habits, to install software capable of copying e-mails, and to end immediately transmission of so-called subversive material. Many ISPs practiced extensive self-censorship to avoid violating broadly worded regulations.

During the year individuals were detained or imprisoned for their Internet writing. In August Internet blogger He Weihua was arrested by Hunan authorities and committed to a mental hospital, allegedly as punishment for antigovernment writings. On August 14, a court in Hangzhou sentenced Internet writer Chen Shuqing to 4 years in prison for inciting subversion after he criticized the Government online. In March a court in Ningbo, Zhejiang Province, sentenced Internet writer Zhang Jianhong (also known as Li Hong) to 6 years in prison. Zhang was arrested in 2006 after writing an article calling for activist Gao Zhisheng's release. Zhang was a founder and editor of the literary and news Web site Aegean Sea (Aiqin Hai), which authorities shut down in March 2006. On December 13, police in Guilin, Guangxi Province, arrested Internet writer Wang Dejia (also known as Jing Chu) after Wang posted several articles critical of the Government. Other individuals who remained in prison for posting political or dissenting views on the Internet included journalist and Internet essayist Li Changqing, activist Ren Zhiyuan, Internet essayist Yang Tongyan (Yang Tianshui), and Internet author and human rights advocate Guo Qizhen.

On August 21, 14 major ISPs signed a "blog hosting self discipline pledge" sponsored by the Internet Society of China. Under the pledge, companies agreed to encourage bloggers to register under their real names and to erase any "illegal or unhealthy" postings. Companies that signed the pledge included popular Chinese Internet companies like Sina.com and Sohu.com as well as Yahoo China, which is operated by Alibaba.com, and MSN China. During the year the Government also continued to pressure companies to sign a "Public Pledge on Self Discipline for China's Internet Industry." Those who signed the pledge agreed not to spread information that "breaks laws or spreads superstition or obscenity." They also promised to refrain from "producing, posting, or disseminating pernicious information that may jeopardize state security and disrupt social stability." According to court documents, in past years Yahoo provided information to security authorities, including access to private e-mail accounts, used in the prosecution of journalist Shi Tao and dissident Wang Xiaoning. The company said it was required to provide the information under national law and customs. Both men remained in prison at year's end.

Internet cafes must install software that allows government officials to monitor customers' Internet usage. Internet users at cafes were often subject to surveillance. Many cafes sporadically enforced regulations requiring patrons to provide identification.

*Academic Freedom and Cultural Events.*—The Government did not respect academic freedom and increased controls on political and social discourse at colleges, universities, and research institutes. Scholars and researchers reported varying degrees of control regarding issues they could examine and conclusions they could draw. Some law professors were warned not to propose abolition of the reeducation-through-labor system. Scholar Xu Zerong, who was convicted in 2001 of providing state secrets abroad and conducting illegal business activities in connection with his research on China's role in the Korean War, remained in prison at year's end. In

March Renmin University removed Zhang Ming as dean of the Political Science Department after Zhang made critical statements on his blog about Renmin University and the state of academic freedom.

Authorities canceled university conferences involving foreign and domestic academics on short notice when they deemed the topics at issue to be too sensitive. On occasion information outreach, educational exchanges, and other cultural and public diplomacy programs organized by foreign governments were subject to government interference. Foreign experts invited to participate in foreign government sponsored programs on certain topics were denied visas. In February authorities barred more than 20 writers from participating in the International PEN writers' conference in Hong Kong. According to press accounts, some writers were denied travel documents, some were turned away at the border, and others were visited by authorities before leaving and warned not to attend. Organizers of the PEN conference, which promotes writers' freedoms, stated that actions taken by authorities tightened creative freedoms over the past year.

The Government continued to use political attitudes and affiliations as criteria for selecting persons for the few government-sponsored study abroad programs but did not impose such restrictions on privately sponsored students. The Government and the party control the appointment of high-level officials at universities. While party membership is not always a requirement to obtain a tenured faculty position, scholars without party affiliation often have fewer chances for promotion.

Researchers residing abroad also were subject to sanctions from the authorities when their work did not meet with official approval.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The law provides for freedom of peaceful assembly; however, the Government severely restricted this right in practice. The law stipulates that such activities may not challenge “party leadership” or infringe upon the “interests of the state.” Protests against the political system or national leaders were prohibited. Authorities denied permits and quickly suppressed demonstrations involving expression of dissenting political views.

Demonstrations with political or social themes were broken up quickly, sometimes with excessive force. Social inequalities and uneven economic development, combined with dissatisfaction over widespread official corruption, resulted in increased social unrest. As in past years, the vast majority of demonstrations during the year concerned land disputes, housing issues, industrial, environmental, and labor matters, government corruption, taxation, and other economic and social concerns. In January the MPS announced that the number of “mass incidents,” a vague term encompassing all kinds of protests and disturbances, fell 16.5 percent in 2006. Officials estimated the number of mass incidents was 23,000, although experts questioned the reliability of this figure. In September, 2,000 demobilized military personnel in three provinces used cell phones and the Internet to coordinate protests over poor conditions at job retraining schools. In March as many as 20,000 persons in Yongzhou, Hunan Province, rioted when a local bus company raised fares. According to foreign media reports, a student died in the melee, and many more were injured. However, local authorities claimed there were no deaths or casualties, and there has been no official investigation into the incident. In May thousands of residents across two counties and nine towns in Guangxi Province rioted against illegal family planning measures, attacking government workers and looting family planning offices.

Authorities detained potential protesters before and after the June 4 anniversary of the Tiananmen massacre, the second anniversary of Zhao Ziyang's death in January, the March plenary sessions of the NPC and CPPCC, and the 17th Communist Party Congress in October. Dissidents were detained around the time of other sensitive events to prevent public demonstrations. Labor protests over restructuring of state-owned enterprises and resulting unemployment continued, as did protests over environmental degradation and major infrastructure projects, such as dams. All concerts, sports events, exercise classes, or other meetings of more than 200 persons required approval from public security authorities. In practice much smaller gatherings also ran the risk of being disrupted by authorities.

Persons petitioning the Government continued to face restrictions on their rights to assemble and raise grievances. Official news media reported that citizens presented 12.7 million petitions to “letters and visits” offices in 2005, but only 0.2 percent of petitions filed received a response. Most petitions mentioned grievances about land, housing, entitlements, the environment, or corruption. Most petitioners sought to present their complaints at national and provincial “letters and visits” offices.

Efforts to rid Beijing of petitioners resulted in heightened harassment, detention, incarceration, and restrictions on their rights to assemble and raise grievances. Peti-

tioners from several provinces reported being accosted by plainclothes police at train and bus stations entering Beijing and returned to their homes before registering their petitions in the capital. Police were dispatched to detain or disperse petitioners gathering at points in Beijing to lodge petitions. In December Beijing's municipal government reportedly demolished the last dwellings of a petitioner village in the Fengtai District that housed up to 4,000 petitioners. Authorities required residents to vacate their homes to make way for demolition. Authorities said the demolition was necessary to build a road, but critics asserted that the demolition at Fengtai, near bus and train stations and the central government's appeals office, sought to rid Beijing of petitioners before the 17th Communist Party Congress. Officials from Nanyang City, Henan Province, reportedly operated a "black" or illegal jail in Beijing to detain Nanyang petitioners arriving in the capital to press grievances for property claims, police brutality, and official corruption. An official at the "black jail" reportedly stated that the detention site operated with central government permission. Although regulations implemented in 2005 banned retaliation against petitioners, reports of retaliation continued. This was partly due to incentives provided to local officials by the central government to prevent petitioners in their regions from raising complaints to higher levels. Incentives included provincial cadre evaluations based in part on the number of petitions from their provinces. This initiative aimed to encourage local and provincial officials to resolve legitimate complaints but also resulted in local officials sending security personnel to Beijing and forcibly returning the petitioners to their home provinces. Such detentions occurred both before and after the enactment of the new regulations and often went unrecorded.

*Freedom of Association.*—The law provides for freedom of association, but the Government restricted this right in practice. CCP policy and government regulations require that all professional, social, and economic organizations officially register with, and be approved by, the Government. In practice these regulations prevented the formation of truly autonomous political, human rights, religious, spiritual, labor, and other organizations that might challenge government authority.

The Government maintained tight controls over civil society organizations and over the past 3 years increased measures aimed at supervising and controlling them. In 2005 authorities established a task force to increase scrutiny over NGOs, especially those with links overseas. Published reports stated the task force was aimed at blocking NGOs from fomenting political change. International foundations, NGOs involved in social and charitable activities, and groups dedicated to combating discrimination against women, persons with disabilities, and minorities were reportedly targets of the campaign, along with organizations that focused on human rights and labor issues.

To register, an NGO must find a government agency to serve as the NGO's organizational sponsor, have a registered office, and hold a minimum amount of funds. Organizations with social or educational purposes that previously had been registered as private or for-profit businesses reportedly were requested to find a government sponsor and reregister as NGOs during the year. Although the registered organizations all came under some degree of government control, some NGOs were still able to operate with some degree of independence.

Despite tight restrictions and regulations, the number of civil society organizations continued to grow. According to official statistics, by the end of 2006, there were 354,000 registered civil society organizations. The World Bank estimated that there were between 300,000 and 700,000 NGOs, a significant increase from 4,800 in 1988. Other experts estimated that, including both registered and unregistered groups, there were perhaps as many as 8 million quasi-governmental organizations and NGOs. Civil society organizations existed under a variety of formal and informal guises, including national mass organizations created and funded by the CCP.

Authorities supported the growth of some civil society organizations that addressed social problems, such as poverty alleviation. However, authorities remained cautious that these organizations might emerge as a source of political opposition among disgruntled citizens. A student-led NGO called Xinjiang Snow Lotus, which advocated on behalf of AIDS and Hepatitis B patients, was shut down in October 2006 on the claim that it was not formally registered as an NGO. Snow Lotus' founder, Chang Kun, was expelled from his university. In November 2006 Shenzhen officials investigated 12 grassroots labor rights organizations that were working together to overturn a regulation concerning labor arbitration, ultimately shutting down two of them. A number of NGOs had support from foreign secular and religious NGOs, and several were able to undertake limited advocacy roles in public interest areas such as women's issues, the environment, health, and consumer rights. According to government guidelines, NGOs must not advocate nonparty rule, damage national unity, or upset ethnic harmony. Groups that disregarded guidelines

and unregistered groups that continued to operate could face administrative punishment or criminal charges.

No laws or regulations specifically govern the formation of political parties. But the CDP remained banned, and the Government continued to monitor, detain, and imprison current and former CDP members.

*c. Freedom of Religion.*—The Constitution and laws provide for freedom of religious belief and the freedom not to believe, although the Constitution only protects religious activities defined as “normal.” The Government sought to restrict legal religious practice to government-sanctioned organizations and registered places of worship and to control the growth and scope of the activity of both registered and unregistered religious groups, including house churches. Religious groups must register with a government-affiliated patriotic religious association (PRA) associated with one of the five recognized religions: Buddhism, Taoism, Islam, Protestantism, and Catholicism. The PRAs supervised the activities of each of these religious groups and liaised with government religious affairs authorities charged with monitoring religious activity. The Government tried to control and regulate religious groups, particularly unregistered groups. Nonetheless, membership in many religious groups continued to grow rapidly.

The extent of religious freedom continued to vary widely within the country. Freedom to participate in officially sanctioned religious activity continued to increase in most areas. Religious activity grew not only among the five main religions, but also among the Eastern Orthodox Church and folk religions. Some unregistered groups continued to experience varying degrees of official interference and harassment. Severe crackdowns against unregistered Protestants and Catholics, Muslims, and Tibetan Buddhists continued, and the Government increased its control over some peaceful religious practices. The level of repression of religious freedom in Tibetan areas increased, and there was some tightening of official control over religious freedom in the XUAR. The Government also continued its severe repression of groups that it determined to be “cults,” targeting the Falun Gong spiritual movement in particular.

All religious venues were required to register with the State Administration for Religious Affairs (SARA) or its provincial or local offices, which are known as Religious Affairs Bureaus (RABs). SARA and the RABs were responsible for monitoring and judging whether religious activity was “normal” and therefore lawful. SARA and the CCP’s United Front Work Department provided policy guidance and supervision over implementation of government regulations on religious activity.

The 2005 regulations on religious affairs (RRA) delineated regulatory activities governing religious affairs and consolidated official pronouncements within a legal framework. The regulations protect the rights of registered religious groups, under certain conditions, to possess property, publish literature, train and approve clergy, and collect donations. However, the regulations have done little to expand religious freedom, as the activities of unregistered religious groups remain outside the scope of the RRA’s legal protection. The regulations provide general protection only for freedom of “religious belief,” but not expressions of belief, and merely codify past practices, including restrictions over officially recognized religious communities. The regulations protect only those religious beliefs categorized vaguely as “normal.” In practice party doctrine guides the resolution of religious issues and the implementation of regulations. The regulations also give authorities broad discretion to define which religious activities are permissible.

The law requires religious groups to register places of worship. Spiritual activities in places of worship that have not registered may be considered illegal and participants can be punished. Government officials stated that private homes where family and friends meet to study the Bible would not be required to register, but venues for formal worship services should be registered, even if such formal worship takes place in a private home. Clergy need not be approved by the Government but must be reported to the Government after being selected pursuant to the rules of the relevant government-affiliated religious association. Pressure on religious groups to register or to come under the supervision of official religious organizations continued during the year. Some groups registered voluntarily, while some registered under pressure. Several groups avoided officials in an attempt to avoid registration, and the Government refused to register some groups. Various unofficial groups reported that authorities refused them registration without explanation. The Government contended that these refusals were mainly the result of failure to meet requirements concerning facilities and meeting spaces. Some religious groups were reluctant to comply with the regulations out of principled opposition to state control of religion or due to fear of adverse consequences if they revealed, as required, the names and addresses of church leaders and members.

Local authorities' handling of Protestant "house churches" varied in different regions of the country. In some regions unregistered house churches with hundreds of members met openly, with the full knowledge of local authorities, who characterized the meetings as informal gatherings. In other areas house church meetings of more than a handful of family members and friends were strictly proscribed. Leaders of unauthorized groups were sometimes the target of abuse. Authorities often disrupted house church meetings and retreats; detained, beat, and harassed leaders and church members; and confiscated the personal property of house church leaders and members. House churches were more likely to encounter difficulties when their membership grew, when they arranged for the regular use of facilities for the purpose of conducting religious activities, or when they forged links with other unregistered groups.

In February police and local RAB officials reportedly raided a prayer meeting at a private home in Jiangsu Province. When some of the individuals at the meeting refused to give their names, police reportedly beat them. Police also forced the owner of the home to sign a statement agreeing not to hold religious activities in his home. In March and December, authorities in Beijing and in several provinces reportedly detained and interrogated members of the China House Church Alliance about their connections to foreigners and about alleged plans to disrupt the 2008 Olympic Games.

In May police in Aksu, XUAR, reportedly arrested about 30 house church leaders who had met with overseas Christians. Six of the house church leaders were accused of involvement in "evil cult activities," and two were abused during interrogation. During a closed trial in June, a Beijing court sentenced house church activist Hua Huaiqi to 6 months in prison for obstruction of justice. Police reportedly beat him in jail and poured cold water over him in frigid weather. In July and August, at least 17 house church leaders in eight provinces were reportedly detained as part of a "strike hard" campaign against unauthorized religious activity. Christian attorney Li Heping reported that, on September 29, a group of men ordered him to stop practicing law, beat him, and struck him with electric batons for nearly 5 hours. Li, who went into hiding after the attack, was a prominent advocate in religious freedom and human rights cases. On November 18, public security bureau officers in Henan detained 40 church leaders from the China Gospel Fellowship. In June 2006 Henan Province house church pastor Zhang Rongliang was convicted of obtaining a passport through fraud and of illegal border crossing and sentenced to prison.

Harassment of unregistered Catholic bishops, priests, and laypersons continued, including government surveillance and detentions. In March police detained Bishop Wu Qijing, the bishop of Zhouzhi, Shaanxi Province. His whereabouts remained unknown. On March 9, a government document stated that Bishop Wu should not run any church affairs as a bishop or interfere with the Zhouzhi diocese management. In June police detained 73-year-old Jia Zhiguo, an underground bishop of the diocese of Zhengding, Hebei Province, and held him for 17 days in an unknown location. In July officials in Inner Mongolia detained three priests, Liang Aijun, Wang Zhong, and a third individual whose name has not been reported, who had fled from Hebei Province. On July 30, 82-year-old Bishop Yao Liang was arrested, and he remained in detention at year's end. In August Bishop Jia Zhiguo reportedly was again detained and held without charge until December 14. In September underground Bishop Han Dingxiang, who reportedly suffered from cancer and had been under house arrest or other forms of detention for nearly 8 years, died at a hospital while under police custody. There was no new information about unregistered Bishop Su Zhimin, who has been unaccounted for since his reported detention in 1997. The Government had not responded to reports that Bishop Su died in June 2006.

The Government and the Holy See have not established diplomatic relations, and there was no Vatican representative on the mainland. The state-controlled Catholic Patriotic Association (CPA) does not recognize the authority of the Holy See to appoint bishops. However, while bishops continued to be appointed according to CPA rules, the CPA returned to its historical practice of allowing the Vatican's discreet and very limited involvement in selecting some bishops. The role of the pope in selecting bishops, the status of underground Catholic clerics, and Vatican recognition of Taiwan remained obstacles to improved relations, although there were some new efforts toward rapprochement between the Government and the Vatican. In January the Vatican issued an invitation to the Government to enter a dialogue on restoring diplomatic relations and announced that it would set up a permanent commission to handle relations with the Government. In June Pope Benedict XVI issued an open letter to Chinese Catholics inviting them to resolve differences and called for a "respectful and constructive dialogue" leading to normalized relations. The pope's letter was available online, although local authorities reportedly blocked some Web

sites carrying the letter. A Ministry of Foreign Affairs spokesperson stated the Government advocated improvement in relations.

In September Xiao Zejiang, who was a member of the Guizhou Provincial People's Political Consultative Congress, was ordained as coadjutor bishop of the Guizhou Diocese. Bishop Xiao's ordination was the first of five ordinations approved both by Beijing and the Vatican following the pope's June letter to Chinese Catholics. Previously, in 2006 Wang Renlei, Ma Yingling, and Liu Xinhong were appointed as bishops without the approval of the Holy See.

In some official Catholic churches, clerics lead prayers for the pope and pictures of the pope were displayed. An estimated 90 percent of official Catholic bishops have reconciled with the Vatican.

Traditional folk religions, such as Fujian Province's "Mazu cult," were still practiced in some locations. They were tolerated to varying degrees, often seen as loose affiliates of Taoism or as ethnic minority cultural practices. However, the Government labeled folk religions "feudal superstition" and sometimes repressed them. SARA established a new administrative division responsible for the activities of folk religions and religions outside the main five, including the Eastern Orthodox Church and the Church of Jesus Christ of Latter-day Saints.

Buddhists made up the largest body of organized religious believers. The traditional practice of Buddhism continued to expand among citizens in many parts of the country. However, the Government created an increasingly repressive environment for the practice of Tibetan Buddhists. The intensity of religious repression against Tibetan Buddhists varied across regions. Two new sets of legal measures increased the legal basis for repression. On January 1, the TAR implemented the PRC Religious Affairs Management Regulations, which are more restrictive than the TAR's previous 1991 regulations. The new regulations assert state control over nearly all aspects of Tibetan Buddhism, from the management of monasteries to the movement of monks and nuns. On September 1, another set of new regulations went into effect, empowering the party and the Government to approve all reincarnate lamas, the top leaders of Tibetan Buddhism. With the implementation of this new measure, the Government attempted to control a vital feature of Tibetan Buddhism, the lineages of the reincarnated Buddhist teachers that span centuries (see Tibet Addendum). In Tibetan areas of Sichuan and Qinghai, a "religious education campaign" coerced Tibetans into denouncing the Dalai Lama and forced parents to withdraw their children from monasteries where they were receiving a Tibetan education and put them in regular Chinese elementary schools. Other government restrictions used to justify repression remained, particularly where the Government interpreted Buddhist belief as supporting separatism, such as in some Tibetan areas and parts of the Inner Mongolian Autonomous Region. Authorities continued to try to prevent Tibetans from leaving the country to obtain a religious education, under the guise of promoting stability by thwarting separatists. From June 29 to July 5, envoys of the Dalai Lama met with government officials, in the sixth round of dialogue between the two sides since 2002 (see Tibet Addendum).

The Government tightly controlled the practice of Islam, and official repression in the XUAR targeted at Uighur Muslims tightened in some areas. Regulations restricting Muslims' religious activity, teaching, and places of worship continued to be implemented forcefully in the XUAR. The Government continued to repress Uighur Muslims, sometimes citing counterterrorism as the basis for taking action that was repressive. XUAR authorities detained and arrested persons engaged in unauthorized religious activities. The Government reportedly continued to limit access to mosques, detain citizens for possession of unauthorized religious texts, imprison citizens for religious activities determined to be "extremist," force Muslims who were fasting to eat during Ramadan, and confiscate Muslims' passports in an effort to strengthen control over Muslim pilgrimages. In addition the XUAR government maintained the most severe legal restrictions in China on children's right to practice religion. In recent years XUAR authorities detained and arrested persons engaged in unauthorized religious activities and charged them with a range of offenses, including state security crimes. Xinjiang authorities often charged religious believers with committing the "three evils" of terrorism, separatism, and extremism. XUAR authorities prohibited women, children, CCP members, and government workers from entering mosques.

Local officials reportedly arrested or expelled as many as 84 foreign citizens on charges of "illegal religious activity." Local authorities in the XUAR reportedly also committed one associate of expelled foreign citizens to 2 years of reeducation through labor for assisting the foreigners with conducting "illegal religious activities." Authorities reportedly detained another associate for violating an order that limits proselytizing in XUAR.

The state-controlled Islamic Association of China (IAC) aligned Islamic practice to CCP goals. However, in contrast to the heavy-handed approach to Muslims in the XUAR, officials in Ningxia, Gansu, Qinghai, and Yunnan provinces approached religious affairs cautiously and were reluctant to interfere overtly in Muslims' activities. Authorities reserved the right to censor imams' sermons, and imams were urged to emphasize the damage caused to Islam by terrorist acts in the name of the religion. Certain Muslim leaders received particularly harsh treatment. Authorities conducted monthly political study sessions for religious personnel, and the program continued through the year. Authorities also reportedly tried to restrict Muslims' opportunities to study religion overseas. The China Islamic Conference required religious personnel to study "new collected sermons" compiled by an IAC committee, including messages on patriotism and unity aimed at building a "socialist harmonious society."

In addition to the restrictions on practicing religion placed on party members and government officials throughout the country, teachers, professors, and university students in the XUAR were sometimes not allowed to practice religion openly. A local party secretary, Zhang Zhengrong, reportedly called on schools to strengthen propaganda education during Ramadan and to put a stop to activities including fasting and professing a religion. The Kashgar Teachers College reportedly implemented a series of measures to prevent students from observing Ramadan, including imposing communal meals and requiring students to obtain permission to leave campus. School authorities also made students gather for a school assembly at a time of day coinciding with Friday prayers.

In 2006 the IAC established an office to manage the hajj pilgrimages, and the Government took steps to prevent Muslims from traveling on unauthorized pilgrimages. The Government continued to enforce a policy barring Muslims from obtaining hajj visas outside of China. The Government reportedly published banners and slogans discouraging hajj pilgrimages outside those organized by the IAC. Foreign media reported that XUAR officials confiscated the passports of an unknown number of Uighur Muslims in an effort to prevent unauthorized hajj pilgrimages. Foreign media reported that some Uighur Muslims were told they would have to pay a deposit of \$7,000 (RMB 50,000) to retrieve their passports for overseas travel. Government officials in some areas also arbitrarily detained Muslims to prevent them from going on the hajj, required them to show that their hajj travel funds were not borrowed from other sources, and required them to pass a health test.

Official reports noted that 10,804 Chinese Muslims traveled to Mecca for the 2006-7 hajj pilgrimage. This figure did not include participants who were not organized by the Government, for whom there were no official estimates but who numbered in the thousands in previous years.

The law does not prohibit religious believers from holding public office; however, party membership is required for almost all high-level positions in government, state-owned businesses, and many official organizations. CCP officials stated that party membership and religious belief were incompatible and that religious believers should resign their party membership. However, in a December 18 Politburo collective study on religion, President Hu Jintao emphasized the positive role of religion in building a harmonious society and noted that the 17th Communist Party Congress stressed the need to bring into play the role of religion "in promoting economic and social development." The PLA Routine Service Regulations state explicitly that service members "may not take part in religious or superstitious activities." CCP and PLA personnel have been expelled for adhering to Falun Gong beliefs.

Despite regulations encouraging officials to be atheists, some party officials engaged in religious activity, most commonly Buddhism or a folk religion. The NPC included several religious representatives. Religious groups also were represented in the CPPCC, an advisory forum for "multiparty" cooperation and consultation led by the CCP, and in local and provincial governments. CPPCC Standing Committee vice chairmen included Pagbalha Geleg Namgyal, a Tibetan reincarnate lama, and Cao Shengjie, president of the China Christian Council.

The authorities permitted officially sanctioned religious organizations to maintain international contacts that do not involve "foreign control." However, what constitutes "control" is not defined. Regulations on religious practice by foreigners include a ban on proselytizing. Authorities generally allowed foreign nationals to preach to other foreigners, bring in religious materials for personal use, and preach to citizens at the invitation of registered religious organizations. Despite a ban on missionary activities, many foreign Christians teaching on college campuses openly professed their faith with minimum interference from authorities provided their religious activity remained discreet. Authorities permitted citizens who joined the Church of Jesus Christ of Latter-day Saints while outside of China to hold services after their return.

The authorities continued a general crackdown on groups considered to be “cults.” These “cults” included not only Falun Gong and various traditional Chinese meditation and exercise groups (known collectively as qigong groups), but also religious groups that authorities accused of preaching beliefs outside the bounds of officially approved doctrine.

Actions against members of such groups continued during the year. In spring police in Liaoning Province sentenced Gu Changrong and Gu Zhaohong, members of the Society of Disciples, to 1-year terms of reeducation-through-labor for allegedly preaching to a local CCP member. Police confiscated several Bibles from the home of Gu Zhaohong. Police also continued efforts to close down the underground evangelical group Shouters, an offshoot of a pre-1949 indigenous Protestant group. Government action against the South China Church (SCC) continued. SCC founder Gong Shengliang and other imprisoned SCC members reportedly continued to suffer serious abuses and poor health in prison. Gong was serving a life sentence for rape, arson, and assault, even though the women who testified against him in his original trial in 2001 reported that police had tortured them into signing statements accusing Gong of raping them.

Public Falun Gong activity in the country remained negligible, and practitioners based abroad reported that the Government’s crackdown against the group continued. In the past, the mere belief in the discipline (even without any public practice of its tenets) sometimes was sufficient grounds for practitioners to receive punishments ranging from loss of employment to imprisonment. Falun Gong sources estimated that since 1999 at least 6,000 Falun Gong practitioners have been sentenced to prison, more than 100,000 practitioners sentenced to reeducation-through-labor, and almost 3,000 died from torture while in custody. Some foreign observers estimated that Falun Gong adherents constituted at least half of the 250,000 officially recorded inmates in reeducation-through-labor camps, while Falun Gong sources overseas placed the number even higher. In the past, many practitioners were detained multiple times.

Over the past several years, Falun Gong members identified by the Government as “core leaders” were singled out for particularly harsh treatment. More than a dozen Falun Gong members were sentenced to prison for the crime of “endangering state security,” but the great majority of Falun Gong members convicted by the courts since 1999 were sentenced to prison for “organizing or using a sect to undermine the implementation of the law,” a less serious offense. Most practitioners, however, were punished administratively. Some practitioners were sentenced to reeducation-through-labor. Among them, Yuan Yuju and Liang Jinhui, relatives of a Hong Kong journalist working for a television station supportive of Falun Gong, were sentenced to reeducation-through-labor for distributing Falun Gong materials. Some Falun Gong members were sent to “legal education” centers specifically established to “rehabilitate” practitioners who refused to recant their belief voluntarily after their release from reeducation-through-labor camps. Government officials denied the existence of such “legal education” centers. In addition hundreds of Falun Gong practitioners were confined to mental hospitals, according to overseas groups.

Police continued to detain current and former Falun Gong practitioners and used possession of Falun Gong material as a pretext for arresting political activists. In March Chi Jianwei, a member of the CDP, was sentenced to 3 years in prison for using a cult to undermine implementation of the law, reportedly after authorities found Falun Gong material at his house. Early in the year, authorities sentenced Cui Xin, an elderly resident of Harbin, to 7 years’ imprisonment for her involvement with Falun Gong. Police confiscated Falun Gong materials from Cui’s home following her arrest in December 2006. The Government continued its use of high-pressure tactics and mandatory anti-Falun Gong study sessions to force practitioners to renounce Falun Gong. Even practitioners who had not protested or made other public demonstrations of belief reportedly were forced to attend anti-Falun Gong classes or were sent directly to reeducation-through-labor camps. These tactics reportedly resulted in large numbers of practitioners signing pledges to renounce the movement.

The Government supported atheism in schools. In March 2005 a Foreign Ministry spokesperson said the country had no national regulations preventing children from receiving religious instruction but said religion should not interfere with public education. In practice local authorities in many regions barred school-age children from attending religious services at mosques, temples, or churches and prevented them from receiving religious education outside the home.

Official religious organizations administered local religious schools, seminaries, and institutes to train priests, ministers, imams, Islamic scholars, and Buddhist monks. Students who attended these institutes had to demonstrate “political reliability,” and all graduates must pass an examination on their political, as well as



theological, knowledge to qualify for the clergy. The Government permitted registered religions to train clergy and allowed an increasing number of Catholic and Protestant seminarians, Muslim clerics, and Buddhist clergy to go abroad for additional religious studies, but some religion students had difficulty getting passports or obtaining approval to study abroad. In most cases foreign organizations provided funding for such training programs.

Authorities continued to prohibit the teaching of Islam to elementary and middle school-age children in some areas, although children studied Arabic and the Koran without restriction in many others. Local officials stated that school-age children may not study religion or enter mosques in the XUAR.

Although Bibles and other religious texts were available in most parts of the country, the Government tightly regulated the publication of religious texts and prohibited individuals from printing religious material. The 2005 religious regulations permits authorized religious organizations and venues to compile and print materials for internal and public distribution but requires publications to be prepared in accordance with national regulations. These regulations, in turn, impose strict prior restraints on religious literature, even beyond the restrictions on other types of publications. The regulations also provide for government oversight of the appointment of religious personnel.

On August 31, house church leader Zhou Heng was detained in the XUAR for “illegal business operation.” Zhou reportedly had imported three tons of Bibles from South Korea, and he remained in prison at year’s end. In April 2006 Pastor Liu Yuhua from Shandong was detained in Linchu County on charges of operating an illegal business after he was found distributing religious texts. In July 2005 Protestant Pastor Cai Zhuohua and two other relatives were sentenced to prison for operating an illegal business, stemming from their large-scale publishing of Bibles and Christian literature without government approval.

According to media reports during the year, XUAR authorities also confiscated 25,000 illegal religious publications. In February 2006 XUAR authorities reportedly raided a minority-language printing market and seized “illegally printed” religious posters. Also in February authorities announced that in 2005 they had seized 9,860 illegal publications involving religion, Falun Gong, or “feudal superstitions.” The Xinjiang People’s Publication House was the only publisher officially permitted to print Muslim literature.

The supply of Bibles was adequate in most parts of the country, but some members of underground churches complained that the supply and distribution of Bibles, especially in rural locations, was inadequate. Individuals could not order Bibles directly from publishing houses. Customs officials continued to monitor for the “smuggling” of religious materials into the country. Authorities in a few areas reportedly sometimes confiscated Bibles, Korans, and other religious material.

*Societal Abuses and Discrimination.*—There were no reports of societal abuses of religious practitioners or anti-Semitic acts during the year. The Government does not recognize Judaism as an ethnicity or religion.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The law provides for some of these rights; however, the Government generally did not respect them in practice. Although the Government maintained restrictions on the freedom to change one’s workplace or residence, the national household registration system continued to erode, and the ability of most citizens to move within the country to work and live continued to expand. Authorities heightened restrictions periodically, particularly curtailing the movement of individuals deemed politically sensitive before key anniversaries, visits of foreign dignitaries, and to forestall demonstrations.

The system of national household registration (*hukou*) underwent further change during the year. Rural residents continued to migrate to the cities, where the per capita disposable income was more than quadruple the rural per capita income, but many could not officially change their residence or workplace within the country. Most cities had annual quotas for the number of new temporary residence permits that would be issued, and all workers, including university graduates, had to compete for a limited number of such permits. It was particularly difficult for peasants from rural areas to obtain household registration in more economically developed urban areas.

The household registration system added to the difficulties rural residents faced even after they relocated to urban areas and found employment. In March 2006 the National Bureau of Statistics estimated that there was a floating population of 147.35 million, nearly one-third of which moved between provinces. These economic

migrants lacked official residence status in cities, and it was difficult or impossible for them to gain full access to social services, including education. Furthermore, law and society generally limited migrant workers to types of work considered least desirable by local residents, and such workers had little recourse when subjected to abuse by employers and officials. Some major cities maintained programs to provide migrant workers and their children access to public education and other social services free of charge, but migrants in some locations reported that it was difficult to qualify for these benefits in practice.

Many cities and provinces continued experiments aimed at further eroding the distinction between urban and rural residents in household registration documents. At the beginning of the year, the Shenzhen Special Economic Zone delinked the right to participate in the public pension system from workers' hukou status, allowing all workers who have lived in the zone for 15 years and contributed to the pension system to claim benefits.

Under the "staying at prison employment" system applicable to recidivists incarcerated in reeducation-through-labor camps, authorities denied certain persons permission to return to their homes after serving their sentences. Some released or paroled prisoners returned home but were not permitted freedom of movement.

The Government permitted legal emigration and foreign travel for most citizens. Most citizens could obtain passports, although those whom the Government deemed threats, including religious leaders, political dissidents, and some ethnic minority members continued to have difficulty obtaining passports (see Tibet Addendum). There were reports that some academics faced travel restrictions around the year's sensitive anniversaries, particularly the June 4 anniversary of the Tiananmen Square massacre. There were instances in which the authorities refused to issue passports or visas on apparent political grounds. Members of underground churches, Falun Gong members, and other politically sensitive individuals sometimes were refused passports or otherwise prevented from traveling overseas. In February local authorities blocked prominent HIV/AIDS activist Dr. Gao Yaojie from traveling overseas to receive a human rights award. Following international pressure, authorities relented. On August 24, authorities in Beijing reportedly confiscated the passport of Yuan Weijing to prevent her from traveling overseas to receive a human rights award for her imprisoned husband, legal activist Chen Guangcheng. Also in August authorities denied rights lawyer Zheng Enchong's application for a passport to travel to Hong Kong and Macau. They had previously told Zheng to stop opposing the Government and working with human rights groups in Hong Kong.

The law neither provides for a citizen's right to repatriate nor otherwise addresses exile. The Government continued to refuse reentry to numerous citizens who were considered dissidents, Falun Gong activists, or troublemakers. Although some dissidents living abroad were allowed to return, dissidents released on medical parole and allowed to leave the country often were effectively exiled. Activists residing abroad were imprisoned upon their return to the country.

Some 2,445 Tibetans reportedly fled Tibetan areas for India in 2006, most of them teenagers and novice monks and nuns seeking religious education. Police vowed to "strike hard" against such border crossings as part of a campaign against "separatists." While the U.N. High Commissioner for Refugees (UNHCR) reported that more than 2,000 Tibetans each year crossed into Nepal, the Government continued to try to prevent many Tibetans from leaving and detained many who were apprehended in flight (see Tibet Addendum).

*Protection of Refugees.*—Although the country is a signatory of the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, the law does not provide for the granting of refugee or asylum status. The Government largely cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) when dealing with the resettlement of ethnic Han Chinese or ethnic minorities from Vietnam and Laos resident in the country. During the year the Government and UNHCR continued ongoing discussions concerning the granting of citizenship to these residents. However, the Government continued to deny the UNHCR permission to operate along its northeastern border with North Korea, arguing that North Koreans who crossed the border were illegal economic migrants, not refugees.

The Government did not provide protection against refoulement, the return of refugees to a country where there is reason to believe they face persecution. During the year authorities continued to detain and forcibly return North Koreans to North Korea, where many faced persecution and some may have been executed upon their return. Some North Koreans were permitted to travel to third countries after they had entered diplomatic compounds or international schools in the country. There were numerous reports of harassment and detention of North Koreans in the country. The children of some North Korean asylum seekers and of mixed couples (i.e., one Chinese parent and one North Korean parent) reportedly did not have access

to health care or education. The Government also arrested and detained journalists, missionaries, and activists, including some citizens, who provided food, shelter, transportation, and other assistance to North Koreans. In February police reportedly arrested a foreign national who arranged for five North Korean asylum seekers to travel to South Korea. According to reports, activists or brokers helping North Koreans were charged with human smuggling, and the North Koreans were forcibly returned to North Korea. There were also reports that North Korean agents operated within the country to forcibly repatriate North Korean citizens.

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

The law does not provide citizens with the right to change their government peacefully, and citizens cannot freely choose or change the laws and officials that govern them. The CCP continued to control appointments to positions of political power.

*Elections and Political Participation.*—According to the law, the NPC is the highest organ of state power. Formally, it elects the president and vice president, selects the premier and vice premiers, and elects the chairman of the State Central Military Commission. In practice the NPC Standing Committee, which is composed of 159 members, oversaw these elections and determined the agenda and procedure for the NPC. The NPC Standing Committee remained under the direct authority of the CCP's nine-member Politburo Standing Committee. Despite its broad authority under the state Constitution, the NPC does not have power independently to set policy or remove political leaders without the party's approval. In 2003 the NPC confirmed CCP General Secretary Hu Jintao as president, and in 2004 Hu consolidated his power when he was also appointed chairman of the Central Military Commission.

All of the country's approximately 1 million villages were expected to hold competitive, direct elections to select members of local village committees, which were subgovernment organizations. In June the Ministry of Civil Affairs reported that villages in all 31 provincial-level jurisdictions had held at least two rounds of elections since 1998. Although international monitors who previously observed local village committee elections judged those they observed to have been generally fair, during the year these same monitors reported that officials increasingly resisted allowing them to observe the quality, procedural integrity, and fairness of the village elections. The Government estimated that one-third of all elections had serious procedural flaws. Corruption, vote buying, and interference by township-level and party officials continued to be problems. The law permits each voter to cast proxy votes for up to three other voters. Many rural voters cast the maximum number of proxy votes, especially in areas with significant out-migration.

Although the law includes a provision for recalling village committee members, local implementing regulations proved sufficiently vague or cumbersome so as to prevent most attempted recalls. In cases of alleged corruption, a handful of local legislative deputies, but not village heads, were recalled. In 2005 villagers in Guangdong Province's Taishi village were subjected to severe abuse when they tried to recall village chief Chen Jinsheng, whom they accused of embezzling village funds. Authorities resorted to violence, intimidation, and other tactics to quash the recall attempt.

The election law governs elections of legislative bodies at all levels. Under this law, citizens have the opportunity to vote for local people's congress (LPC) representatives at the county level and below, although in most cases the nomination of candidates in those elections was strictly controlled by the party. Legislators selected people's congress delegates above the county level. For example, provincial-level people's congresses selected delegates to the NPC. Local CCP secretaries generally served concurrently as the head of the local people's congress, thus strengthening party control over legislatures.

During the year independent candidates not selected by local authorities ran or attempted to run in people's congress elections held at the local level across the country. While a small number of independents were elected in some areas, local officials reportedly manipulated and pressured some candidates, who mounted aggressive campaigns to prevent independents from being nominated, and if nominated, from winning. Local police detained and monitored independent candidates, seized campaign materials, and intimidated supporters, family members, and friends. In November 2006 on the eve of LPC elections in Hubei Province, police detained democracy activist and local independent candidate Yao Lifa, reportedly as a means of interfering with his ability to campaign for votes. Some activists also alleged that vote counts were rigged to ensure defeat. In 2006 Taishi villagers failed in their attempt to nominate an independent candidate for local people's congress

representative, allegedly because of ballot tampering and an illegal refusal to allow proxy votes.

Although the CCP controlled appointments of officials to government and party positions at all levels, some township, county, and provincial elections featured experiments with increased competition, including self-nomination of candidates, campaign speeches by candidates, public vetting of nominees, and a two-tiered indirect election system.

Official statements asserted that “the political party system China has adopted is multiparty cooperation and political consultation under the leadership of the Communist Party of China.” However, the CCP retained a monopoly on political power and forbade the creation of new political parties. The Government recognized nine parties founded prior to 1949, but not the CDP, an opposition party founded in 1998 and subsequently declared illegal. Dozens of CDP leaders, activists, and members have been arrested, detained, or confined. One of the CDP’s founders, Qin Yongmin, who was imprisoned in 1998, remained in prison at year’s end, as did others connected with a 2002 open letter calling for political reform and reappraisal of the 1989 Tiananmen massacre. In September 2006 authorities detained CDP leader Chen Shuqing on suspicion of inciting “to subvert state power,” and in August the Hangzhou Intermediate court sentenced Chen to 4 years’ imprisonment and 1 year’s deprivation of political rights. More than 30 current or former CDP members reportedly remained imprisoned or held in reeducation-through-labor camps, including Zhang Lin, Sang Jiancheng, He Depu, Yang Tianshui, Wang Rongqing, and Jiang Lijun.

The Government placed no special restrictions on the participation of women or minority groups in the political process. However, women held few positions of significant influence in the CCP or government structure. There was one female member of the 25-member Politburo selected in October. There was also one woman among the five state councilors elected in March 2003. During the year women headed two of the country’s 28 ministries.

The Government encouraged women to exercise their right to vote in village committee elections and to stand for those elections, although only a small fraction of elected members were women. In many locations, a seat on the village committee was reserved for a woman, who was usually given responsibility for family planning.

Minorities constituted 13.9 percent of the NPC, although they made up approximately 8.4 percent of the population. All of the country’s 55 officially recognized minority groups were represented in the NPC membership. The 17th Communist Party Congress elected 40 members of ethnic minority groups as members or alternates on the Central Committee. The only ministerial-level post held by an ethnic minority was the Ethnic Affairs post, and there was one ethnic minority, Vice Premier Hui Liangyu, on the Politburo. Minorities held few senior party or government positions of significant influence.

*Government Corruption and Transparency.*—Corruption remained an endemic problem. The National Audit Office found that 56 ministerial level departments and their affiliates made unauthorized use of approximately \$1.38 billion (RMB 6.87 billion) during the first 11 months of the year. Corruption plagued courts, law enforcement agencies, and other government agencies. In September 2006 foreign citizen Jude Shao was granted a 1-year reduction in his 16-year sentence. Shao had been charged with tax evasion for allegedly refusing to pay bribes to local tax auditors. He remained in prison at year’s end.

The courts and party agencies took disciplinary action against many public and party officials during the year. According to the SPP’s March report to the NPC, prosecutors filed and investigated 33,688 cases of embezzlement, bribery, or dereliction of duty, and they prosecuted 29,966 officials while investigating a total of 40,041 officials in 2006. From January to June, prosecutors investigated 23,700 officials. The CCP’s CDIC reported that 97,260 party officials were disciplined for breaking party discipline in 2006. Of these, 3,530 were transferred to judicial organs for investigation of possible violations of law. Inspection committees stripped 21,210 persons of CCP membership, nearly twice the number in 2005. In some cases sanctions administered by the CDIC reportedly substituted for sanctions by courts and other legal agencies. In 1995 the CCP central committee and state council established a policy requiring government officers at director level or above to make financial disclosures, but this policy has not been implemented effectively.

On May 1, the new national freedom of information law came into effect, which allows citizens to obtain information from local governments. Many government ministries, provincial governments, and prefecture-level cities had Web sites, providing some, albeit restricted, information to citizens. However, citizens, local media, and foreign journalists found it difficult to get information about government decision making, especially before decisions were formally announced.

The Government experimented with various forms of public oversight of government, including telephone hot lines and complaint centers, administrative hearings, increased opportunity for citizen observation of government proceedings, and other forms of citizen input in the local legislative process, such as hearings to discuss draft legislation. Citizens continued to file administrative lawsuits to seek legal redress against government malfeasance. According to official statistics, 95,052 administrative lawsuits were filed against the Government in 2006, slightly fewer than in the previous year. Petitioning officials directly and outside the court system was also a common avenue used by citizens to redress grievances. Official media reported that petitions filed in 2006 decreased by 15.5 percent compared to the number filed in 2005.

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

The Government sought to maintain control over civil society groups, halt the emergence of independent NGOs, and prevent what it has called the “westernization” of China. The Government did not permit independent domestic NGOs to monitor openly or to comment on human rights conditions; existing domestic NGOs were harassed. The Government tended to be suspicious of independent organizations and increased scrutiny of NGOs with links overseas. Most large NGOs were quasigovernmental in nature, and all NGOs had to be sponsored by government agencies.

An informal network of activists around the country continued to serve as a credible source of information about many human rights violations. The information was disseminated through organizations such as the Hong Kong-based Information Center for Human Rights and Democracy and the foreign-based Human Rights in China.

When permitted by authorities, the press reported about officials who exceeded their authority and infringed on citizens’ rights. However, the Government remained reluctant to accept criticism of its human rights record by other nations or international organizations. It criticized reports by international human rights monitoring groups, claiming that such reports were inaccurate and interfered with the country’s internal affairs. Representatives of some international human rights organizations reported that authorities denied their visa requests or restricted the length of visas issued to them. The government-established China Society for Human Rights is an NGO whose mandate was to defend the Government’s human rights record. The Government maintained that each country’s economic, social, cultural, and historical conditions influence its approach to human rights.

The ICRC operated an office in Beijing, but the Government did not authorize the ICRC to visit prisons. The Government continued unofficial discussions on human rights and prisoner issues with a foreign-based human rights group, although the Government’s cooperation with the group was not as extensive as in previous years.

*Section 5. Discrimination, Societal Abuse, and Trafficking in Persons*

There were laws designed to protect women, children, persons with disabilities, and minorities. However, in practice some discrimination based on ethnicity, gender, and disability persisted.

*Women.*—Rape is illegal, and some persons convicted of rape were executed. The law does not expressly recognize or exclude spousal rape. According to official statistics, 32,352 cases of rape were reported to police in 2006. Violence against women remained a significant problem. There was no national law criminalizing domestic violence, but the Marriage Law provides for mediation and administrative penalties in cases of domestic violence.

In August 2005 the NPC amended the Law on the Protection of Women’s Rights specifically to prohibit domestic violence, although critics complained that the provision failed to define domestic violence. More than 30 provinces, cities, or local jurisdictions passed legislation aimed at addressing domestic violence. In 2006 and 2007, several provinces, including Shaanxi, Guangdong, Gansu, and Zhejiang, passed regulations requiring police to respond immediately to domestic violence calls or face punishment. According to a 2005 survey by the All-China Women’s Federation (ACWF), 30 percent of 270 million families had experienced domestic violence, and 16 percent of husbands had beaten their wives. The ACWF reported that it received some 300,000 letters per year complaining about family problems, mostly domestic violence. The actual incidence was believed to be higher because spousal abuse went largely unreported. According to experts, domestic abuse was more common in rural areas than in urban centers. An ACWF study found that only 7 percent of rural women who suffered domestic violence sought help from police. In response to increased awareness of the problem of domestic violence, there was a growing number

of shelters for victims. Most shelters were government run, although some included NGO participation.

The law prohibits the use of physical coercion to compel persons to submit to abortion or sterilization. However, intense pressure to meet birth limitation targets set by government regulations resulted in instances of local birth-planning officials using physical coercion to meet government goals. Such laws and practices required the use of birth control methods (particularly IUDs and female sterilization, which according to government statistics, accounted for more than 80 percent of birth control methods employed) and the abortion of certain pregnancies.

Although prostitution is illegal, experts estimated that there were between 1.7 and 5 million women involved in prostitution in the country. The commercialization of sex and related trafficking in women trapped tens of thousands of women in a cycle of crime and exploitation and left them vulnerable to disease and abuse. According to state-run media, one out of every five massage parlors in the country was involved in prostitution, with the percentage higher in cities. Up to 80 percent of prostitutes in some areas had hepatitis.

Although the Government made some efforts to crack down on the sex trade, media reports claimed that some local officials were complicit in prostitution, owned prostitution venues, or received proceeds from such businesses. Prostitution involved organized crime groups and businesspersons as well as the police and the military. Courts prosecuted persons who organized or procured prostitutes, but actions to curtail prostitution had limited results.

The amended Law on the Protection of Women's Rights included a ban on sexual harassment, stating "the injured woman has the right to complain to the work unit and the relevant department" and may "bring a civil action in court for damages." Legal scholars and activists praised the amendment but emphasized the law should also specifically define what constitutes abusive behavior. Experts continued to suggest that many victims did not report sexual harassment out of fear of losing their jobs.

The Constitution states "women enjoy equal rights with men in all spheres of life." The Law on the Protection of Women's Rights and Interests provides for equality in ownership of property, inheritance rights, and access to education. Policies that once allotted work-unit housing only to the husband have become gender neutral, and a 2005 Supreme Court interpretation emphasized that housing rights are shared equally, even in cases of divorce. The State Council's National Working Committee on Children and Women coordinated women's policy. The ACWF was the leading implementer of women's policy for the Government. Nonetheless, many activists and observers were concerned that the progress made by women over the past 50 years was eroding. They asserted that the Government appeared to have made the pursuit of gender equality a secondary priority as it focused on economic reform and political stability.

The Law on the Protection of Women's Rights and Interests was designed to assist in curbing gender-based discrimination. However, women continued to report that discrimination, sexual harassment, unfair dismissal, demotion, and wage discrepancies were significant problems. According to a survey by the ACWF, 50 percent of female migrant workers, versus 40 percent of male migrants, had no labor contract with their employers. ACWF studies also showed that 21 percent of rural women working in cities were fired after becoming pregnant or giving birth and that some women delay motherhood for fear of losing job and promotion opportunities.

Social organizations and the Government made efforts to educate women about their legal rights. During the year over half of 11,669 respondents to a survey conducted by the People's Daily Web site reported they had experienced sexual harassment in the workplace.

Women frequently encountered serious obstacles to the enforcement of laws. According to legal experts, it was difficult to litigate a sex discrimination suit because the vague legal definition made it difficult to quantify damages. As a result very few cases were brought to court. Some observers noted that the agencies tasked with protecting women's rights tended to focus on maternity-related benefits and wrongful termination during maternity leave rather than on sex discrimination, violence against women, and sexual harassment. Women's rights advocates indicated that, in rural areas, women often forfeited land and property rights to their husbands in divorce proceedings.

Many employers preferred to hire men to avoid the expense of maternity leave and childcare, and some lowered the effective retirement age for female workers to 40 (the official retirement age for men was 60 and for women 55). In addition work units were allowed to impose an earlier mandatory retirement age for women than for men, which limit women's lifetime earning power and career span. Lower retirement ages also reduced pensions, which generally were based on the number of

years worked. Job advertisements sometimes specified height and age requirements for women.

Women have less earning power than men, despite government policies that mandate nondiscrimination in employment and occupation.

The U.N. Economic and Social Council reported that less than 2 percent of women between the ages of 15 and 24 were illiterate. According to 2005 official government statistics, women comprised 73.6 percent of all illiterate persons. In some underdeveloped regions, the female literacy rate lagged behind the male literacy rate by 15 percent or more.

A high female suicide rate continued to be a serious problem. According to the World Bank and the World Health Organization, there were approximately 500 female suicides per day. The suicide rate for females was 25 percent higher than for males. Many observers believed that violence against women and girls, discrimination in education and employment, the traditional preference for male children, the country's birth limitation policies, and other societal factors contributed to the especially high female suicide rate. Women in rural areas, where the suicide rate for women is three to four times higher than for men, were especially vulnerable.

While the gap in the education levels of men and women narrowed, differences in educational attainment remained a problem. Men continued to be overrepresented among the relatively small number of persons who received a university-level education. According to official statistics, in 2005 women accounted for 47.1 percent of undergraduate and college students, 43.4 percent of postgraduate students, and 32.6 percent of doctoral students. Women with advanced degrees reported discrimination in the hiring process as the job distribution system became more competitive and market driven.

*Children.*—The law prohibits maltreatment of children and provides for compulsory education. The State Council's National Working Committee on Children and Women was tasked with carrying out policy toward children. Parents must register their children in compliance with the national household registration system within 1 month of birth. If children are not registered, they cannot access public services.

The law provides for 9 years of compulsory education for children. However, in economically disadvantaged rural areas, many children did not attend school for the required period and some never attended. Public schools were not allowed to charge tuition, but after the central government largely stopped subsidizing primary education, many public schools began to charge mandatory school-related fees to meet revenue shortfalls. Such fees made it difficult for poorer families and some migrant workers to send their children to school.

According to 2006 government statistics, 99.27 percent of children nationwide were enrolled in elementary school. In 2005 the Government reported that 51.4 percent of primary school students, 45.7 percent of junior secondary school students, and 44.0 percent of senior secondary school students were girls. It was widely believed that the proportion of girls attending school in rural and minority areas was smaller than in cities. According to a Chinese Academy of Social Sciences report, 61 percent of boys and 43 percent of girls in rural areas completed education higher than lower middle school. The Government reported that nearly 20 million children of migrant laborers followed their parents to urban areas. Most children of migrant workers who attended school did so at schools that were unlicensed and poorly equipped.

The law prohibits discrimination against minors with disabilities and codifies a variety of judicial protections for juvenile offenders. The physical abuse of children can be grounds for criminal prosecution. Boys and girls have equal access to state-provided medical care.

More than half of all boys and almost a third of all girls have been physically abused, according to survey results released at a 2005 conference in Beijing. The survey reported that 10 percent of boys and 15 percent of girls were sexually abused. These statistics were among those publicized at a National Consultation on Violence against Children, which the Government and the U.N. Children's Fund sponsored. A media ban was also issued after a Nanjing newspaper publicized the forced sterilization of mentally challenged teenagers in Nantong, Jiangsu Province.

The Law on the Protection of Juveniles forbids infanticide; however, there was evidence that the practice continued. According to the National Population and Family Planning Commission, a handful of doctors have been charged with infanticide under this law. Female infanticide, sex-selective abortions, and the abandonment and neglect of baby girls remained problems due to the traditional preference for sons and the coercive birth limitation policy. Many families, particularly in rural areas, used ultrasound to identify female fetuses and terminate pregnancies, even though this practice remained illegal. An official study in Hainan Province found that 68 percent of abortions were of female fetuses. Female babies also suffered

from a higher mortality rate than male babies, contrary to the worldwide norm. State media reported that infant mortality rates in rural areas were 27 percent higher for girls than boys. Neglect of baby girls was one factor in their lower survival rate. One study found the differential mortality rates were highest in areas where women had a lower social status and economic and medical conditions were poor.

Abolition of the system of custody and repatriation in 2003 reduced the number of children detained administratively. Nonetheless, more than 150,000 "street children" lived in cities, according to state-run media. This number was even higher if the children of migrant workers who spend the day on the streets were included.

The law forbids the mistreatment or abandonment of children. The vast majority of children in orphanages were girls, many of whom were abandoned. Boys in orphanages were usually disabled or in poor health. Medical professionals sometimes advised parents of children with disabilities to put the children into orphanages.

The Government denied that children in orphanages were mistreated or refused medical care but acknowledged that the system often was unable to provide adequately for some children, particularly those with serious medical problems. Adopted children were counted under the birth limitation regulations in most locations. As a result, couples that adopted abandoned baby girls were sometimes barred from having additional children.

*Trafficking in Persons.*—The law prohibits all forms of trafficking in persons; however, there were reports that persons were trafficked to, from, and within the country. Persons convicted of trafficking face criminal sanctions including fines, confiscation of personal property, imprisonment, and, in extreme cases, the death penalty. Victims and their families can also bring civil suits against offenders. During the year, the Government increased efforts to combat trafficking, leading to a decline in some forms of trafficking. However, trafficking laws do not fully comply with international standards or cover all forms of trafficking. In September an MPS official stated that the number of reported cases of sexual exploitation and forced labor, which are addressed in the criminal or labor laws rather than the trafficking law, increased. Persons convicted of forced prostitution, abduction, or commercial exploitation of girls under 14 may receive life imprisonment or the death penalty.

The revised law on the protection of minors, which took effect in June, prohibits trafficking, kidnapping, and sexual exploitation of minors. In July the National Antitrafficking Children's Forum brought children's advocates from several provinces together in Beijing to discuss strategies for preventing minors from being trafficked and to draft recommendations for the December 12 to 14 Cooperation Against Trafficking in Persons in the Greater Mekong Subregion Second Ministerial in Beijing.

The country was both a source and destination for trafficking in persons. Most trafficking was internal for the purposes of sexual exploitation, forced labor, and forced marriage. Some cases involved trafficking of women and girls into forced prostitution in urban areas, and some reports suggested that certain victims, especially children, were sold into forced labor. In many cases women and children were lured abroad with false promises of employment and then trafficked into prostitution or forced labor.

Domestic and cross-border trafficking continued to be significant problems, although the exact numbers of persons involved could only be estimated due to a huge itinerant population of approximately 150 million. The MPS reported about 3,000 cross-border trafficking cases but stated this figure as decreasing by approximately 20 percent every year. NGOs estimated the number of victims trafficked internally each year was between 10,000 and 20,000. Between 2001 and 2005, the Government resolved more than 27,280 trafficking cases, arrested more than 25,000 traffickers, and rescued more than 54,121 victims. During 2006 a joint China-Burma investigation uncovered a large human trafficking ring that reportedly lured women to China with employment offers and then forced them to marry Chinese men. In May police in Sichuan Province broke up an Internet-based trafficking gang and rescued three women. In June a court in Shandong Province sentenced four people to life in prison for kidnapping a boy and selling him. From January to August, the Government investigated more than 2,100 cases of trafficking victims. In 2006 the Government investigated 2,569 cases, and provincial governments rescued 371 victims and arrested 415 traffickers. Between June and September 2006, the Government improved cooperation with Vietnamese authorities, jointly disrupting 13 trafficking networks and rescuing 193 victims. The Government also launched antitrafficking operations with Vietnam, Thailand, and Burma in late 2006. In August border police arrested three traffickers attempting to smuggle 12 teenagers to Canada. In December 2006 the Government convicted and sentenced six traffickers to life imprisonment in Anhui Province.



Some experts and NGOs suggested that a shortage of marriageable women fueled the demand for abducted women, especially in rural areas. They argued that the serious imbalance in the male-female sex ratio at birth, the tendency for many village women to leave rural areas to seek employment, and the cost of traditional betrothal gifts all made purchasing a wife attractive to some poor rural men. Some men recruited women from poorer regions, while others sought help from criminal gangs. Criminal gangs either kidnapped women and girls or tricked them with promises of jobs and higher living standards, only to be transported far from their homes for delivery to buyers. Once in their new "family," these women were "married" and sometimes raped. Some accepted their fate and joined the new community, others struggled and were punished, and a few escaped. Some former trafficking victims became traffickers themselves, lured by the prospect of financial gain.

Over the past 5 years there reportedly was an increase in cross-border trafficking cases, with most trafficked women and girls coming from North Korea, Mongolia, and Vietnam. Others came from Burma, Laos, Russia, and Ukraine. They were trafficked into the country for sexual exploitation, forced marriage, and indentured servitude in domestic service or businesses. North Korean women and girls were trafficked into the country to work in the sex industry and for other purposes. Because the Government continued to treat North Korean trafficking victims as economic migrants, they were routinely deported back to North Korea. North Korean women reportedly were sold for approximately \$406 to \$1,358 (RMB 2,900 to RMB 9,700). Women reportedly were also trafficked from Vietnam for the purpose of forced marriage. The U.N. reported that Chinese citizens were most often trafficked to Malaysia, Thailand, the United Kingdom, and the United States. Second-tier destinations included Australia, European countries, Canada, Japan, Burma, Singapore, South Africa, and Taiwan.

Trafficked persons became entangled with alien smuggling rings, which often had ties to organized crime and were international in scope. Persons trafficked by alien smugglers paid high prices for their passage to other countries, where they hoped that their economic prospects would improve. Some reportedly promised to pay from \$32,340 to \$53,900 (RMB 231,000 to RMB 385,000) each for their passage. Upon arrival, many reportedly were forced to repay traffickers for the smuggling charges and their living expenses by working in specified jobs for a set period of time. Living and working conditions for trafficked persons were generally poor. Traffickers restricted their movements and confiscated their travel documents. Threats to report trafficking victims to the authorities or to retaliate against their families if they protested made trafficked persons even more vulnerable. When arrested and brought to court, human smugglers received 5- to 10-year jail sentences and fines up to \$6,468 (RMB 46,200). In very serious cases, courts imposed life imprisonment or the death penalty.

Kidnapping and the buying and selling of children for adoption increased over the past several years, particularly in poor rural areas. There were no reliable estimates of the number of children trafficked. Most children trafficked internally were sold to couples unable to have children, particularly sons. In the past most infants rescued were male, but increased demand for children reportedly drove traffickers to focus on females as well.

NGOs reported an increase in child trafficking, especially in rural areas, and cases of children forced to work as beggars, petty thieves, and prostitutes. Some children worked in factories, but many ended up under the control of local gangs and were induced to commit petty crimes such as purse snatching.

MPS officials stated that repatriated victims of trafficking no longer faced fines or other punishment upon their return. However, authorities acknowledged that some victims continued to be sentenced or fined because of corruption among police, provisions allowing for the imposition of fines on persons traveling without proper documentation, and the difficulty in identifying victims. Trafficking victims often lacked proper identification, which made it difficult to distinguish them from persons who illegally crossed borders. MPS trained border officials to spot potential victims of trafficking, and MPS opened two Border Liaison Offices on the Burma and Vietnam borders to process victims. However, the ACWF reported that ongoing problems continued to require intervention to protect trafficking victims from unjust punishment.

The purchase of women was criminalized in 1991. This decision made abduction and sale separate offenses. There are no legal protections that prohibit forms of trafficking such as debt bondage or commercial sexual exploitation.

There were reports of local officials' complicity in both alien smuggling and in prostitution, which sometimes involved trafficked women. In some cases village leaders sought to prevent police from rescuing women who had been sold to villagers.

The principal organs responsible for combating trafficking or assisting its victims were the MPS, the State Council's Work Committee for Women and Children, and the ACWF. In addition the SPC, the SPP, the Ministry of Civil Affairs, the Central Office in Charge of Comprehensive Management of Public Order, and the Legislative Office of the State Council played roles in this area. It was central government policy to provide funds to provincial and local police to house victims and return them to their homes. Government-funded women's federation offices and other women's organizations provided counseling on legal rights, rehabilitation, and other assistance to trafficking victims, although lack of funding reportedly limited services in many areas. The Government and NGOs also supported centers in communities with large numbers of migrant laborers, to train members of at-risk groups to avoid being trafficked and to get out of trafficking situations. The Government distributed information to combat trafficking, and schools provided antitrafficking training to students. The December 13 National Action Plan (NAP) to combat trafficking, the first of its kind in the country, requested ministries to expand victim services by providing training, rehabilitation, counseling, and other assistance. The NAP required all relevant ministries to draft implementing plans. The ACWF assisted victims in obtaining medical and psychological treatment. Overseas NGOs provided treatment to trafficking victims and conducted educational outreach programs to educate rural youth about the dangers of trafficking.

*Persons with Disabilities.*—The law protects the rights of persons with disabilities and prohibits discrimination; however, conditions for such persons lagged far behind legal dictates, failing to provide persons with disabilities access to programs designed to assist them. According to the official press, all local governments have drafted specific measures to implement the law.

The Ministry of Civil Affairs and the China Disabled Persons Federation, a government-organized civil association, were the main entities responsible for persons with disabilities. In December 2006 the Government stated that there were 82.96 million persons with disabilities. According to government statistics, 3,250 educational and vocational centers provided training and job-placement services for persons with disabilities. During the year 572,000 persons with disabilities received education or training. However, some 1.15 million urban and 3.37 million rural persons with disabilities were unemployed. Nationwide 243,000 school-age children with disabilities did not attend school. Nearly 100,000 organizations exist, mostly in urban areas, to serve those with disabilities and protect their legal rights. The Government, at times in conjunction with NGOs, sponsored programs to integrate persons with disabilities into society. However, misdiagnosis, inadequate medical care, stigmatization, and abandonment remained common problems.

According to reports, doctors frequently persuaded parents of children with disabilities to place their children in large government-run institutions, where care was often inadequate. Those parents who chose to keep children with disabilities at home generally faced difficulty finding adequate medical care, day care, and education for their children. Government statistics showed that almost one-quarter of persons with disabilities lived in extreme poverty. Unemployment among adults with disabilities remained a serious problem. Standards adopted for making roads and buildings accessible to persons with disabilities were subject to the Law on the Handicapped, which calls for their "gradual" implementation; compliance with the law was lax. Students with disabilities were discriminated against in access to education. The law permits universities legally to exclude otherwise qualified candidates from higher education.

The law forbids the marriage of persons with certain acute mental illnesses, such as schizophrenia. If doctors find that a couple is at risk of transmitting disabling congenital defects to their children, the couple may marry only if they agree to use birth control or undergo sterilization. The law stipulates that local governments must employ such practices to raise the percentage of healthy births. Media reports publicized the forced sterilization of mentally challenged teenagers in Nantong, Jiangsu Province.

*National/Racial/Ethnic Minorities.*—According to the 2005 national population survey, the population of the country's 55 officially recognized ethnic minorities totaled 123 million, or 9.44 percent of the total population. Additionally some citizens identified themselves as members of unrecognized ethnic minorities. Most minority groups resided in areas they traditionally inhabited. Government policy calls for members of recognized minorities to receive preferential treatment in birth planning, university admission, access to loans, and employment. In 2005 new regulations designed to enhance minority preferences in education became effective. Nonetheless, in practice the majority Han culture often discriminated against minorities. Most minorities in border regions were less educated, and job discrimination in

favor of Han migrants remained a serious problem even in state-owned enterprises. Racial discrimination was the source of deep resentment in some areas, such as the XUAR, Inner Mongolia, and Tibetan areas. As part of the Government's emphasis on building a "harmonious society," the Government downplayed racism against minorities and tension among different ethnic groups.

Incomes in minority areas remained well below those in other parts of the country, particularly for minorities. Han Chinese benefited disproportionately from government programs and economic growth. Many development programs disrupted traditional living patterns of minority groups and included, in some cases, the forced relocation of persons.

The Government's policy to encourage Han migration into minority areas resulted in significant increases in the population of Han Chinese in the XUAR. According to 2005 statistics published by XUAR officials, 7.98 million of the XUAR's 20 million official residents were Han. Hui, Kazakhs, Kyrgyz, Uighur, and other ethnic minorities comprised approximately 12 million XUAR residents. Official statistics understated the Han population, because they did not count the tens of thousands of Han Chinese who were long-term "temporary workers."

Minorities constituted 14 percent of the NPC, which was higher than their percentage in the population. According to a 1999 government report, 2.9 million minority officials served in the Government. According to the Government, at the end of 2005 30.59 percent of Inner Mongolia's cadres were ethnic minorities. A government report stated that ethnic minority representation in local people's congresses nationwide was 12 percent, including 62.7 percent in the XUAR, 68.2 percent in the TAR, 58.8 percent in Guangxi, 59.8 percent in Ningxia, and 40.7 percent in Inner Mongolia. Nonetheless, Han officials held most of the most powerful party and government positions in minority autonomous regions, particularly the XUAR. In February the Government launched an 11th Five-Year Plan for Ethnic Minorities Affairs, to perfect the "ethnic minority autonomous system," hasten the "safeguarding of ethnic minorities' legal rights," and strengthen "socialist ethnic relations" based on "equality, solidarity, mutual assistance, and harmony." The 11th Five-Year Plan calls for "establish[ing] a system to monitor the ethnic relationships," cracking down on "ethnic separatists in accordance with the law," and safeguarding "ethnic unity, social stability and national security."

The migration of ethnic Han into the XUAR in recent decades caused the Han-Uighur ratio in the capital of Urumqi to shift from 20 to 80 to 80 to 20 and was a deep source of Uighur resentment. Discriminatory hiring practices gave preference to Han and discouraged job prospects for ethnic minorities. In June 2006 the Xinjiang Production and Construction Corps announced that it would recruit 840 employees from the XUAR designating nearly all of the job openings for Han Chinese. While the Government promoted Han migration into the XUAR, overseas human rights organizations alleged that government-sponsored labor programs forced Uighur girls and young women to work in factories in eastern China on false pretenses and without regular wages.

The XUAR government tightened measures that diluted expressions of Uighur identity, including measures to reduce education in ethnic minority languages and to institute language requirements that disadvantage ethnic minority teachers. The Government continued moving away from the two-track school systems that used either standard Chinese or the local minority language and toward a new system that required schools to teach both standard Chinese and local minority languages or to teach standard Chinese only. Prior to adopting the new policy, the vast majority of Uighur children in the XUAR attended Uighur-language schools and generally received an hour's Chinese-language instruction per day. Graduates of minority language schools typically needed intensive Chinese study before they could handle Chinese-language course work at a university. The dominant position of standard Chinese in government, commerce, and academia put graduates of minority-language schools who lacked standard Chinese proficiency at a disadvantage. Koranic education was tightly controlled, and use of Arabic in public schools was forbidden.

Since 2001 authorities have increased repression in the XUAR, targeting in particular the region's ethnic Uighur population. In January XUAR Party Secretary Wang Lequan again urged government organs to crack down on the "three forces" of religious extremism, "splittism," and terrorism, and to "firmly establish the idea that stability overrides all." It was sometimes difficult to determine whether raids, detentions, and judicial punishments directed at individuals or organizations suspected of promoting the "three forces," were instead actually used to target those peacefully seeking to express their political or religious views. The Government continued to repress Uighurs expressing peaceful political dissent and independent Muslim religious leaders, sometimes citing counterterrorism as the reason for taking action. On January 5, police raided a suspected East Turkestan Islamic Movement

training camp in the southern XUAR, killing 18 Uighurs. One police officer also died. Exiled Uighur leaders questioned the motives behind the raid and claimed that the Government had not produced evidence establishing that the training camp had terrorist links. In December 2003 the Government published an "East Turkestan Terrorist List," which labeled organizations such as the World Uighur Youth Congress and the East Turkestan Information Center as terrorist entities. These groups openly advocated East Turkestan independence, but only one group, the East Turkestan Islamic Movement, was designated by the U.N. as a terrorist organization.

Uighurs were sentenced to long prison terms, and in some cases executed, on charges of separatism. On February 8, authorities executed Ismail Semed, an ethnic Uighur from the XUAR, following convictions in 2005 for "attempting to split the motherland" and other counts related to possession of firearms and explosives. During his trial Semed claimed that his confession was coerced. Semed was forcibly returned from Pakistan in 2003. On April 19, foreign citizen Huseyin Celil was sentenced to life in prison for allegedly plotting to split the country and 10 years in prison for belonging to a terrorist organization, reportedly after being extradited from Uzbekistan and tortured into giving a confession. Although Celil was granted Canadian citizenship, Chinese authorities refused to recognize this and consequently denied Celil access to consular officials. During the year the Government reportedly sought the repatriation of Uighurs living outside the country, where they faced the risk of persecution.

In June 2006 authorities charged Alim, Ablikim, and Qahar Abdureyim, three of Uighur activist and businesswoman Rebiya Kadeer's sons, with state security and economic crimes. In April Ablikim was sentenced to 9 years in prison and 3 years deprivation of political rights, reportedly after confessing to charges of "instigating and engaging in secessionist activities." In November 2006 Alim was sentenced to 7 years in prison and fined \$62,500 (RMB 446,429).

Possession of publications or audiovisual materials discussing independence or other sensitive subjects was not permitted. According to reports, possession of such materials resulted in lengthy prison sentences. In 2005 writer Abdulla Jamal was detained in the XUAR, reportedly for writings that promoted Uighur independence. Other Uighurs who remained in prison at year's end for peaceful expression included Tohti Tunyaz, Adduhelil Zunun, Abdulghani Memetemin, Nurmuhemmet Yasin, and Korash Huseyin.

During the year officials in the region defended the campaign against separatism as necessary to maintain public order and continued to use the threat of violence as justification for extreme security measures directed at the local population and visiting foreigners.

Han control of the region's political and economic institutions also contributed to heightened tension. Although government policies brought economic improvements to the XUAR, Han residents received a disproportionate share of the benefits.

(See also the Tibet addendum.)

*Other Societal Abuses and Discrimination.*—The household registration system continued to result in widespread discrimination against citizens from rural areas. Because they could not change their household registrations, many migrants living and working in urban areas were denied access to public services such as education and health care, as well as pension benefits, unemployment, and other social insurance programs. Where public services were available to migrant families, they rarely reached a standard equal to those of registered urban residents.

No laws criminalize private homosexual activity between consenting adults. According to the Ministry of Health, the country has approximately 30 million homosexuals between the ages of 15 and 60. Societal discrimination and strong pressure to conform to family expectations deterred most gay individuals from publicly discussing their sexual orientation. Published reports stated that more than 80 percent of gay men married because of social pressure.

Under the new contagious disease law and adopted regulations, employment discrimination against persons with HIV/AIDS and hepatitis B is forbidden, and provisions allow such persons to work as civil servants. However, discrimination against the estimated 700,000 persons with HIV/AIDS and approximately 120 million hepatitis B carriers (including 20 million chronic carriers) remained widespread in many areas. Hospitals and physicians sometimes refused to treat HIV-positive patients. During the year a number of hepatitis B carriers sued local government institutions to enforce their rights to work and study. While they won judgments in some cases, widespread discrimination remained. In October 2006 the Ministry of Health criticized local officials in Urumqi, XUAR, for expelling 19 hepatitis B carriers from public schools. The criticism was carried in the national press, but no remedies were reported.

Persons with HIV/AIDS likewise suffered discrimination and local governments sometimes tried to suppress their activities. In July officials in Guangzhou forced organizers to cancel an international conference on the legal rights of HIV/AIDS patients. At the same time, international involvement in HIV/AIDS prevention, care, and treatment, as well as central government pressure on local governments to respond appropriately, brought improvements in some localities. Some hospitals that previously refused to treat HIV/AIDS patients have active care and treatment programs, because domestic and international training programs improved the understanding of local healthcare workers and their managers. In Beijing dozens of local community centers encouraged and facilitated HIV/AIDS support groups.

Some NGOs working with HIV/AIDS patients and their family members continued to report difficulties with local government, particularly in Henan Province, where thousands were infected in government-run blood-selling stations during the 1990s. Henan authorities were successful in providing free treatment to persons with HIV/AIDS. However, foreign and local observers noted that local governments were reluctant or even hostile toward coordinating efforts with NGOs and preferred to work independently.

Scholarly studies by Chinese indicated that discrimination in employment based on height and physical appearance was both legal and common.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—Although the law provides for the freedom of association, in practice workers were not free to organize or join unions of their own choosing. Workers cannot choose an independent union to represent them in the workplace, as independent unions are illegal. The All-China Federation of Trade Unions (ACFTU), which was controlled by the CCP and chaired by a member of the Politburo, was the sole legal workers' organization. The trade union law gives the ACFTU control over all union organizations and activities, including enterprise-level unions, and requires the ACFTU to "uphold the leadership of the Communist Party." Direct election by workers of union leaders is rare, occurs only at the enterprise level, and is subject to supervision by higher levels of the union or Communist Party organization. The ACFTU and its constituent unions influenced and implemented government policies on behalf of workers.

Already established in the state-owned sector, where union representatives frequently held senior management positions, the ACFTU continued the campaign it began in 2006 to organize unions in foreign-invested enterprises. Labor laws make no distinction between domestic and foreign-invested enterprises with respect to the establishment of unions. During the year the ACFTU reported that it had 1,322,000 labor unions with membership of 170 million workers as of the end of 2006, and that it had established unions in 54.5 percent of foreign-invested enterprises. ACFTU made efforts to encourage rural migrants working in the cities to join or form ACFTU unions.

Although the law states that trade union officers at each level should be elected, most were appointed by higher levels of the ACFTU, often in coordination with employers. In enterprises where direct election of union officers took place, regional ACFTU offices and local party authorities retained control over the selection and approval of candidates.

The trade union law provides specific legal remedies against antiunion discrimination and specifies that union representatives may not be transferred or terminated by enterprise management during their term of office. Collective contract regulations provide similar protections for employee representatives during collective consultations. The degree to which these provisions were enforced was unknown. ACFTU officials and other observers reported that such protections were difficult to enforce in practice.

Some workers acted outside the ACFTU structure to demand back wages, pension, or health insurance contributions, or other benefits owed by employers. The Government took action against some of these workers, especially when they engaged in organized campaigns. Some workers who complained to local labor and social security bureau offices about working conditions reported that they faced harassment from their employers and police and sometimes from labor bureau officials. Labor rights activists complained throughout the year of police surveillance, including interviews with police.

In April the Jingzhou district court in Hubei sentenced Zhou Yuanwu, who led workers' protests at the Jingzhou Brewery in 2006, to 30 months in prison for "obstructing public officers in performance of their duties." Zhou's advocate denied the charge that Zhou struck a police officer in 2006, when police attempted to bring Zhou to court without a subpoena. In a December 6 letter to President Hu Jintao, the International Trade Union Confederation (ITUC) general secretary protested the

November sentencing of Li Guohong, a representative of workers dismissed from positions at the Zhongyuan Oil Field (ZOF) in Henan Province, to 18 months of reeducation-through-labor. The ITUC reported that Li Guohong was detained on October 31 when he inquired about earlier detentions of ZOF workers. Other labor activists detained in previous years were reportedly still in detention at year's end. These included Yao Fuxin, Hu Shigen, Wang Sen, Zhang Shanguang, He Zhaohui, Yue Tianxiang, Miao Jinhong, Ni Xiafei, Huang Xiangwei, Li Xintao, Gao Hongming, Zha Jianguo, Hu Mingjun, Li Wangyang, Liu Zhihua, Luo Mingzhong, Luo Huiquan, Kong Youping, Ning Xianhua, Li Jianfeng, Lin Shun'an, Chen Wei, She Wanbao, and Zhu Fangming. Family members of some imprisoned labor activists reported surveillance and harassment by public security officials.

In a November 26 letter to the mayor of Shenzhen, the ITUC general secretary protested a widely reported series of attacks against a Shenzhen-based labor advice and support center, including one on November 20 in which the center's director, Huang Qingnan, was stabbed and seriously wounded. At year's end no arrests were made in the case. The ITUC also protested violence against workers claiming unpaid wages and urged the Government and police to ensure the safety of labor activists and their organizations.

*b. The Right to Organize and Bargain Collectively.*—The labor law permits collective bargaining for workers in all types of enterprises; however, in practice collective bargaining fell far short of international standards. Under the law, collective contracts are to be developed through collaboration between the labor union and management and should specify such matters as working conditions, wage scales, and hours of work.

The trade union law specifically addresses unions' responsibility to bargain collectively on behalf of workers' interests. Regulations required the union to gather input from workers prior to consultation with management and to submit collective contracts to workers or their congress for approval. There is no legal obligation for employers to negotiate.

At year's end, ACFTU reported that there were more than 800,000 collective contracts in place, covering 1.5 million enterprises. However, the majority were prefabricated contracts adopted without negotiation. Collective contracts generally reflected statutory minimums labor standards. The majority of collective contracts did not address the issue of wages.

The law does not protect workers' right to strike. The trade union law acknowledges that strikes may occur, in which case the union is to reflect the views and demands of workers in seeking a resolution of the strike. Some observers interpreted this provision to offer a theoretical legal basis for the right to strike. However, the Government continued to treat worker protests as illegal demonstrations. Without the right to strike, workers had only a limited capacity to influence the negotiation process. In the private sector, where active labor unions were rare and alternative union organizations had no legal standing to negotiate, workers faced heightened obstacles to bargaining collectively with management.

In some cases, workers did strike to demand better conditions and benefits. In April workers at the Yantian Container Port in Shenzhen, Guangdong Province, reportedly went on strike for 1 day to demand higher wages and creation of a labor union. Local labor officials reportedly intervened to resolve the strike. Two weeks later the press reported that 300 workers at a garment factory, also in Yantian, went on strike when management demanded workers sign new labor contracts that contained policy changes to wage and hours that had not been negotiated with workers. Management of a printing plant in Dongguan, Guangdong, reportedly fired workers who went on strike to protest inaccurate overtime calculations. The managers claimed to have the approval of the local government for their actions. On July 18, up to several thousand transport workers in Jinzhou, Liaoning Province, launched a strike to protest wage issues and the privatization of the city's bus company.

The law provides for labor dispute resolution through a three-stage process: Mediation between the parties, arbitration by officially designated arbitrators, and litigation. According to the Ministry of Labor and Social Security, between 2001 and 2006, the number of labor disputes accepted by arbitration commissions more than doubled, while the number of workers involved in officially registered labor disputes increased by 45 percent. Government officials and academics attributed the rising number of officially recorded disputes to both increasing labor unrest and the Government's improving ability to handle and keep track of disputes.

During the year there were numerous media accounts of worker protests involving actual or feared job loss, wage or benefit arrears, dissatisfaction with new contracts offered in enterprise restructuring, failure to honor contract terms, or discontent over substandard conditions of employment. In April 500 workers at the Huaxing

Light Manufacturing in Shenzhen, Guangdong Province, protested inadequate severance pay for laid-off employees. In May workers organized a strike and blocked factory premises at Eltop Electronics in Shenzhen to demand back wages and severance pay before the factory relocated to another city. In June there was a strike and factory blockade at the Yongxing Toy Company in Dongguan, Guangdong, after more than 2,000 workers reportedly demanded 10 weeks' back wages. The press also reported some instances of labor unrest leading to violence. In April at a textile factory in Fuyang, Anhui Province, police responded with force to workers who blocked roads and railways and rushed a hotel. In May private security guards wielding iron bars injured nine workers demanding back wages at a construction company in the Baiyun district of Guangzhou. In June in Heyuan City, Guangdong Province, private security guards armed with steel pipes and tools reportedly attacked unarmed migrant workers in a contract dispute, seriously injuring at least seven and killing one.

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

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced and compulsory labor, including by children, but such practices occurred. In May and June, domestic media uncovered a massive network of forced labor at brick factories in Shanxi and Henan provinces. By mid-August a central government-organized joint task force reported that it had inspected 277,000 brick kilns and other small-scale enterprises nationwide and had rescued 1,340 workers from forced labor conditions, including 367 workers with mental disabilities and an undisclosed number of children. In Shanxi alone authorities rescued 359 workers, including 121 persons with mental disabilities and 15 underage workers. The local government sentenced one person to death and 28 other persons to prison terms of up to life for their roles in these cases, but government officials found complicit in the cases received only administrative penalties.

Forced labor remained a serious problem in penal institutions. Many prisoners and detainees in reeducation-through-labor facilities were required to work, often with no remuneration. There is no effective mechanism to prevent the export of goods made under such conditions.

It remained common for employers to withhold several months' wages, or to require unskilled workers to deposit several months' wages, as security against the workers departing early from their labor contracts. This practice prevented workers from exercising their right to leave their employment. Although this practice was illegal, the Government did not emphasize controlling it.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The law prohibits the employment of children under the age of 16, but the Government had not adopted a comprehensive policy to combat child labor. The labor law specifies administrative review, fines, and revocation of business licenses of those businesses that illegally hire minors. The law also stipulates that parents or guardians should provide for children's subsistence. Workers between the ages of 16 and 18 were referred to as "juvenile workers" and were prohibited from engaging in certain forms of physical work, including labor in mines.

A decree prohibiting the use of child labor provides that businesses illegally hiring minors or in whose employ a child dies will be punished via administrative review, fines, or revocation of their business license. The decree further provides that underage children found working should be returned to their parents or other custodians in their original place of residence.

Reliable statistics on the prevalence of child labor were not available, but the Government acknowledged the problem and noted that it was relatively prevalent in certain industries. The Government also maintained that the country did not have a widespread child labor problem and that the majority of children who worked did so to supplement family income, particularly in impoverished rural areas.

While poverty remained the main reason for child labor, inadequacy of the mandatory education system, rising market demand, labor shortages, and the potential child labor supply in the informal labor market also contributed to this problem. Although 9 years of education (through age 16) is compulsory, the high cost of basic education caused some children to drop out of school to work; other children worked while in school.

There were new reports during the year of cases in which school officials colluded with employers to supply low-cost child labor to factories under the guise of "work-study" programs. In June a report issued by a Hong Kong-based labor NGO on the abuse of "work study" programs observed that "students have no say in the terms and conditions of their employment and have little or no protection from abusive work practices."

In June reports of forced child labor at brick kilns in Shanxi Province again drew attention to the problem of child labor nationwide. In another well-publicized case in August 2006, authorities in Ningbo rescued over 70 middle-school students used as laborers at a grape cannery under the guise of a summer work-study program. There were sporadic cases in the export sector as well, where social compliance auditors from foreign buyers reported that the incidence of child labor in suppliers' factories, though still low, appeared to be rising. In June a Guangdong factory licensed to produce products bearing the 2008 Olympics logo admitted to employing workers under the age of 16, after an international NGO published a report on working conditions at the factory. The Beijing Organizing Committee for the Olympic Games subsequently terminated the company's license to manufacture Olympic items.

*e. Acceptable Conditions of Work.*—There was no national minimum wage, but the labor law requires local governments to set their own minimum wage according to standards promulgated by the Ministry of Labor and Social Security. These standards include the minimum cost of living for workers and their families, levels of economic development and employment in the area, as well as the level of social insurance and other benefits contributions paid by the employees themselves. The regulation states that labor and social security bureaus at or above the county level are responsible for enforcement of the law. It provides, that where the ACFU finds an employer in violation of the regulation, it shall have the power to demand that the Department of Labor and Social Security deal with the case.

During the year many cities increased their minimum wages, typically by 10 to 15 percent, to keep up with a rising cost of living. Nevertheless, the minimum wage system was not fully implemented, and there was no regular mechanism in most locations for increasing wages. In many locations shortages of unskilled labor continued to push actual wages up. A midyear nationwide survey by the National Bureau of Statistics found that rural and urban incomes had increased by 13.3 and 17.6 percent, respectively, over the previous year.

Wage arrearages remained common, especially among migrant workers. Some migrant workers received wages once a year, when settling with employers prior to returning home for the lunar New Year. The Government reported progress in its efforts to prevent arrearages and recover payment of missing wages and insurance contributions. Legal aid lawyers and government sources reported that nonpayment or underpayment of wages accounted for more than half of all cases handled through the labor dispute resolution system.

Other widespread illegal practices effectively reduced workers' wages. These included arbitrary fines and wage deductions levied by employers for alleged breaches of company rules. Many employers used an "extended shift" system, in which the employer sets an unrealistic production target that workers cannot achieve within designated work hours, forcing workers to work overtime without additional compensation to meet the target, sometimes resulting in actual hourly wages that are below the legal minimum wage. The illegal practice of collecting wage deposits or paying wages in arrears to prevent workers from quitting their jobs without the employer's consent remained a common complaint.

The labor law mandates a 40-hour standard workweek, excluding overtime, and a 24-hour weekly rest period. It also prohibits overtime work in excess of 3 hours per day or 36 hours per month and mandates a required percentage of additional pay for overtime work. However, in practice compliance with the law was weak, and standards were regularly violated, particularly in the private sector and in enterprises that used low-skilled migrant or seasonal labor. In some cases local labor bureaus formally approved employers' overtime policies that exceeded the legal maximum. Social auditors found that factories routinely falsified overtime and payroll records.

The State Administration for Work Safety (SAWS) also acknowledged that occupational health and safety concerns remained serious.

Inadequate and poorly enforced occupational health and safety laws and regulations continued to put workers' health and lives at risk. In April more than 30 workers were killed at the Qinghe Special Steel plant in Liaoning Province when a cauldron of molten steel broke loose and spilled into a conference room. The initial SAWS investigation concluded that "chaotic" management, poor safety practices, and major equipment problems all contributed to the accident.

Overall there was a decline in reported accidents and fatalities compared to the previous year. Between January and October, official statistics reported that industrial accidents killed 11,109 workers, a decrease of 6.1 percent from the previous year.

The coal industry continued to suffer the largest number of accidents and fatalities. During the year there were 3,770 reported coal mine fatalities, 20 percent



fewer than in 2006. About two-thirds of coal mine accidents occurred in small mines, which accounted for only one third of the country's coal production. The drop in reported fatalities reflected, in part, the success of government efforts to improve mine safety, including through a policy of consolidating the industry into larger, better regulated mining companies. SAWS reported that over the past 2 years the Government had closed 11,155 small coal mines. Although reported coal mine fatalities decreased in absolute terms, the fatality rate remained very high by international standards. There were 2.4 coal mine fatalities per million metric tons of coal produced in 2006. Legislative and mine safety experts reported that mine safety problems stemmed from an inadequate legal framework, weak penalties, poor mine supervision, noncompliance with mine safety regulations and mine closure orders, and inadequate training for mine inspectors, mine operators, and miners. In August 181 coal miners in Xintai, Shandong Province, were trapped and killed 1 day after local mine safety authorities warned mines in the area to cease operations because of torrential rains.

On December 5, 105 miners were killed in a gas explosion in a coal mine in Shanxi Province. There were numerous other reports of smaller-scale fatal coal mine accidents throughout the year. Many factories that used harmful materials or processes not only failed to protect their workers against the ill effects of such materials or processes but failed to inform them about the hazards, neglected to provide them with health inspections as required by law, and when they fell ill, denied their claims for compensation.

The Government reported that, by year's end, 120 million workers participated in the country's work-injury insurance system, an increase of 18 percent over 2006. However, NGOs reported that local labor and social security bureaus frequently rejected claims for compensation by workers, because employers failed to provide them with documentation as required by law. Workers showed a willingness to use lawsuits to pursue injury and illness claims against employers, but access to legal aid was limited.

The work safety law states that employees have the right, after spotting an emergency situation that threatens their personal safety, to evacuate the workplace. Employers are forbidden to cancel the labor contracts or reduce the wages or benefits of any employee who takes such action. In practice such protective provisions were difficult to enforce. There were reports of serious accidents in which miners were killed when mine managers forced them to continue working under unsafe conditions.

While many labor laws and regulations were fully compatible with international standards, implementation and enforcement were generally poor. In addition labor contracts were executed rarely or contained terms inconsistent with the law. The lack of written labor contracts made it much more difficult for workers whose rights had been violated to seek redress through administrative processes or through the courts. The widespread use of labor contracting agencies to supply manpower also created legal gray areas that made labor law enforcement more difficult.

#### TIBET

The United States recognizes the Tibet Autonomous Region (TAR) and Tibetan autonomous prefectures and counties in other provinces to be a part of the People's Republic of China (PRC). The Tibetan population within the TAR was approximately 2.8 million, while in autonomous prefectures and counties outside the TAR the Tibetan population was an estimated 2.9 million. The Government strictly controlled information about, and access to, the TAR and, to a lesser extent, Tibetan areas outside the TAR, making it difficult to determine accurately the scope of human rights abuses.

The Government's human rights record in Tibetan areas of China remained poor, and the level of repression of religious freedom increased. Authorities continued to commit serious human rights abuses, including torture, arbitrary arrest and detention, and house arrest and surveillance of dissidents. The Government restricted freedom of speech, academic freedom, and freedom of movement. The Government adopted new regulations and other measures to control the practice of Tibetan Buddhism, including measures that require government approval to name all reincarnated lamas. The preservation and development of the unique religious, cultural, and linguistic heritage of Tibetan areas and the protection of the Tibetan people's other fundamental human rights continued to be of concern.

*Deprivation of Life.*—In contrast with 2006, there were no reports that government security agents killed persons during the year.

There were no developments in the investigation of the September 2006 shooting at the Nangpa La pass, in which People's Armed Police (PAP) killed Kelsang

Namtso and injured others in a group of approximately 70 Tibetans attempting to enter Nepal.

There were no developments in the 2005 death of monk Ngawang Jangchub.

*Disappearance.*—In April authorities arrested Phuntsok Gyaltsen, the deputy head of Phurbu Township, Palgon County, TAR. At year's end his whereabouts were unknown.

The whereabouts of 19-year-old monk Thubten Samten, reportedly arrested in May 2006, remained unknown at year's end. There was no information on the location of 13 Tibetans arrested near Tingri in June 2006. The whereabouts of Lhadon, a Kangma Middle School teacher in Kangma County, TAR, arrested in 2006, were unknown.

The whereabouts of the Panchen Lama, Tibetan Buddhism's second most prominent figure after the Dalai Lama, and his family remained unknown. Government officials continued to claim he was under government supervision at an undisclosed location.

*Torture and Other Degrading Treatment.*—In early September authorities detained seven ethnic Tibetan school children ages 14 and 15 in the Gannan Tibetan Autonomous Prefecture (TAP) of Gansu Province for allegedly writing slogans on public buildings calling for the return of the Dalai Lama. The children were held until fines were paid. According to reports, during their incarceration they were severely beaten and subjected to electric shocks. One child was released to a hospital for treatment after sustaining serious injuries believed to be the result of beatings.

Tibetans seeking to flee to India and other countries overland via Nepal risked violence and arrest at the hands of security forces. On October 18, PAP border guards reportedly fired on a group of 46 Tibetans attempting to enter Nepal at the Nangpa La pass. Three Tibetans reportedly were arrested and nine were missing; the remainder reached Nepal.

The security apparatus employed torture and degrading treatment in dealing with some detainees and prisoners. Tibetans repatriated from Nepal reportedly continued to suffer torture and other abuse in detention centers, including electric shocks, exposure to cold, and severe beatings, and were forced to perform heavy physical labor. Many were required to pay fines upon release.

In a Radio Free Asia (RFA) report in April, monk Sonam Dorje, who served a 13-year jail term in Lhasa's Drapchi Prison, described torture used by Chinese prison guards. He reported that the guards used rubber tubes filled with sand, electric batons, and iron tongs to beat the prisoners, and he said they were kept in solitary confinement for up to a month at a time.

Approximately 30 Tibetans captured at the Nangpa La pass in September 2006 remained in detention in a labor camp.

A group of 23 Tibetans captured at the Nangpa La pass in 2005 also remained in detention. The whereabouts of 27 other persons in the same group were unknown.

*Prison Conditions.*—Prisoners in Tibetan areas were generally subject to the same prison conditions as in other areas of the country. Forced labor was used in some prisons, detention centers, reeducation-through-labor facilities, and prison work sites. The law states that prisoners may be required to work up to 12 hours per day, with one rest day every 2 weeks, but these regulations often were not enforced. Conditions in administrative detention facilities, such as reeducation-through-labor camps, were similar to those in regular prisons.

*Arbitrary Arrest or Detention.*—Arbitrary arrest and detention remained serious problems in Tibetan areas. By law police may detain persons for up to 37 days without formally arresting or charging them. After the 37-day period has expired, police must either formally arrest the detainees or release them. The relatives or employer of a person arrested must be notified within 24 hours of the arrest. In practice police frequently violated these requirements.

*Political Prisoners and Detainees.*—Due to the lack of independent access to prisons and prisoners, it was difficult to ascertain the number of Tibetan political prisoners. According to sources, the overall number of reported political prisoners in Tibetan areas dropped to 95, compared with 105 in 2006. However, the number of persons known to be detained for political reasons during the year rose to 24 from 13 in 2006. Based on information available for 70 political prisoners, the average sentence was 10 years and 11 months, and 67 percent were monks or nuns. Sources showed that 48 Tibetan political prisoners were imprisoned in the TAR, 34 in Sichuan Province, six in Qinghai Province, four in Gansu Province, and three in Beijing.

An unknown number of Tibetans were serving sentences in reeducation-through-labor camps and other forms of administrative detention not subject to judicial review.

On January 8, plainclothes officers reportedly arrested Jamyang Gyatso, a monk from Gansu Province. Local residents speculated that he was detained for helping persons listen to RFA broadcasts. Gyatso was beaten while in prison and released in September.

In January the Tibetan Centre for Human Rights and Democracy (TCHRD) reported the February 2006 detention of Buchung, a monk from Tashilhunpo Monastery. Buchung reportedly had a compact disc containing the Dalai Lama's 2006 Kalachakara teaching. At year's end there was no information on whether he had been charged or sentenced.

In January the RFA reported the December 2006 arrest of Penpa, a village leader from Dingri County in Shigatse Prefecture, TAR. Police reportedly searched Penpa's home and found materials relating to the Kalachakara teachings of the Dalai Lama. TibetInfoNet reported that in February Penpa was sentenced to 3 years in Nyari Prison in Shigatse.

On July 16, according to the TCHRD, Khenpo Jinpa, the abbot of Chogtsang Talung Monastery in Ganzi (Kardze) TAP, Sichuan Province, was sentenced to 3 years in prison on charges of endangering national security. The TCHRD reported that Khenpo Jinpa was detained in August 2006 and accused of distributing leaflets in support of Tibetan independence and the Dalai Lama.

On August 1, ethnic Tibetan Rongye Adrak was arrested in the Ganzi TAP after calling for the Dalai Lama's return at a public event. On November 20, the Ganzi Intermediate People's Court convicted him of inciting separatism and sentenced him to 8 years in prison. Senior monk Adak Lupoe, who is Rongye Adrak's nephew, as well as Jarib Lothog and art teacher and musician Kunkhyen were subsequently arrested and convicted of leaking intelligence and endangering national security after they attempted to provide pictures and information concerning Rongye Adrak's arrest to foreign organizations. Lupoe received a 10-year sentence, Kunkhyen 9 years, and Luthog 3 years.

The following persons remained in prison: Dawa (also called Gyaltzen Namdak), sentenced in October 2006 to 5 years' imprisonment for allegedly distributing pamphlets containing political material; monk Lobsang Palden from Ganzi Monastery, charged in September 2006 for initiating separatist activities based on his alleged possession of photographs of the Dalai Lama; teacher Dolma Kyab; Sherab Yonten, Sonam Gyelpo, and two others; and monk Tsering Dhondup.

There was no information regarding the following 2006 cases: Six Tibetans from Sichuan Province detained for allegedly advocating Tibetan independence; former nun Yiga and lay women Sonam Choetso and Jampa Yangtso, all from the Ganzi TAP and detained in Lhasa; layman Kayi Doega and nun Sonam Lhamo, detained in the Ganzi TAP; and Yiwang, a 17-year-old Tibetan girl from the Ganzi TAP.

The status of the following persons arrested in 2005 remained unconfirmed at year's end: Nuns Choekyi Drolma and Tamdrin Tsomo; monks Namkha Gyaltzen, Dargyal Gyatso, and Jamyang Sambdrub; monk and teacher of traditional monastic dance Gendun; and monks Ngawang Namdrol, Ngawang Nyingpo, Ngawang Thupten, Ngawang Phelgey, and Phuntsok Thupwang from Drepung Monastery in Lhasa.

Jigme Gyatso and Bangri Chogtrul Rinpoche remained in prison at year's end, as did monk Choeying Khedrub from Nagchu Prefecture, sentenced to life in prison in 2001 on charges of "endangering state security" and "supporting splittist activities." He was one of two Tibetans known to be serving life sentences for political offenses. The other was Tenzin Delek Rinpoche, a senior monk imprisoned for allegedly setting explosives and inciting separatism.

Chadrel Rinpoche remained under house arrest; officials denied requests by foreign diplomats to visit him.

*Denial of Fair Public Trial.*—Legal safeguards for Tibetans detained or imprisoned were inadequate in both design and implementation. Most judges in the TAR had little or no legal training. According to a TAR Bureau of Justice official, all seven cities and prefectures had established legal assistance centers that offered services in the Tibetan language. Prisoners may request a meeting with a government-appointed attorney, but in practice many defendants did not have access to legal representation. In cases involving state security, trials were often cursory and closed. By law maximum prison sentences for crimes such as "endangering state security" and "splitting the country" are 15 years for each count, not to exceed 20 years in total. Such sentences are frequently given to Tibetans for alleged support of Tibetan independence regardless of whether such activities involved violence.

*Freedom of Speech and Press.*—The Chinese Government continued to jam Voice of America's and RFA's Tibetan- and Chinese-language services and the Oslo-based Voice of Tibet. Some Tibetans reported that at times they were able to receive such broadcasts; however, research indicated that listenership was down because of the jamming.

The Government severely restricted travel by foreign journalists to Tibetan areas of China. These restrictions remained in force during the year despite the January 1 implementation of new temporary regulations governing foreign media coverage of the 2008 Olympic Games. Under the new regulations, foreign journalists no longer need to obtain permission from local authorities before conducting interviews and investigations outside Beijing and Shanghai. In practice foreign journalists were not allowed to travel independently in the TAR.

*Internet Freedom.*—During the year the PRC Ministry of Culture strongly tightened content restrictions for the largest Chinese language Tibet-related Web site, tibetcul.com. The ministry ordered the site to limit the content to tourism information, improve control over its blogs, and delete all sensitive articles. In July Chinese authorities permanently closed the Tibetan literary Web site The Lamp. The Internet blogs of well-known Tibetan poet and journalist Tsering Woeser, also known as Oser, remained closed. Most foreign Tibet-related Web sites critical of official policy in Tibet were blocked to users in China year round.

*Academic and Cultural Freedom.*—Authorities in Tibetan areas required professors and students at institutions of higher education to attend political education sessions in an effort to prevent separatist political and religious activities on campus. The Government controlled curricula, texts, and other course materials as well as the publication of historically or politically sensitive academic books (see Protection of Cultural Heritage).

*Freedom of Religion.*—The law provides for freedom of religious belief, and the Government's 2004 white paper "Regional Ethnic Autonomy in Tibet" states, "Tibetans fully enjoy the freedom of religious belief." However, the level of repression in Tibetan areas increased, especially in the TAR and the Ganzi TAP. The Government maintained tight controls on religious practices and places of worship in Tibetan areas. Although authorities permitted many traditional practices and public manifestations of belief, they promptly and forcibly suppressed activities they viewed as vehicles for political dissent or advocacy of Tibetan independence.

The atmosphere for religious freedom varied from region to region. Although conditions were more relaxed in some Tibetan areas outside the TAR, repression increased in other Tibetan areas. For example, as part of a patriotic education campaign in the Ganzi TAP, home to 700,000 ethnic Tibetans, officials forced monks to sign statements denouncing the Dalai Lama and compelled many parents to withdraw their children from educational programs at monasteries or schools in India and place them in Chinese schools. The environment in the Aba Tibetan Autonomous Prefecture of northern Sichuan Province was less repressive.

The Government especially repressed any religious activity perceived as venerating the Dalai Lama, whom the authorities and many ethnic Tibetans see as continuing a tradition of both political and religious leadership. In July the State Administration for Religious Affairs announced new regulations described by the official press as a "move to institutionalize the management of reincarnation." Under the new rules, which went into effect September 1 and codify the Government's existing policy of seeking to influence the selection of Tibetan religious leaders, the Chinese Government must approve all reincarnations of lamas. Outside observers and many Tibetans criticized the measures as an unwarranted interference in Tibetan religious affairs. Some experts viewed these regulations as an attempt to minimize the Dalai Lama's influence and strengthen government control over the process of selecting reincarnate lamas, including the selection of the next Dalai Lama.

The Panchen Lama is Tibetan Buddhism's second most prominent figure after the Dalai Lama. According to Tibetan religious tradition, the Dalai Lama and the Panchen Lama recognize each others' incarnations. The Government continued to insist that Gyaltsen Norbu is the Panchen Lama's 11th reincarnation and to deny access to Gendun Choekyi Nyima. While the overwhelming majority of Tibetan Buddhists recognized Gendun Choekyi Nyima as the Panchen Lama, Tibetan monks claimed that they were forced to sign statements pledging allegiance to Gyaltsen Norbu. The Chinese Communist Party (CCP) also urged its members to support the "official" Panchen Lama.

The Government routinely asserted control over the process of finding and educating reincarnate lamas. In 2005 diplomatic officials met the 7-year-old child approved by the Government as the seventh reincarnation of Reting Rinpoche. His appointment was reportedly disputed by many of the monks at Reting Monastery in

2000 because the Dalai Lama did not recognize the selection. The Reting Rinpoche's religious training was closely supervised by the Government through the selection of his religious and lay tutors.

Diplomatic observers repeatedly have been denied access to Nenang Monastery to verify the well-being of Pawo Rinpoche, who was recognized by the Karmapa in 1994 and has lived under strict government supervision since that time.

Security was intensified in the TAR and in other Tibetan areas during the Dalai Lama's birthday, sensitive anniversaries, and festival days. In March the TibetInfoNet reported that CCP members and civil servants were instructed not to visit temples in Lhasa during the March session of the National People's Congress; persons who disobeyed would face expulsion and dismissal. In May government officials reportedly warned some parents of Lhasa school students that their children would face expulsion from school if they participated in religious activities during the holy month of Saga Dawa. The prohibition on celebrating the Dalai Lama's birthday on July 6 continued.

During the time the Dalai Lama was awarded the U.S. Congressional Gold Medal on October 17, Lhasa citizens were ordered not to carry out any religious or celebratory activities. Drepung Monastery was closed for up to a week, and no one was allowed to enter or exit. There were also reports that at least one other monastery was closed and that some Tibetans were temporarily detained after celebrations and prayers in Gansu Province. Public access to monasteries in Lhasa and some other Tibetan areas was restricted temporarily.

During the summer Chinese authorities reportedly circulated a petition for monks at Lithang Monastery in Sichuan Province to sign stating that they did not want the Dalai Lama to return to Tibet. There were reports that monks in other nearby monasteries were also required to sign such a petition.

A sixth round of discussions between envoys of the Dalai Lama and Chinese Government officials was held June 29 to July 5 in Shanghai and Nanjing but ended with no apparent progress. During the year the Chinese Government escalated its criticism of the Dalai Lama, partly in conjunction with the Dalai Lama's meetings with foreign leaders. When the Dalai Lama was awarded the U.S. Congressional Gold Medal in October, a Ministry of Foreign Affairs spokesman stated, "The words and deeds of the Dalai Lama in the past decade show he is a political refugee engaged in secessionist activities in the camouflage of religion."

TAR party secretary Zhang Qingli continued to criticize the Dalai Lama, accusing him of linking with "hostile forces" within and outside China to overthrow China's socialist system. TAR government chairman Qiangba Puncog stated that the "high degree of autonomy for Tibet" advocated by the Dalai Lama was contrary to the wishes of Tibetans and to the Chinese Constitution.

In 2006-7 the Government of the Golog TAP in Qinghai Province held "Meetings Condemning the Dalai Lama" in all 66 monasteries in the prefecture. However, many monasteries refused to participate in the meetings. In May Abbot Khenpo Tsanor of Dungkyab Monastery in Gande County of Golog Prefecture was forced to step down after he refused to hold these meetings at his monastery and to sign documents condemning the Dalai Lama.

Government officials maintained that possessing or displaying pictures of the Dalai Lama was legal. However, authorities appeared to view possession of such photos as evidence of separatist sentiment when detaining individuals on political charges. Pictures of the Dalai Lama were not openly displayed in most major monasteries and could not be purchased openly in the TAR. In December the Ganzi Daily reported that Ganzi TAP officials were collecting hundreds of photographs of the Dalai Lama together with pledges from Tibetans "not to believe in him" anymore.

International observers saw pictures of a number of religious figures, including the Dalai Lama, displayed more widely in some Tibetan areas outside the TAR. The Government continued to ban pictures of Gendun Choekyi Nyima, the boy recognized by the Dalai Lama as the Panchen Lama. Photos of the "official" Panchen Lama, Gyaltzen Norbu, were not widely displayed. However, photos of the previous Panchen Lama, his daughter, and the Karmapa (who fled to India in 1999) were widely sold and displayed.

On January 1, the "TAR Implementation of the PRC Religious Affairs Regulations" (TAR Implementing Regulations) came into force, superseding the TAR's 1991 regulations. The TAR Implementing Regulations of the 2005 PRC religious affairs regulations assert state control over all aspects of Tibetan Buddhism, including religious groups, venues, and personnel. According to Chinese media reports, the TAR Implementing Regulations would play an important role in resisting the "Dalai Clique's separatist activities."

The TAR Implementing Regulations and the parallel November 2006 revision of the Sichuan Province Religious Affairs Regulations more explicitly codify existing practice regulating the Government's control over the movement of registered nuns and monks by requiring that they seek permission from county-level religious affairs officials to travel to another prefecture or county-level city within the TAR. In practice similar restrictions were sometimes applied even to monks visiting another monastery within the same county. The previous regulations required monks and nuns to seek travel permission only if they were visiting another province. According to the educational practices of Tibetan Buddhism, monks and nuns must travel to receive specialized training from teachers who are considered experts in their particular theological traditions. In December a Tibetan Buddhist monk told the Ganzi Daily, the official newspaper of the Ganzi Prefecture Communist Party Committee, that monks in Lithang, Ganzi TAP, needed permission to leave their monasteries and go into town.

The TAR Implementing Regulations also increase the Government's control over the building and management of religious structures. According to Article 13 of the TAR Implementing Regulations, individuals and organizations must petition the Government's Religious Affairs Department to build religious structures. The department may demolish a religious structure built without authorization. In mid-May the PAP demolished a nearly completed statue of Guru Padmasambava at Samye Monastery in Lhoka Prefecture in the TAR. The statue was being constructed with donations from Han Chinese Buddhists from Guangdong Province.

Chapter two, Articles 48 and 49, of the TAR Implementing Regulations forbid the carrying out of "monastic construction" and "reconstructing, extending, or repairing religious venues" without official permission. Structures that violate these provisions may be torn down by Chinese authorities. Government officials sometimes used regulations regarding religious structures to demolish the homes of individual monks and nuns. In the Ganzi TAP, where Sichuan Province authorities applied similar restrictions on religious structures, officials destroyed the homes of more than 60 monks and nuns in the first half of the year.

The TAR Implementing Regulations also grant the Government control over large-scale religious gatherings. Chapter 2, Articles 27 and 28, require that monasteries request permission to hold large or important religious events. In October Pangsa Monastery was closed after a dramatic surge in the number of devotees visiting the reliquary statue.

The TAR had 1,750 registered religious venues. Government officials closely associated Buddhist monasteries with proindependence activism in Tibetan areas. Spiritual leaders encountered difficulty reestablishing historical monasteries due to lack of funds, general limitations on monastic education, and lack of authorization to build and operate religious institutions. Officials in some areas contended such religious institutions were a drain on local resources and a conduit for political infiltration by the Tibetan exile community.

The Government stated there were no limits on the number of monks in major monasteries and that each monastery's Democratic Management Committee (DMC) decided independently how many monks the monastery could support. However, the Government exercised strict control over most monasteries through the DMCs and imposed strict limits on the number of monks in major monasteries, particularly within the TAR. The Government had the right to disapprove any individual's application to take up religious orders, and there were reports during the year of some young monks and monks critical of the Government being forced out of monasteries.

Authorities limited the traditional practice of sending young boys to monasteries for religious training by means of regulations that forbade monasteries from accepting individuals under the age of 18. Nevertheless, many monasteries continued to admit younger boys, often delaying their formal registration as monks until age 18. According to the Ganzi Daily, hundreds of young monks in the Ganzi TAP were reportedly removed from monasteries and placed in regular schools as part of the patriotic education campaign.

Monks outside the TAR who want to study in the TAR are required to obtain official permission from the religious affairs bureaus (RABs) of their home province and the TAR RAB, but such permission was not readily granted. Sources reported that ethnic Han Chinese monks generally were not allowed to undertake religious study in the TAR.

The quality and availability of high-level religious teachers in the TAR and other Tibetan areas remained inadequate. Many teachers were in exile, older teachers were not being replaced, and those remaining in Tibetan areas outside the TAR had difficulty securing permission to teach in the TAR.

Although Tibetan monks were not allowed to conduct large-scale religious teachings outside Tibetan areas, many monks continued to give private teachings to audi-

ences in non-Tibetan regions of China. According to reports, ethnic Han Chinese Buddhists outside Tibetan areas were sometimes discouraged from inviting Tibetan monks to give teachings. Such visits require explicit permission from both the TAR and the receiving province's RAB. Nevertheless, Tibetan monks sometimes traveled in plain clothes outside the TAR to teach.

Monasteries in the TAR were not allowed to establish relationships with other monasteries or hold joint religious activities.

The Government continued to oversee the daily operations of major monasteries. The Government, which did not contribute to the monasteries' operating funds, retained management control of monasteries through the DMCs and local RABs. Regulations restricted leadership of many DMCs to "patriotic and devoted" monks and nuns and specified that the Government must approve all members of the committees. At some monasteries government officials also sat on the committees. DMCs at several large TAR monasteries diverted funds generated by the sale of entrance tickets or donated by pilgrims to purposes other than the support of monks engaged in full-time religious study. As a result, some "scholar monks" who had formerly been fully supported had to engage in income-generating activities. Some experts were concerned that, as a result, fewer monks would be qualified to serve as teachers.

Government officials claimed that the patriotic education campaign in the TAR, which often consisted of intensive, weeks-long sessions conducted by outside work teams, ended in 2000. However, monks and nuns continued to undergo political education on a regular basis. According to the Ganzi Daily, the Ganzi TAP government sent cadres to the TAR to learn the patriotic education campaign model and began applying it in the Ganzi TAP, home to 700,000 ethnic Tibetans.

In February officials from the Bureau of Ethnic and Religious Affairs told diplomatic observers that political education was carried out for all citizens, not just monks and nuns. Because the primary responsibility for conducting political education shifted from government officials to monastery leaders, the form, content, and frequency of training at each monastery appeared to vary widely. However, conducting such training remained a requirement and was a routine part of monastic management.

The deputy party secretary of the Sichuan Provincial Party Committee stated at an educational conference held in the Ganzi TAP in August that "the major targets of these patriotic educational activities must be Tibetan Buddhist monasteries and monks and nuns."

In November the Patriotic Education Leading Group of the Sichuan Provincial Party Committee held a conference on enhancing the patriotic educational campaign in the Ganzi TAP. It was reported that the prefecture carried out patriotic educational campaigns during the year at 95 prefecture-level government units, 18 counties, 850 schools, and 532 monasteries.

In the Ganzi TAP a patriotic education campaign focused on CCP members and monks, seeking to strengthen the loyalty of wavering party members, some of whom follow the Dalai Lama, under the slogan "The Party is key, and the focus is the monasteries."

During the year the TAR government tightened its control over Tibetan cultural relics. Under Article 3 of the July revision of the TAR Cultural Relics Protection Regulations, the TAR asserts ownership of religious institutions as cultural sites, and of cultural and religious relics. Article 3 also provides that monasteries may not lend relics to other monasteries without state permission.

According to PRC press reports, from 1949 to year's end, the Chinese Government spent \$83 million (RMB 600 million) on the preservation of Tibetan historical and cultural relics. This included renovating and reopening more than 1,400 monasteries and repairing cultural relics, many damaged or destroyed before and during the Cultural Revolution. Nevertheless, many monasteries destroyed during the Cultural Revolution were not rebuilt or repaired, and others remained only partially repaired. Government funding of restoration efforts as cultural preservation also promoted the development of tourism in Tibetan areas. Most recent restoration efforts were funded privately, although a few religious sites also received government support for reconstruction projects during the year.

Approximately 615 Tibetan Buddhist religious figures held positions in local people's congresses and local Chinese people's political consultative conferences in the TAR. However, the Government continued to insist that CCP members and senior employees adhere to the CCP's code of atheism, and routine political training for cadres continued to promote atheism. TAR officials confirmed that some RAB officers were CCP members and that religious belief was incompatible with CCP membership. However, some lower-level RAB officials practiced Buddhism.

*Freedom of Movement.*—The law provides for the freedom to travel; however, in practice the Government strictly regulated travel and freedom of movement of Tibetans, especially within the TAR. Many Tibetans, particularly those from rural areas, continued to report difficulties obtaining passports.

Tibetans continued to encounter substantial difficulties and obstacles in traveling to India for religious, educational, and other purposes. The Government placed restrictions on the movement of Tibetans during sensitive anniversaries and events and increased controls over border areas at these times. There were reports of arbitrary detention of persons, particularly monks, returning from Nepal. Detentions generally lasted for several months, although in most cases no formal charges were brought.

Border guards continued to use force to prevent unauthorized border crossings. On October 18, PAP border guards reportedly shot at 46 Tibetans attempting to enter Nepal at the Nangpa La pass. In September 2006 Chinese border forces at the Nangpa La pass shot at a group of approximately 70 Tibetans attempting to enter Nepal, killing one and injuring others. The group included monks, nuns, and children.

The Office of the U.N. High Commissioner for Refugees reported that during the year 2,156 Tibetans arrived at the Tibet Reception Center in Nepal, compared with 2,405 in 2006. During the year 2,156 Tibetans departed the reception center for India. Nevertheless, thousands of Tibetans, including monks and nuns, visited India via third countries, and some returned after temporary stays. The majority of Tibetans who transited via Nepal to India were young persons 6 to 30 years of age who migrated principally due to cultural suppression, including the lack of Tibetan-language educational facilities and opportunities for religious education.

The Karmapa, leader of Tibetan Buddhism's Karma Kagyu schools and one of the most influential religious figures in Tibetan Buddhism, remained in exile following his 1999 flight to India.

The Government also regulated foreign travel to the TAR. In accordance with a 1989 regulation, foreign visitors were required to obtain an official confirmation letter issued by the Government before entering the TAR. Most tourists obtained such letters by booking tours through officially registered travel agencies. While none of the TAR's 70 counties were officially closed to foreigners, access for foreigners to many areas of the TAR remained problematic.

Official visits to the TAR were supervised closely and afforded delegation members very few opportunities to meet local persons not previously approved by the authorities. Foreigners could travel freely in most Tibetan areas outside the TAR.

*National Minorities.*—Although according to TAR census figures, Tibetans made up 92 percent of the population of the TAR's permanently registered population; however, official population figures did not include a large number of long-, medium-, and short-term Han residents, such as cadres, skilled workers, unskilled laborers, military and paramilitary troops, and their dependents. Chinese social scientists placed the total number of this floating population (including tourists and visitors on short-term business trips) for Lhasa alone at more than 200,000 (a figure that comprised half of Lhasa's overall population and more than 10 percent of the TAR's population) during the May to November high season for tourism and migrant workers. The size of this floating, mostly ethnic Han population rapidly increased over the past decade, especially since the opening of the Qinghai-Tibet railway in July 2006.

Migrants to the TAR were overwhelmingly concentrated in urban areas, where government economic policies disproportionately benefited Han migrants. Small businesses, mostly restaurants and retail shops, run by Han and Hui migrants predominated in cities throughout the Tibetan areas. Tibetans continued to make up nearly 98 percent of the rural population, according to official census figures.

Family planning policies permitted Tibetans and members of other minority groups to have more children than Han. Urban Tibetans, including Communist Party members, and some ethnic Han Chinese living in Tibetan areas were generally permitted to have two children. Rural Tibetans were encouraged, but not required, to limit births to three children.

Since 2000 the Government has been implementing a resettlement campaign of Tibetan nomads into urban areas across the TAR and other Tibetan areas. Officially nomads are encouraged with monetary incentives to kill or sell their livestock and move to newly created Tibetan communities. However, reports existed of incidences of compulsory resettlement with compensation that was promised but either never materialized or was inadequate.

In January TAR Party Secretary Zhang Qingli stated that the restructuring of Tibetan farming and grazing communities was not only to promote economic development but also to counteract the Dalai Lama's influence. He also stated that to do



so was essential for “continuing to carry out major development of west China.” In 2006 a total of 25,000 TAR nomad and farming households were resettled, and another 52,000 were planned for 2008. Improving housing conditions and education for Tibet’s poorest were among the goals of resettlement, yet a requirement that villagers build houses according to strict official specifications within 2 or 3 years often forced resettled families into debt to cover construction costs.

During the year state media reported that Tibetans and other minority ethnic groups made up 60 percent of all government employees in the TAR. However, Han Chinese continued to hold the top CCP positions in nearly all counties and prefectures, including party secretary of the TAR. Tibetans holding government positions were prohibited from worshipping at monasteries or practicing their religion.

Some Tibetans reported that they experienced discrimination in employment and claimed that Han Chinese were hired preferentially for many jobs and received greater pay for the same work. Some Tibetans reported that it was more difficult for Tibetans than Han to get permits and loans to open businesses. The use of the Chinese language was widespread in urban areas, and many businesses limited employment opportunities for Tibetans who did not speak Chinese.

The TAR tourism bureau continued its policy of refusing to hire Tibetan tour guides educated in India or Nepal. Government officials stated that all tour guides working in the TAR were required to seek employment with the Tourism Bureau and pass a licensing exam on tourism and political ideology. The Government’s stated intent was to ensure that all tour guides provide visitors with the Government’s position opposing Tibetan independence and the activities of the Dalai Lama. Some ethnic Tibetan tour guides in the TAR complained of unfair competition from government-sponsored “Help Tibet” tour guides brought in from outside the TAR and put to work after receiving a crash course on Tibet.

*Women and Children.*—There were no formal restrictions on women’s participation in the political system, and women held many lower-level government positions. However, women were underrepresented at the provincial and prefectural levels of government. According to an official Web site, female cadres in the TAR accounted for more than 30 percent of the TAR’s total cadres.

There was no information on the incidence of rape or domestic violence.

Prostitution was a growing problem in Tibetan areas, and hundreds of brothels operated semiopenly in Lhasa. International development workers in the TAR reported there was no reliable data on the number of persons engaged in commercial sex acts in Lhasa and Shigatse, the TAR’s two largest cities, although some estimates placed the number of such persons as high as 10,000. Some of the prostitution occurred at sites owned by the CCP, the Government, and the military. Most prostitutes in the TAR were Han women, mainly from Sichuan. However, some Tibetans, mainly young girls from rural or nomadic areas, also engaged in prostitution. The incidence of HIV/AIDS among prostitutes in Tibetan areas was unknown, but lack of knowledge about HIV transmission and economic pressures on prostitutes to engage in unprotected sex made them particularly vulnerable.

The TAR is one of the few areas of China that does not have a skewed sex ratio resulting from sex-selective abortion and inadequate health care for female infants.

Primary school education was compulsory, free, and universal, according to official statements. According to official TAR statistics, 96.5 percent of children between the ages of 6 and 13 were in school, and 90 percent of the TAR’s 520,000 primary school students completed lower middle school, for a total of 9 years of education. In 2003 the U.N. special rapporteur on the right to education in China reported that education statistics did not accurately reflect attendance and were not independently verified. Miscellaneous fees for the TAR’s 131,000 middle school students were abolished in mid-year.

Both Tibetan and Chinese are official languages in the TAR, and both languages were used on public and commercial signs. However, Chinese was spoken widely and was used for most commercial and official communications. The use of both languages was also affected by the rate of illiteracy among Tibetans, which reportedly was more than five times higher (47.6 percent) than the national average (9.1 percent), according to 2000 census data. The TAR’s overall rate of illiteracy (47.3 percent) was the highest in the country and was nearly twice as high as in the second-ranked Qinghai Province (25.2 percent). In many rural and nomadic areas, children received only 1 to 3 years of Tibetan language education before continuing their education in a Chinese-language school. The illiteracy rate of youth and adults fell from 95 percent before 1959 to 15 percent at the end of 2005. However, the illiteracy rate for this group was much higher than 15 percent in some areas. According to a 2006 report by the Xinhua News Agency, a looser definition of literacy was used for Tibetan speakers than for Chinese speakers in rural Tibet. Tibetan-speaking peasants and nomads were considered literate if they could read and write the 30

letters of the Tibetan syllabary. Chinese-speaking nomads and herders were considered literate if they could recognize 1,500 Chinese characters.

*Protection of Cultural Heritage.*—Rapid economic growth, the expanding tourism industry, the resettlement of nomads, and the introduction of more modern cultural influences have disrupted traditional living patterns and customs and threatened traditional Tibetan cultural. Residents lacked the right to play a role in protecting their cultural heritage.

The Dalai Lama, Tibetan experts, and other observers expressed concern that development projects and other central government policies disproportionately benefited non-Tibetans and continued to promote a considerable influx of Han Chinese, Hui, and other ethnic groups into the TAR. The opening of the Qinghai-TAR railroad in 2006 increased migration of non-Tibetans into the TAR. The Government reported the railroad carried 1.5 million passengers during the year, with approximately half of those passengers being nontourists.

Residents lacked the right to play a role in protecting their cultural heritage. The TAR government asserted ownership over religious relics and monasteries. Although in recent years the Government made efforts to restore some of the physical structures and other aspects of Tibetan Buddhism and Tibetan culture damaged or destroyed during the Cultural Revolution, repressive social and political controls continued to limit the fundamental freedoms of Tibetans and risked undermining Tibet's unique cultural, religious, and linguistic heritage.

In May local Tibetans from Daocheng County of the Ganzi TAP clashed with authorities over the development of Yading, an important Buddhist religious mountain area.

In June a similar conflict occurred between Tibetans from Bamei Town in the Ganzi TAP and mining developers in the sacred Yala Mountain area. Local citizens destroyed vehicles of party and government officials and the mine owner. Chinese authorities reportedly detained 10 village elders who tried to petition provincial and central level officials about the exploitation of the holy mountain. The petitioners reportedly were badly beaten.

The Government established a comprehensive national Tibetan-language curriculum, and many elementary schools in Tibetan areas used Tibetan as the primary language of instruction. Tibetan students also were required to study Chinese, and Chinese was generally used to teach certain subjects, such as arithmetic and science. In middle and high schools—even some officially designated as Tibetan schools—teachers often used Tibetan only to teach classes in Tibetan language, literature, and culture and taught all other classes in Chinese.

As a practical matter, proficiency in Chinese was essential to receive a higher education. China's most prestigious universities provided instruction only in Chinese, while the lower-ranked universities established to serve ethnic minorities allowed study of only some subjects in Tibetan. Apart from some universities specifically for ethnic minorities, Chinese universities generally required English language proficiency for entrance. Most graduates of Tibetan schools, however, learned only Chinese and Tibetan and were thus unable to attend the better universities. One consequence was a shortage of Tibetans trained in science and engineering and a near total reliance on imported technical specialists from outside the TAR to work on development projects inside the TAR.

Opportunities to study at Tibetan-language schools were greater in the TAR, while opportunities to study at privately funded Tibetan-language schools and to receive a traditional Tibetan-language religious education were greater in Tibetan areas outside the TAR.

## HONG KONG

Hong Kong, with a population of approximately 7 million, is a Special Administrative Region (SAR) of the People's Republic of China (PRC). The 1984 Sino-British Joint Declaration on the Question of Hong Kong and the SAR's Constitution, the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China (the Basic Law), specify that Hong Kong will enjoy a high degree of autonomy except in matters of defense and foreign affairs. In March the Election Committee reelected Donald Tsang to chief executive. The civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens, although core issues remained. Residents were limited in their ability to change their government. However, in December the PRC's National People's Congress Standing Committee announced a possible timeline for Hong Kong's transition to election by universal suffrage of its Chief Executive and Legislative Council beginning in 2017. Democratic activists protested the decision and called for universal suffrage in 2012.

In 2004 the NPC Standing Committee issued a self-initiated interpretation of the Basic Law and rejected universal suffrage for the 2007 Chief Executive and 2008 Legislative Council elections. The legislature was restricted in its power to affect government policies. Claims of press self-censorship persisted, violence against women remained a problem, and workers were not guaranteed the right to bargain collectively.

RESPECT FOR HUMAN RIGHTS

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

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

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Basic Law prohibits torture and other forms of abuse, and the Government generally observed the prohibition in practice. From January to July, there were 304 allegations of assault by police officers on persons; however, none alleged torture or were substantiated by the Complaints Against Police Office (CAPO).

In August 2006 an asylum seeker from Sri Lanka lodged a complaint with CAPO that he was assaulted by police while being pushed into a police car after being apprehended for overstaying. CAPO determined that there was insufficient evidence to substantiate the allegation, and in April the Independent Police Complaints Council classified the case as “unsubstantiated.”

*Prison and Detention Center Conditions.*—Prison conditions generally met international standards, and the Government permitted visits by independent human rights observers; however, there were no requests during the year. Media visits were permitted, and local justices of the peace regularly conducted unannounced prison inspections. For the first 6 months of the year, the average prison occupancy rate for the 24 prisons was 99 percent. Overcrowding occurred in some prisons, particularly in maximum-security prisons, which operated at an average occupancy rate of 115 percent.

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

*Role of the Police and Security Apparatus.*—Civilian authorities maintained effective control over the police, and the Government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

*Arrest and Detention.*—Suspects were apprehended openly with warrants based on sufficient evidence and issued by a duly authorized official. Suspects must be charged within 48 hours or released, and the Government respected this right in practice. There is a functioning bail system, and detainees are allowed prompt access to a lawyer and family members. The law provides accused persons with the right to a prompt judicial determination. During the year the average length of preconviction incarceration was 56 days.

*e. Denial of Fair Public Trial.*—The law provides for an independent judiciary, and the Government generally respected judicial independence in practice. The judiciary, underpinned by the Basic Law’s provision that the common law tradition be maintained, provided citizens with a fair and efficient judicial process. The courts may interpret those provisions of the Basic Law that address matters within the limits of the SAR’s autonomy. The courts also interpret provisions of the Basic Law that touch on mainland government responsibilities or on the relationship between the central authorities and the SAR. However, before making final judgments on these matters, which are not subject to appeal, the courts must seek an interpretation of the relevant provisions from the Standing Committee of the National People’s Congress (NPCSC). The Basic Law requires that courts follow the NPCSC interpretation of Basic Law provisions, although judgments previously rendered are not affected. As the final interpreter of the Basic Law, the NPCSC also has the power to self-initiate interpretations of the Basic Law.

The NPCSC’s mechanism for interpretation is its Committee for the Basic Law, composed of six mainland and six Hong Kong members. The chief executive, the president of the Legislative Council (LegCo), and the chief justice nominate the Hong Kong members. Human rights and lawyers’ organizations expressed concern that this process, which circumvents the Court of Final Appeal’s power of final adjudication, could be used to limit the independence of the judiciary or could degrade the courts’ authority.

*Trial Procedures.*—The law provides for the right to a fair public trial, and an independent judiciary generally enforced this right in practice. Trials are by jury except at the magistrate court level. An attorney is provided at the public's expense if defendants cannot afford counsel. Defendants can confront and question witnesses testifying against them and present witnesses to testify on their behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases. Defendants have the right of appeal.

Defendants generally enjoy a presumption of innocence. However, there is a presumption of guilt in official corruption cases. Under the Prevention of Bribery Ordinance, a current or former government official who maintains a standard of living above that commensurate with his official income or controls monies or property disproportionate to his official income is guilty of an offense unless he can satisfactorily explain the discrepancy. In practice the courts upheld this ordinance. Court is conducted in either Cantonese or English, the SAR's two official languages.

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

*Civil Judicial Procedures and Remedies.*—There is an independent and impartial judiciary for civil matters, and there were no problems enforcing domestic court orders.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law prohibits such actions, and the Government generally respected these prohibitions in practice.

The Office of the Privacy Commissioner for Personal Data works to prevent the misuse, disclosure, or matching of personal data without the consent of the subject individual or the commissioner. Certain exemptions allow authorities to transfer personal data to a PRC body for safeguarding the security, defense, or international relations of Hong Kong, and for the prevention, detection, or prosecution of a crime.

The use of covert surveillance and the interception of telecommunications and postal communications can be granted only to prevent or detect "serious crime" or protect "public security." An August 2006 law established a two-tiered system for granting approval for surveillance activities, under which surveillance of a more intrusive nature requires the approval of a judge and surveillance of a less intrusive nature requires the approval of a senior law enforcement official. Applications to intercept telecommunications must involve crimes with a penalty of at least 7 years' imprisonment, while applications for covert surveillance must involve crimes with a penalty of at least 3 years' imprisonment or a fine of at least \$128,000 (HK\$1 million).

On October 31, the commissioner on interception of communications and surveillance, Justice Woo Kwok-hing, reported his findings into the allegations of unlawful surveillance activities. Woo reported that in the first 5 months after the law took effect, four episodes of misconduct had occurred but all were inadvertent. He also reported that a total of 526 authorizations were issued, leading to 177 arrests, and that the three judges authorized to approve applications refused 67 requests. No applications were sought in relation to matters of legal privilege or journalistic materials.

## *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice. Unlike in past years, there were no reports of violence or other actions taken against The Epoch Times newspaper. Reports of media self-censorship continued during the year. Most media outlets were owned by businesses with interests on the mainland, which led to claims that they were vulnerable to self-censorship. In January the Hong Kong University Public Opinion Program reported that close to half of respondents—a 10-year high—believed that news media practiced self-censorship. According to the survey, 29.5 percent of respondents within the industry said they practiced self-censorship.

The publishing or importation of print or other media are subject to regulation by a few provisions to safeguard the interest of readers, as in the case of obscene print materials and other media not regulated by the Broadcasting Ordinance. The case that Gillian Chung filed in August 2006 seeking an injunction against further publication of peephole-style photos and an order for the Hong Kong weekly Easy Finder magazine to surrender all existing copies of the photos was deferred until June 2008.

Controversy continued over the independence of government-owned and -operated Radio Television Hong Kong (RTHK). A government-appointed review panel recommended that a new public service broadcaster be established, but the panel did

not comment on the future of RTHK. However, several media groups criticized the findings, noting that RTHK was already widely accepted as an independent public broadcaster. Particular criticism was leveled at the composition of the panel, none of whom were public broadcasting experts. The panel's findings were widely interpreted as a threat to media freedom. At year's end the fate of RTHK had not been decided.

International media organizations operated freely. Foreign reporters needed no special visas or government-issued press cards. The independent media were active and expressed a wide variety of views without restriction.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

*Academic Freedom and Cultural Events.*—There were generally no restrictions on academic freedom and cultural events. In February the chief executive appointed a two-person commission of inquiry to investigate allegations of political interference in academic freedom at the Hong Kong Institute of Education (HKIEd).

In June the commission ruled that Fanny Law, the former permanent secretary for education and manpower and current anticorruption commissioner, improperly interfered with the academic freedom of HKIEd academics in two of four alleged cases. Law resigned soon after the release of the inquiry. The inquiry also concluded that then-secretary for education and manpower Arthur Li Kwok-cheung had not infringed on institutional autonomy by forcing the institute to merge with Chinese University. Although Li was cleared of wrongdoing, he was replaced when the chief executive appointed the new cabinet on July 1.

There were allegations that the education system was vulnerable to government intervention. Problems identified by students and staff included the Education and Manpower Bureau's alleged control over the recently established University Grants Committee, the ruling councils of universities, and a funding mechanism, which resulted in the discouragement of academic research into local issues.

*b. Freedom of Peaceful Assembly and Association.*—The law provides for freedom of assembly and association, and the Government generally respected these rights in practice. The Government routinely issued the required permits for public meetings and demonstrations.

Falun Gong practitioners regularly conducted public protests against the crackdown on fellow practitioners in the mainland.

*c. Freedom of Religion.*—The law provides for freedom of religion, and the Government generally respected this right in practice.

*Societal Abuses and Discrimination.*—No major societal abuses or acts of religious discrimination were reported during the year. Hong Kong's small Jewish community has excellent relations with the rest of society, and there were no reports of anti-Semitic acts during the year.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The law provides residents freedom of movement, freedom of emigration, and freedom to enter and leave the territory, and the Government generally respected these rights in practice, with some prominent exceptions. Most residents easily obtained travel documents from the SAR government; however, limits on travel to the mainland were sometimes imposed by the mainland government on outspoken political figures.

Government policy was to repatriate undocumented migrants who arrive from the mainland, and authorities were not able to consider them for refugee status under the "one country, two systems" framework. During the first half of the year, 1,619 migrants were repatriated to the mainland. The Government does not recognize the Taiwan passport as valid for visa endorsement purposes.

The law does not provide for, and the Government did not use, forced exile.

In July local and western media sources reported that between 150 and 1,000 Falun Gong adherents, most of them reportedly from Taiwan, were refused admission to Hong Kong immediately before PRC President Hu Jintao joined the observances marking the 10th anniversary of Hong Kong's retrocession to the PRC. The Hong Kong Association of Falun Dafa requested a review by the High Court, but at year's end the findings of the review had not been released.

PRC authorities do not permit some Hong Kong human rights activists and pro-democracy legislators to visit the mainland.

*Protection of Refugees.*—The 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol do not extend to Hong Kong, and the SAR has no temporary protection policy. The director of immigration has discretion to grant refugee status or asylum on an ad hoc basis, but only in cases of exceptional humanitarian or compassionate need. The Immigration Ordinance does not provide foreigners the right to have asylum claims recognized. The Government's practice was to refer refugee and asylum claimants to a lawyer or the Office of the U.N. High Commissioner for Refugees (UNHCR). In May 2006 the UNHCR stopped providing financial support to individuals awaiting status assessment due to budget cuts. In response the Government began offering limited allowances to adult claimants through its social welfare department. As of September 30, approximately 900 persons were receiving assistance-in-kind, based on the needs assessed by professional workers, under the Government support program. The UNHCR worked with potential host country representatives to resettle those persons designated as refugees.

In a High Court case filed in December, six refugees challenged the Government's refusal to set a mechanism for assessment of refugee claims. The refugees alleged this constituted a breach of the city's obligations under the principle of nonrefoulement. The groups's lawyer argued that the principle had gained the status of customary international law and as such had been incorporated into Hong Kong's laws; the Government countered that many other Asian countries were not signatories to the U.N.'s refugee convention, which proved the principle had not gained the status of customary international law. The justice hearing the case postponed his decision to a later date, and at year's end no decision had been made.

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

The right of residents to change their government peacefully is limited by the Basic Law, which provides for the selection of the chief executive by an 800-person election committee (composed of individuals who are directly elected, indirectly elected, and appointed). The Basic Law provides for the direct election of only 30 of the 60 LegCo members and the inclusion of appointed members to the elected district councils. The approval of the chief executive, two-thirds of the legislature, and two-thirds of Hong Kong's delegates to the mainland's National People's Congress (NPC) is required to place an amendment of the Basic Law on the agenda of the NPC, which has the sole power to amend the Basic Law.

The law provides for eventual universal suffrage in both chief executive and LegCo elections; however, in 2004 the NPCSC rejected universal suffrage in Hong Kong for the 2007 and 2008 elections. The NPCSC also determined that the current 50–50 ratio for directly elected geographic seats and indirectly elected functional constituency seats in LegCo must remain indefinitely in place. On December 29, the PRC's NPCSC officially provided a possible timeline for Hong Kong's transition to election by universal suffrage of its chief executive in 2017 and the LegCo in 2020.

*Elections and Political Participation.*—On March 25, the Chief Executive Election Committee selected incumbent Donald Tsang by a wide margin over pan-democratic challenger Alan Leong to serve a 5-year term as chief executive. In April Donald Tsang was appointed as chief executive, and the mainland government approved his new cabinet in June.

On July 11, the secretary for constitutional and mainland affairs unveiled the details of the Government's green paper on constitutional reform, thereby launching a 3-month consultation period during which the Government hoped to build consensus on the timeframe and roadmap for the implementation of universal suffrage for future chief executive and LegCo elections. The proposal offered the public numerous options on structural reforms related to each election, but some lawmakers and the press criticized the proposal as too complicated, particularly given the relatively short consultation period. They chastised the Government for not providing a reasonable number of mainstream and coherent options.

On November 18, a record 900 candidates contested 405 district council seats. The pro-Beijing Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) nearly doubled its number of seats to 115, while the Democratic Party won 59 seats (down from 95 in the 2003 election), the probusiness Liberal Party won 14, the prodemocracy Civic Party—contesting its first district council election—won nine, and various smaller parties and independents took the remainder. More than 1.1 million persons voted, for a participation rate of 38.8 percent, significantly lower than the 44 percent turnout in 2003. The Electoral Affairs Commission received approximately 2,000 complaints of irregularities; most concerned either improper advertisements or canvassing in prohibited areas near polling stations.

On December 2, former Hong Kong government chief secretary and pandemocratic leader Anson Chan won a by-election held to fill the Hong Kong Island LegCo seat

left vacant by the death of DAB chairman Ma Lik in August. Chan earned just under 55 percent of the vote, while her main challenger, former secretary for security Regina Ip, received almost 43 percent. The turnout rate, 52 percent, compared favorably to the most recent LegCo by-election in 2000 (33 percent) and also to the 2004 LegCo general election (55.6 percent). The Electoral Affairs Commission stated that the election was conducted successfully and that a report would be submitted to the chief executive within 3 months following the election.

As of December 7, the Independent Commission Against Corruption (ICAC) received 813 election-related complaints. Among them, 487 were related to the district council elections on November 18 and six concerned the LegCo by-election on December 2. Another six were related to the chief executive election in March.

Polls conducted by the University of Hong Kong consistently found that over half of the respondents favored electing the chief executive and the entire legislature by universal suffrage in 2012. However, the mainland government and pro-Beijing political figures and pundits in the HKSAR consistently maintained that 2017 would be the earliest appropriate date for universal suffrage in either election.

On December 12, the Government submitted a report on the outcome of the public consultation on the green paper on Constitutional Development to the NPCSC. Chief Executive Tsang issued a public statement about his report to the NPCSC and stated that he urged the NPCSC “to allow us to amend the methods for selecting the Chief Executive and for forming the Legislative Council in 2012.” Following his statement, the chief secretary made a statement in LegCo outlining the key conclusions and recommendations made in the report to the NPCSC: (1) the community generally hoped that the universal suffrage timetable could be determined early, so as to set the course for Hong Kong’s constitutional development; (2) implementing universal suffrage for the chief executive first in 2012 was the expectation of more than half of the public, as reflected in the opinion polls; this expectation should be taken seriously and given consideration; (3) implementing universal suffrage for the chief executive first by no later than 2017 would stand a better chance of being accepted by the majority in the community; (4) community consensus has begun to emerge on taking steps toward universal suffrage for the chief executive first, followed by that for LegCo; and (5) diverse views remained on the models for forming LegCo by universal suffrage and how the functional constituencies should be dealt with, but setting the timetable for implementing universal suffrage for the chief executive and LegCo could help promote the ultimate resolution of the issues involved. The chief secretary went on to state that if the NPCSC confirmed that the methods for selecting the chief executive and for forming LegCo in 2012 may be amended, the Government would study how these two electoral methods could do so, and the community would have a further opportunity to discuss these issues.

On December 29, the NPCSC stated appropriate amendments may be made to the specific method for selecting the chief executive and the LegCo in 2012. The decision ruled out the possibility of universal suffrage for the chief executive and LegCo in 2012 but explicitly noted that the election of the chief executive in the year 2017 may be implemented by universal suffrage. After the chief executive is selected by universal suffrage, the LegCo may be elected by universal suffrage. Any amendments to the Hong Kong Basic Law regarding election of the chief executive and LegCo must obtain consent (the chief executive), approval by two-thirds of the LegCo, and then be submitted for approval (chief executive) or for the record (LegCo) to the NPCSC. If the methods for selecting the chief executive and electing the LegCo are not amended, then the existing methods shall continue to apply. The citizens and government of Hong Kong now must devise an electoral process that will lead to universal suffrage and democratic elections in 2017 and 2020.

The Basic Law substantially limits the ability of the legislature to influence policy by requiring separate majorities among members elected from geographical and functional constituencies to pass a bill introduced by an individual member. Another Basic Law provision prohibits LegCo from putting forward bills that affect public expenditure, political structure, or government policy. Bills that affect government policy cannot be introduced without the chief executive’s written consent. The Government has adopted a very broad definition of “government policy” to block private member bills, and the president of LegCo has upheld the Government’s position.

In January the Court of First Instance found that the Rules of Procedure cited by LegCo President Rita Fan were consistent with the Basic Law. This concluded the August 2006 judicial review launched by legislator Leung Kwok-hung challenging Fan’s refusal to table many private member amendments during debate over the Interception of Communications and Surveillance bill. Leung said he would consider filing an appeal, although at year’s end he had not done so.

District councils are responsible for advising the Government on matters affecting the well-being of district residents, the provision and use of public facilities, and the

use of public funds allocated for local public works and community activities. The District Council Ordinance gives the chief executive authority to appoint 102 of 529 of the district councilors, and he exercised this power in practice.

Hong Kong sends 36 delegates to the NPC. In March local papers reported on proposed curbs to the electoral process under consideration by the fifth annual session of the 10th NPC. According to deputies attending the ongoing plenary sessions of the NPC and the Chinese People's Political Consultative Conference in Beijing, Hong Kong deputies elected to the NPC will be disqualified if they are found to be members of the Hong Kong Alliance in Support of Patriotic Democratic Movements of China or the Falun Gong.

Women held 11 of the 60 LegCo seats and made up between 17 and 23 percent of membership in the major political parties. The president of the LegCo was a woman, as were the heads of several government departments. More than one-third of civil servants were women, and four of the 22 most senior government officials were women.

There were no ethnic minorities in the LegCo, but there were a number of ethnic minorities in senior civil service positions.

*Government Corruption and Transparency.*—There were only isolated reports of government corruption, and the Government sought to combat official corruption through the Prevention of Bribery Ordinance and the Independent Commission Against Corruption (ICAC).

On December 11, the ICAC reported that it received 3,278 corruption reports in the first 11 months of the year, representing a 6 percent increase from the same period of 2006. The number of corruption reports against government departments had fallen by 10 percent from 984 to 885. However, the reports against the private sector had increased by 15 percent, from 1,886 to 2,169. The ICAC Advisory Committee on Corruption chairman reportedly stated the antigraft body needed to upgrade its investigation skills to deal with technological advancements, which facilitate cross-boundary financial transactions.

The law provides for access to government information with exceptions that are narrowly defined and could be appealed, and in practice such information was provided to both citizens and non-citizens.

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

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views. Prominent human rights activists critical of the mainland government also operated freely and maintained permanent resident status in Hong Kong.

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

The law provides that all residents are equal, and the Government enforced these rights in practice.

*Women.*—Violence against women continued to be a problem, although the Government took measures against it. There were 58 cases of rape reported to the police during the first half of the year, of which 38 were prosecuted, resulting in 14 convictions. The Statute Law (Miscellaneous Provisions) Bill criminalizes marital rape, and the Crimes Ordinance expressly states that “unlawful sexual intercourse” could be applied both outside and inside the bounds of marriage. During the first half of the year, 669 sexual assault cases were reported to the police.

Local public health officials, politicians, and women's groups remained concerned about violence against women, particularly among new immigrants from the mainland. The Domestic Violence Ordinance allows victims to seek a 3-month injunction, extendable to 6 months, against an abuser. The ordinance does not criminalize domestic violence directly, although abusers may be liable for criminal charges under other ordinances including the Crime Ordinance and the Offences Against the Person Ordinance. The Government enforced the law and prosecuted violators, but sentences typically consisted only of injunctions or restraining orders. Between January and March, there were 1,119 cases of domestic violence reported to the Social Welfare Department, which receives reports from the police, social workers, the Health Department, and volunteer organizations.

In January Director for Social Welfare Paul Tang remarked that the Government was committed to combating domestic violence, but he noted that the number of domestic violence cases had increased to 3,412 in the first 9 months of 2006, up 37 percent over the same period in 2005. Tang said the increase was expected as the awareness of the public, frontline staff, and the victims was enhanced as a result of the improvements in public education, publicity, and training by the Government.



Tang also said the Government had added two teams of social workers to increase counselling services. The Social Welfare Department reported that it had increased capacity and enhanced support to the Refuge Centres for Women during the year.

The Government introduced a pilot project in January 2006 called the Batterer Intervention Programme, which provides intervention and counselling to batterers. As of June, 212 batterers had participated in 27 counselling groups. The number of Integrated Family Service Centres and Family and Child Protective Services Units, which offer services to domestic violence victims and batterers, increased from six to eight in 2006. The Government also continued its publicity campaign on Strengthening Families and Combating Violence and increased public education on the prevention of domestic violence.

On October 14, a 36-year-old mother threw her two children, a girl age 12 and a boy age 9, with their hands and feet bound, out of a window and to their death; the woman, whose husband was in a mental hospital, then jumped to her own death. The tragedy prompted legislators to pass a motion on November 7 that urged the Government to inject more resources into Tin Shui Wai, a low-income neighborhood, in view of the high number of family tragedies there.

Prostitution is legal, but there are laws against activities such as public solicitation, causing or procuring another to be a prostitute, living on the prostitution of others, or keeping a vice establishment.

The Sex Discrimination Ordinance prohibits sexual harassment of women seeking employment or already working in an organization. During the first 7 months of the year, the Equal Opportunity Commission (EOC) reported 54 sexual harassment complaints.

The percentage of women employed in professional fields including sciences and engineering, law, teaching, accounting, social sciences, health and medicine, increased. As of June, 41 percent of professionals employed in these fields were women, versus 37 percent in June 2006. Approximately 22 percent of judicial officers and judges were women.

While the law treats men and women equally in terms of property rights in divorce settlements and inheritance matters, in practice women faced discrimination in employment, salary, welfare, inheritance, and promotion. Women reportedly formed the majority of the working poor and those who fall outside the protection of current labor law.

*Children.*—The Government supported children's rights and welfare through well-funded systems of public education, medical care, and protective services. The Education Department provided free and compulsory schooling for children between 6 and 15 years of age and placement services for non-Chinese speaking children. Nearly all school-age children attended school, and boys and girls attended in equal proportions. The Government supported programs for custody, protection, day care, foster care, shelters, small group homes, and assistance to families.

The Government provided subsidized, quality medical care for all children under 18 years of age who were residents. The Domestic Violence Ordinance mandates substantial legal penalties for acts of child abuse such as battery, assault, neglect, abandonment, sexual exploitation, and child sex tourism, and the Government enforced the law.

During the first half of the year, there were 746 child abuse cases reported to the police: 326 involved physical abuses (referring to victims less than 14 years of age), and 420 involved sexual abuses (referring to victims less than 17 years of age).

The Government provided parent education programs in all 50 of the Department of Health's maternal and child health centers, which included instruction on child abuse prevention. It also provided public education programs to raise awareness of child abuse and to alert children about how to protect themselves. The Social Welfare Department provided child psychologists for its clinical psychology units and social workers for its family and child protective services units. The police maintained a child abuse investigation unit and a child witness support program. A child care center law helped prevent unsuitable persons from providing childcare services.

There were no reports of child prostitution under the age of 16, which is the legal age of consent.

*Trafficking in Persons.*—There is no law prohibiting trafficking in persons. There are various laws and ordinances that allow law enforcement authorities to take action against traffickers. Despite robust efforts by the SAR government to stop such activities, Hong Kong was a point of transit and destination for a small number of persons trafficked for sexual exploitation from the mainland and Southeast Asia. The SAR government stated that it was difficult to identify trafficking victims from among the larger group of illegal immigrants.

Nearly all trafficking victims initially came to Hong Kong willingly to engage in prostitution. Most came from rural areas of the mainland, Thailand, or the Philippines on 14-day tourist visas, although a very small number entered using forged documents. The overwhelming majority were women, although an increasing number of young men were coming to Hong Kong to work as homosexual prostitutes. While many came on their own, some were lured by criminal syndicates and promises of financial rewards but faced circumstances of debt bondage. Syndicates sometimes held passports and travel documents until debts were paid.

On December 3, two Filipino women were charged in a Hong Kong district court with two counts of trafficking in persons and aiding and abetting the breach of condition of stay after they allegedly brought six Filipino women to Hong Kong in July 2006 who ended up working as prostitutes in the city's "red light" district in Wan Chai. The case was heard in a district court on December 13 and 14; both of the accused were convicted as charged and sentenced to a total of 3 years' imprisonment on December 20. The victims returned to the Philippines.

Provisions in the Immigration Ordinance, the Crimes Ordinance, the Employment Ordinance, and other relevant laws enabled law enforcement authorities to take action against trafficking in persons. The Security Bureau, which also combats migrant trafficking and oversees the police, customs, and immigration departments, enforces antitrafficking laws. The courts can impose heavy fines and prison sentences of up to 14 years for activities such as arranging passage of unauthorized entrants, arranging entrance or exit of a person for the purpose of prostitution, and aiding and abetting any person to use forged, false, or unlawfully obtained travel documents. Law enforcement officials received special training on handling and protecting victims and vulnerable witnesses, including victims of trafficking.

There were no reports that government officials participated in, facilitated, or condoned trafficking, and no officials were prosecuted, convicted, or sentenced to time in prison or were removed from their duties for trafficking during the year.

The Government provided legal aid to those taking legal action against an employer, and immunity from prosecution for those assisting in the investigation and prosecution of traffickers. The Social Welfare Department and local NGOs also provided an array of social services to victims of trafficking. The Government also tried to prevent trafficking by distributing pamphlets and other public messaging campaigns, in a wide range of languages, on workers rights.

*Persons with Disabilities.*—Discrimination against persons with physical and mental disabilities persisted in employment, education, and the provision of some public services. The Disability Discrimination Ordinance calls for improved building access and sanctions against those who discriminate. Despite inspections and the occasional closure of noncompliant businesses under the Buildings Ordinance, access to public buildings (including public schools) and transportation remained a serious problem for persons with disabilities.

The Government offered an integrated work program in sheltered workshops and provided vocational assessment and training. While no comprehensive statistics are available on the number of persons with disabilities in the work force, a consortium of organizations representing persons with disabilities reported in 2002 that an estimated 700,000 residents were disabled, approximately half of whom were able to work. As of March there were 3,263 persons with disabilities employed as civil servants out of a total civil service work force of 155,000. During the first half of the year, the Labor Department's Selective Placement Division found jobs for 1,634 of 2,326 disabled job seekers. As of September 2006, 1.34 percent of 784,000 primary and secondary school students were disabled; approximately 38 percent studied at mainstream schools.

The EOC sponsored a variety of activities to address discrimination against persons with disabilities, including youth education programs, distributing guidelines and resources for employers, carrying out media campaigns, and cosponsoring seminars and research.

*Other Societal Abuses and Discrimination.*—There were no reports of societal violence or discrimination based on sexual orientation or against persons with HIV/AIDS.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law provides for the right of association and the right of workers to establish and join organizations of their own choosing. Trade unions must register under the Trade Unions Ordinance and must have a minimum membership of seven persons for registration. There is no provision guaranteeing reinstatement of workers dismissed because of their trade union membership. According to an International Trade Union Confederation (ITUC) survey, almost 25 percent of Hong Kong's labor force is unionized.

*b. The Right to Organize and Bargain Collectively.*—The law provides for the right to organize, and this right was implemented in practice; however, it does not guarantee the right to collective bargaining. The 1997 Employment and Labor Relations (Miscellaneous Amendments) Ordinance does not provide a legal framework for trade unions to engage employers in collective bargaining. The ordinance bans the use of union funds for political purposes, requires the chief executive's approval before unions can contribute funds to any trade union outside of the SAR, and restricts the appointment of persons from outside the enterprise or sector to union executive committees. In all but a few specific trades, unions were not powerful enough to force management to engage in collective bargaining. The Government did not engage in collective bargaining with civil servants' unions, and according to the ITUC report, only 1 percent of the workforce was covered by collective agreements, and even these were not legally binding.

The workplace consultation promotion unit in the Labor Department facilitated communication, consultation, and voluntary negotiation between employers and employees. Tripartite committees for each of the nine sectors of the economy included representatives from some trade unions, employers, and the Labor Department.

Work stoppages and strikes are legal. There are some restrictions on this right for civil servants. Although there is no legislative prohibition of strikes, in practice most workers had to sign employment contracts that typically stated that walking off the job is a breach of contract, which could lead to summary dismissal. In addition, there is no legal entitlement to reinstatement in the case of unfair dismissal.

Approximately 1,000 local metal workers at construction sites went on strike in August, demanding higher pay and an 8-hour working day. On August 11, several hundred workers staged an unauthorized demonstration, scuffling with police and snarling traffic in the SAR's central district. The Government released a statement expressing its concerns about the workers' action, although some newspapers reported concerns that the Government was taking a hands-off approach to the matter. One government spokesman stated that labor officials had been trying their best to mediate the dispute and urged both sides to display mutual understanding to narrow their differences. On September 12, the metal workers called off the 36-day strike, the longest in Hong Kong in decades, after they agreed to an agreement that gave the workers a 14-percent pay raise for an 8-hour day.

There are no export processing zones in the SAR.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, and there were no reports that such practices occurred. Although the law does not specifically prohibit forced or compulsory labor by children, there were no reports that such practices occurred.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The Employment of Children Regulations prohibits employment of children under the age of 15 in any industrial establishment. Children 13 and 14 years of age may work in certain nonindustrial establishments, subject to conditions aimed at ensuring a minimum 9 years of education and protection of their safety, health, and welfare. The Labor Department conducted regular workplace inspections to enforce compliance with the regulations. During the first half of the year, the Labor Department conducted 74,451 inspections and discovered five suspected violations of the Employment of Children Regulations. The regulations limit work hours in the manufacturing sector for persons 15 to 17 years of age to 8 hours per day and 48 hours per week between 7 a.m. and 7 p.m. They also prohibit overtime in industrial establishments with employment in dangerous trades for persons less than 18 years of age.

*e. Acceptable Conditions of Work.*—There is no statutory minimum wage except for domestic workers of foreign origin. Aside from a small number of trades where a uniform wage structure exists, wage levels customarily are fixed by individual agreement between employer and employee and are determined by supply and demand. Some employers provided workers with various kinds of allowances, free medical treatment, and free subsidized transport. The average wage provided a decent standard of living for a worker and family. Two-income households were the norm. There are no regulations concerning working hours, paid weekly rest, rest breaks, or compulsory overtime. Working weeks of up to 60 hours and more were not uncommon.

In October the chief executive admitted the potential need to legislate a minimum wage for cleaners and securities guards, as a result of the Government's "wage protection movement," sometimes referred to as the "voluntary wage movement," had thus far been unsatisfactory. This policy was enacted in October 2006 and sought to encourage employers to offer cleaners and security guards the average market wages for those types of work.

As a campaign for legislation on minimum wage gathered pace, hundreds of demonstrators from 40 unions marched on October 1 to demand a minimum wage of \$3.84 (HK\$30) an hour. At year's end the labor advisory board, first appointed in 2004, was still considering the issue of a minimum wage. Approximately 50 trade unions and associations protested the Government's slow progress towards a minimum wage and accused it of exploiting the underprivileged and colluding with big business. However, there was no broad consensus in the community on these issues, which were debated by legislators, academics, and the public. The Labor Department actively sought to improve working conditions by encouraging consultations, meetings, and seminars with industry-based committees comprising representatives of government, employers' associations, and selected trade unions. Reports indicate that the Hong Kong Confederation of Trade Unions was consistently excluded from the labor advisory board.

The minimum wage for foreign domestic workers was approximately \$435 per month (HK\$3,400). The standard workweek was 48 hours, but many domestic workers worked much longer hours. The standard contract law requires employers to provide foreign domestic workers with housing, worker's compensation insurance, travel allowances, and food or a food allowance in addition to the minimum wage, which together provide a decent standard of living. Foreign domestic workers can be deported if dismissed. Labor groups reported that the 200,000 foreign domestic workers were still vulnerable to the extensive rights and contract violations. During the first 6 months of the year, three employers were convicted for labor law maltreatment violations under the Employment Ordinance relating to the employment of foreign domestic workers. During the first 7 months of the year, 100 foreign domestic workers filed criminal suits for other types of maltreatment, including rape, indecent assault, and wounding and serious assault, 75 of which were prosecuted.

The Occupational Safety and Health Branch of the Labor Department is responsible for safety and health promotion, enforcement of safety management legislation, and policy formulation and implementation. The Factories and Industrial Undertakings Ordinance, the Occupational Safety and Health Ordinance, the Boilers and Pressure Vessels Ordinance, and their 35 sets of subsidiary regulations regulate safety and health conditions. During the first half of the year, the Labor Department conducted 58,486 workplace inspections and issued 872 summonses, resulting in a total of \$995,654 (HK\$7,766,100) in fines. Worker safety and health has improved over the years, but serious problems remained, particularly in the construction industry. The Labor Department reported 10,264 occupational injuries, of which 3,621 were classified as industrial accidents, and five fatal industrial accidents during the first half of the year. Employers are required under the Employee's Compensation Ordinance to report any injuries sustained by their employees in work-related accidents. There is no specific legal provision allowing workers to remove themselves from dangerous work situations without jeopardy to continued employment.

#### MACAU

Macau, with a population of approximately 526,000, is a Special Administrative Region (SAR) of the People's Republic of China (PRC) and enjoys a high degree of autonomy, except in defense and foreign affairs, under the SAR's Constitution and the Basic Law. The Government is led by a chief executive, chosen by a 300-member election committee, which in turn is chosen by a preparatory committee composed of 60 SAR and 40 mainland representatives appointed by the National People's Congress (NPC). In 2004 Chief Executive Edmund Ho was reelected to a second 5-year term. In 2005 voters elected 12 of the legislature's 29 members in direct elections based on geographical constituencies. Interest groups in functional constituencies elected 10 others, and the chief executive appointed the remaining seven members. The civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens; however, some problems remained, most notably limits on citizens' ability to change their government, trafficking in persons, and reported official corruption.

#### RESPECT FOR HUMAN RIGHTS

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

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

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits such practices, and the Government generally respected these

rights. Between January and July, there were seven reports of police brutality, but none involved acts of rape, sexual abuse, medical abuse, or hazing. In 2006 the Public Prosecutions Office initiated prosecution for assault or brutality by police forces, none of which involved sufficient evidence to warrant action. There was one report of death in police custody during the first half of the year, which at year's end was being investigated by the Public Prosecutions Office.

*Prison and Detention Center Conditions.*—Prison and detention center conditions generally met international standards, and although the Government permitted visits by independent human rights observers, there were no requests during the year.

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

*Role of the Police and Security Apparatus.*—Civilian authorities, specifically the secretary for security, supervised and controlled the police. Discipline, corruption, and impunity were not widespread problems in the Public Security Police. The Commission Against Corruption (CCAC) acted to preclude problems with police corruption.

*Arrest and Detention.*—Persons were apprehended openly with warrants based on sufficient evidence and issued by a duly authorized official, and detainees were allowed access to a lawyer of their choice or, if indigent, to one provided by the state. Detainees were allowed prompt access to family members. Police must present persons remanded in custody to an examining judge within 48 hours of detention. The examining judge, who conducts a pretrial inquiry in criminal cases, has a wide range of powers to collect evidence, order or dismiss indictments, and determine whether to release detained persons. The law provides that cases must come to trial within 6 months of an indictment. The criminal procedure code mandates that pretrial detention is limited to between 6 months to 3 years, depending on the criminal charges and progress of the judicial system. Judges often refused bail in cases where sentences could exceed 3 years.

*e. Denial of Fair Public Trial.*—The law provides for an independent judiciary, and the Government generally respected judicial independence in practice. A public prosecutor general heads the Public Prosecutions Office, which enjoys substantial autonomy from both the executive and the judiciary. The law stipulates that the Public Prosecutions Office's functions be carried out without government interference, and the Government respected the law in practice.

Both Portuguese and Chinese (Cantonese) are official languages, and either may be used by executive authorities, the legislature, and the judiciary. The need to translate laws and judgments from one language to the other and a shortage of local bilingual lawyers and magistrates hampered the development of the legal system.

Several top officials in the judiciary expressed concern over shortfalls in the judicial system. The top judge publicly criticized the severe shortage of judges and proposed that double the current number was needed. Twenty-nine judges, six of whom are Portuguese, serve in the judiciary. The public prosecutor general echoed these views, stating that the existing system of hearings and taking of evidence no longer met the demands of the SAR's society, and the president of the Macau Lawyers Association stated that delays affecting the resolution of judicial cases were unacceptable.

*Trial Procedures.*—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. The courts may rule on matters that are “the responsibility of the Central People's Government or concern the relationship between the central authorities and the SAR.” However, before making their final judgment, which is not subject to appeal, the courts must seek an interpretation of relevant provisions from the NPC's Standing Committee. When the Standing Committee makes an interpretation of the provisions concerned, the courts, in applying those provisions, “shall follow the interpretation of the Standing Committee.” The Standing Committee must consult the NPC's Committee for the Basic Law of the SAR before giving an interpretation of the law. This committee is composed of 10 members—five from the SAR and five from the mainland. The chief executive, the president of the SAR Legislative Assembly, and the president of the court of final appeal nominate the SAR members.

Defendants enjoy a presumption of innocence and have access to government-held evidence relevant to their cases and a right to appeal. Defendants have the right to confront witnesses, and public attorneys are provided for those who are financially incapable of engaging lawyers or paying expenses of proceedings. Trials are public and were by jury except at the magistrate-court level.

The judiciary provides citizens with a fair and efficient judicial process; however, due to an overloaded court system, a period of up to a year often passed between filing a civil case and its scheduled hearing.

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

*Civil Judicial Procedures.*—There is an independent and impartial judiciary for civil matters, and there were no problems enforcing domestic court orders.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law prohibits such actions, and the Government generally respected these prohibitions in practice.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press and an effective judiciary combined to ensure freedom of speech and of the press.

The independent media were active and expressed a wide variety of views without restriction, as safeguarded by Article 27 of the Basic Law and Law 7/90/M, and international media operated freely. The dominant newspapers, mainly Chinese-language, supported mainland government positions in their editorial line. In May the Macau Media Workers Association complained that only a government-owned television station was allowed to film a meeting between the chief executive and local journalists after a Labor Day rally turned violent and that government information officials supervised the editing of the footage before it was released to other media sources. The Government rejected the claims, and the Government Information Bureau conducted an internal review and reported its findings to the chief executive, but the findings were not made public.

In 2005 the chief editor of Hong Kong-based Open Magazine, which is openly critical of the mainland Chinese Government, was refused entry to the SAR “based on Macau Special Administrative Region internal security guidelines.” The editor, a mainland native, had been barred from the mainland since 1996 for criticizing the central government and disclosing insider stories barred from the SAR. At year’s end the case was under investigation by the chief executive’s office.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Internet access was widely available; studies showed that approximately 40 percent of the population had regular access to the Internet, although less than half used or planned to use it.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom and cultural events.

*b. Freedom of Peaceful Assembly and Association.*—The law provides for freedom of assembly and association, and the Government generally respected these rights in practice; however, in May there were some problems with security force practices in dealing with demonstrators. An estimated 2,400 residents participated in labor and anticorruption demonstrations on May 1 that turned violent after demonstrators veered off the approved march route and clashed with police. Police fired five warning shots into the air, and the violent clash resulted in 10 arrests and injuries to 21 police officers. Critics charged that the police actions were inappropriate; police defended their actions as necessary to prevent a stampede.

*c. Freedom of Religion.*—The law provides for freedom of religion, and the Government generally respected this right in practice.

*Societal Abuses and Discrimination.*—Societal relations among various religious groups were generally amicable. There were no reports of anti-Semitic acts, and the size of the SAR’s Jewish population remained extremely small.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected them in practice.

Some Falun Gong practitioners complained of being denied entry into the SAR and claimed that the Government did not specify reasons for denial; however, most denials appeared to be linked to overall periods of heightened political sensitivity rather than specific Falun Gong practitioners.

There were no known cases of media critical of the mainland government being denied entry during the reporting period.

The law prohibits forced exile, and the Government generally respected the law in practice.

*Protection of Refugees.*—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. The Immigration Department cooperated with the U.N. High Commissioner for Refugees in handling refugees. During the year there were no applications for refugee status.

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

The law restricts citizens' ability to change their government. The Government was led by a chief executive, chosen by a 300-member election committee, which in turn was chosen by a 100-member preparatory committee, composed of 60 SAR and 40 mainland representatives appointed by the NPC. Voters directly elected 12 of the 29 Legislative Assembly members, and local community interest groups indirectly elected 10 members. The remaining seven members were selected by the chief executive.

*Elections and Political Participation.*—In 2004 Chief Executive Edmund Ho was reelected to a second 5-year term. In 2005 the SAR held the third legislative elections, with 58 percent of registered voters participating. The elections were considered generally free and fair.

There are limits on the types of legislation that legislators may introduce. The law stipulates that legislators may not initiate legislation related to public expenditure, the SAR's political structure, or the operation of the Government. Proposed legislation related to government policies must receive the chief executive's written approval before it is submitted.

A 10-member executive council functions as an unofficial cabinet, approving draft legislation before it is presented in the Legislative Assembly. The Basic Law stipulates that the chief executive appoints members of the Executive Council of the Macau Special Administrative Region from among the principal officials of the executive authorities, members of the legislature, and public figures.

There were six women in the 29-member assembly, including the president of the assembly. Women also held a number of senior positions throughout the Government. There were three members of ethnic minorities in the Legislative Assembly. One member of the executive council was also from an ethnic minority, as was the police commissioner.

Throughout the year local democracy activists and reporters questioned the Government about steps toward universal suffrage in the SAR. Following the chief executive's policy address on November 13, reporters expressed concern that he did not mention the issue despite his earlier commitment to begin consultations during the year on universal suffrage for chief executive and legislative elections. The chief executive lauded public discourse on the issue but stated that the SAR had not met the criteria necessary to achieve full suffrage in either election in 2009.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption; however, officials sometimes engaged in corruption. The CCAC investigates the public sector and has the power to arrest and detain suspects. Between January and June, the CCAC received 377 complaints against public officials in a variety of agencies. The CCAC pursued 11 of these complaints, 225 of which were criminal cases and 152 of which were administrative cases. The CCAC transferred seven cases to the Public Prosecutions Office. The Ombudsman Bureau, within the CCAC, was established to review complaints of maladministration or abuse by the CCAC, and there were no reports of complaints during the same period. There also is an independent committee outside CCAC called the Monitoring Committee on Discipline of the CCAC Personnel, which accepts and reviews complaints on CCAC personnel.

On August 31, the CCAC commissioner reported at a press conference that the antigraft body investigated 41 percent fewer cases in the first 7 months of the year than during the same period in 2006. The commissioner attributed the decrease to a "lack staff." Furthermore, there was widespread public concern over corruption in the executive branch and the lack of transparency between the Government and the business sector. The arrest of the former secretary for transport and public works exacerbated rising social tensions despite the soaring economy. Labor protests de-

cried a growing wealth gap, flawed governance, and rising corruption, especially over government land sales to developers.

On June 6, the former public works secretary, Ao Man Long, was formally charged by the public prosecutor with abuse of power, acceptance of bribes, money laundering, and unknown sources of large amounts of assets. Ao's charges followed 6 months of investigation that uncovered assets exceeding \$102 million (800 million patacas). On December 12, the month-long corruption trial in the Court of Final Appeal ended, although at year's end a verdict had not been announced. Following the trial, the CCAC commissioner reportedly said that the commission was monitoring the Government's land-lease authorizations and the approval of public construction projects as part of its routine antigraft prevention measures.

The law does not provide for public access to government information. However, the executive branch published online, in both Portuguese and Chinese, an extensive amount of information on laws, regulations, ordinances, government policies and procedures, and biographies of government officials. The Government also issued a daily press release on topics of public concern. The information provided by the legislature was less extensive. For example, it did not publish a legislative agenda or a list of pending bills.

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

A number of human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive to their views.

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

The law stipulates that residents shall be free from discrimination, and the Government effectively enforced the law. In addition, many local laws carry specific prohibitions against discrimination, although there is no specific law for combating discrimination.

*Women.*—The law criminalizes rape, including spousal rape, and the Government effectively enforced the law. In the first half of the year, there were four reported rapes. Rape was not a pervasive problem, and the police and courts promptly acted on rape cases.

The Government effectively enforced criminal statutes prohibiting domestic violence against women and prosecuted violators; however, various nongovernmental organizations (NGOs) and government officials considered domestic violence against women to be a growing problem. In the first half of the year, 51 cases of domestic violence, including 22 cases of spousal abuse, were reported to the police, 49 of which were prosecuted.

Domestic violence is punishable by 1 to 15 years in prison. In the case of both spousal abuse and violence against minors, the penalty is 2 to 8 years' imprisonment and 5 to 15 years if the abuse leads to the death of the victim. There was no data on reported cases of spousal abuse and violence against minors.

The Government provided hospital treatment for victims of abuse, and medical social workers counseled victims and informed them about social welfare services. The Government may provide victims of domestic violence with public housing until their complaints are resolved, but it did not reserve facilities expressly for this purpose.

Private and religious groups sponsored programs for victims of domestic violence, and the Government supported and helped to fund these organizations and programs. The Bureau for Family Action, a government organization subordinate to the Department of Family and Community of the Social Welfare Institute, helped female victims of domestic violence by providing a safe place for them and their children and furnishing advice regarding legal actions against the perpetrators. A family counseling service was available to persons who requested such services at social centers. Two government-supported religious programs also offered rehabilitation programs for female victims of violence.

Prostitution is legal and common; however, procurement and the operation of a brothel are illegal. Nevertheless, the SAR had a large sex trade, including brothels, most of which were believed to be controlled by Chinese organized crime groups, and many of those exploited by the trade were women.

There is no law specifically addressing sexual harassment, although harassment in general is prohibited and was not widespread.

Equal opportunity legislation mandates that women receive equal pay for equal work; however, observers estimated that there was a significant difference in salary between men and women, particularly in unskilled jobs. The law allows for civil suits, but few women took their cases to the Labor Affairs Bureau or other entities.



Discrimination in hiring practices based on gender or physical ability is prohibited by law, and penalties exist for employers who violate these guidelines. There were no reports on alleging sexual discrimination during the first half of the year.

*Children.*—The Government protected the rights and welfare of children through the general framework of civil and political rights legislation that protects all citizens. The law specifically provides for criminal punishment for sexual abuse of children and students, statutory rape, and procurement involving minors. The age of criminal responsibility is 16.

School attendance is compulsory for all children between ages 5 and 15 through general secondary education. Basic education was provided in government-run schools and subsidized private schools. The Education Department provided assistance to families that could not pay school fees. The children of illegal immigrants were excluded from the educational system. Experts believed this exclusion affected only a few children. Boys and girls attended school in equal proportions.

The Government provided free medical care for all children. Child abuse and exploitation were not widespread problems. During the first half of the year, one case of child abuse and 91 cases of offenses against the physical integrity of minors were reported to the police. During the same period, the police received three reports of rape of minors and no reports of sexual assault against minors.

*Trafficking in Persons.*—The law prohibits only the trafficking of persons out of the SAR, which is punishable by 2 to 15 years in prison; there is no law addressing the trafficking of persons into the SAR or the involuntary servitude of persons within the SAR. Penalties for transnational trafficking out of the SAR increase if the victim is underage; if the trafficker rapes the victim, the two offenses are treated as different crimes. For instances of trafficking within or to the SAR, the Government has other statutes that it can use to prosecute traffickers. For example, although prostitution is legal, a “procurement” law makes it a crime to instigate, favor, or facilitate the practice of prostitution by another person for the purposes of profit or as a way of life, although the penalties for this lighter crime are less severe and the “procurement” crime does not recognize a victim. No investigations into or prosecutions of trafficking under existing laws were reported.

The SAR is a transit and destination point for women trafficked for the purposes of sexual servitude. While the majority of foreign women who entered the SAR to become prostitutes were believed to have done so voluntarily, there was evidence that some had been deceived or coerced into participating in the commercial sex trade. Some foreign victims were misinformed about their destination and diverted to the SAR, where they were trafficked into prostitution.

During the first half of the year, nine women claimed to have been brought to the SAR under false pretenses to work as prostitutes, most of whom were found to be coerced and were not fined, imprisoned, or deported unless they had violated the law, including immigration statutes. There was one complaint of abuse of a prostitute between January and June. Authorities believed that Chinese, Russian, and Thai criminal syndicates were involved in trafficking women to the SAR for prostitution, after which victims were passed on to local crime syndicates. There were no confirmed reports of official involvement in human trafficking. Victims were primarily from mainland China, Mongolia, Russia, eastern Europe, Vietnam, and Thailand.

There were no dedicated government assistance programs for victims of trafficking, and no NGOs focused specifically on trafficking-related problems; however, there were charity organizations that provided assistance and shelter to women and children who were victims of trafficking.

In September the Government publicly announced the establishment of an interagency “concern committee” focused on human trafficking. The Government directive also called for a comprehensive review of trafficking-related law to conform them to international standards. Between September and December, the “Commission to Supervise the Implementation of Dissuasive Measures for Human Trafficking” met three times to explore future cooperation with local NGOs, including the establishment of a hot line for reporting cases of human trafficking, the drafting of a new law for combating human trafficking, and outreach activities.

On October 10, the Consultative Commission on Women’s Affairs (CCWA), a 25-member advisory body comprising representatives from government, private industry, legal and social organizations which reports to the Government on ways to promote women’s rights and interests, briefed the chief executive—who also leads the group—on its antitrafficking activities. The CCWA reportedly met in August to study ways to improve efforts to combat human trafficking and raise civil awareness. In November the group met with the Judiciary Police to study ways to improve enforcement measures against trafficking, and later that month it also met

with the Legal Affairs Bureau to review draft legislation to update Macau's anti-trafficking laws and comply with international standards.

*Persons with Disabilities.*—The law mandates access to buildings for persons with disabilities, and the Government generally enforced these provisions in practice. There were no reports of discrimination against persons with disabilities in employment, education, or provision of state services. There were no reports related to government restrictions on the right of persons with disabilities to vote or participate in civic affairs, and the Social Welfare Institute was primarily responsible for coordinating and funding public assistance programs to persons with disabilities.

*Other Societal Abuses and Discrimination.*—There were no reports of societal violence or discrimination based on sexual orientation or against persons with HIV/AIDS.

#### Section 6. Worker Rights

*a. The Right of Association.*—The law provides for the right of workers to form and join unions or “labor associations” of their choice without previous authorization or excessive requirement, and the Government generally respected this right in practice. However, new guidelines adopted by the CCAC require that civil servants must obtain approval from their managers before joining associations or becoming leaders in labor associations. The Union for Democracy Development Macau (UDDM) expressed concern that the local law contains no explicit provisions that bar discrimination against unions. The law also specifically excludes public servants, domestic workers, and migrant workers from labor law protections, including the right of association. At the beginning of the year, there were 186 registered labor associations and 227 employers' associations. There was no data on the percentage of unionized workers.

According to the International Trade Union Confederation (ITUC), due to the mainland government's strong influence over local trade union activities, including the direct selection of the leadership of the Federation of Trade Unions (FTU), independence of trade unions was undermined and the protection of the trade union members' rights compromised. Mainland government policies emphasized minimizing workplace disruption, and some unions were criticized for tending to resemble local traditional neighborhood associations promoting social and cultural activities. The UDDM and some local journalists claimed that the FTU was more interested in providing social and recreational services than in addressing labor problems such as wages, benefits, and working conditions.

*b. The Right to Organize and Bargain Collectively.*—The law provides that agreements concluded between employers and workers shall be valid, but there is no specific statutory protection that provides for the right to collective bargaining; however, the Government did not impede or discourage collective bargaining. Pro-mainland unions traditionally have not attempted to engage in collective bargaining. Migrant workers and public servants did not have the right to bargain collectively.

Local customs normally favored employment without the benefit of written labor contracts, except in the case of migrant workers, who were issued short-term contracts. Labor groups reported that employers increasingly used temporary contracts as a means to circumvent obligations to pay for workers' benefits such as pensions, sick leave, and paid holidays.

There is no specific protection in local law from retribution if workers exercise their right to strike. The Government argued that striking employees are protected from retaliation by labor law provisions, which require an employer to have “justified cause” to dismiss an employee; however, there were reports that the Government failed to enforce these provisions. Strikes, rallies, and demonstrations were not permitted in the vicinity of the chief executive's office, the Legislative Assembly, and other key government buildings. In addition, the ITUC reported that violations of restrictions imposed on public meetings and demonstrations were punishable by imprisonment and forced labor.

On October 1, approximately 1,000 citizens took part in peaceful demonstrations protesting government corruption and raised labor problems such as the influx of illegal workers, which they claimed numbered approximately 70,000. Illegal laborers were not protected by labor laws. Similar concerns were raised during the May 1 protest.

Workers who believed they were dismissed unlawfully may bring a case to court or lodge a complaint with the Labor Department or the high commissioner against corruption and administrative illegality, who also functions as an ombudsman. However, migrant workers had no right to such legal recourse.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The law prohibits minors under the age of 16 from working, although minors between the ages of 14 and 16 can be authorized to work on an “exceptional basis.” Some children reportedly worked in family-run or small businesses. Local laws do not establish specific regulations governing the number of hours these children can work, but International Labor Organization conventions were applied. The Labor Department enforced the law through periodic and targeted inspections, and violators were prosecuted. In 2005 the Labor Department Inspectorate conducted a special inspection specifically aimed at enforcing child labor laws. During the inspection 476 companies were visited, and 17 were found to have violated child labor laws by employing 29 minors between 14 and 16 years of age. A similar inspection was conducted during the year, but data was not available by year’s end.

*e. Acceptable Conditions of Work.*—Local labor laws establish the general principle of fair wages and mandate compliance with wage agreements. There was no mandatory minimum wage except for government-outsourced security guards and cleaners. A dispatch published in the Government’s official gazette stipulated that, beginning September 1, all government agencies would pay a minimum wage to workers in these industries, that service providers not complying with the rule could be fined, and that the Labor Affairs Bureau was responsible for dealing with complaints. Following the dispatch, public debate arose over whether a minimum wage should be extended to other sectors. Average wages provided a decent standard of living for a worker and family.

In addition to the estimated 60,000 migrant workers, the use of illegally imported workers increased. The ITUC maintained that under the labor law, the high percentage of foreign labor was eroding the bargaining power of local residents to improve working conditions and increase wages.

Labor legislation provides for a 48-hour workweek, an 8-hour workday, paid overtime, annual leave, and medical and maternity care. Although the law provides for a 24-hour rest period each week, workers frequently agreed to work overtime to compensate for low wages. The Labor Department provided assistance and legal advice to workers upon request.

The Labor Department enforced occupational safety and health regulations, and failure to correct infractions could lead to prosecution. During 2006 and the first half of 2007, the Labor Department inspectorate conducted 6,142 inspections and uncovered 3,934 violations carrying fines totaling approximately \$179,000 (1.4 million patacas). From January to September, there were six work-related deaths. Although the law includes a requirement that employers provide a safe working environment, no explicit provisions protected employees’ right to continued employment if they refused to work under dangerous conditions. According to the Government, migrant workers, mainly from the mainland and Southeast Asia, made up approximately 26 percent of the work force.

---

## TAIWAN

Taiwan’s population of 23 million is governed by a president and Parliament chosen in multiparty elections. In 2004 voters elected President Chen Shui-bian of the Democratic Progressive Party (DPP) in an election that was generally regarded as free and fair. The civilian authorities generally maintained effective control of the security forces.

Taiwan generally respected the human rights of its citizens; however, there continued to be problems reported in the following areas: Corruption by officials, violence and discrimination against women, trafficking in persons, and abuses of foreign workers.

### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—There were no reports that the authorities committed arbitrary or unlawful killings.

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution stipulates that no violence, threat, inducement, fraud, or other im-

proper means should be used against accused persons, and there were no reports that the authorities employed them.

*Prison and Detention Center Conditions.*—Prison conditions generally met international standards, and the authorities permitted visits by independent human rights observers. As of July prisons operated at 101 percent of design capacity.

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

*Role of the Police and Security Apparatus.*—The national police Administration (NPA) of the Ministry of Interior (MOI) has administrative jurisdiction over all police units.

Police corruption continued to be a problem. In January a court convicted a former police officer of the kidnapping and murder of a wealthy businessman. Former supervisors and colleagues were under investigation for failing to properly investigate the case. In February seven police officers were arrested for taking bribes from construction companies. In August three police officers from two different districts were arrested and charged with accepting bribes from a prostitution ring. In September two police officers were arrested for accepting bribes from an illegal casino operation.

Prosecutors and the Control Yuan were responsible for investigating allegations of police malfeasance. The NPA also had an inspector general and an internal affairs division that investigated allegations of police misconduct. Police officers and senior officials suspected of corruption were prosecuted and punished upon conviction.

*Arrest and Detention.*—Warrants or summons were required by law except when there was ample reason to believe the suspect may flee, or when circumstances were too urgent to apply for a summons prior to questioning. Indicted persons may be released on bail at judicial discretion. By law, prosecutors must apply to the courts within 24 hours after arrest for permission to continue detaining an arrestee. The authorities generally observed these procedures, and trials usually took place within 3 months of indictment.

Human rights advocates complained that the law did not provide adequate protection since suspects were not entitled to legal representation during questioning. Legal counsel was allowed, but not required, to be present at police interrogations. In response to this complaint, the Judicial Yuan (JY) and NPA initiated in September a 1-year pilot program to provide legal counsel during initial police questioning to qualifying indigent suspects who are mentally handicapped or charged with a crime punishable by 3 or more years in prison. Lawyers recruited by the Legal Aid Foundation were posted to police stations in 15 cities and counties. Police and prosecutors were required to provide written notice of the service to qualifying defendants.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the authorities generally respected judicial independence. However, although the authorities made efforts to eliminate corruption and to diminish political influence in the judiciary, residual problems remained. During the year many political leaders publicly questioned the impartiality of judges and prosecutors involved in several high-profile and politically sensitive cases.

The JY is one of the five coequal branches of the political system and includes the 15-member Council of Grand Justices, which interprets the Constitution as well as laws and ordinances. Subordinate JY organs include the Supreme Court, high courts, district courts, administrative courts, and the Committee on the Discipline of Public Functionaries.

Active-duty military personnel were subject to the military justice system, which provided the same protections as the civil criminal courts. However, critics contended that there was insufficient separation between military prosecutors and judges, who were usually officers in the same unit and under the same command, to properly safeguard a defendant's interests.

*Trial Procedures.*—The Constitution establishes the right to a fair trial, and an independent judiciary generally enforced this right. Judges, rather than juries, decided cases; all judges were appointed by and responsible to the JY. A single judge, rather than a defense attorney or prosecutor, typically interrogated parties and witnesses. Trials were public, although court permission may be required to attend trials involving juveniles or potentially sensitive issues that might attract crowds. A defendant's access to evidence held by the prosecution was determined by the presiding judge on a case-by-case basis. All defendants were presumed innocent until proven guilty and had the right to an attorney, and criminal procedure rights were extended to all persons without limitation.

Indigent criminal suspects are not entitled to legal counsel during initial police questioning; however, after an indictment is filed, courts are required to appoint counsel. Human rights lawyers contend that indigent defendants cannot be guaranteed a fair trial unless they are provided legal counsel at the outset of a criminal investigation.

The law states that a suspect may not be compelled to testify and that a confession shall not be the sole evidence used to find a defendant guilty. All convicted persons have the right to appeal to the next higher court level. Persons sentenced to terms of imprisonment of 3 years or more may appeal beyond that level. The Supreme Court automatically reviews life imprisonment and death sentences. It is unconstitutional to allow the confessions of accomplices to be used as the only evidence to convict a defendant.

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

*Civil Judicial Procedures and Remedies.*—There is an independent and impartial judiciary for civil matters. Administrative remedies are available in addition to judicial remedies for alleged wrongs, including human rights violations. There were no reports of problems enforcing domestic court orders.

*f. Arbitrary Interference with Privacy, Family, Home or Correspondence.*—The Constitution prohibits such actions, and the authorities generally respected these prohibitions in practice.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, and the authorities generally respected these rights in practice.

There was a vigorous and active free press. Critics alleged that dependency upon advertising revenue and loans from government-controlled banks deterred a few media outlets from criticizing the authorities. The authorities denied using loans or advertising revenue to manipulate the media.

PRC journalists were granted a maximum stay of 30 days. PRC national news outlets China Central Television, China National Radio, and China News Service regularly assigned up to two journalists to Taiwan at a time. As of September there were six journalists from these news agencies on 1-month assignments on Taiwan. Journalists from Xinhua News Agency and People's Daily were permitted to visit Taiwan but were not granted the maximum 1-month stay.

On March 6, several Taiwan newspapers ran an Associated Press (AP) article about Vice President Annette Lu that contained disparaging quotes from Chinese officials. CNN also posted the article on its Web site. Vice President Lu demanded an apology from AP and CNN. On March 8, a group of legislators asked the Government Information Office (GIO) minister to expel the AP reporter who wrote the article. On March 9, the GIO minister announced that the reporter's visa would be revoked and that he would be expelled from Taiwan. The GIO minister recanted later the same day, and the reporter was not expelled. After a meeting between GIO and AP, AP offered to interview Vice President Lu. On March 29, the interview was conducted and published.

On March 26, pro-opposition cable television station TVBS ran footage of a local gangster brandishing various weapons while threatening to kill a rival. It was later discovered that personnel from the cable television station had been involved in the filming. Facing criticism, the TVBS general manager issued a public apology, and fired the reporters involved. On March 30, the National Communications Commission (NCC) fined the station and its subsidiary a total of \$60,400 (NT\$2 million) and demanded the general manager's resignation. The general manager resigned on April 2.

On May 8, it was revealed that a pro-ruling party television station had wrongly used footage of a 1948 massacre in Shanghai, China, to portray killings that took place on Taiwan in 1947. The footage was included as part of a GIO-commissioned documentary aired March 3–7. Station executives and the documentary editor apologized publicly but denied intentional wrongdoing. The GIO canceled the contract for the documentary. The NCC also fined the station \$30,200 (NT\$1 million) and ordered station executives to take 8 hours of ethics instruction. Opposition-party political leaders and pro-opposition media outlets charged that the ruling party had showed political favoritism by meting out lighter punishment for the pro-ruling-party television station.

In April 2006 a Taipei court ordered a United Daily News reporter named Kao to pay a fine of \$1,000 (NT\$30,000) per day until he revealed the source for a report that caused the stock of a company to plummet. Kao was accused of aiding criminal activities and disrupting the financial market. The public reacted negatively to

Kao's fine, and it was suspended. Kao's first appeal of the conviction was rejected on September 14. Kao's second appeal was pending at year's end.

In October 2006 the Constitutional Court (CC) held that freedom of publication is not an absolute right, stipulating that certain sexually explicit materials are protected only as long as they are properly packaged and labeled. Based on the CC interpretation, the owner of a gay bookstore appealed his 2005 conviction for violating the criminal code, which bans the sale, circulation, and public display of obscene publications. The owner argued the magazines were legally imported from Hong Kong and had been properly packaged in opaque wrappers as required by adult publications ordinances.

The GIO, which requires that any publications imported from mainland China be sent to the GIO Publications Department for screening before sale or publication, has the authority to ban importation of publications that advocate communism or the establishment of united front organizations, endanger public order or good morals, or violate laws. Nevertheless, a wide variety of mainland China-origin material was accessible through the Internet as well as in retail stores. Cable television systems were required to send imported material to the GIO for screening or to convert subtitles from the simplified characters used in mainland China to traditional characters before broadcasting.

*Internet Freedom.*—There were generally no official restrictions on access to the Internet and individuals and groups could engage in peaceful expression of views via the Internet, including by email. However, Internet content rating regulations issued by GIO require all Taiwan Web site operators to voluntarily label their Web site material, making it easier for software filters to detect and block access to adult-only material for children under age 18. The GIO authorized the Taiwan Internet Content Rating Promotion Foundation (TICRF) to provide free filtering software to parents. The GIO did not block access to restricted Web sites. According to TICRF, 93 percent of these Web sites independently labeled themselves in compliance with applicable regulations.

Several nongovernmental organizations (NGOs) reported that law enforcement officials monitored Internet chat rooms and bulletin boards and used Internet addresses to identify and prosecute adults responsible for posting sexually suggestive messages. Critics alleged the Child and Youth Sexual Transaction Prevention Act (CYSTPA), which is intended to protect children from sexual predators, is being used to punish constitutionally protected free speech between consenting adults.

*Academic Freedom and Cultural Events.*—The law prohibits teachings, writings, or research that advocate communism or communist united front organizations, which endanger the public order or good morals, or violate regulations or laws. The authorities did not otherwise restrict academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for freedom of assembly and association, and the authorities generally respected these rights in practice. However, opposition-party legislators and human rights NGOs claimed that the Assembly and Parade Law unconstitutionally restricted free speech and assembly, and called for it to be amended or abolished.

On August 3, authorities charged 16 participants in anticorruption protests staged in October 2006 with failure to obtain a protest permit and failure to comply with a police order to disperse, in violation of the Assembly and Parade Law. According to human rights NGOs and media reports, protesters campaigning for education, labor, and environmental reforms were also charged with violating the law.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the authorities generally respected this right in practice.

*Societal Abuses and Discrimination.*—There were no reports of societal abuses or discrimination against persons for their religious beliefs or practices, and no reports of anti-Semitic acts. The Jewish population numbered approximately 150 persons. For a more detailed discussion, see the 2007 International Religious Freedom Report.

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution provides for freedom of movement within Taiwan, foreign travel, emigration, and repatriation, and the authorities generally respected these rights in practice.

All travelers from the People's Republic of China (PRC) are required to have invitations from sponsors and are subject to approval by the Mainland Affairs Council. PRC tourists must travel in groups, stay at designated hotels, and return to their hotel rooms by 10 p.m. PRC tour groups must be chaperoned by a Taiwan travel agency, which is required to post a \$60,400 (NT\$2 million) bond for each group. Part or the entire bond can be forfeited if any tour group member is involved in legal

problems or is reported missing. The Tourism Bureau must be notified in advance of any change to a tour group itinerary. PRC visitors who come to Taiwan for family and business purposes are required to regularly report their location to the police.

The law does not provide for forced exile, and it was not practiced.

According to Taiwan's Cross-Strait Relations Act, its citizens residing in the PRC will lose citizenship if they do not return within 4 years. They may apply to recover citizenship through relatives or a legal representative. Applications to recover citizenship were regularly granted, and there were no reports of rejected applications.

*Protection of Refugees.*—The law does not provide for the granting of asylum or refugee status. All PRC citizens unlawfully present are required by law to be returned to the PRC, including victims of human trafficking. At year's end there were six PRC nationals on Taiwan seeking asylum in a third country.

Throughout the year the authorities repatriated illegal immigrants to their countries of origin. According to MOI, the total number of illegal PRC immigrants deported to the mainland continued to decline, from 1,596 in 2006 to 595 by November 2007. As of December, 1,870 illegal PRC immigrants were in detention centers awaiting repatriation.

PRC illegal immigrants continued to spend long periods in detention, waiting an average of 204 days to be repatriated. By comparison, non-PRC illegal aliens averaged just 37 days in detention before repatriation. MOI claimed that some PRC detainees gave false name and age information, making it difficult for PRC authorities to properly identify them. Some detainees were charged with criminal acts and awaited trial and sentencing before repatriation. MOI also faulted the PRC government for causing procedural delays.

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

The Constitution provides citizens the right to elect and change their political leaders peacefully and this right was exercised in practice through periodic, free, and fair elections held on the basis of universal suffrage.

*Elections and Political Participation.*—Political parties operate without restriction or outside interference.

In 2004 voters elected President Chen Shui-bian, and the opposition KMT–PFP coalition won a narrow majority in the Legislative Yuan (LY). The elections were generally regarded as free and fair.

On February 2, a court indicted two men for allegedly paying voters to support a candidate for Kaohsiung City Council.

There were 46 women in the 217-member LY. The vice president and vice premier were women. On August 20, Yeh Chu-lan became Taiwan's first female presidential office secretary-general. Seven of the 49 Executive Yuan (EY) members were women. Three of the 21 members of the Examination Yuan were women. Three of the 13 grand justices were women. Three of the 15 members of the DPP central standing committee and 12 of the 30 members of the DPP central executive committee were women. Eleven of the 33 members of the KMT central standing committee were women. At least half of the at-large seats won by a political party were required to be filled by female candidates.

Representatives of the indigenous population participated in most levels of the political system. They held eight reserved seats in the LY, half of which were elected by plains tribes and half by mountain tribes. Indigenous peoples accounted for about 2 percent of the population; their allocation of legislative seats was almost double their proportional representation. A member of an indigenous group served as Chairman of the Council of Indigenous Peoples.

*Government Corruption and Transparency.*—There were allegations of official corruption during the year. However, the authorities continued to take action to combat corruption. Allegations of vote buying continued, although all political parties were publicly committed to ending the practice.

Regulations took effect in 2006 that require political appointees to the EY and its subordinate agencies to place all financial assets into a trust within 3 months of assuming office and, for those already in office, within 3 months of the effective date of the regulations.

During the year several prominent figures from both the ruling and opposition parties were indicted for the alleged misuse of special discretionary funds made available to them as office-holders. Many observers remarked that the law regarding the use of these funds was unclear and was in need of reform.

On February 8, prosecutors charged the director of the Civil Aeronautics Administration and three senior aeronautics officials with accepting kickbacks from contractors performing an airport construction project.

On April 11, the Tainan city mayor and three city officials were indicted for alleged profiteering on a public construction project.

On August 9, an economics vice minister was charged with corruption for allegedly rigging the bidding process for publicly funded water conservation construction projects.

On August 18, a DPP legislator and 20 others were charged with forgery and violation of banking laws in connection with an illegal loan scheme.

In August the former presidential office deputy secretary-general was cleared of charges for insider trading and corruption. The November 2006 corruption case against the first lady was still pending. In December 2006 the president's son-in-law was convicted of corruption for insider trading, and in June his prison sentence was increased to 7 years. His case is on its second appeal.

By June prosecutors had indicted 970 persons on various corruption charges and had convicted 477 persons. Of those accused, 70 were high-ranking officials, 152 were mid-level, 201 were low-level, and 23 were elected officials.

The "Access to Government Information Law" stipulates that all government information be made available to the public upon request, except national secrets, professional secrets, personal information, and protected intellectual property. The law provides that citizens, companies, and groups registered in Taiwan can submit information requests and can appeal denied requests. These privileges are extended on a reciprocal basis to citizens of foreign countries.

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

A wide variety of domestic and international human rights groups generally operated without restriction by authorities, investigating and publishing their findings on human rights cases. The authorities were cooperative and responsive to their views.

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

The Constitution provides for equality of citizens before the law irrespective of sex, religion, race, class, or party affiliation. It also provides for the rights of persons with disabilities.

*Women.*—Violence against women, including rape and domestic violence remained a serious problem. Rape, including spousal rape, is a crime; its victims were socially stigmatized. The MOI estimated that the total number of sexual assaults was 10 times the number reported to the police.

The law provides protection for rape victims. Mentally handicapped victims and those under 16 years of age are allowed to testify via a two-way television system. Rape trials may not be open to the public unless the victim provides consent. The law requires doctors, social workers, police, and prosecutors to jointly question victims of sexual abuse whenever possible to reduce the number of times a victim is questioned. The law permits a charge of rape without requiring the victim to press charges.

The law establishes the punishment for rape as not less than 5 years' imprisonment, and those convicted usually were given prison sentences of 5 to 10 years. According to the MOI, 6,364 reports of rape or sexual assault were filed through October. Prosecutors tried 1,915 of those cases and convicted 1,590 persons. Women's rights activists criticized law enforcement for bringing only a small percentage of perpetrators to justice.

The law allows prosecutors to take the initiative in investigating complaints of domestic violence without waiting for a spouse to file a formal lawsuit.

By October a total of 60,326 cases of domestic violence had been reported, representing a projected 2 percent rise in reported cases over 2006. MOI cited this increase as evidence that women were more willing to report domestic violence. As of October a total of 2,279 persons had been prosecuted for domestic violence, and 1,590 persons had been convicted. Typically persons convicted in domestic violence cases were sentenced to less than 6 months in prison. Strong social pressure not to disgrace their families discouraged abused women from reporting incidents to the police.

The law requires all cities and counties to establish violence prevention and control centers to address domestic and sexual violence, child abuse, and elder abuse. These centers provided victims with protection, medical treatment, emergency assistance, shelter, legal counseling, and education and training on a 24-hour basis. As of November the centers obtained 27,051 protection orders from the courts.

Prostitution was illegal. Prostitution, including child prostitution, was a problem. Trafficking in women remained a problem. The authorities continued to report the



arrest of a significant number of prostitutes from Southeast Asian countries, mainly Vietnam, Indonesia, and Cambodia.

A March poll conducted by a women's rights NGO indicated that 75 percent of women feared harassment on public transportation, and 83 percent were concerned about the risk of sexual assault by taxi drivers. Only 39 percent of respondents knew where to seek help after experiencing sexual harassment or sexual assault.

Sexual harassment is a crime. Violators face fines of \$3,000 to \$30,000 (NT\$100,000 to NT\$1 million) and imprisonment for up to 2 years. All public employers and larger private employers were required to enact preventive measures and establish complaint procedures to deter sexual harassment. Hot lines were established in several major cities, but reporting levels were well below expectations. Women's groups criticized the implementation of the law as ineffective, attributing low reporting rates to inadequate publicity.

The law prohibits sex discrimination and stipulates that measures be taken to eliminate sexual harassment in the workplace. The Gender Equality in Employment Act (GEEA) provides for equal treatment with regard to salaries, promotions, and assignments. The GEEA entitles women to request up to 2 years of unpaid maternity leave and forbids termination because of pregnancy or marriage. According to a Council for Labor Affairs (CLA) poll, 70 percent of female employees stated the GEEA had helped remove employment barriers for women. Despite the law, women continued to be denied maternity leave or were forced to quit jobs due to marriage, age, or pregnancy. According to the same poll, nearly 20 percent of pregnant employees claimed to have been discriminated against, and more than half of the employers polled did not offer adequate parental leave benefits.

Women's advocates noted that women continued to be promoted less frequently, occupied fewer management positions, and worked for lower pay than their male counterparts. Women made up 49 percent of the total workforce and more than 50 percent of the service industry workforce. According to the CLA, salaries for women averaged 85 percent of those for men performing comparable jobs.

In September a legislator criticized the Ministry of National Defense (MND) for restricting the number of scholarships offered to female cadets, while praising MND's commitment to increase the total number of female recruits from 3 percent in 2005 to 8 percent by 2011.

*Children.*—The authorities were committed to the rights and welfare of children, and the law included provisions to protect them. Education for children between 6 and 15 years of age was free, universal, compulsory, and enforced. According to official statistics, 99 percent of school-age children attended primary and middle school. Children were provided health care under the national health insurance plan.

Child abuse continued to be a widespread and growing problem. Through September 13,972 cases had been reported, including cases of physical, mental, or sexual abuse or harm due to guardian neglect, marking a projected increase of 33 percent over 2006. Approximately 90 percent of abusers were parents, relatives, or caregivers. Hospitals, schools, social welfare organizations, or the police reported 60 percent of all cases, with 40 percent of reports coming from family members or the public. Fifty percent of all cases were reported through the child abuse hot line. Central and local authorities, as well as private organizations, continued efforts to identify and assist high-risk children and families and to increase public awareness of child abuse and domestic violence.

In 2006 the authorities instituted a \$93 (NT\$3,000) per month, per child subsidy program aimed at reducing financial stress on lower-income families deemed to be at high risk for child abuse. MOI tripled funding for social welfare services to \$4.2 million (NT\$135 million), appropriating an additional \$975,000 (NT\$31.5 million) to hire 140 new child welfare case managers. Child welfare specialists claimed that even with the additional subsidies, funding to prevent and respond to domestic violence and child abuse was inadequate. In January NGOs reported that Taiwan's 1,071 social workers handled excessively large caseloads, and that an additional 5,000 social workers were needed.

By law, persons discovering cases of child abuse or neglect must notify the police or welfare authorities. Child welfare specialists must notify the local authorities within 24 hours, and authorities must take appropriate measures within 24 hours. Regulations encourage officials to respond to investigation requests within 4 days. The MOI Children's Bureau and NGO specialists monitored cases to ensure that requirements were met. An official hot line accepted complaints of child abuse and offered counseling. Courts were authorized to appoint guardians for children who lost their parents or whose parents were deemed unfit.

Solicitors of child prostitutes under the age of 14 faced sentences of 3 to 10 years in prison. Those who patronized prostitutes between the ages of 14 to 16 were sentenced to 3 to 7 years. Solicitors of child prostitutes older than 16 but younger than

18 faced up to 1 year in prison or hard labor, or a fine up to \$100,000 (NT\$3 million). According to the MOI Children's Bureau and local NGOs, 400–600 children per year were rescued from prostitution and placed in shelters. NGOs reported a significant increase in the number of boys exploited as prostitutes.

Advertisements related to prostitution or commercial sex were prohibited and the law was enforced in practice. Citizens arrested abroad for having sex with minors were also indicted and convicted for patronizing underage prostitutes in foreign countries.

During the year 1,210 persons were indicted and 980 persons were convicted of violating the CYSTPA, which criminalized child prostitution and the possession and distribution of child pornography. This was a 21 percent increase in indictments and an 11 percent increase in convictions from 2006. The law required publication of violator names in the newspaper.

*Trafficking in Persons.*—There was no comprehensive trafficking law, although most forms of trafficking were criminalized through a number of statutes. The law did not address prevention of trafficking or victim protection, which authorities nonetheless provided on an ad hoc basis. The MOI, Ministry of Justice (MOJ), National Immigration Agency (NIA), CLA, and NPA, and several other agencies were responsible for combating trafficking. Trafficking in persons continued to be a problem.

Taiwan is primarily a destination country for Southeast Asian and PRC nationals trafficked into forced labor or sexual exploitation. There were numerous reports of women, primarily from Indonesia, Vietnam, the Philippines, and Thailand, being forced or coerced into the commercial sex trade after receiving fraudulent offers of employment or marriage from dishonest labor or marriage brokers. There also were reports of women being trafficked from Taiwan for sexual exploitation purposes to Canada, Japan, the United Kingdom, the United States, and other countries.

Traffickers continued to use fraudulent marriages as a method for human trafficking, in part because penalties for “husbands” were lenient. To counteract the abuse of the spousal visa program, Taiwan required spousal visa applicants from the PRC, Burma, Cambodia, Indonesia, Thailand, the Philippines, and Vietnam to undergo interviews in their home countries before departing for Taiwan. Additionally, foreign spouses and their prospective mates must undergo a second interview upon the foreign spouse's arrival on Taiwan. In 2006 the MOI banned the formation of new cross-border matchmaking companies and announced that existing firms would be subject to stricter regulation and monitoring.

Labor trafficking remained a serious problem. Labor brokers charged much more for high-wage factory jobs than for low-wage household worker positions. NGOs reported that foreign workers who paid higher fees to secure high-wage factory jobs were often forced by their broker to accept low-wage household work upon arrival in Taiwan. NGOs also reported that household workers were often forced by their employers to work in factories or construction sites, but were only paid the lower household worker wage. NGOs reported that brokers and employers regularly imposed high brokerage fees and other charges on foreign workers, frequently using the debt as a tool for involuntary servitude; adding that foreign workers were unwilling to report employer abuses for fear the employer would terminate the contract and forcibly deport them, leaving them unable to pay back debt accrued to brokers or others. Household workers were forbidden from changing jobs or employers except under rare circumstances and were often not fully informed of available recourse in the event of abuse.

During the year 423 persons were indicted for trafficking related offenses; this was a 62 percent increase over 2006. At year's end some 350 cases were still pending; prosecutors tried and convicted 74 defendants, which was a 20 percent decrease from 2006. Sixteen persons were convicted of exploiting children for prostitution: Three were sentenced to 7 to 10 years in prison, four were sentenced to 3 to 5 years, and nine received sentences of less than 1 year. Another 53 defendants were convicted of forced prostitution: Two were sentenced to 7 to 10 years; seven were sentenced to 1 to 3 years; and 44 were sentenced to less than 1 year. Five defendants were convicted of forced labor, and all five were sentenced to less than 1 year in prison.

Incidents of public employees or officials implicated in trafficking were rare, but they did occur. On February 27, a former clerk at the Bureau of Immigration, now NIA, was indicted for helping a criminal organization smuggle Chinese women into Taiwan for prostitution. In March blank alien multiple-entry permits were found missing from an NIA service center in Taipei. NIA officials canceled the 200 missing permits, suspended the officer suspected of taking them, and demoted the director of the Taipei service center. On April 13, two members of the NIA's Taoyuan County antitrafficking task force were arrested for allegedly extorting money from employ-

ers in return for ignoring labor violations and for helping to conceal human trafficking rings operating in Taoyuan. On August 7, the director of the NIA office in Chiayi County was arrested for allegedly accepting payments in exchange for helping traffickers conceal and exploit illegal foreign workers.

In April the authorities issued island-wide guidelines for identification and treatment of trafficking victims. The MOI and MOJ conducted dozens of exercises to train police, immigration officials, and other law enforcement personnel in identifying victims. During the year several groups of foreign workers and foreign spouses were identified by police and prosecutors as trafficking victims and were released to NGO shelters. NGOs reported, however, that significant numbers of trafficking victims went undetected and instead were incarcerated in detention centers and punished for violating immigration, foreign labor, or prostitution laws.

NGOs asserted that failure to educate foreign workers and foreign spouses about their rights and protections left them distrustful of the authorities and vulnerable to misinformation and abuse from spouses, employers, and labor brokers. NGOs claimed that traffickers were able to operate with relative impunity because law enforcement resources dedicated to combat trafficking continued to be inadequate.

During the year a senior-level prosecutor unit was established to supervise district court handling of trafficking cases. Antitrafficking task forces were established within NIA, NPA, Coast Guard, and the 21 district court offices. Improved collaboration between central law enforcement authorities, district prosecutors, and local law enforcement significantly increased the number of investigations, arrests, prosecutions, and convictions. Restrictions on cross-border marriages, oversight of labor and marriage brokers, and enhanced investigation of suspect cross-border marriages also increased. Cooperation was expanded with labor source-country governments to increase the number of pre-entry counseling seminars available for foreign spouses of citizens.

CLA operated 25 labor consultation service centers located around Taiwan. These centers provided counseling, legal aid, labor dispute resolution services, and toll-free multilingual hot lines. Thirteen overnight-stay shelters were available to foreign workers in need. Twelve shelters were operated by NGOs, two of which were wholly supported by funding from the Taipei and Kaohsiung city authorities. One shelter was operated by the Indonesian foreign representative office.

*Persons with Disabilities.*—The law prohibits discrimination against persons with disabilities and sets minimum fines for violations.

The law stipulates that the authorities must provide services and programs to the disabled population. Free universal medical care was provided to persons with disabilities. NGOs continued to note that more public nursing homes were needed and current programs, such as home care services, needed to be expanded to meet the growing needs of the disabled population, including the growing numbers of elderly persons.

The law requires all private enterprises with more than 100 employees to hire at least one person with disabilities per 100 workers. For all public entities (including offices, schools, and enterprises) with 50 or more employees, employees with disabilities must comprise at least 2 percent of the total workforce. For each unmet quota position, both public and private organizations are required to pay into the Disabled Welfare Fund an amount equal to one basic monthly salary or approximately \$535 (NT\$17,280). As of September persons with disabilities constituted approximately 2 percent of the public sector workforce.

For those with occupational injuries the law provides monetary assistance for up to 5 years, plus additional support through other programs. NGOs maintained that the authorities needed to extend the current 5-year limit and liberalize the qualifications for assistance.

By law, new public buildings, facilities, and transportation equipment must be accessible to persons with disabilities, and this requirement was generally met. Violations resulted in fines of \$1,900 to \$9,300 (NT\$60,000 to NT\$300,000).

During the year, activists petitioned the authorities to preserve the Lo Sheng leprosy sanatorium and to allow its residents to continue living there. Most of the Lo Sheng site was to be demolished to make way for a rapid mass transit depot. In May the Public Construction Commission (PCC) decided to preserve half of the site's original buildings and to relocate the remaining residents to an adjoining high-rise long term care facility, which was not acceptable to the residents. Disability rights activists charged the PCC with putting development before the rights of the disabled. The authorities asserted that an appropriate balance had been reached between competing interests. In November the LY approved a \$28 million (NT\$900 million) fund to compensate residents for decades of confinement at the facility. However, the LY did not designate the Lo Sheng facility as a protected historical site, as activists had requested.

*National/Racial/Ethnic Minorities.*—Since 1987 more than 399,000 marriages to foreigners have been registered, mostly to women from China, Vietnam, Indonesia, and Thailand. During 2007, 18 percent of all marriages were to foreign-born spouses, and an estimated 10 percent of all births were to foreign-born mothers.

Foreign spouses are initially issued visitors' visas, which usually must be renewed outside Taiwan. Foreign spouses cannot apply for citizenship until they have resided on Taiwan for 3 consecutive years. They are required to relinquish their citizenship of birth in order to apply. Citizenship is typically granted after the 4th consecutive year of residence; thus, for 1 year foreign spouses are technically stateless. Without citizenship, foreign spouses can be deported if their visas expire.

In one high-profile case, a married man from Taiwan named Chan used another man's identity to marry a Cambodian woman, who bore him twins. When the woman's visa expired, she was unable to renew it because her registered husband, named Yao, had died. She was deported, and Chan arranged to adopt the twins. The Cambodian woman then turned to a Taiwan legislator for help. According to a local NGO, the Taiwan authorities permitted the Cambodian spouse to return to Taiwan in July, where she resides with her two children and their father.

Foreign spouses were targets of discrimination both inside and outside the home. Most cross-border marriages were arranged by brokers, whose advertisements in Taiwan were frequently degrading to women. For fees ranging from \$7,800 to \$12,400 (NT\$250,000 to NT\$400,000), brokers typically flew clients to other Southeast Asian cities, where they could choose from a group of eligible women recruited by the broker. The marriage and necessary paperwork were usually completed within a week. Several reports suggested that this commercialized process likened foreign spouses to property and contributed to their mistreatment. An MOI report concluded that social and economic marginalization contributed to an abnormally high rate of domestic violence in cross-border marriages.

On November 30, the Immigration Law was amended to bar all forms of discrimination against foreign-born spouses and foreign migrant workers on the basis of nationality, race, skin color, social rank or place of birth. Those convicted of violating these provisions can face fines of up to \$930 (NT\$30,000). The amended Immigration Law permits a foreign-born spouse to apply for a restraining order if he or she has been the victim of domestic violence. A foreign-born spouse may now remain in Taiwan as long as necessary to handle divorce proceedings and to settle child-custody questions. After a divorce, a foreign-born spouse may remain in Taiwan to care for minor children less than 20 years of age. The amendment also banned for-profit cross-border marriage agencies, extended assembly and parade rights to immigrants, and liberalized financial proof requirements for foreign spouses seeking naturalization.

To assist the growing number of foreign-born spouses, the authorities took steps to help integrate them into society, including offering free Mandarin language and child-raising classes and counseling services at community outreach centers. The Legal Aid Foundation provided legal services to foreign spouses and operated a hot line to receive complaints. The MOI also operated its own hotline service with staff conversant in Vietnamese, Cambodian, Thai, Indonesian, English, and Chinese. By the end of July, the service had received 319 calls from non-Chinese speakers.

PRC-born spouses must wait 8 years to apply for Taiwan residency, whereas non-PRC spouses can apply after only 4 years. While non-PRC foreign spouses are permitted to work in Taiwan immediately upon arrival, PRC spouses must wait 4 years to obtain the right to work, barring special economic circumstances. Starting September 1, upon entering Taiwan for the first time, a spouse from the PRC must present a certified clean bill of health. After 4 years of residency in Taiwan, a PRC spouse can apply for a long-stay visa. After 2 more years of residency, this individual can apply for citizenship.

*Indigenous People.*—There are 13 identified non-Chinese groups of indigenous peoples descended from Austronesian ancestors. Indigenous people accounted for approximately 2 percent of the population. The law protects the civil and political rights of these indigenous people. In 2005 the LY passed the Indigenous Peoples Basic Act ("Basic Act"), which stipulates that the authorities should provide resources to help indigenous people develop a system of self-governance, formulate policies to protect their basic rights, and promote the preservation and development of their language and culture. Indigenous rights advocates allege that schools in remote villages have been merged or closed in violation of the Basic Act, and that the budget for indigenous education fell short of Basic Act requirements. Indigenous leaders also called for greater participation in the administration of traditional tribal territories.

*Other Societal Abuses and Discrimination.*—There were no laws prohibiting homosexual activities. According to homosexual rights activists, anti homosexual violence was rare, but societal discrimination against homosexuals and persons with HIV and AIDS was a problem.

Homosexual rights activists alleged that communities regularly used police pressure to shut down neighboring gay- and lesbian-friendly bars and bookstores. Homosexual rights activists and free speech advocates alleged that the police prejudicially applied obscenity laws to discourage the sale of gay pornography. Homosexual rights groups also complained that law enforcement agencies monitored Internet chat rooms and bulletin boards for sexually suggestive messages and prosecuted adult message-posters in violation of constitutional free speech guarantees.

In March the LY extended the financial, legal, and medical protections of the Family Violence Prevention and Service Act to gay and lesbian couples. The LY also passed legislation limiting artificial insemination and other infertility treatments to married couples. Doctors convicted of providing infertility treatments to unmarried persons face fines of up to \$46,000 (NT\$1.5 million). Homosexual rights activists alleged the restrictions unfairly discriminate against homosexuals, who are not permitted to marry under the law.

In May the LY passed legislation extending employment discrimination protection to homosexuals. Employers convicted of discriminating against jobseekers on the basis of birthplace, sexual orientation, or age face fines of up to \$46,000 (NT\$1.5 million).

In September a Kaohsiung court denied a lesbian couple's request to adopt a child, citing concerns that the child could develop gender-identity disorder and suffer ridicule from her peers.

On October 13, some 12,000 persons took part in the fifth annual homosexual rights rally, calling for society to respect the civil rights of Taiwan's estimated 1 million homosexuals.

The national health insurance system provides free screening and treatment, including antiretroviral therapy, for the estimated 14,000 HIV-infected nationals.

In May an AIDS charity reported that, in violation of the law, several social welfare departments and NGOs refused to provide care to babies born to HIV-positive mothers before the babies turned 18 months old, the age at which HIV tests are deemed reliable.

In June the LY amended the AIDS Prevention and Control Act (APCA) to allow foreign spouses infected with HIV to remain in Taiwan if they could show they had been infected by their spouse, or by medical treatment received while in Taiwan. Previously HIV infection could be grounds for summary deportation and denial of residency. The amended APCA, renamed the HIV Prevention and Patients' Rights Protection Act, also stipulates that HIV-infected citizens cannot be denied access to education, medical services, housing, or other necessities.

In August the High Court ruled that an HIV/AIDS hospice could remain in a Taipei apartment complex, despite neighbors' objections. The High Court ruling overturned a lower court decision ordering the hospice to relocate.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The right to unionize is protected by law but is highly regulated. Workers other than teachers, civil servants, fire fighters, doctors and healthcare workers, domestic workers, and defense industry workers, are protected by the Labor Union Law (LUL). The LUL prohibits discrimination, dismissal, or other unfair treatment of workers because of union-related activities. Labor unions charged that during employee cutbacks labor union leaders were sometimes laid off first, or dismissed without reasonable cause. According to the Taiwan Confederation of Trade Unions (TCTU) and the Taiwan Labor Front, there is no specific penalty identified for the improper dismissal of a labor union leader.

Some public employees, including teachers, civil servants, and defense industry workers, had limited rights to form unions. Teachers and civil servants were allowed to form professional associations to negotiate with the authorities but were not allowed to strike. These restrictions led to a long-running dispute between the authorities and groups representing teachers and civil servants.

A number of laws and regulations limited the right of association. While labor unions may draw up their own rules and constitutions, they must submit them to county and city authorities as well as to the CLA for review. Labor unions may be rejected or dissolved if they do not meet CLA certification requirements or if their activities disturb public order.

Approximately 28 percent of the 10.8 million labor force belonged to one of the 4,534 registered labor unions. Many of them were also members of one of eight island-wide labor federations.

*b. The Right to Organize and Bargain Collectively.*—The law gives workers the right to organize, bargain, and act collectively, although some positions are excepted from this right. The right to strike is provided by law, and workers exercised this right in practice. However, legal constraints made it difficult to strike, undermining the usefulness of collective bargaining. Workers may strike over issues of compensation and working schedules, but not living or working conditions. The law requires mediation of labor disputes when the authorities deem them to be sufficiently serious or to involve unfair practices. The law prohibits labor and management from disturbing the “working order” while mediation or arbitration is in progress. Critics contend the law has a chilling effect on the right to strike because it does not clearly state what conduct is prohibited. The law mandates stiff penalties for violations of no-strike and no-retaliation clauses.

As of September there were 68 collective agreements in force; however, they covered only a small proportion of the labor force, mainly in large companies; 93 percent of industrial labor unions had no collective agreements. In 2006 the CLA adjusted its totals to exclude obsolete collective bargaining agreements. No special labor laws or labor law exemptions apply to the export processing zones in Kaohsiung and Taichung.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor by adults and children however, there were reports that such practices occurred, including labor trafficking (see Section 5). The authorities prosecuted numerous cases of forced child prostitution, and there was evidence of trafficking in persons.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The Labor Standards Law (LSL) stipulates age 15, at which compulsory education ends, as the minimum age for employment. County and city labor bureaus effectively enforced minimum-age laws.

*e. Acceptable Conditions of Work.*—The law provides standards for working conditions and health and safety precautions. As of November the LSL covered an estimated 5.7 million of the 7.8 million salaried workers. Those not covered included nursery workers, gardeners, bodyguards, teachers, doctors, lawyers, civil servants, and domestic workers.

On July 1, the minimum monthly wage was increased from \$490 (NT\$15,840) to \$535 (NT\$17,280). The minimum hourly wage was also increased from \$2.26 (NT\$73) to \$3.22 (NT\$104). While sufficient in less expensive areas, the minimum wage did not assure a decent standard of living for a single income family in urban areas such as Taipei. Labor rights activists alleged any benefit to foreign workers from the increased minimum wage was largely offset by CLA’s decision to allow employers to increase the maximum deduction for room and board by \$33 (NT\$1,000). A labor union reported receiving complaints against more than 100 different firms for their alleged failure to pay the increased minimum wage. The average manufacturing wage was more than double the legal minimum wage, and the average wage for service industry employees was even higher.

Legal working hours were 336 hours per 8-week period (for an average of 42 hours per workweek). While a 5-day workweek has been mandated for the public sector, according to a CLA survey, more than half of private sector enterprises also reduced the normal workweek to 5 days.

The law provides standards for working conditions and health and safety precautions and gives workers the right to remove themselves from dangerous work situations without jeopardy to continued employment. Although the CLA conducted publicity campaigns during the year to increase public awareness of the law and operated telephone hotlines to accept complaints of LSL violations, there was widespread criticism that the CLA did not effectively enforce workplace laws and regulations. Some 440 inspectors were responsible for inspecting approximately 300,000 enterprises covered by the Occupational Safety and Health Law. CLA inspectors conducted 197,699 inspections, an increase of 18 percent over 2006. Despite this increase, labor NGOs and academics alleged that the labor inspection rate was still far too low to serve as an effective deterrent against labor violations and unsafe working conditions.

The protections offered by the LSL do not extend to the 160,000 foreign workers employed as nursing caregivers or the 2,500 employed as housekeepers. Foreign workers were covered instead by the Employment Services Act, which does not guarantee a minimum wage or overtime pay, set limits on the workday or workweek, or provide for minimum breaks or vacation time. Foreign workers were not allowed to form their own unions or to assume union leadership positions in existing unions, making them vulnerable to exploitation. In addition foreign workers were often depicted by local media as dangerous or criminal. Although the minimum

wage was not a legal obligation for these workers, most were hired through brokers who negotiated the minimum wage to ensure that the worker earned at least enough to cover the broker's fees.

In January 2006 CLA opened the Foreign Workers Service Center at Taiwan Taoyuan International Airport. The service center provided orientation services to arriving workers and dispute resolution services to those departing Taiwan. Service center telephones were located throughout the airport to facilitate the filing of complaints.

In November 2006 several new foreign labor regulations went into effect. Employers of foreign workers were required to notify CLA within 72 hours of a worker's arrival and to submit to CLA a "living management plan," specifying the employee's work hours, overtime provisions, living quarters, meal program, and free time. CLA inspectors were required to inspect the foreign worker's living and work environment within 2 months of receiving the plan. For companies employing more than 100 foreign workers, work and living facility inspections were required every 3 months. To prevent employers from deporting foreign workers without just cause, CLA required all contract terminations to be witnessed and approved by an appropriate city or county official. CLA officials reported that official oversight of contract terminations caused a drop in the number of foreign labor disputes.

According to CLA, an employer convicted of illegally changing the place or nature of a foreign worker's employment was subject to a fine ranging from \$1,000 to \$5,000 (NT\$30,000 to NT\$150,000). Anyone convicted of illegally hiring foreign workers or transferring a foreign worker to another employer was fined \$5,000 to \$25,000 (NT\$150,000 to NT\$750,000).

On January 1, NIA began operations; at that time the agency's director assumed responsibility for all immigration-related policies and procedures for foreign workers, foreign spouses, immigrant services, and repatriation of illegal immigrants.

On January 3, regulations requiring intensified inspection and oversight of foreign labor brokerage companies were implemented. In September an inspection program was initiated following the publication of CLA evaluation guidelines. Brokerage companies that fail to meet CLA standards for 2 consecutive years face closure.

In June the LY amended the Employment Service Law to extend from 6 years to 9 the maximum cumulative time a foreign worker may work in Taiwan.

In April 2006 CLA adopted a mandatory maximum fine policy to strengthen deterrence. However, county labor officials continued to assess fines at less than the available maximums. According to CLA, existing laws required labor authorities to annul an employer's permit to recruit or employ foreign workers if the employer failed to cure a violation within a specified time or if the employer committed a second violation.

In October 2006 CLA amended its regulations to exclude time spent at a shelter from a foreign worker's permitted work stay. After a foreign worker files a complaint against an employer, the worker is removed from the employer's premises and placed in a shelter. Foreign workers were forbidden from working until the labor dispute was resolved, which could take a year or more. Many foreign workers, still indebted to brokers, chose to flee the shelters and seek illegal work.

Foreign workers deemed to have worked illegally faced heavy fines, mandatory repatriation, and a permanent ban on reentering Taiwan, regardless of the circumstances.

---

## FIJI

Fiji is a constitutional republic with a population of approximately 828,000. The Constitution provides for a ceremonial president selected by the Great Council of Chiefs and an elected prime minister and Parliament, but in December 2006 armed forces commander Commodore Voreqe Bainimarama overthrew the Government of Prime Minister Laisenia Qarase of the Soqosoqo Duavata ni Lewenivanua (SDL) party in a bloodless coup d'etat, announced the establishment of an interim military government, and dissolved Parliament. On January 5, the interim military government was replaced by a nominally civilian interim government ("the interim government"), headed by Bainimarama as prime minister. Bainimarama and his Military Council controlled the security forces. There were numerous instances in which elements of the security forces acted independently.

During the year the interim government denied citizens the right to change their government peacefully. A state of emergency in effect for half of the year significantly restricted constitutional provisions for freedom of expression, movement, and assembly and subjected the right to privacy to the military's interpretation without

recourse to the courts. The state of emergency was lifted on May 31 but was reimposed for 30 days on September 6 when Qarase returned to the capital from his home island. Under the interim government, the military and police arbitrarily detained and sometimes abused individuals, resulting in three deaths; conducted searches without warrants; engaged in intimidation of the media; and restricted the right to assemble peacefully. Other problems during the year included poor prison conditions; attacks against religious facilities, particularly Hindu temples; government corruption; deep divisions between indigenous Fijians (57 percent of the population) and Indo-Fijians (38 percent); violence and discrimination against women; and sexual exploitation of children.

#### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—The Government or its agents did not commit any politically motivated killings; however, security forces were implicated in three unlawful killings. On the morning of January 5, a group of Republic of Fiji Military Forces (RFMF) personnel seized Nimilote Verebasaga from his home in Tailevu Province for unspecified reasons. That evening they delivered his beaten body to a hospital. A military spokesman claimed Verebasaga's injuries were sustained before he was detained; local villagers disputed that assertion. In November one RFMF soldier was charged with murder in the case.

In early February RFMF and police personnel detained and severely beat several young men from the Nadi area, including 19-year-old Sakiusa Rabaka, ostensibly for smoking marijuana. On February 24, Rabaka died as a result of injuries sustained during the assault. In October eight soldiers and one police officer were charged with murder in that case.

On June 4, plainclothes police officers took Tevita Malasebe into custody in Nasinu, just outside of Suva, for questioning on undisclosed matters. His mother was later called to a hospital to identify his badly bruised body. Seven police officers were charged with his murder.

All three cases were scheduled for trial in 2008. The interim government earlier had sought to send the suspects in the Verebasaga and Rabaka cases out of the country on U.N. peacekeeping details.

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—While the Constitution prohibits such practices, there were numerous reports of abuses by security forces during the year.

On January 4, after a local bus driver at the Nausori checkpoint complained that nearby villagers had damaged his bus, soldiers detained six persons from the village for several hours and beat them. On November 3, soldiers and police reportedly beat businessman Ballu Khan and several associates during their arrest in suburban Suva for allegedly plotting to assassinate Bainimarama. Khan suffered skull fractures; he remained hospitalized at year's end. The police commissioner claimed that Khan was injured resisting arrest, a claim disputed by witnesses, and initially characterized Khan's injuries as minor.

The Fiji Human Rights Commission (FHRC), a constitutionally mandated statutory body, reported that through June it had received 18 formal complaints "relating to the December coup" that it deemed within its jurisdiction. Of these, 16 related to the use of cruel, inhuman, or degrading treatment. However, human rights nongovernmental organizations (NGOs) reported that numerous individuals who were victims of such treatment were unwilling to make formal reports to the FHRC. According to human rights observers, this unwillingness reflected a climate of intimidation and fears of reprisal. The incidence of mistreatment declined significantly in the second half of the year, following local and international criticism and the ending of the state of emergency. The FHRC reported that during the third quarter of 2007, it received one complaint related to the right to life and six complaints related to use of cruel, inhuman, or degrading treatment.

*Prison and Detention Center Conditions.*—Prison conditions did not meet international standards. The national prison system was seriously underfunded, with deteriorating infrastructure and poor delivery of essential services. The system had insufficient beds, inadequate sanitation, and a shortage of basic necessities. There were a large number of prison escapes during the year. The pretrial detention facility at Suva's prison remained closed due to its substandard condition.

In some cases pretrial detainees and convicted prisoners were held together. Courts released pretrial detainees, including some facing serious charges, on bail to minimize their exposure to an unhealthy and overcrowded prison environment.



Family members were routinely permitted to visit prisoners.

The interim government permitted prison visits by independent human rights observers. During the year the International Committee for the Red Cross (ICRC) visited official detention facilities and interviewed detainees. Coup opponents detained by the military for questioning and intimidation were typically held in cells at the main military barracks in Suva for short periods, generally overnight. No independent human rights observers were permitted to visit the military detention cells.

*d. Arbitrary Arrest or Detention.*—The Constitution prohibits arbitrary arrest and detention, but during the year military personnel detained numerous persons without warrants for interrogation and intimidation and, in some cases, brief incarceration. Although military personnel do not have arrest powers under the law, the military and the director of the FHRC cited the state of emergency proclamation and public order statutes as justification for the detentions.

*Role of the Police and Security Apparatus.*—The Ministry of Home Affairs, headed by interim Prime Minister Bainimarama, oversees the Fiji Police Force, which is responsible for law enforcement and the maintenance of internal security. The RFMF is responsible for external security. The RFMF maintained that it has a broad constitutional responsibility for national security that also extends to domestic affairs; many constitutional scholars in the country rejected that assertion. In June the former deputy commander of the RFMF was appointed as police commissioner.

The police maintained a network of 31 stations and 54 police posts throughout the country. Policing of more remote and smaller islands was done through regularly scheduled visits. Military personnel were assigned to accompany police patrols and jointly man roadblocks, blurring the lines of authority between the two forces.

The police internal affairs unit is statutorily responsible for investigating complaints of police misconduct. The interim government created a Fiji Independent Commission Against Corruption with wide-ranging investigative powers. The commission undertook numerous investigations of public agencies and officials, including some members of the police force. Some officers were removed from the force. However, impunity and corruption remained problems.

In most cases the interim government took no action against military or police personnel alleged to have committed abuses against coup opponents and prodemocracy activists.

*Arrest and Detention.*—By law police officers may arrest persons without a warrant for violations of the penal code. Police also arrest persons in response to warrants issued by magistrates and judges. Arrested persons must be brought before a court without “undue delay,” normally interpreted to mean within 24 hours, with 48 hours as the exception. Detainees have the right to a judicial review of the grounds for their arrest. There was a well-functioning bail system.

The military detained and held incommunicado, in most cases briefly, a significant number of persons who publicly opposed its actions and policies. Reports indicated that the detentions were usually for several hours, typically overnight, and included threats and physical and verbal abuse. Those detained by the military were not taken before a court. The military eventually began transferring some detainees to the police for further investigation and possible charges.

Detainees, other than those detained briefly by the military, were allowed prompt access to counsel and family members. The Legal Aid Commission provided counsel to some indigent defendants in criminal cases, a service supplemented by voluntary services from private attorneys.

The courts had a significant backlog of cases, and processing was slowed by, among other things, a shortage of prosecutors and judges, made worse by resignations in the wake of the coup. As a result some defendants faced lengthy pretrial detention.

*Amnesty.*—In a widely criticized action on January 18, the president issued a proclamation granting to all persons who took part in or supported the removal of the Qarase government, including members of the disciplined forces, “full and unconditional immunity from all criminal or civil or legal or military disciplinary or professional proceedings or consequences” for their actions in this regard. The amnesty covered any such actions taken prior to or on December 5, 2006, and subsequently until January 5.

*e. Denial of Fair Public Trial.*—The law provides for an independent judiciary, but during the year the interim government interfered with judicial independence in practice. In January Chief Justice Daniel Fatiaki was suspended from duty and barred from leaving the country, pending an investigation into unspecified allegations of misconduct. The naming of Justice Anthony Gates as acting chief justice to replace Fatiaki attracted widespread criticism amid allegations that the appointment process was not constitutional. In July the president of the Court of Appeal

left the bench, declining to renew his contract. His home subsequently burned down under unexplained circumstances. In September six additional Court of Appeal judges jointly resigned, citing interference in the court's management by the acting chief justice. On November 20, the interim attorney general announced the appointment of a panel of three foreign judges to hear specific allegations against Fatiaki, primarily involving allegedly failing to declare income, falsifying tax returns, and acting outside judicial bounds during Fiji's 2000 coup. The matter was pending at year's end.

In October it was revealed that the police commissioner—the former deputy commander of the RFMF—had written a confidential letter to the Ministry of Justice accusing two High Court judges of bias against the military and requesting they not be permitted to preside over cases involving the military or its personnel. While the ministry indicated it would follow up, it was not known whether the letter had any effect on the assignment of cases to particular judges.

The country's judicial structure is patterned on the British system. The principal courts are the magistrates' courts, the High Court, the Court of Appeal, and the Supreme Court. In addition to its jurisdiction in civil and criminal cases, the High Court has special-interest jurisdiction on behalf of the public and is empowered to review alleged violations of individual rights.

Except for the Family Court, there are no special civilian courts. Military courts try members of the armed forces, and there is an internal police tribunal mechanism.

*Trial Procedures.*—The Constitution provides for the right to a fair trial. Defendants have the right to a public trial and to counsel, and the court system generally enforced these rights in practice. The Legal Aid Commission, supplemented by voluntary services of private attorneys, provided free counsel to some indigent defendants in criminal cases. Most cases were heard in the magistrates' courts, but a case cannot be tried in a magistrate's court without the defendant's consent. Absent such consent, cases are tried in the High Court. Trials in the High Court provide for the presence of assessors, typically three, who are similar to jurors but only advise the presiding judge. Magistrates are not authorized to impose prison sentences longer than 10 years. Sentences in the magistrates' courts in most domestic and family law cases were relatively light. Defendants enjoy a presumption of innocence and can question witnesses, present evidence on their own behalf, and access government-held evidence relevant to their case. The right of appeal exists but often was hampered by delays in the process.

The military court system provides for the same basic rights as the civilian court system, although bail is granted less frequently in the military system.

*Political Prisoners and Detainees.*—There were no reports of political prisoners or long-term political detainees. However, human rights activists, lawyers, journalists, and others were detained briefly and in some cases beaten for making statements against the coup or the interim government and its policies.

*Civil Judicial Procedures and Remedies.*—The law provides for an independent and impartial judiciary in civil matters. There is access to a court to bring lawsuits seeking damages for, or cessation of, human rights violations. In the event of a human rights violation, an individual also can make a complaint to the FHRC, which could resolve complaints through conciliation without referring them to the courts. A number of those negatively affected by the coup and by policies of the interim government filed court cases alleging violations of the Constitution and of human rights. Those cases were pending at year's end.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution prohibits such actions, but the interim government frequently ignored these prohibitions in practice. RFMF forces searched without warrants the homes and offices of a number of persons the military accused of corruption. Soldiers also entered private property without warrants to warn and threaten persons who spoke publicly against the coup.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, but the Government did not fully respect these rights in practice.

The independent media were active and expressed a wide variety of views; however, the Government warned media outlets against making "inciting comments," and most practiced some degree of self-censorship. The country's television news program production was owned and operated by Fiji One, one of two national noncable television stations. A trust operated on behalf of Fiji's provincial councils owned 51 percent of Fiji One; the remainder was privately held. The Government

owned the Fiji Broadcasting Corporation, which operated six radio stations, and also retained a shareholding of less than 20 percent in the Daily Post newspaper.

In February a newspaper photographer on assignment at a church in Suva was assaulted by soldiers in front of a large group of witnesses. He was taken to a military camp and detained for approximately 1 hour. In August RFMF personnel detained and questioned another newspaper reporter.

In August the FHRC's director hired a foreign NGO official with minimal media experience to undertake an assessment of the country's media. The study focused in particular on media independence and ownership. The major private media outlets and most journalists refused to cooperate with the assessment, criticizing the study as reflecting a progovernment bias and intended to intimidate the media. The draft report made a number of controversial proposals, including not renewing existing work permits for foreign media workers, a 7 percent levy on the media to fund a watchdog and media training body, and the adoption of new sedition legislation covering the media. At year's end the report had not yet been publicly released in final form.

The Media Council, a voluntary private watchdog group of media and academic figures, receives and seeks to resolve complaints of bias and malfeasance within the media. In March the council issued a statement condemning RFMF intimidation of the media.

Legislation pertaining to the press is contained in the Newspaper Registration Act and Press Correction Act. Under these acts all newspapers must register with the Government before they can publish. The acts give the minister of information sole discretionary power to order a newspaper to publish a "correcting statement" if, in the minister's view, a false or distorted article was published. A newspaper refusing to publish the minister's correction can be sued in court and, if found guilty, fined. Individuals in such cases can be fined, imprisoned for 6 months, or both. These acts authorize the Government to arrest any person who publishes "malicious" material. This would include anything the Government considered false, likely to create or foster public alarm, or result in "detriment" to the public. However, this authority has never been used.

The 1992 Television Decree permits the Government to influence programming content. The Government did not attempt to use the programming authority during the year.

*Internet Freedom.*—There were no government restrictions on general public access to the Internet. However, the military attempted to censor or shut down a number of antigovernment blogs that appeared after the coup, and the Public Service Commission warned civil servants against accessing or taking part in antigovernment Web sites. The military extensively monitored Internet chat rooms on these Web sites. In May the RFMF announced that it was following three individuals alleged to be involved with antigovernment blogs. Also in May, a businessman accused by the military of involvement with such a blog was detained by RFMF personnel at an army camp, where he was verbally and physically abused. Several other individuals suspected of maintaining blogs or posting on blogs were threatened or intimidated. Two senior civil servants accused of contributing to a blog were suspended from duty and subjected to disciplinary action. At least two persons were arrested for allegedly authoring or forwarding e-mail messages critical of the interim government.

The Internet was widely available and used in and around urban centers, and the majority of the population lived in areas with Internet coverage. However, low-income persons generally could not afford individual service, and other public access was very limited. Access outside urban areas was minimal or nonexistent.

*Academic Freedom and Cultural Events.*—Academic freedom was generally respected; however, government work-permit stipulations prohibit foreigners from participating in domestic politics. University of the South Pacific contract regulations effectively restrict most university employees from running for or holding public office or holding an official position with any political party. RFMF agents reportedly infiltrated the university campus to monitor any political activity. The RFMF also threatened to terminate scholarships from the Fijian Affairs Board, a government-funded statutory body, for university students who contributed to antigovernment blogs.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The Constitution provides for freedom of assembly, but under the state of emergency regulations the interim government restricted this right. Although some civic organizations were granted permits to assemble, permits for all political demonstrations and marches were denied, as was a permit for the annual meeting of the National Federation Party. In March police broke up the an-

nual general meeting of the National Union of Public Workers, citing unspecified public order issues. In July police broke up a peaceful picketing action by striking nurses.

*Freedom of Association.*—The Constitution provides for freedom of association. During the year the interim government did not restrict persons from joining NGOs, professional associations, or other private organizations, but it targeted for threats and harassment prominent members of the political party of the deposed prime minister and members of NGOs who criticized the coup.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. Some municipal restrictions on opening hours for businesses during Christmas and Easter were imposed on all communities, not just those that were predominantly Christian.

*Societal Abuses and Discrimination.*—Racial polarization was reflected in religious differences, which were largely along ethnic lines; this contributed to political problems. Most ethnic Fijians were Christians, and most Indo-Fijians were Hindu, with a sizable minority of Muslims. The dominant Methodist Church has closely allied itself with the interests of the pro-indigenous Fijian movement.

Break-ins, vandalism, and arson directed at houses of worship, predominantly Hindu temples, were common. The attacks were broadly viewed as reflections of intercommunal tensions, although there was often evidence that theft was a contributing factor. There was no known Jewish community, and there were no reports of anti-Semitic acts.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, but the interim government frequently restricted or denied these rights in practice. Under the emergency regulations, the RFMF and later the police maintained checkpoints in the Suva, Nadi, and Lautoka areas, where some persons were stopped, questioned, and occasionally detained. The checkpoints were largely discontinued after the state of emergency ended in May. The interim government drew up a list of persons banned from leaving the country, including the suspended chief justice. Names on the list were not made public; travelers discovered their inclusion when they were turned back by airport immigration authorities.

The law prohibits forced exile, but until September the interim government effectively prohibited ousted prime minister Qarase from leaving his isolated home island to return to the capital, Suva.

*Protection of Refugees.*—The country is a party to the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, but the country's laws do not specifically provide for the granting of refugee or asylum status in accordance with the convention and protocol. The Government handles applications for refugee status or asylum on an ad hoc basis. There were two applications for refugee status or asylum during the year, which remained pending at year's end. The Government does not have an established procedure for providing protection against refoulement, the forced return of persons to a country where there is reason to believe they feared persecution. The Government provided nominal cooperation with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

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

Although the Constitution provides citizens the right to change their government peacefully, the country was ruled by a military-backed interim government following the military overthrow of the popularly elected government in December 2006.

*Elections and Political Participation.*—The most recent elections, held in May 2006, were judged generally free and fair. Party politics was largely race based, although this did not limit participation in the political process. The governing SDL party was primarily ethnic Fijian, and the Fiji Labor Party (FLP), the second largest party, was primarily Indo-Fijian, although both parties had membership across racial lines.

In January, 1 month after the military coup, a military-led, nominally civilian government was established by coup leader Commodore Bainimarama, with himself as its prime minister. Ratu Josefa Iloilo, who had been temporarily replaced as president by Bainimarama after the coup, was reinstalled as president. Bainimarama declared the May 2006 elections fraudulent and said no further elec-

tions would be held until the interim government had carried out an extensive “clean-up” of Government.

An assessment of the 2006 elections commissioned by the director of the FHRC drew light participation, mostly from losing parties and candidates. The FHRC released its report in September. Human rights activists rejected the exercise as an attempt to justify the coup. The review largely reiterated previous criticism by election observers at the time, noting in particular flaws in the voter registration process that resulted in some hundreds of voters being unable to cast their votes.

In January the Pacific Islands Forum convoked a four-member “Eminent Persons Group” to investigate the coup. The group’s report called for elections within 18 months to 2 years. Bainimarama subsequently stated a willingness to hold elections in March 2009, although his rhetoric continued to create uncertainty about the firmness of his commitment to that date.

In April the interim government suspended the Great Council of Chiefs after the council declined to appoint the interim government’s choice as vice president. That position remained vacant at year’s end.

There were two women in the 17-member interim government cabinet. Women played important roles in the traditional system of chiefs and could be chiefs in their own right.

There were four Indo-Fijian ministers in the interim government cabinet and one other minority minister. Indo-Fijians, who accounted for 38 percent of the population, continued to be underrepresented at senior levels of the civil service and greatly so in the military. Indo-Fijians comprised approximately 35 percent of the civil service overall.

The political primacy of indigenous Fijians is to some extent enshrined in the Constitution, which mandates that 14 of Parliament’s 32 senators be appointed by the indigenous Fijian Great Council of Chiefs, a hereditary body, and one by the Rotuma Island Council. The remainder are appointed by the Government and opposition. This arrangement essentially ensured indigenous Fijians effective control in the Senate. Under the 1997 constitution, the prime minister and the president may be of any race or ethnicity. The Constitution establishes a 71-member lower house with 25 seats open to any ethnicity and 46 seats allocated to the different ethnic communities. Of the 46 communal seats, 23 are allotted to indigenous Fijians, 19 to Indo-Fijians, three to “general voters” (for the most part mixed-race, Caucasian, and East Asian voters), and one to Rotumans (an ethnically distinct Polynesian group). These allotments were generally proportional to the ethnic composition of the country’s population in 1996, but the Constitution does not provide for future changes in the allotments to reflect changes in the composition of the population.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption; however, corruption, including within the civil service, has been a significant problem for post-independence governments, and officials frequently engaged in corrupt practices with impunity. Despite measures by the interim government during the year to combat corruption within the bureaucracy, systemic corruption continued. In the absence of parliamentary oversight and other checks and balances, much government decision making was not transparent. The media raised numerous allegations of nonaccountability, abuse of office, fraud, nepotism, misuse of public property, financial mismanagement, failure to complete statutory audits, and conflicts of interest regarding officials and ministries during the year. In its annual report, which dealt chiefly with practices prior to the coup, the auditor general’s office highlighted numerous instances of corrupt practices in government offices and ministries.

Citing what it characterized as a culture of corruption, poor governance, and inefficiency, the interim government summarily dismissed a large number of senior career bureaucrats and office holders linked to the Government of ousted prime minister Qarase. The interim government also established an anticorruption commission by decree, with extensive powers to investigate and prosecute corrupt practices. Although several cases of malfeasance were brought to light, by year’s end the commission had not uncovered any new cases of large-scale government corruption. Hastily created, the commission itself was widely criticized by the media, the legal community, and the public for a lack of accountability and transparency in its operations.

Under the interim government, many military personnel were appointed to positions within government ministries, the diplomatic corps, and other agencies, ostensibly to improve the inefficient bureaucracy.

Public officials are not subject to financial disclosure laws.

Although the 1997 constitution instructs Parliament to enact a freedom of information law as soon as practicable, no such law has been enacted. The interim gov-

ernment was frequently unresponsive to public requests for government information.

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

Under the interim government, the operations of domestic and international human rights groups were closely scrutinized. Members of the Government frequently singled out individual NGO officials for criticism and harassment. Accusations by Bainimarama that NGOs were only doing the bidding of foreign donors, primarily to garner funding, engendered a climate of uncertainty within the NGO community, and most NGOs practiced varying degrees of self-censorship. Government officials were only cooperative and responsive to the views of NGOs that avoided criticizing the coup and the interim government.

There were several NGOs that concentrated on a variety of local human rights causes, such as the Regional Rights Resource Team, the Pacific Center for Public Integrity, the Citizens' Constitutional Forum, the Fiji Women's Rights Movement, and the Fiji Women's Crisis Center. A number of U.N. organizations concerned with human rights had regional offices in the country and sought to work with the Government on various human rights issues. The ICRC continued to operate in the country. The interim government refused to permit a requested visit by the U.N. Rapporteur on the Independence of Judges and Lawyers.

The interim government directed all those claiming human rights violations to report them to the FHRC. The FHRC received and investigated reports of human rights violations and requests for assistance, some involving alleged abuses by the military, the police, and prison officials. During the year the FHRC director repeatedly failed to publicly object to significant allegations of human rights abuses by the military and police, including three incidents that resulted in the deaths of uncharged detainees. The FHRC's sole remaining pre-coup commissioner strongly criticized the director's statements in support of the coup and her failure to take action in support of persons abused by the security forces, and called for the director to resign. In January the director published a lengthy analysis of the coup that was widely criticized by legal and human rights figures as an attempt to justify the takeover. In a follow-up publication in August, she argued that the overthrow of the Qarase government did not constitute a coup. In July the FHRC director resigned her position when the interim government named her to be the new national ombudsman. As ombudsman, she is a human rights commissioner and chairs the FHRC.

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

The Constitution prohibits discrimination based on race, sex, place of origin, ethnicity, sexual orientation, color, primary language, economic status, age, or disability. The Government generally enforced these provisions effectively, although there were problems in some areas.

The Constitution also cites the "paramountcy" of Fijian interests as a guiding principle for the protection of the rights of indigenous citizens. A compact included in the Constitution specifically provides for affirmative action and "social justice" programs to "secure effective equality" for ethnic Fijians and Rotumans, "as well as for other communities." The compact chiefly benefited the indigenous Fijian majority. The interim government publicly stated its opposition to such policies, which it characterized as racist, and called for the elimination of discriminatory laws and practices that favored one race over another; however, as of year's end, they remained in place.

*Women.*—Rape, domestic abuse, incest, and indecent assault were significant problems. The penal code provides for a maximum punishment of life imprisonment for rape; however, most rapes were prosecuted in the magistrates' courts, which have a sentencing limit of 10 years. There were inconsistencies in the sentences imposed by different magistrates, generally ranging from 1 to 6 years' imprisonment. The Fiji Women's Rights Movement and the Fiji Women's Crisis Center pressed for more consistent and severe punishments for rape. The Court of Appeal has ruled that 10 years is the minimum appropriate sentence in child rape cases. Women's activists continued to press for the formal criminalization of spousal rape, which is not a specific offense; however, husbands have been convicted of raping their wives.

Although there is no specific law against domestic violence, it can be prosecuted as assault. The police claimed to practice a "no-drop" policy, under which they pursued investigations of domestic violence cases even if a victim later withdrew her accusation. However, women's organizations reported that although the police generally were more responsive to domestic violence cases than in the past, they were not always consistent. The courts dismissed some cases of domestic abuse and incest

or gave the perpetrators light sentences. Incest was widely believed to be underreported. Traditional practices of reconciliation between aggrieved parties were sometimes taken into account to mitigate sentences in domestic violence cases, particularly in cases of incest. An active women's rights movement sought to raise public awareness about domestic violence.

Four women's crisis centers funded by foreign governments operated in the country. The centers offered counseling and assistance to women in cases of domestic violence, rape, and other problems, such as child support.

Prostitution is illegal, but it occurred, particularly in cities. Sex tourism is prohibited by law but reportedly occurred, particularly in tourist centers such as Nadi and Savusavu, including cases involving children. Taxi drivers, hoteliers, bar workers, and others reportedly acted as middlemen, facilitating the commercial sexual exploitation of children.

The law does not specifically prohibit sexual harassment, but laws against "indecent assaults on females" prohibit offending the modesty of women and could be used to prosecute sexual harassment cases.

Women have full rights of property ownership and inheritance but often were excluded from the decision-making process on disposition of communal land. Many women were successful entrepreneurs. Other than a prohibition on working in mines, there were no legal limitations on the employment of women. Women generally were paid less than men for similar work. According to the Asian Development Bank, approximately 30 percent of the economically active female population was engaged in the formal economy, and of these a large proportion worked in semisubsistence employment or self-employment.

*Children.*—The Government devoted approximately 25 percent of the national budget to education and also worked to improve children's health and welfare. School is mandatory until age 15, but the inability of some families to pay for uniforms, school fees, and bus fares limited attendance for some children. There was no significant difference between the school enrollment rates for boys and girls. According to a U.N. Children's Fund report (based on 2000–2005 data), the net primary school enrollment rate was 97 percent for boys and 96 percent for girls.

The Government provided free medical care for children at public health centers and hospitals, including immunizations in primary schools, and boys and girls had equal access.

Corporal punishment was common both in homes and in schools, despite a Ministry of Education policy forbidding it in the classroom. Increasing urbanization, overcrowding, and the breakdown of traditional community and extended family-based structures led to an increasing incidence of child abuse and appeared to be factors that increased a child's chance of being exploited for commercial sex. Child prostitution was reported among homeless and jobless urban youth.

Under the penal code, commercial sexual exploitation of children is a misdemeanor, punishable by sentences of up to 2 years' imprisonment. Children's rights advocates criticized this as inadequate and called for more severe criminal sanctions.

Increasing urbanization led to more children working as casual laborers, often with no safeguards against abuse or injury.

*Trafficking in Persons.*—The law prohibits trafficking in persons, with penalties of up to 20 years' imprisonment and fines up to \$482,000 (F\$750,000) for convicted traffickers. Several citizens of China who entered Fiji on student visas and who were arrested for prostitution may have been trafficked. However, no further investigations were conducted before the women were deported to their country of origin. There were some reports of commercial sexual exploitation of children within the country during the year.

The Government did not sponsor or provide assistance to any programs specifically designed to combat or prevent trafficking in persons.

*Persons with Disabilities.*—All persons are considered equal under the law, including persons with disabilities. Discrimination against persons with disabilities in employment, education, provision of housing and land, or provision of other state services is illegal. In addition the law provides for the right of access to places and modes of transport generally open to the public and obliges proprietors of such places and services to "facilitate reasonable access for disabled persons to the extent provided by law." Public health regulations provide penalties for noncompliance; however, there was very little enabling legislation on accessibility for persons with disabilities, and there was little or no enforcement of laws protecting persons with disabilities. Building regulations issued in 2004 require new public buildings to be accessible to persons with disabilities, but only a few existing buildings met this requirement. There were only a small number of disabled-accessible vehicles in the

country. There were a number of community organizations to assist those with disabilities, particularly children.

Most persons with mental disabilities were separated from society and typically were supported at home by their families. Institutionalization of persons with severe mental disabilities was in a single overcrowded, underfunded public facility in Suva. There were a number of special schools for persons with physical, cognitive, and sensory disabilities; however, costs and location limited access. Opportunities for a secondary school education for those with disabilities were very limited.

The government-funded Fiji National Council for Disabled Persons worked to protect the rights of persons with disabilities. Several NGOs also promoted attention to the needs of persons with various disabilities.

*National/Racial/Ethnic Minorities.*—Tension between ethnic Fijians and Indo-Fijians has been a longstanding problem. The Constitution notes that “the composition of state services at all levels must be based on the principle of reflecting as closely as possible the ethnic composition of the population,” but it also specifies the “paramountcy of Fijian interests” as a protective principle.

Prior to the coup, most postindependence governments pursued a policy of political predominance for ethnic Fijians. Land tenure remained a highly sensitive and politicized issue. Ethnic Fijians communally held approximately 85 percent of all land, the Government held approximately 4 percent, and the remainder was freehold land, which private individuals or companies may hold.

Ethnic Fijians’ traditional beliefs, cultural values, and self-identity are closely linked to the land. Most cash-crop farmers were Indo-Fijians, the majority of whom are descendants of indentured laborers who came to the country during the British colonial era. Virtually all Indo-Fijian farmers were obliged to lease land from ethnic Fijian landowners. Many Indo-Fijians believed that their very limited ability to own land and their consequent dependency on leased land from indigenous Fijians constituted de facto discrimination against them. A pattern of refusals by ethnic Fijian landowners to renew expiring leases continued to result in evictions of Indo-Fijians from their farms and their displacement to squatter settlements. This situation contributed significantly to communal tensions. Many indigenous Fijian landowners in turn believed that the rental formulas prescribed in the national land tenure legislation discriminated against them as the resource owners.

*Other Societal Abuses and Discrimination.*—The Constitution prohibits discrimination on the basis of sexual orientation. The preexisting penal code criminalizes homosexual acts between males, but the judiciary has held these provisions to be unconstitutional. There was some societal discrimination against homosexuals and persons with HIV/AIDS, although there was no systemic discrimination. There were no known cases of violence directed at homosexuals or person with HIV/AIDS.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution and law protect the right of workers to form and join unions, elect their own representatives, publicize their views on labor matters, and determine their own policies, but the authorities did not always respect all of these rights in practice. In March, citing state of emergency regulations, police stopped the annual meeting of the National Union of Public Workers and briefly detained the union’s general secretary and lawyer for questioning.

An estimated 36 percent of the work force was unionized. All unions must register with, but are not controlled by, the Government. While some unions were ethnically based, most were not, and both Indo-Fijians and ethnic Fijians held leadership roles in the trade union movement.

The Employment Act makes it an offense for an employer to victimize any worker or make it a condition of employment for a worker not to belong to a union. Unions reported some cases of victimization of workers who expressed a desire to join a union, but the Ministry of Labor reported that it was unable to verify these cases, and no employers were prosecuted.

*b. The Right to Organize and Bargain Collectively.*—Workers have the right to organize and bargain collectively. However, wage negotiations generally were conducted at the level of individual companies rather than industry wide. Employers are required to recognize a union if more than half of the employees in a workplace have signed membership cards; no ballots are held to determine representation. The Government has the power to order recalcitrant employers to recognize unions, and it has done so in the past. Traditional key sectors of the economy, including sugar and tourism, were heavily unionized. Although the law allows unionization, union organizers’ jobs were not protected, resulting in low unionization in some sectors.

Strikes are legal, except in connection with union recognition disputes. Trade unions can conduct secret strike ballots without government supervision. To carry



out a legal strike, organizers must give an employer 28 days' notification. The Ministry of Labor also must be notified and receive a list of all striking employees and the starting date and location of the strike. This requirement is intended to give organizers, unions, employers, and the ministry time to resolve the dispute prior to a strike. There were strikes during the year, including by teachers, nurses, and other civil servants demanding that the interim government restore a pay increase granted by the Qarase government in 2006 but dropped by the interim government following the coup. The interim government accused the strikers of harboring political agendas in opposition to government policies. Permits for strike-related demonstrations were denied, and police broke up one picketing action. The interim health minister actively encouraged retired nurses to fill in for striking nurses. Although most labor disputes, including those in which strike action is deemed illegal, were typically settled by referral to a permanent arbitrator, the Government refused to refer the protracted nurses' strike to arbitration. The nurses eventually returned to work but did not receive any concessions from the Government and lost their pay for the period they were on strike. Their union sued the interim minister for labor for not referring the matter to arbitration, and in December a court ruled the Government had erred by refusing to refer the dispute to an arbitrator.

Union organizers were occasionally vulnerable to dismissal or to other interference by employers, particularly when operating on company premises, although in theory they have legal protection.

Export processing zones (EPZs) are subject to the same laws as the rest of the country. With the decline of the garment industry in the country, the number of workers employed in the EPZs also declined significantly. The Fiji Trade Union Congress reported that it was able to negotiate collective bargaining agreements with some employers in the EPZs but that not all employers were cooperative.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced or compulsory labor, including by children, but there were reports of commercial sexual exploitation of children.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—Inadequate enforcement of existing child labor regulations failed to fully protect children from workplace exploitation. Under the law children under age 12 may not be employed except in a family-owned business or agricultural enterprise. Children between ages 12 and 15 may be employed on a daily wage basis in nonindustrial work not involving machinery, provided they return to parents or guardian every night. Persons between the ages of 15 and 17 may be employed in certain occupations not involving heavy machinery; however, they must be given specified hours and rest breaks. The Ministry of Labor deploys 42 inspectors nationwide to enforce compliance with labor laws, including those covering child labor. However, there was no comprehensive government policy to eliminate the worst forms of child labor. During the year migration of rural youth to urban areas continued, and youths continued to find employment in the informal sector, including work as shoeshine boys, casual laborers, and prostitutes. There were reports of commercial exploitation of children during the year.

*e. Acceptable Conditions of Work.*—There was no single, national minimum wage, although the Ministry of Labor set minimum wages for certain sectors. Entry-level wages in unregulated sectors, especially service industries, provided a sparse and often only marginally adequate standard of living for a worker and family. There was no single national limitation on maximum working hours for adults; however, there were restrictions and overtime provisions in certain sectors. Workers in some industries, notably transportation and shipping, worked excessive hours.

There are workplace safety regulations, a worker's compensation act, and an accident compensation plan. Safety standards applied equally to citizens and foreign workers; however, government enforcement suffered from a lack of trained personnel and delays in compensation hearings and rulings. Unions generally monitored safety standards in organized workplaces, but many work areas did not meet standards and not all were monitored by the Ministry of Labor for compliance. The law accords employees the right to remove themselves from a hazardous work site without jeopardizing their employment, but most feared the loss of their jobs if they did so.

---

## INDONESIA

Indonesia is a multiparty democracy with a population of approximately 245 million. Susilo Bambang Yudhoyono became the country's first directly elected presi-

dent in free and fair elections in 2004. The civilian authorities generally maintained effective control of the security forces, although the fact that the Indonesian Armed Forces (TNI) continued to be partly self-financed weakened this control.

The Government generally respected the human rights of its citizens; however, weak legal institutions, limited resources, and insufficient political will prevented accountability for serious abuses that occurred in the past. Problems during the year included: Killings by security forces; vigilantism; harsh prison conditions; impunity for prison authorities; arbitrary detentions; corruption in the judicial system; some limitations on free speech and on peaceful assembly; interference with freedom of religion, sometimes with the complicity of local officials; intimidation of human rights groups by security forces; serious instances of violence and sexual abuse against women and children; trafficking in persons; forced labor; and failure to enforce labor standards and worker rights.

During the year the Government's Reformasi consolidated democratic gains with positive human rights developments in the following areas: The Government prosecuted the 2004 murder of human rights activist Munir Said Thalib with increased transparency; the president signed a strong antitrafficking bill; and the police demonstrated marked improvements in human rights, particularly in handling a number of large-scale demonstrations without using lethal force.

#### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—The Government or its agents did not commit any politically motivated killings; however, there were reports of killings by security force personnel. The criminal code does not specifically criminalize extrajudicial killings.

On May 20, Rusman Robert was found dead in Solok Regency, West Sumatra, with bruises on his face and body and a broken arm. Witnesses testified that before he disappeared, he argued with the Solok military commander, Lieutenant Colonel Untung Sunanto. The military police investigated the case and arrested seven members of the Solok military command, including Untung. A military tribunal sentenced six of the men to between 18 months and 5 years in prison and dismissed them from the military. Because of his rank, Lieutenant Colonel Untung Sunanto was to be tried by a separate military tribunal. At year's end he was in custody awaiting trial.

On May 30, in a clash between villagers and marines in Alastlogo village, Pasuruan, East Java, marines shot and killed at least four persons and injured eight others. The incident occurred when villagers protested construction of a navy facility and demanded that the navy postpone development until after the villagers harvested their crop. Immediately following this incident, the commander of the marine facility, Major Husni Sukarwo, was relieved of his command. The human rights nongovernmental organization (NGO) Kontras alleged that several of the victims were deliberately targeted. In July the National Human Rights Commission (Komnas HAM) concluded that the Alastlogo incident was not a gross human rights violation and a trial therefore would be in military court instead of a human rights court. On September 19, 13 marines detained as suspects in this case were released from detention.

On September 22 and 23, clashes between police and TNI personnel in Ternate, North Maluku, left two police officers dead, two injured, and two TNI personnel also injured. The national police chief said that "if anyone in either institution is found to have violated the law, they will be handled internally by their respective institution."

In the May 2006 killing by police of two protesters in Wamena, Papua, the provincial police stated that officers "acted in accordance with police procedures" and if they had not fired upon the protesters they would have been in grave danger.

The trial of three police officers (Anthoni Taihutu, Albert Wattimena, and Raders Ralahalu) and one civilian (Robert Latuheru) for the August 2006 beating death of Deny Lewol continued in Bentang, Ambon City, Maluku. Prosecutors recommended a 5-year prison sentence for Wattimena and Taihutu.

There were no developments in the following 2006 cases: The January shooting in Paniai, Papua, which killed one and injured two others; the March death of a man on a motorcycle in Peudawa, East Aceh; and the July alleged killing in Keude Paya Bakong, North Aceh.

There were no known developments regarding the 44 civilians and 37 Aceh Liberation Movement (GAM) members whom the Human Rights NGO Coalition in Aceh reported were killed prior to the signing of the Helsinki Memorandum of Understanding (MOU) that led to an end of hostilities in Aceh in August 2005. The

Government announced no significant progress and none was expected in the investigations into the following 2005 cases: The incident in Bireuen, Aceh, during which six members of the TNI special forces (Kopassus) reportedly killed two men and injured another; the incident in Nabire, Papua, in which TNI personnel allegedly beat local Papuan residents leaving seven seriously injured and one dead; the incident in Mulia City, the capital of Puncak Jaya Regency, during which the police shot and killed Tolino Iban Giri and arrested eight other persons; and the report that TNI and Police Mobile Brigade (Brimob) personnel killed three suspected rebels after capturing them during a joint operation in Serba Jaya village in Aceh Jaya District.

Law enforcement authorities reopened the investigation into the 2004 killing of human rights activist Munir Said Thalib during the year, presenting new evidence and witnesses. Based on this evidence, the Supreme Court reviewed its 2006 acquittal of suspect Polycarpus Budihari Priyanto. The testimony and trial openly touched on the alleged involvement of senior officials of the National Intelligence Agency. On October 9, in connection with the murder, prosecutors filed charges against a former Garuda Airlines director and the director's former secretary.

There were no developments regarding the 1999 killing of four demonstrators at Jakarta's Semanggi intersection or the 1998 killing of four students at Trisakti University and nine demonstrators at Semanggi intersection.

In 2005 the Governments of Indonesia and Timor-Leste established the Commission on Truth and Friendship (CTF) to address human rights violations committed in Timor-Leste in 1999. The presidents of Indonesia and Timor-Leste extended the mandate of the CTF to February 2008. The CTF prioritized 14 cases to be addressed. During the year the CTF held five public hearings and two closed hearings, featuring testimony of witnesses, victims, and other actors involved in the events of 1999.

There were no known developments and none were expected with regards to pre-Helsinki MOU killings in 2005 of which GAM was accused.

On July 27, the Supreme Court denied the appeals of the persons convicted for the 2002 killings of two foreign citizens and an Indonesian near Timika, Papua. On August 30, the Supreme Court denied the appeal of Amrozi, in his conviction in the 2002 Bali bombing. On September 24, appeals of Ali Ghufron and Imam Samudra, the other two men convicted of the bombings, were also denied. In February the Supreme Court denied the appeal of Abdullah Sunata (alias Arman) in a case related to the 2003 Marriott Hotel bombing.

The authorities continued to make progress in investigating the 2004–6 cases of sectarian violence in Central Sulawesi and Maluku. In January, 17 persons, including two police officers, were killed in four police raid-related clashes in the Gebangrejo subdistrict of Poso, Central Sulawesi. The police were searching for persons wanted in connection with terrorist and other criminal activity, including alleged members of Laskar Mujahiddin. On January 11, a police officer was beaten to death when he was stopped by mourners attending the funeral of one of those killed in a police raid that day.

By year's end the Government tried 13 suspects for the 2006 and 2004 killings of two clergy, the 2005 beheading of three Christian schoolgirls, and the 2005 bombings of markets in Tentena and Palu. Abdul Muis, accused in the October 2006 shooting of Reverend Irianto Kongkoli in Palu, Central Sulawesi, and in the December 2005 bombing of a market in Palu, was tried in the South Jakarta District Court. In December the court sentenced Muis to 18 years' imprisonment. Four others were sentenced to between 10 and 19 years' imprisonment for beheadings and bombings in 2005. On August 13, Basri was charged in four murder and terrorism cases in Poso from 2004–6. The South Jakarta District Court tried Ardin (alias Rojak), Ridwan, and Tugiran for terrorism acts in Poso committed in the same time period. On December 11, that court sentenced Basri to 19 years' imprisonment for the 2005 beheading of the three Christian schoolgirls and the 2004 killing of priest Susanti Tinulele, Ardin, Ridwan, and Tugiran to 14 years each. On March 21, Central Jakarta District Court sentenced Hasanuddin to 20 years in prison for masterminding the 2005 beheading of the three schoolgirls and two others accused in the beheadings to 14 years.

On July 26, 17 Christians accused of killing two Muslim men, Badaruddin and Wandu, in 2006 were sentenced by the South Jakarta District Court to from 8 to 14 years in prison.

Maluku Province continued to enjoy reduced ethnic and religious tensions during the year, and no killings were reported. Sporadic bombings continued to take place.

The Ambon State Court tried Sulthon Qolbi (alias Asadullah or Arsyad) for acts of violence in 2005, such as the Lokki attack, the grenade explosion in Batu Merah village, and the bomb explosion in Mardika market. Sulthon confessed to these crimes. On October 4, Sulthon was sentenced to 15 years.

There were no known developments in the following 2006 cases: The September 2006 killing of a 50-year-old male in Tangkura Village of Poso Pesisir subdistrict and of another person killed by an explosion in Kawua, South Poso, and the October 2006 killing of a Christian woman riding public transportation through a predominantly Muslim area of Poso City.

*b. Disappearance.*—The Government reported little progress in accounting for persons who disappeared in previous years or in prosecuting those responsible for such disappearances. The criminal code does not specifically criminalize disappearance.

During 2005 according to the Human Rights NGO Coalition, 31 civilians and one GAM member were kidnapped in Aceh prior to the signing of the Helsinki MOU. Security forces were implicated in some of the disappearances.

In 2005 GAM members allegedly kidnapped four persons, including an 8-year-old child, and demanded a ransom. Their whereabouts remained unknown.

By year's end the Government had taken no action regarding the findings of a September 2006 report to the Attorney General's Office (AGO) by a Komnas HAM ad hoc team on the 1998 abductions of between 12 and 14 prodemocracy activists. Despite refusals from military personnel to cooperate in the investigation, Komnas HAM concluded that all victims still missing were dead and identified suspects for an official investigation without publicly releasing their names. During 2006 the AGO took no action, stating that it could not prosecute these crimes unless the House of Representative (DPR) declared them gross human rights violations.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution states that every person shall have the right to be free from torture, inhuman, and degrading treatment. The law criminalizes the use of violence or force by officials to elicit a confession, punishable by up to 4 years in prison, but the criminal code does not specifically criminalize torture. In previous years law enforcement officials widely ignored, and were rarely tried, under this statute. The Government made some efforts to hold members of the security forces responsible for acts of torture. During the year the U.N. Special Rapporteur on Torture, Manfred Nowak, reported evidence of torture in many police detention facilities in Java. Nowak reported torture was common in certain jails and used to obtain confessions, punish suspects, and seek information that incriminated others in criminal activity. Torture typically occurred soon after detention. There were reports that detainees were beaten with fists, sticks, cables, iron bars, and hammers. Some detainees reportedly were shot in the legs at close range, subjected to electric shock, burned, or had heavy implements placed on their feet.

On January 22 and 23, two gay men in Banda Raya, Aceh, were physically and verbally abused by their neighbors and then arbitrarily arrested, beaten, and sexually abused by police. Four police officers were suspended and administratively sanctioned for their abuse of the men. At year's end the case was still under investigation, but the authorities maintained they were unable to file charges because one of the victims had fled Aceh and the other refused to be questioned.

On May 1, police detained a labor leader for his actions leading a rally earlier that day. The next day, while in police custody and a few feet from police personnel, another inmate allegedly beat him. Subsequently, by his account, he was coerced into signing a confession by an interrogating officer who threatened that if he did not sign, the inmate(s) who had beaten him would "cripple" him.

During the year 47 persons were publicly caned in Aceh for offenses under the local Shari'a (Islamic law) such as gambling, consumption of alcohol, and being alone with members of the opposite sex who were not blood relatives. This was a decline from 2006, when at least 61 persons were caned for these offenses.

At year's end there were no known developments in the March 2006 case of Rosidi from Ra'ab, East Java, who was arrested for running an illegal lottery and allegedly beaten in jail by police. Probolinggo police arrested three officers accused of the beating, and they reportedly were administratively sanctioned. There was no publicly available information about the sanctions.

On April 3, fellow students beat to death Cliff Muntu, a student at the Government's Institute for Public Administration, because he failed to hold the academy's flag in a proper fashion. The police arrested four suspects in the fatal beating and also Lexie M. Giroth, the dean of the school. On September 9, Giroth was sentenced to 1 year's imprisonment for attempting to cover up the crime. The four students were expelled, and on November 23, two were sentenced to 3-year prison terms.

In March 2006 five senior cadets, in a hazing incident, beat, kicked, and subjected to electric shocks Hendra Saputra, a cadet at the Semarang Police Academy. Hendra suffered serious brain injuries. The authorities charged the five cadets with torturing Saputra. On April 26, the Semarang District Court found the five not guilty. At year's end the prosecution's appeal to the Supreme Court was pending.

There were instances in which police failed to respond to mob or vigilante violence. Mobs carried out vigilante justice, but reliable statistics on such actions were not available. Incidents of theft or perceived theft triggered many such incidents.

*Prison and Detention Center Conditions.*—Conditions at the country's 397 prisons and detention centers were harsh. Overcrowding was widespread. In Java occupancy frequently was two or three times more than recommended capacity. Guards regularly extorted money from and mistreated inmates. There were widespread reports that the Government did not supply sufficient food to inmates, and family members often brought food to supplement their relatives' diets. Family members reported that prison officials often sought bribes to allow relatives to visit inmates. Unruly detainees were held in solitary confinement for up to 6 days on a rice-and-water diet.

By law, children convicted of serious crimes should serve their sentences in juvenile prisons. However, according to a November statement by the U.N. Special Rapporteur on Torture, children were incarcerated with adults in both pretrial detention centers and in prisons. In theory prisons held those convicted by courts, while detention centers held those awaiting trial; however, in practice pretrial detainees at times were held with convicted prisoners.

There were no official restrictions on prison visits by human rights monitors, and prison officials granted varying degrees of access, including to the International Committee of the Red Cross and to the U.N.

*d. Arbitrary Arrest or Detention.*—The law contains provisions that protect against arbitrary arrest and detention but lacks adequate enforcement mechanisms, and some authorities routinely violated these provisions.

*Role of the Police and Security Apparatus.*—The president appoints the national police chief, subject to DPR confirmation. The police chief reports to the president but is not a full member of the cabinet. The national police force has approximately 350,000 personnel deployed throughout the 33 provinces. The police maintain a centralized hierarchy; locally deployed forces formally report to their national headquarters, although during the year cooperation with local governments increased. The military is responsible for external defense but also has a residual obligation to support the police in their domestic security responsibilities. In Aceh the Shari'a police, a provincial body, is responsible for enforcing Shari'a law.

During the year international organizations such as the International Organization for Migration continued to note improvement in police professionalism and an increased emphasis on law enforcement ethics. In recent years internal police investigative reports showed decreased incidents of torture and misuse of firearms. All police training institutions include a human rights component in their curricula. There was an increase in investigations into human rights violations and dismissals of police for misconduct. Overall, police professionalism increased, as did effectiveness at investigating human rights abuses. However, impunity and corruption remained problems in some areas. Police commonly extracted bribes ranging from minor payoffs in traffic cases to large bribes in criminal investigations. From January to October 2006, the Internal Investigation Division (Propam) reportedly investigated 5,486 police officers, including high-level officials, across the country, resulting in 240 dismissals. Other punishments varied from demotion to criminal prosecution.

According to the police inspector general during the year 16,929 police officers were "legally processed" for misconduct including violations of police regulations, criminality, or violations of ethical standards. On November 30, a military tribunal found 15 TNI personnel guilty for their involvement in illegal logging in East Kalimantan. The tribunal ordered the commander dishonorably discharged and sentenced him to 16 months in prison and the other 14 to 1 year's confinement.

In August the Maluku Propam arrested a police brigadier general in connection with an allegation that he had committed torture using electric shock. At year's end the investigation continued, and the general was in detention.

*Arrest and Detention.*—The law provides prisoners with the right to notify their families promptly and specifies that warrants must be produced during an arrest. Exceptions are allowed if, for example, a suspect is caught in the act of committing a crime. The law allows investigators to issue warrants; however, at times authorities made arrests without warrants. A defendant may challenge the legality of his arrest and detention in a pretrial hearing and may sue for compensation if wrongfully detained; however, defendants rarely won pretrial hearings and almost never received compensation after being released without charge. Military and civilian courts rarely accepted appeals based on claims of improper arrest and detention. The law limits periods of pretrial detention. Police are permitted an initial 20-day detention, which can be extended to 60 days by the prosecutors while the investiga-

tion is being completed; prosecutors may detain a suspect for a further 30 days during the prosecution phase, and may seek a 20-day extension from the courts. The district and high courts may detain a defendant up to 90 days during trial or appeal, while the Supreme Court may detain a defendant 110 days while considering an appeal. In addition the court may extend detention periods up to an additional 60 days at each level if a defendant faces a possible prison sentence of 9 years or longer or if the individual is certified to be mentally or physically disturbed. During the year authorities generally respected these limits in practice. The antiterrorism law allows investigators to detain any person who, based on adequate preliminary evidence, is strongly suspected of committing or planning to commit any act of terrorism for up to 4 months before charges must be filed.

During his November visit, the U.N. Special Rapporteur on Torture found that in many instances the authorities did not grant bail, frequently prevented access to defense counsel during investigations, and limited or prevented access to legal assistance from voluntary legal defense organizations. Court officials sometimes accepted bribes in exchange for granting bail.

*e. Denial of Fair Public Trial.*—The law provides for judicial independence. In practice the judiciary remained susceptible to influence from outside parties, including business interests, politicians, and the military. Low salaries continued to encourage acceptance of bribes, and judges were subject to pressure from government authorities, which appeared to influence the outcome of cases.

Under the Supreme Court are general, religious, military, and administrative courts. The Supreme Court normally considers only the lower courts' application of the law. Another avenue for appeal, judicial review, allows the Supreme Court to revisit cases that have already been decided (including by the Supreme Court itself), provided there is new evidence that was not available during earlier trials. Parallel to the Supreme Court is the Constitutional Court, which is empowered to review the constitutionality of laws, settle disputes between state institutions, dissolve political parties, resolve certain electoral disputes, and decide allegations of treason or corruption against the president or vice president. The Constitutional Court demonstrated significant independence and continued to overturn legislation that it found unconstitutional.

In August 2005 the president inaugurated the Judicial Commission with a mandate to propose candidates for appointment as justices to the Supreme Court and to monitor and ensure the integrity of judges. In an August 2006 verdict, the Constitutional Court stripped the Judicial Commission of an oversight role and concluded that the law establishing the commission did not clearly state what the body would monitor. Legal experts criticized the court's decision as counter to efforts to combat corruption, although some asserted that the decision was based on a separation of executive and judicial branches. The Judicial Commission's authority deteriorated further when, on September 26, the Corruption Eradication Commission (KPK) arrested Judicial Commission member Irawady Joenoos for allegedly accepting a bribe in a land procurement deal.

Widespread corruption throughout the legal system continued. Bribes and extortion influenced prosecution, conviction, and sentencing in civil and criminal cases. During the year the National Ombudsman Commission reported it received 218 complaints of judicial corruption involving judges, clerks, and lawyers. Key individuals in the justice system were accused of not only accepting bribes but of turning a blind eye to other government offices suspected of corruption. Legal aid organizations reported that cases often moved very slowly unless a bribe was paid. With the Judicial Commission stripped of its powers, responsibility for judicial supervision rests with the Supreme Court.

Most judges earned \$200 to \$256 (1.8 to 2.3 million rupiah) per month, while a judge with three decades' experience earned approximately \$660 (5.94 million rupiah) per month; Supreme Court justices earned between \$1,540 and \$2,640 (14 to 24 million rupiah) per month.

*Trial Procedures.*—The law presumes that defendants are innocent until proven guilty. Defendants have the right to confront witnesses and call witnesses in their defense. An exception is allowed in cases in which distance or expense is deemed excessive for transporting witnesses to court; in such cases, sworn affidavits may be introduced. However, the courts allowed forced confessions and limited the presentation of defense evidence. Defendants have the right to avoid self-incrimination. The law provides for the right of appeal. In each of the country's 755 courts, a panel of judges conducts trials by posing questions, hearing evidence, deciding on guilt or innocence, and assessing punishment. Both the defense and prosecution can appeal.

The law gives defendants the right to an attorney from the time of arrest and at every stage of examination and requires that defendants in cases involving capital

punishment or a prison sentence of 15 years or more be represented by counsel. In cases involving potential sentences of 5 years or more, the law requires that an attorney be appointed if the defendant is indigent and requests counsel. In theory indigent defendants may obtain private legal assistance, and NGO lawyer associations provided free legal representation to indigent defendants. In some cases procedural protections, including those against forced confessions, were inadequate to ensure a fair trial.

Apart from the handful of soldiers who were tried in human rights courts, hundreds of low-level and sometimes mid-level soldiers were tried in military courts, including for offenses that involved civilians or occurred when soldiers were not on duty. If a soldier was suspected of committing a crime, military police investigated and then passed their findings to military prosecutors, who decided whether to prepare a case. While administratively managed by the TNI, military prosecutors and judges were responsible to the AGO and the Supreme Court for the application of laws. The Supreme Court exercises administrative control over civil, military, and religious courts. A three-person panel of military judges heard trials, while the military high court and the military supreme court heard appeals. Some civilians criticized the short length of prison sentences imposed by military courts. TNI legal officials noted that all personnel sentenced to terms of 3 months or longer, regardless of their record or length of service, were discharged from military service. Human rights NGOs complained that the military judicial process was not transparent and that they were unable to confirm any cases of military personnel who committed human rights violations serving time for their crimes. NGO sources said that military court proceedings all the way to the Supreme Court were not public.

Four district courts located in Surabaya, Makassar, Jakarta, and Medan were authorized to adjudicate cases of gross human rights violations. By year's end only the Makassar and Jakarta courts had adjudicated such cases. The law provides for each court to have five members, including three noncareer human rights judges, who are appointed to 5-year terms. Verdicts can be appealed to the standing high court and the Supreme Court. The law provides for internationally recognized definitions of genocide, crimes against humanity, and command responsibility, but it does not include war crimes as a gross violation of human rights.

In March 2006 the Supreme Court sentenced militia commander Eurico Guterres to 10 years in prison for charges in connection with atrocities that occurred during 1999 in three Timor-Leste locations: Liquica, Dili, and Suai. Of 18 original defendants, only Guterres received a jail sentence. Guterres filed for a judicial review, and the hearing was held in October 2006. At year's end no decision had been issued. Six of the 18 original defendants were convicted at the trial level. In 2004 the Jakarta High Court overturned four of the sentences. Later in 2004 the Supreme Court acquitted a fifth.

In 2005 the U.N. sent a Commission of Experts to Indonesia to evaluate the Indonesian ad hoc tribunal and Timor-Leste's Serious Crimes Unit. The commission recommended that either Indonesia retry the 290 perpetrators of violence still at large within 6 months or that the cases be tried before an international tribunal, including the possibility of an exceptional International Criminal Court investigation (that would extend the court's jurisdiction to crimes committed before its establishment).

In 2005 Indonesia and Timor-Leste established the Truth and Friendship Commission (CTF) to address the human rights violations that occurred in Timor-Leste in 1999. The mandate of the CTF has been extended to February 2008.

Under the Shari'a court system in Aceh, 19 district religious courts and one court of appeals heard cases. The courts heard only cases involving Muslims and used decrees formulated by the local government rather than the penal code. Critics argued that Shari'a regulations were procedurally ambiguous. For example, whether defendants had a right to access to legal aid was unclear and was inconsistently implemented. Although Shari'a cases are supposed to be tried in closed hearings, one high-profile case reportedly was held in open court, exposing defendants to verbal threats from the court audience.

*Political Prisoners and Detainees.*—Human Rights Watch reported that on February 21, at least 18 Papuan independence activists were in detention for flag raising. They were charged with incitement of hatred and rebellion.

On October 18, the authorities arrested Papuan human rights activist, Iwanggin Sabar Olif, on suspicion of incitement of hatred and defamation for forwarding text messages. On December 13, Olif was charged with incitement to hatred. Some observers believed he was singled out for arrest for his human rights activities. He received regular access to legal counsel.

*Civil Judicial Procedures and Remedies.*—Widespread corruption existed at all levels of the civil legal system. Bribes, extortion, and political considerations appeared to have influenced outcomes in numerous civil cases.

The civil court system can be used to seek damages for victims of human rights violations. However, corruption and political influence limited access of victims to this remedy.

In December 2006, the Constitutional Court ruled that the national Truth and Reconciliation Commission (TRC) created in 2004 by the DPR was unconstitutional (see Section 4). The Constitutional Court chief justice stated that the Government's lack of progress in appointing the TRC's members was one factor in its decision.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law requires judicial warrants for searches except for cases involving subversion, economic crimes, and corruption. The law also provides for searches without warrants when circumstances are "urgent and compelling." Security officials occasionally broke into homes and offices. The authorities occasionally conducted warrantless surveillance on individuals and their residences and monitored telephone calls. Corrupt officials sometimes subjected migrants returning from abroad, particularly women, to arbitrary strip searches, theft, and extortion.

Unlike in 2006 there were no reports that the special police charged with upholding Shari'a conducted warrantless searches.

In December 2006 the DPR passed a law reaffirming a longstanding requirement that the National Identity Card (KTP), which all citizens are required to carry, identify the holder's religion. NGOs charged that this feature of the KTP undermined the country's pluralistic tradition and endangered cardholders who traveled through areas prone to interreligious conflict.

In some parts of the country, particularly in Kalimantan and Papua, local residents believed that government-sponsored transmigration programs, which move households from more densely populated areas to less populated regions, interfered with their traditional ways of life, land usage, and economic opportunities. Although the number of new persons in transmigration was significantly less than in previous years, the Government continued to support approximately 100,000 households moved over the years from overpopulated areas to 403 isolated and less developed areas in 26 provinces.

The Government used its authority, and at times intimidation, to expropriate land for development projects, often without fair compensation. In other cases state-owned companies were accused of endangering resources upon which citizens' livelihood depended. In 2005 President Yudhoyono signed a decree on land acquisition for public use, which allows the Government to acquire land for private development projects even if landowners have not agreed on the amount of compensation. A number of NGOs argued that the decree served the interests of wealthy developers at the expense of the poor.

During the year land disputes continued to generate charges of unfair evictions and use of excessive force by security officials. There was an increase in evictions of squatters and street vendors during the year. The NGO Poor People's Alliance reported that more than 20,000 persons were evicted from their homes or informal businesses between September and year's end. The NGO Jakarta Legal Aid estimated that security officials evicted 5,935 persons from the North Jakarta turnpike during the year, compared with 6,000 in all of Jakarta in 2006.

In March the Bangil District Court ruled in favor of the navy's right to land disputed with residents in Alastlogo, Pasuruan, East Java. At year's end, however, the land dispute continued with villagers still demanding that the navy return the land and refusing the navy's offer of 1,000 acres of land for approximately 6,000 households.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution and the law provide for freedom of speech and freedom of the press; however, the Government at times restricted these rights in practice. A vigorous, independent media operated in the country and expressed a wide variety of views generally without restriction. During the year the Constitutional Court continued to strike down articles of the criminal code that hampered freedom of speech. Nonetheless, politicians and powerful businessmen filed criminal or civil complaints against journalists whose articles they found insulting or offensive; some journalists faced threats of violence. During the year the police tapped the cell phone of a Tempo journalist to obtain text messages relating to a high-profile corruption scandal.

There was continued debate over proposed revisions to the criminal code. Among the more controversial provisions were ones that would protect government officials



and the state ideology (Pancasila) from defamation. The revisions were still under debate at year's end.

During the year authorities arrested at least 39 persons for raising separatist flags in Maluku and Papua, compared with three during 2006. In the past individuals raising separatist flags in the course of peacefully advocating for secession, especially in conflict areas such as Aceh, Papua, and Maluku, were arrested under articles 106, 107, and 108 of the penal code, dealing with treason. Although the Papua Special Autonomy Law permits flying a flag symbolizing Papua's cultural identity, authorities continued to prohibit most public displays of the Papuan Morning Star Flag.

On June 22, the Maluku Brimob investigations unit confiscated at least 60 separatist South Maluku Republic (RMS) flags and RMS documents from a house belonging to a man identified as "DM." Five persons arrested during this raid admitted that they were preparing the flags to be displayed during President Yudhoyono's June 29 visit to Ambon.

On June 29, despite tight security measures, 28 dancers unfurled RMS flags in front of the stage where the president was sitting. The police counterterrorism unit, Detachment 88, arrested the dancers, and the Maluku police chief was dismissed. By year's end the Ambon police had named 35 persons as suspects in the incident. On November 8, the Ambon District Court began the trial of four of the suspects.

On July 1, Yusak Pagake, who began serving a 10-year term in prison for hoisting the Morning Star Flag in 2006, unfurled the flag above his prison for 5 minutes to mark the anniversary of the Free Papua Movement.

On July 4, police broke up a rally by some 50 demonstrators from the United Front for West Papuan People's Struggle in Yogyakarta after they unfurled a Morning Star flag. No one was arrested.

Jhon Sahureka and Dominggus Saranamual, who were arrested in April 2006 for their involvement in raising the RMS flag in Kudamati, Maluku, were released in May 2006. Popy Egenderph, a target of police investigation since 2004 because of her suspected involvement in past flag-raising incidents, remained in detention.

The Government continued to restrict foreign journalists, NGOs, and parliamentarians from traveling to the provinces of Papua and West Papua by requiring them to request permission to travel through the Foreign Ministry or an Indonesian Embassy. The Government approved some requests and denied others. Some journalists traveled to Papua without permission. There were no reports of restrictions on journalists traveling to previous areas of conflict in Aceh, Maluku, North Maluku, and Sulawesi.

Journalists faced widespread violence and intimidation. From January to December, the Alliance of Independent Journalists (AJI) recorded 75 attacks against journalists, including physical violence as well as verbal threats and lawsuits. In the 12 months ending in August, two journalists were jailed, eight faced lawsuits, 10 were threatened, and 23 were assaulted. Government officials committed 10 acts of violence against journalists, mobs and thugs seven, and private security guards six.

On July 19, Probolinggo District Court found two of three suspects, Nipah and Suit, not guilty of the April 2006 murder of freelance journalist Herliyanto. A third suspect, Slamet, reportedly escaped from a mental hospital.

On April 5, the South Jakarta District Court acquitted Playboy magazine editor in chief Erwin Arnada of distributing indecent pictures to the public and profiting from them. The April 2006 publication of the country's first edition of Playboy had sparked protests, although it contained no nudity. The police charged four models and the chief editor of the magazine in a lawsuit filed by the Islamic Defenders' Front (FPI) and the Indonesian Anti-Piracy and Pornography Society. In April 2006 approximately 300 FPI activists demanding the magazine cease publication attacked the building housing the magazine's office, causing damage and injuring two police officers. The police arrested three of the FPI members. The publisher moved the magazine's operations from Jakarta to Bali.

On August 30, the Supreme Court ruled in favor of former President Suharto in a libel suit against Time, ordering the magazine to pay \$106 million (one trillion rupiah) in damages and print an apology. Time's May 1999 cover story "Suharto Inc." alleged that Suharto and his family had embezzled approximately \$15 billion (137 trillion rupiah) in state funds. Suharto first filed a lawsuit against Time in 1999, and the Jakarta District Court dismissed the case in June 2000. The Jakarta High Court rejected Suharto's appeal in March 2001. Time has filed for judicial review of the decision.

During the year the Government took no legal action against any persons responsible for crimes committed against journalists in 2005 and 2006.

In 2002 the Government enacted a broadcasting law that established a broadcasting commission (KPI) and designated the state as the sole authority to issue

broadcasting licenses. In 2005 the Government issued four implementing regulations banning live broadcast of regularly scheduled foreign programs by domestic carriers and giving the broadcast licensing authority to the Ministry of Communications and Information. Although some stations continued to air live broadcasts of foreign news reports, others instituted brief delays—some as short as 5 to 7 seconds—to comply with the law. In May 2006 both the KPI and a coalition of NGOs separately requested that the Supreme Court review the 2005 implementing regulations, arguing they infringe on media freedom, freedom of expression, and freedom of business. In May the Supreme Court rejected the request for review of the four implementing regulations. Local news broadcasts were not censored or subject to broadcast delays.

During the year members of the press continued aggressive reporting on such issues as corruption (including by senior government officials), the Munir murder case, and environmental degradation.

*Internet Freedom.*—In November 2006 the Ministry of Information created an agency to prevent online crime among local users. Internet cafes are required to provide the identities of Internet users to the agency on a monthly basis. The Ministry of Communication and Information denied that this agency would monitor online content. There were no reported government restrictions on Internet access.

*Academic Freedom and Cultural Events.*—During the year the government-supervised Film Censorship Institute continued to censor domestic and imported movies for content deemed pornographic or religiously offensive, but no films were prohibited from being shown by the central agency. In February a Balinese film board banned a documentary about the 2002 Bali bombings from being shown in Bali.

The AGO has the authority to monitor written materials. On March 5, the AGO banned further printing and distribution of 13 junior and senior high school history books because they insufficiently emphasized the role of the Communist Party (PKI) in the 1948 uprising in Madiun, East Java, and the 1965 coup attempt in Jakarta. The AGO argued that a Military Court (Mahmilub) had proven that the PKI was involved in the events of 1965 and therefore the omission of these facts in the books was unacceptable. Following the AGO's action, several regional attorneys general offices seized thousands of books from schools and in some cases carried out public book burnings. On July 7, Depok Mayor Nurmahmudi Ismail presided at a burning of 2,500 seized books, and on July 30, 1,340 books were burned outside the Bogor district prosecutor's office.

On December 14, the Jayapura District Prosecutor's Office confiscated 60 copies of local academic Sendius Wonda's book *The Sinking of the Melanesian Race: Indonesia's Political Struggle in West Papua*. The action was based on a November 27 AGO circular banning printed materials that could "mislead the public" and "disturb public order."

On August 25, the band Nidji performed in Banda Aceh, but the police required it to cancel two other performances after local Muslim groups accused them of promoting promiscuity and of having broken Shari'a law by not separating male and female audience members.

On August 10, protesters from an "antipornography" alliance prompted the reigning Miss Universe to curtail a visit to Bandung.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The law provides for freedom of assembly, and the Government generally respected this right. The law generally does not require permits for social, cultural, or religious gatherings; however, any gathering of five or more persons related to political, labor, or public policy requires police notification, and demonstrations require a permit. In general these permits were granted routinely. In at least one instance police used this regulation to restrict a separatist demonstration. On December 1, police arrested 37 Papuans in Timika who were celebrating a self-proclaimed Papuan independence. The police said that they did not have permission to stage the rally and that at least six of the group were carrying firearms. The 31 unarmed participants were released immediately. The six accused of carrying firearms remained in detention, and at year's end the status of their case was unknown.

During the year police continued a trend of showing restraint in dealing with violent demonstrations. On August 6, East Jakarta demonstrators protesting a government fuel-transfer program threw stones at police. The police used nonlethal force to control the crowd. At least 40 persons were injured, including five police officers. On August 21 and 22, police in North Maluku used nonlethal methods, including rubber bullets, to deal with a violent demonstration preceding the gubernatorial election. Nine protesters were injured, two seriously.

On other occasions police took no action to protect persons being attacked by mobs. On March 28, the FPI and others attacked members of the National Liberation Party of Unity (Papernas) holding a protest in Jakarta. Rocks were thrown at buses and vans carrying Papernas supporters, who were mostly women and children. The media reported a number of persons including children were injured. The FPI accused Papernas of being a communist organization. The NGO Asian Human Rights Commission reported that police present at the scene took no action to stop the violence.

*Freedom of Association.*—The law provides for freedom of association, and the Government generally respected it in practice. The People's Consultative Assembly banned the PKI in 1966. In previous years persons accused of being affiliated with the PKI were barred from the civil service and given special numbers on their national identity cards.

*c. Freedom of Religion.*—The Constitution provides for “all persons the right to worship according to his or her own religion or belief” and states that “the nation is based upon belief in one supreme God.” The Government generally respected the former provision. Six faiths—Islam, Protestantism, Catholicism, Hinduism, Buddhism, and Confucianism—received official recognition in the form of representation at the Ministry of Religious Affairs. On February 24, the Home Affairs Ministry issued a regulation requiring local and provincial administrations to provide administrative services, such as issuing marriage licenses and identification documents that denote the bearer's religious affiliation, to Confucians. Other religious groups were able to register with the government, but only with the Ministry of Home Affairs and only as social organizations. These groups experienced some official and social discrimination. The law does not recognize atheism and in practical terms requires all persons to identify themselves with one of the six faiths acknowledged by the Government.

The civil registration system continued to discriminate against members of minority religions. Civil registry officials refused to register the marriages or births of children of members of the Baha'i faith and others because they did not belong to one of the six officially recognized faiths. According to the Hindu association Parisadha Hindu Dharma Indonesia, Hindus, particularly in North Lampung, Southeast Sulawesi, Kalimantan, and some areas in East Java, despite official recognition of their religion, sometimes had to travel greater distances to register marriages or births because local officials would not perform the registration.

On July 28, couples who adhere to traditional beliefs (Aliran Kepercayaan) gained the right to have their marriages officially recognized under the law, which allows Aliran Kepercayaan leaders to officiate marriage ceremonies and sign marriage certificates, which can then be registered with the Government.

Persons whose religion was not one of the six officially recognized faiths had difficulty obtaining a KTP, which was necessary to register marriages, births, and divorces. Several NGOs and religious advocacy groups urged the Government to delete the religion category from the KTPs, but the DPR passed legislation in December 2006 retaining it.

Men and women of different religions experienced difficulties in marrying and in registering marriages. The Government refused to register a marriage unless a religious marriage ceremony had taken place. However, very few religious officials were willing to take part in weddings involving couples of different faiths. For this reason, some brides and grooms converted to their partner's religion. Others resorted to traveling overseas to wed.

In April the Malang police arrested eight persons accused of disseminating a “prayer training” video produced by the College Student Service Organization in Batu, East Java. The video allegedly depicts 30 Christians at a December 2006 gathering being instructed to put Korans on the floor. Since April an additional 33 persons were detained under blasphemy charges in connection with the videos. Christian church leaders denied that Christians were involved in the production or distribution of the videos. On September 6, the court found all 41 accused guilty of insulting religion and sentenced each to 5 years in prison.

On June 11, the three women sentenced in 2005 to 3-year prison terms for attempting to convert Muslim children to Christianity were released on parole.

As in previous years, some political parties advocated amending the Constitution to adopt Shari'a on a nationwide basis, but most parliamentarians and the country's largest Muslim social organizations remained opposed to the proposal. There were no attempts by the national Parliament or local legislatures to amend the Constitution to adopt Shari'a laws. However, some local governments issued Shari'a-based local laws. Some human rights groups argued that these laws were illegal, since the country's regional autonomy law prohibits local laws from dealing with religion.

Others argued that the Shari'a-based laws violated constitutional provisions that proscribe religiously based laws. Central government authorities have not challenged the issuance of such local regulations.

As in previous years, during the Muslim fasting month of Ramadan, many local governments ordered either the closure or limited operating hours for various types of "entertainment" establishments, particularly bars and nightclubs not located in five-star hotels. Government and mainstream Islamic leaders called on fringe groups not to carry out vigilante closings of establishments that violated these decrees, and these groups complied.

*Societal Abuses and Discrimination.*—Until mid-December there had been significantly fewer attacks against the Ahmadiyah Islamic sect, considered heretical by many mainstream Muslims, than in the previous year. However, on December 18, a mob attacked a housing complex belonging to the Ahmadiyah in Kuningan, West Java, damaging 14 houses and two small mosques. The violence then spread to other locations in West Java including Manis Lor village, Kuningan Regency, and Sukajaya village, Tasikmalaya Regency. Moreover, the Ahmadiyah continued to face societal discrimination, and the Government has done little to pursue accountability or to punish perpetrators of past attacks. In the wake of the December violence, the vice president ordered that the police "get tough" on Muslims who attack members of "deviant" Islamic sects.

On February 2, dozens of Ahmadiyah members came to the West Nusa Tenggara governor's office to demand that they be returned to their village of Gegerungan, Ketapang, West Lombok, after living over a year at a displaced persons camp in Mataram. In February 2006 between 500 and 1,000 local residents attacked an Ahmadiyah housing complex and forced 187 Ahmadiyah members from 25 homes. Conditions had deteriorated since the West Lombok Regency stopped supplying food and health services to the camp in January. At year's end more than 130 of the Ahmadiyah members remained at the Mataram camp.

In April the West Nusa Tenggara Chapter of the Indonesian Council of Ulemas (MUI) asked the West Nusa Tenggara governor to issue a ban on the Ahmadiyah because of the group's deviation from Islam.

At year's end the Ahmadiyah compound in Bogor, West Java, which was attacked and damaged in 2005, remained sealed, although Ahmadiyah members were able to use the office facilities. In his statement on the December violence, the vice president also said that "all seals locking the Ahmadiyah's places of worship have to be removed."

During the year another Islamic sect, Al-Qiyadah, also was accused of "deviating" from Islam, and the MUI urged that it be banned. Police briefly detained approximately two dozen of the sect's followers, ostensibly to protect them. All of the followers were released, some after being "converted" back to mainstream Islam. In November the AGO officially banned the sect, and the sect leader publicly announced his return to mainstream Islam.

During the year attacks against churches continued, primarily in West and East Java, although less frequently than in the past. Some churches were forced to close due to community pressure: In November a Catholic church in Tambora District, West Jakarta, stopped holding services under pressure from the local community.

In Central Sulawesi, Maluku, and North Maluku, religiously motivated violence and vigilante acts occurred less frequently than in previous years. Tensions in Central Sulawesi escalated slightly, however, following police action to capture 29 individuals wanted for perpetration of violent crimes. Following a police raid on January 11, bombs exploded in Poso's central market on January 12 and in three locations in Gebangrejo on January 20.

Another bomb detonated in the empty Eklesia church in Poso on July 1. On July 23, a South Jakarta State Court tried Abdul Muis for his involvement in the murder of Reverend Irianto Kongkoli in October 2006 in Palu, Central Sulawesi. The other suspect, Dedi Parsan, was shot and killed during the police raid on January 11.

The indigenous Jewish population is small. Sabili, a widely read Islamic magazine, continued to publish anti-Semitic articles. An account of a possible interest in investing in Aceh by the well-known financier George Soros prompted some Muslim political parties in Jakarta to issue statements about a "hidden agenda" and warning the Government against Jews enticing the country to be weak on the Palestinian struggle. One member of Parliament was quoted as saying: "Tell the Jews there is no place for their investment in Indonesia."

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution allows the Government to prevent persons

from entering or leaving the country. The Law on Overcoming Dangerous Situations gives military forces broad powers in a declared state of emergency, including the power to limit land, air, and sea traffic; however, the Government did not use these powers. Citizens enjoy freedom of movement within the country and, with few exceptions, are able to travel outside the country.

During the year the Government continued to restrict freedom of movement for foreigners to Papua through a system of "travel letters," but enforcement was inconsistent. On July 3, a foreign parliamentarian was denied permission to visit Papua during his visit to the country. In November the parliamentarian was granted permission to visit Papua.

The Government prevented at least 788 persons from leaving the country during the year. The immigration office prevented these departures at the request of the police, AGO, KPK, and the Department of Finance. Some of those barred from leaving were delinquent taxpayers, convicted or indicted persons, and persons otherwise involved in legal disputes.

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

*Internally Displaced Persons (IDPs).*—The Internal Displacement Monitoring Center reported that there were between 150,000 and 250,000 IDPs in the country, between 30,000 and 150,000 of whom were in Aceh, almost all the result of the 2004 tsunami. Some of the Aceh IDPs lived in temporary shelters, while others stayed with host families or were integrated into local communities. According to the Aceh Reconstruction and Rehabilitation Body, there were 5,200 tsunami victims still living in barracks and other temporary housing. A mud flow in Porong, East Java, left 2,500 persons in camps.

*Protection of Refugees.*—The country is not a party to the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, the law does not provide for the granting of asylum or refugee status, and the Government has not established a system for providing protection to refugees. However, in practice there were no reports of refoulement, the forced return of persons to a country where there is reason to believe they feared persecution. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR), which maintained an office in Jakarta, in assisting refugees and asylum seekers. At year's end there were 245 UNHCR-recognized refugees and 152 asylum seekers living in the country. Some were applicants and others were dependents. Most were from Iraq, Afghanistan, Somalia, or Sri Lanka.

The above figures do not include 10,436 former refugees from East Timor who resided in East Nusa Tenggara at the end of 2006, according to the East Nusa Tenggara Coordinating Unit for Disaster Management.

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

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

The Constitution provides for national elections every 5 years. DPR members automatically are members of the People's Consultative Assembly, a fully elected body consisting of the 550 DPR members and the 128 members of the House of Regional Representatives (DPD).

*Elections and Political Participation.*—In 2004 President Yudhoyono became the country's first directly elected president in free and fair elections. Direct local elections, which began in 2005, have been generally free and fair. During the year the Government held 53 local elections: Nine for governor, 11 for mayor, and 33 for regent. Observers generally perceived the local elections as free and fair and, with a few exceptions, without incident affecting the outcome.

Most instances of election-related violence involved supporters of losing candidates attacking local election offices.

On August 21 and 22, thousands of supporters of the North Maluku traditional leader, Sultan of Ternate Mudaffer Syah, protested a local election office decision barring the sultan from running in the gubernatorial election. They occupied the premises of the local election office, blockaded major roads, and clashed with police who attempted to control the crowds.

On November 5, demonstrators surrounded the local election office in Talakar, South Sulawesi, protesting the regional election results. Demonstrators threw stones at police and burned tires. Police arrested 11 of the demonstrators. On December 19, the Supreme Court accepted the defeated incumbent's challenge to the South Sulawesi gubernatorial election results and ordered revoting in four regencies.

All adult citizens are eligible to vote except active members of the military and the police, convicts serving a sentence of 5 years or more, persons suffering from mental disorders, and persons deprived of voting rights by an irrevocable verdict of a court of justice. Married juveniles are legally adults and allowed to vote.

There are no legal restrictions on the role of women in politics. During the year women held four of 36 cabinet seats. The election law includes a nonbinding call for parties to select women for at least 30 percent of the candidate slots on their party lists. A political parties law passed in December mandates that women make up 30 percent of the founding members of a new political party. Women made up 11.3 percent of the elected members of the DPR, 25 of the 128-member DPD were women, there was one female governor, and six elected female district chiefs. Women held disproportionately few leadership positions in local government in some provinces; for example, in Aceh the highest positions held by women were two deputy mayor and deputy regent positions.

During the year the Constitutional Court ruled that independent candidates could run for local office and that a political party's nomination was not required. By year's end the ruling had not been implemented.

With the exception of Aceh Province, where non-Muslims were effectively blocked from political office by a requirement that all candidates must demonstrate their ability to read the Koran in Arabic, there were no legal restrictions on the role of minorities in politics. There were no official statistics on the ethnic backgrounds of legislators in the DPR. President Yudhoyono's cabinet consisted of a plurality of Javanese, with others being of Sundanese, Bugis, Batak, Acehnese, Papuan, Balinese, Arab, and Chinese heritage.

*Government Corruption and Transparency.*—There was widespread domestic and international perception that corruption was a part of daily life. Soon after taking office, the president established the Corruption Eradication Commission, giving it a broad investigative mandate. On July 23, former minister of maritime affairs and fisheries Rokhmin Dahuri was sentenced to 7 years' imprisonment in connection with a \$1.26 million (approximately 12 billion rupiah) off-budget fund. On September 13, Golkar Party DPR member Nurdin Halid was sentenced to 2 years for misuse of government funds.

In December 2006 the Constitutional Court ruled that the legal provision creating the Anti-Corruption Court was unconstitutional but permitted the court to continue functioning for 3 more years.

The AJI reported no problems for the media in obtaining unclassified public documents from the government, although there is no law requiring the Government to grant access to information to citizens and noncitizens. During the year, in response to a presidential decree on judicial transparency, the judiciary established a Web site that allows the public to access court decisions. In practice, civil society court monitors noted that some court decisions and legislation were still difficult to obtain.

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

The Government met with local NGOs, responded to their inquiries, and took some actions in response to NGO concerns. U.N. Special Representative on the Situation of Human Rights Defenders Hina Jilani visited June 5 to 12 and was given full and unimpeded access to human rights defenders, including those in Papua and Aceh.

During the year, at the instruction of the president, the police began a new investigation into the 2004 killing of human rights activist Munir Said Thalib (see Section 1.a.).

Domestic human rights organizations operated throughout the country and actively advocated for improvements to the Government's human rights performance; however, they were subjected to monitoring, harassment, and interference by the Government. Komnas HAM reported that from 2000–4, 14 human rights activists were killed, and no perpetrators were brought to justice. There have been no reports of human rights activists killed since 2004.

NGOs in Papua continued to report widespread monitoring of their activities by intelligence officials as well as threats and intimidation. Activists reported that intelligence officers took their pictures surreptitiously and sometimes questioned their friends and family members regarding their whereabouts and activities. Following Hina Jilani's June 8 visit to Jayapura, Papua, the Chairman of Komnas HAM Papua, Albert Rumbekwan, reported that he received numerous death threats and was followed. He reported that he was afraid to go to his office or home. According to Papuan human rights activists, a car with military intelligence license plates intentionally hit the moving car of a Papuan human rights activist. According to the

activist's account, the incident was witnessed by police, who allowed the perpetrators to leave the scene.

The Government generally viewed outside investigations or foreign criticism of its human rights record as interference in its internal affairs. The security forces and intelligence agencies tended to regard with suspicion foreign human rights organizations, particularly those operating in conflict areas. Government monitoring of foreigners was apparent in conflict areas. Some domestic human rights organizations expressed concern about the possible negative consequences of contacting foreigners.

A number of government agencies and affiliated bodies addressed human rights problems, including the Ministry of Law and Human Rights, the Ministry of Foreign Affairs, the Ministry of Women's Empowerment, the National Commission on Violence Against Women (Komnas Perempuan), and Komnas HAM. In recent years Komnas HAM's efforts to expose human rights violations and bring perpetrators to account were undermined by a number of court decisions regarding its jurisdiction or authority: In 2005 the TNI stated it could not cooperate with attempts by Komnas HAM to summon retired and active-duty generals to answer questions about the abduction of prodemocracy activists between 1997–8. Parliament failed to approve formation of an ad hoc human rights court that could investigate severe human rights violations that occurred before 2000.

In December 2006 the Constitutional Court annulled the law mandating a Commission of Truth and Reconciliation to investigate Suharto-era abuses. Rights activists had challenged specific provisions allowing amnesty for perpetrators of severe human rights violations and limiting victims' ability to obtain compensation. However, the court ruled that the whole law should be repealed. The Constitutional Court based this decision on two factors: The impropriety of the TRC offering amnesty and the lack of progress in central government's selection of the 21 members of the TRC. The annulment of the law left victims of past human rights violations without a compensation mechanism.

The Law on the Government of Aceh promulgated in August 2006 states that a Human Rights Court would be established in Aceh within 1 year and that the judgments passed by the Human Rights Court would prescribe compensation, restitution, and rehabilitation for the victims of human rights violations. By year's end the Government indicated that it was prepared to designate court officials as required as soon the appropriate authorities recommend a case for prosecution.

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

The Constitution does not explicitly prohibit discrimination based on gender, race, disability, language, or social status. It provides for equal rights for all citizens, both native and naturalized. However, in practice, the Government failed to defend these rights adequately.

*Women.*—The law prohibits domestic abuse and other forms of violence against women. However, rape and domestic violence were problems.

Reliable nationwide statistics on the incidence of rape continued to be unavailable. The legal definition of rape is narrow and excludes some acts that would commonly be treated as rape in other countries, such as marital rape. Sentencing continued to be a problem. Although rape is punishable by 4 to 12 years in jail, and the Government jailed perpetrators for rape and attempted rape, most convicted rapists were sentenced to the minimum or less.

Violence against women remained poorly documented. Nationwide figures were unavailable. The National Commission on Violence Against Women reported that in 2006 (the most recent statistics available) there were 22,512 cases of violence handled by partner organizations across the country, and the local press reported that violence against women continued to increase. Most NGOs working on women and children's issues believed the real figure was far higher, noting the tendency of many victims to keep silent. As of October the NGO LBH Apik had handled 713 cases of violence in Jakarta. Two types of crisis centers were available for abused women: Government-run centers in hospitals and NGO centers in the community.

Nationwide the police operated "special crisis rooms" or "women's desks" where female officers received criminal reports from women and child victims of sexual assault and trafficking and where victims found temporary shelter. On July 6, the police chief mandated that all police stations provide special crisis facilities on-site.

The legal differentiation between a woman and a girl was not clear. The law sets the minimum marriageable age at 16 for a woman (and 19 for a man), but the Child Protection Law states that persons under age 18 are children. A girl who marries has adult legal status. Girls frequently marry before reaching the age of 16, particularly in rural areas.

Female genital mutilation (FGM) was practiced in some parts of the country, including West Java. Complications reportedly were minimal. Some NGO activists dis-

missed any claims of mutilation, saying the ritual as practiced in the country was largely symbolic. Following September meetings with the Committee on the Elimination of Discrimination Against Women, the minister of women's empowerment called for a complete ban of the practice. This followed a 2006 Ministry of Health ban of FGM by doctors and nurses. However, symbolic female circumcisions that do not involve physical damaging of the child could be carried out, and violators of the ban did not face prosecution.

Prostitution is not specifically addressed in the law. However, many officials interpreted "crimes against decency/morality" to apply to prostitution. Prostitution was widespread and largely tolerated, despite its contradiction with popular societal and religious norms. During the year security forces reportedly participated in operating brothels or protection rackets shielding brothels from prosecution. International sex tourism reportedly continued, especially on the islands of Batam and Karimun and in major urban centers across the country.

Although it is not explicitly mentioned, sexual harassment is against the law and is actionable under the criminal code.

State policy and the law state that women have the same rights, obligations, and opportunities as men. However, the law also states that women's participation in the development process must not conflict with their role in improving family welfare and educating the younger generation. The marriage law designates the man as the head of the family. Women in many regions of the country, particularly in Papua, complained about differential treatment based on gender.

Although legal scholars believed that local governments lacked authority to legislate on religious matters, local governments continued to implement Shari'a-based local laws that many human rights and women's activists believed discriminate against women. During the year no new Shari'a-based local laws were passed. The central government has not challenged the validity of those regulations passed in previous years. In 2005 the local government of Tangerang, Banten, issued a regulation prohibiting women who "behave like prostitutes" and who are unaccompanied by male relatives from frequenting public areas in Tangerang after dark. The law also prohibits public displays of affection. Violation of this law is punishable by 3 months' imprisonment or a maximum fine of \$1,666 (15 million rupiah). Many activists protested the law because of its potential to lead to wrongful arrests of innocent women.

Divorce is available to both men and women. Muslims who sought divorce generally turned to the Shari'a-based family court system as a faster and cheaper alternative to the national court system. Non-Muslims obtained divorces through the national court system. Due to prejudicial attitudes, women often faced a heavier evidentiary burden than men, especially in the Shari'a-based family court system. Although both Islamic and national courts may award alimony, many divorcees received no alimony, since there was no system to enforce such payments. Men and women both keep the separate property they owned before marriage. If there is no prenuptial agreement, joint property is divided equally. The law requires a divorced woman to wait a certain period of time before remarrying; a man can remarry immediately.

During the year the Government continued to implement Shari'a in Aceh. The impact of this implementation varied across the province but in general appeared to be less intrusive than in 2006 due to improved government oversight of the Shari'a police. The most visible impact on women's rights appeared to be the enforcement of dress codes. It was not uncommon for Shari'a police to briefly detain women whose dress did not conform to local Shari'a requirements and lecture them on appropriate attire. Local governments and groups in areas outside Aceh also undertook campaigns to promote conformity by women with the precepts of Shari'a. Some women told reporters that they felt humiliated when detained for dress code violations.

Women faced discrimination in the workplace, both in hiring and in gaining fair compensation. According to an International Trade Union Confederation (ITUC) report issued during the year, women on average earned 74 percent of what men earned, were overrepresented in unpaid and lower-paid positions in the informal sector, and held only 17 percent of managerial positions. According to the government, 43 percent of all civil servants were women, but they accounted for less than 7 percent of senior government officials.

Some activists said that in manufacturing, employers relegated women to lower-paying, lower-level jobs. Many female factory workers were hired as day laborers instead of as full-time permanent employees, and companies were not required to provide benefits, such as maternity leave, to day laborers. By law if both members of a couple worked for a government agency, the couple's head-of-household allowance was given to the husband.



Organizations around the country promoted women's rights or otherwise addressed women's issues during the year, including Komnas Perempuan, Solidaritas Perempuan, Mitra Perempuan, LBH-Apik, and the International Catholic Migration Commission.

*Children.*—The Government stated its commitment to children's rights, education, and welfare, but it devoted insufficient resources to fulfill that commitment. Although the law provides for free education, in practice most schools were not free of charge, and poverty put education out of the reach of many children. Child labor and sexual abuse were serious problems. In 2003 the leader of the National Commission for Child Protection identified the most pressing problems related to the country's youth as child labor, child trafficking, child prostitution, street children, children in conflict areas, and undernourished children. The Child Protection Act addresses economic and sexual exploitation of children as well as adoption, guardianship, and other problems; however, some provincial governments did not enforce its provisions.

Although the law provides for free birth registration, it was not enforced, and approximately 30 percent of citizen births were not registered. It was often impossible to be certain of a child's age, and ages were falsified on identity cards, sometimes with the cooperation of government officials.

By law children are required to attend 6 years of elementary school and 3 years of junior high school; however, in practice the Government did not enforce these requirements. According to the Government's 2006 National Socio-Economic Household Survey, school enrollment rates were 97.7 percent for children ages 7 to 12, 84.1 percent for children ages 13 to 15, and 53.9 percent for children ages 16 to 18. Although girls and boys ostensibly received equal educational opportunities, boys were more likely to finish school.

Monthly fees for public schools varied by province and were based on average incomes. Tuition, transportation, and school materials could cost a family between \$444 and \$777 (4 million to 7 million rupiah) per year for each primary and secondary student. In June 2005 the International Labor Organization (ILO) conducted a limited child labor survey in areas within five provinces (North Sumatra, East Kalimantan, West Java, East Java, and South Sulawesi), which revealed that one in five school-age children from low-income families had no access to education and experienced various kinds of exploitation at work—both in the formal and informal sectors. The survey also found that of 2,438 school-age children below 15 years of age, 19 percent were not attending school. It was unclear how many children were forced to leave school to help support their families. In some remote areas of East Java, lack of nearby school locations contributed to dropout rates as high as 50 percent and led children to seek work. In some areas parents and watchdog groups complained that corruption among public servants severely undermined the quality of education.

Boys and girls enjoyed equal access to government-provided healthcare.

Child abuse is prohibited by law, but government efforts to combat it generally have been slow and ineffective. NGOs reported that it continued to take excessively long to bring a child rape case to court and that mechanisms for reporting and dealing with child abuse were vague.

Commercial sexual exploitation of children continued to be a serious problem. The number of child prostitutes in the country was unclear, but the problem was widespread. Many teenage girls were forced into or found themselves caught in debt bondage. At times law enforcement officials treated child prostitutes as criminals rather than victims. Corrupt civil servants issued identity cards to underage girls, facilitating entry into the sex trade. There also were reports of sexual exploitation of boys. During the year NGOs reported that long-active pedophile rings continued to operate in Bali. During the year police broke up several large syndicates trafficking children both domestically and internationally, rescuing dozens of children and arresting officials complicit in falsifying the age of the children on official documents.

There were cases in which employment brokers paid parents advances of future salaries to be earned by their daughters. The child was required to repay the employment brokers. Researchers described a "culture of prostitution" in some parts of the country, where parents encouraged their daughters to work as big-city prostitutes and send the proceeds home.

NGO observers said many girls were forced into prostitution after failed marriages they had entered into when they were 10 to 14 years of age. There was no obvious violation of the law, because their paperwork identified them as adults due to the fact they were once married.

The Government officially estimated that there were 2.1 million child laborers in the country. Other informed persons believed the number to be much higher.

A U.N. report found that juvenile detainees in prisons across Java were subjected to harsh conditions. The report noted that children as young as 10 were subjected to severe physical abuse by both police and other inmates. Although children were detained in juvenile detention centers, due to the high number of detainees, children frequently were mixed with the general population in both jails and prisons increasing the potential for abuse.

In East Java, local NGOs reported that the Government paid little attention to the rights of juvenile offenders. In Surabaya, juveniles were held in the same detention facilities as adults during pretrial and trial phases of detention. The only prison for juveniles in Blitar, East Java, is far from the population centers of the province. As of July 2006, there were 126 juveniles in the Blitar prison. According to the East Java Children's Protection Agency, the physical conditions were inhumane. Most juveniles from Surabaya were remanded to Surabaya-area adult facilities. Juveniles frequently experienced abuse while in detention.

Substantial numbers of street children were apparent in Jakarta and the provinces of East Java, West Java, North Sumatra, and South Sulawesi. Surabaya, in East Java, was home to approximately 8,000 street children, many reportedly susceptible to sexual abuse and violence. Approximately 40 shelters in the province provided services to such children. The Jakarta City government operated a shelter with the capacity for approximately 200 children. The Government continued to fund other shelters administered by local NGOs and paid for the education of some street children.

A number of NGOs promoted children's rights, including Child Advocacy Network, National Commission on Child Protection, Center for Study and Child Protection, and Foundation for Indonesian Child Welfare.

*Trafficking in Persons.*—The Government recognized trafficking as a crime and a serious national issue and in March enacted a comprehensive antitrafficking law. It also took steps against corruption-related complicity. The antitrafficking law meets international standards and includes a comprehensive mandate for rescue and rehabilitation of victims. It outlaws all forms of trafficking including debt bondage and sexual exploitation and provides stiff penalties for officials and labor agents complicit in trafficking. Penalties for trafficking range from between 3 and 15 years in prison, with penalties for officials assessed at a rate one-third higher.

The country remained a major source for international trafficking in persons and faced a significant internal trafficking problem. It also was a receiving country for trafficked prostitutes, although the number was small relative to the number of Indonesian victims. The country was not a major transit point for trafficking. Malaysia and Saudi Arabia as well as other countries in the Middle East and Asia were destinations, and there were a few isolated cases of alleged trafficking to the United States. Prostitution, domestic servitude, and work in restaurants and hotels were the primary purposes, with some forced labor in construction and plantation work. Women and girls were also trafficked into forced marriages, particularly to Taiwan. Boys and girls under age 18 and secondarily women of all ages were most vulnerable to trafficking; however, all impoverished citizens were potential victims. Victims were subjected to physical and psychological abuse, sometimes resulting in death due to abuse or suicide. According to medical records approximately 70 percent of trafficked women—including domestic servants—contracted venereal disease. Some trafficking victims were forced to work long hours, 7 days a week, without pay and in inhuman conditions.

Trafficking networks were decentralized beginning with neighborhood brokers who trafficked victims to labor supply agencies in large cities, who in turn sold victims to labor supply agencies in receiving countries. Local government, immigration, and manpower officials were complicit in the process. Domestically, women and girls were trafficked into prostitution by local recruiters and sold into a sophisticated national network. Local officials, police, and military were complicit in this as well.

Law enforcement against traffickers increased during the year: Arrests increased from 142 to 165; prosecutions and convictions were believed to show similar increases, but statistics were not available. In 2006 the average sentence was 54 months in prison, compared with 30 months in 2005. During the year the Government trained more than 1,000 law enforcement officials on fighting trafficking, often in interagency courses also attended by NGOs. The numbers of special antitrafficking police and prosecutors increased. The National Plan of Action (NPA) led to more effective national coordination. During the year, under the new law, there were dozens of arrests of domestic and international traffickers and hundreds of victims were rescued. Major cases included the arrests of a Jordanian, three Syrians, and three citizens in August, which resulted in the rescue of 121 trafficked persons. During the year officials, including diplomats and immigration officials, were also pros-

ecuted for trafficking. Dozens of labor supply agencies using false documents were closed.

The NPA increased cooperation among law enforcement agencies, social service providers, and NGOs. The trafficking law and the NPA provided a system for prevention, law enforcement, and rescue and rehabilitation of trafficking victims. National and local task forces included social service, health, and law enforcement agencies, as well as civil society organizations. Trafficking victims were treated at police hospitals where they received counseling and were interviewed by police so they could press charges if they so chose. During the year dozens of traffickers were prosecuted under this system. Working with international NGOs, the Government also helped rehabilitate victims and provided them with education or job skills.

A social stigma of being trafficked or returning home poor inhibited many victims from reintegrating into society; in some cases victims were trafficked by their parents and risked being victimized again if they returned home. Government funding for assisting victims was insufficient. Civil society played a major role in prevention of trafficking and assistance of victims.

The Singkawang District of West Kalimantan remained well known as an area from which poor, ethnic Chinese women and teenage girls between the ages of 14 and 20 were recruited as "mail order" brides for men, primarily in Taiwan but also in Hong Kong and Singapore. In some cases the women were trafficked for sexual exploitation and slave-like servitude.

Many victims became vulnerable to trafficking during the process of becoming migrant workers. Many unauthorized recruiting agents operated throughout the country and were involved in trafficking to various degrees, and some government-licensed recruiting agents also were implicated in trafficking. Recruiting agents often charged exorbitant fees leading to debt bondage and recruited persons to work illegally overseas, which increased the workers' vulnerability to trafficking and other abuses.

Credible sources noted that individual security force members were involved in setting up and protecting brothels. Traffickers and brothel owners reportedly paid protection money to security force members. An NGO survey of trafficking in Papua concluded that military members operated or protected brothels that housed trafficking victims. Apart from police and soldiers, some government officials were complicit in trafficking, particularly in the production of false documents. The prevalence and ease of obtaining fraudulent national identity cards, which could document children as adults, contributed to the trafficking problem. Within society and the government, there was continued reluctance to acknowledge that prostitution was a major problem.

*Persons with Disabilities.*—The Government classified persons with disabilities into four categories: Blind, deaf, mentally disabled, and physically disabled. The Constitution requires the Government to provide them with "care"; however, care is not defined, and the provision of education to children with disabilities never was inferred from the requirement. The law also mandates accessibility to public facilities for persons with disabilities; however, the Government did not enforce this provision. Few buildings and virtually no public transportation facilities provided such accessibility. The law requires companies that employ more than 100 workers to set aside 1 percent of their positions for persons with disabilities. However, the Government did not enforce the law, and persons with disabilities faced considerable discrimination.

In urban areas only a few city buses offered wheelchair access, and many of those have had their hydraulic lifts vandalized, rendering them unusable.

In 2003 the Government stated the country was home to 1.3 million children with disabilities, in 2007 according to government statistics 72,425 children with disabilities attended school. The actual number of children with disabilities was believed to be much higher. The law provides children with disabilities with the right to an education and rehabilitative treatment. A government official alleged that many parents chose to keep children with disabilities at home; however, many schools refused to accommodate such children, stating they lacked the resources to do so. According to the government, there were 1,568 schools dedicated to educating children with disabilities; 1,202 of them were run privately. Some young persons with disabilities resorted to begging for a living.

Few companies provided facilities for persons with disabilities, and fewer companies employed disabled persons. Accessibility to public facilities for disabled persons was limited. In November 2006 Surabaya's new airport opened and reportedly was not accessible for persons with disabilities. Lack of funds was generally cited as the primary reason for not improving accessibility.

The Government provided voting facilities for persons with disabilities. The Ministry of Social Affairs is responsible for protecting the rights of persons with disabilities.

*National/Racial/Ethnic Minorities.*—The Government officially promotes racial and ethnic tolerance. Ethnic Chinese accounted for approximately 3 percent of the population, by far the largest nonindigenous minority group, and played a major role in the economy. Instances of discrimination and harassment of ethnic Chinese continued to decline compared with previous years. Recent reforms increased religious and cultural freedoms. However, some ethnic Chinese noted that public servants still discriminated against them when issuing marriage licenses and in other services and often demanded bribes for a citizenship certificate, although such certificates were no longer legally required. An attorney advocate for the rights of ethnic Chinese noted 50 articles of law, regulation, or decree that discriminated against ethnic Chinese citizens. NGOs such as the Indonesia Anti-Discrimination Movement urged the Government to revoke the remaining discriminatory articles.

*Indigenous People.*—The Government views all citizens as “indigenous”; however, it recognizes the existence of several “isolated communities” and their right to participate fully in political and social life. These communities include the myriad Dayak tribes of Kalimantan, families living as sea nomads, and the 312 officially recognized indigenous groups in Papua. During the year indigenous persons, most notably in Papua, remained subject to widespread discrimination, and there was little improvement in respect for their traditional land rights. Mining and logging activities, many of them illegal, posed significant social, economic, and logistical problems to indigenous communities. The Government failed to prevent domestic and multinational companies, often in collusion with the local military and police, from encroaching on indigenous people’s land.

In Papua tensions continued between indigenous Papuans and migrants from other provinces, between residents of coastal and inland communities, and among tribes.

In Central Kalimantan, relations between indigenous Dayaks and ethnic Madurese transmigrants remained poor in the wake of 2001 interethnic violence. Relations between the two groups also remained poor in West Kalimantan, where former residents of Madurese descent were obstructed in their attempts to reclaim their property. In November and December, there was an increase in tensions between Madurese, Chinese, and Dayaks in the wake of local elections.

Human rights activists said that the government-sponsored transmigration program transplanting poor families from overcrowded Java and Madura to less populated islands violated the rights of indigenous people, bred social resentment, and encouraged the exploitation and degradation of natural resources on which many indigenous persons relied. In some areas, such as parts of Sulawesi, the Maluku, Kalimantan, Aceh, and Papua, relations between transmigrants and indigenous people were poor.

*Other Societal Abuses and Discrimination.*—Stigma and discrimination against persons with HIV/AIDS were pervasive. However, the Government encouraged tolerance, took steps to prevent new infections, and provided free antiretroviral (ART) drugs, although with numerous administrative barriers. The Government position of tolerance was adhered to unevenly at all levels of society; for example, prevention efforts often were not aggressive for fear of antagonizing religious conservatives, and in addition to barriers to access to free ART drugs, potential recipients had to pay medical fees that put the cost beyond the reach of many.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law provides broad rights of association for workers, and workers exercised these rights. The law allows workers to form and join unions of their choice without previous authorization or excessive requirements, and workers did so in practice. The law stipulates that 10 or more workers have the right to form a union, with membership open to all workers, regardless of political affiliation, religion, ethnicity, or gender. Private sector workers are by law free to form worker organizations without prior authorization, and unions may draw up their own constitutions and rules and elect representatives. The Ministry of Manpower and Transmigration (the manpower ministry) records, rather than approves, the formation of a union, federation, or confederation and provides it with a registration number. During the year some unions reported local Manpower Ministry offices prejudicially recommended denial of registration. The vast majority of union members belonged to one of three union confederations.

In 2005 the manpower ministry estimated total trade union membership at less than 4 percent of the total workforce (including the informal sector), or 14 percent of the formal sector.

The law recognizes civil servants' freedom of association and right to organize, and employees of several ministries formed employee associations; union organizations sought to organize these workers. Unions also sought to organize state-owned enterprise (SOE) employees, although they encountered resistance from enterprise management, and the legal basis for registering unions in SOEs remained unclear.

The law allows the Government to petition the courts to dissolve a union if it conflicts with the state ideology or the Constitution, or if a union's leaders or members, in the name of the union, commit crimes against the security of the state and are sentenced to at least 5 years in prison. Once a union is dissolved, its leaders and members may not form another union for at least 3 years. There were no reports that the Government dissolved any unions during the year.

The law prohibits antiunion discrimination by employers and others against union organizers and members and provides penalties for violations; however, the Government did not effectively enforce the law in many cases. There were credible reports of employer retribution against union organizers, including dismissals and violence that were not prevented effectively or remedied in practice. Some employers warned employees against contact with union organizers. Some unions claimed that strike leaders were singled out for layoffs when companies downsized. Legal requirements existed for employers to reinstate workers fired for union activity, although in many cases the Government did not enforce this effectively.

According to the ITUC, legal procedures were very long, with antiunion discrimination cases sometimes taking up to 6 years. Bribery and judicial corruption have been a problem for workers involved in disputes, and decisions often were not in their favor. While dismissed workers may be financially recompensed, they were rarely reinstated.

In August 2006 Amnesty International called on the Government to release six imprisoned trade union leaders, who were arrested following a strike and demonstration at a palm oil plantation in Riau Province in 2004. Two of the men were released in May. The other four had been released earlier.

Companies sometimes transferred union leaders to jobs where they cannot continue their union activities. In September 2006 the state-owned workers' insurance company, PT JAMSOSTEK, demoted two JAMSOSTEK union leaders and transferred 12 others in connection with a union vote of no confidence in company management. All the affected workers sued the company seeking reinstatement to their former positions. In September the company transferred the two leaders to branch offices and allegedly took punitive actions against eight other union activists.

In May, as part of a dispute between the management of a European-owned hotel and union workers, management ceased transfer of union dues and dismissed 26 union members including union officers. Union officials were barred from attending union meetings on hotel premises.

*b. The Right to Organize and Bargain Collectively.*—According to the manpower ministry, approximately 25 percent of companies with more than 10 employees have collective bargaining agreements. However, in reality these agreements rarely went beyond the legal minimum provisions set by the Government and often resulted from employers unilaterally drawing up agreements and presenting them to workers' representatives for signature rather than negotiation. The law allows unions to conduct their activities without interference; however, the Government often did not protect this right in practice. The law provides for collective bargaining and allows workers' organizations that register with the Government to conclude legally binding collective labor agreements (CLAs) with employers and to exercise other trade union functions. The law includes some restrictions on collective bargaining, including a requirement that a union or unions represent more than 50 percent of the company workforce to negotiate a CLA.

The Manpower Development and Protection Act (Manpower Act), which regulates collective bargaining, the right to strike, and general employment conditions does not apply to SOEs. Some unions claimed that the law contains inadequate severance benefits and protection against arbitrary terminations and does not sufficiently restrict outsourcing and child labor. The Government continued to issue implementing decrees for the Manpower Act.

Company regulations, allowed for under government regulations, substituted for CLAs in the vast majority of enterprises, many of which did not have union representation. The Manpower Act requires that employers and workers form joint employer/worker committees in companies with 50 or more workers, a measure to institutionalize communication and consensus building.

Under the Manpower Act, workers must give written notification to the authorities and to the employer 7 days in advance for a strike to be legal, specifying the starting and ending time of the strike, venue for the action, reasons for the strike, and including signatures of the chairperson and secretary of the striking union. A ministerial regulation declares illegal all strikes at "enterprises that cater to the interests of the general public or at enterprises whose activities would endanger the safety of human life if discontinued. . . ." What types of enterprises are included in this classification is not specified, leaving it to the Government's discretion. The same regulation also classifies strikes as illegal if they are "not as a result of failed negotiations" and gives employers leeway to obstruct a union's move to strike because failure is classified as negotiations that lead to a deadlock "that is declared by both sides."

Before workers can proceed with a strike, they must also engage in lengthy mediation with the employer, beginning with bargaining and, if that fails, proceed to mediation facilitated by a government mediator. The ministerial regulation also provides that in the case of an illegal strike, an entrepreneur must make two written appeals within a period of 7 days for workers to return. Workers who do not respond to those appeals are considered to have resigned. Such appeals were commonly used by employers as intimidation tactics against strikers.

In practice strikes were prohibited in the public sector, in essential services, and at enterprises that serve the public interest. The ITUC noted that this clearly goes beyond the definition of acceptable prohibitions on strike action by the ILO Committee on Freedom of Association, which has held that strikes may only be restricted where there exists "a clear and imminent threat to the life, personal safety, or health of the whole or part of the population." The prolonged, legally mandated mediation procedures that must be followed before calling a strike were not enforced. As a result strikes tended to be unsanctioned "wildcat" strikes that broke out after a failure to settle long-term grievances or when an employer refused to recognize a union.

The underpayment or nonpayment of legally required severance packages precipitated strikes and labor protests. The international labor rights organization Solidarity Center documented cases in which foreign employers in the garment and footwear industry, faced with falling orders and plant closures, fled the country to avoid making legally required severance payments.

According to the Indonesian Prosperity Trade Union, relations between government, employers, and workers were still tense. Employers terminated workers trying to set up trade unions or demoted union leaders and members. Some unions claimed that strike leaders were singled out for lay-offs when companies downsized their workforce.

Labor activists charged that managers in some locations employed thugs to intimidate and assault trade union members who attempted to organize legal strike actions, and, at times, the police intervened inappropriately and with force in labor matters, usually to protect employers' interests.

On May 1, Sarta bin Sarim joined a labor march as it passed his workplace in Tangerang, West Java, where he was chairman of the local union. The demonstration was reportedly peaceful and without incident, but later that night, police arrested Sarta, along with 10 nonunion marchers from another workplace. Sarta alleged that while in custody with a guard a few feet away another prisoner beat him, and that later police threatened him with physical harm to coerce him to sign a false interrogation report. He served 3 months in prison in Tangerang for committing "unpleasant acts" and was released on July 31. When Sarta appealed his conviction to a higher court the prosecutor called Sarta's union and, union officials alleged, threatened to prosecute him again if he appealed.

Unions have been directly affected by the increasing trend of using contract labor. Under the Manpower Act, contract labor is supposed to be used only for work that is "temporary in nature." However, according to ITUC, many employers violated these provisions with the connivance of local offices of the manpower ministry. Typically, companies declared bankruptcy in order to avoid severance payments provided for under law, closed the factory for several days, and then rehired workers as contract labor at a lower cost. Union leaders and activists usually were not rehired.

There are no special laws or exemptions from regular labor laws in special economic zones (SEZs). However, nongovernmental observers, including the Solidarity Center, described stronger antiunion sentiment and actions by employers in SEZs. For example, employers in manufacturing enterprises in the Batam SEZ tended to hire labor on 2-year contracts and favored workers under 24 years of age. Both practices inhibited union formation.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced labor or compulsory labor, including by children; however, there were reports that such practices occurred, including forced and compulsory labor by children.

The Government tolerated forms of compulsory labor practiced in the migrant worker recruitment process. The unscrupulous practices of migrant worker recruiting agencies, and poor enforcement of government regulations, often led to debt bondage and extended unlawful confinement. According to press reports and research by Solidarity Center, recruiting agencies frequently kept migrant workers in holding centers, for as long as 14 months in some cases, before sending them abroad. While in the holding centers, migrant workers normally did not receive pay, and recruiters often did not allow them to leave the centers. In most instances workers were forced to pay recruiters for the cost of their forced stay, which resulted in large debts to the recruiters. The manpower ministry took limited measures to enforce labor laws that prevent employment agencies from trafficking workers through debt bondage. In 2006 police and manpower ministry officials conducted raids on 32 licensed and six illegal migrant worker holding centers in Jakarta, targeting those that forcibly held prospective workers, both adults and children, some in inhumane conditions. The raids resulted in the release of 3,438 prospective workers, and the arrests of eight suspects. The manpower ministry was unable to provide information on the disposition of 20 arrest cases arising from the raids conducted in 2004 and 2005.

During the year the Government made a halting effort to renegotiate a 2006 MOU with the Government of Malaysia about Indonesian workers' conditions in Malaysia. The MOU ceded some basic worker rights to employers, particularly the right of workers to hold their own passports. The Government quickly abandoned the renegotiation effort.

Girls and women employed as household servants often were held in debt bondage.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The law prohibits children from working in hazardous sectors and the worst forms of child labor. However, the Government did not enforce these laws effectively. Law, regulations, and practice acknowledged that some children must work to supplement family incomes. The Manpower Act prohibits the employment of children, defined as persons under 18, except for those 13 to 15 years of age, who may work no more than 3 hours per day and only under a number of other conditions, such as parental consent, no work during school hours, and payment of legal wages. The law does not appear to address exceptions for children ages 16 to 17.

A strong legal framework and National Action Plans address economic and sexual exploitation, including child prostitution, child trafficking, and the involvement of children in the narcotics trade, and provide severe criminal penalties and jail terms for persons who violate children's rights. Implementation remained a problem.

Child labor remained a serious problem. An estimated 6 to 8 million children exceeded the legal 3-hour daily work limit, working in agriculture, street vending, mining, construction, prostitution, and other areas. More children worked in the informal than the formal sector. Some children worked in large factories, but their numbers were unknown, largely because documents verifying age could be falsified easily. Children worked in industries such as rattan and wood furniture, garment, footwear, food processing, and toy making, and also in small-scale mining operations. Many girls between 14 and 16 years of age worked as live-in domestic servants. The ILO estimated that there were 2.6 million domestic workers in the country, of whom at least 688,000 were children. According to a 2005 Human Rights Watch report, children between 12 and 15 years of age worked 14 to 18 hours per day, 7 days a week from 4 a.m. to 10 p.m. for employers who often subjected them to physical and sexual threats. Many child servants were not allowed to study and were forced to work long hours, received low pay, and generally were unaware of their rights.

The law and regulations prohibit bonded labor by children; however, the Government was not effective in eliminating forced child labor, which remained a serious problem. A significant number of children worked against their will in prostitution, pornography, begging, drug trafficking, domestic service, and other exploitive situations, including a small number on fishing platforms.

Social and cultural resistance remained a challenge in addressing child labor. Many parents disagreed with government efforts to restrict children from working, arguing that the Government offered inadequate economic support to guarantee these families' welfare.

Enforcement of child labor laws remained largely ineffective. Despite legislative and regulatory measures, most children who worked, including as domestics, did so

in unregulated environments. Anecdotal evidence suggested that local labor officials carried out few child labor investigations.

*e. Acceptable Conditions of Work.*—Provincial and district authorities, not the central government, establish minimum wages, which vary by province, district, and sector. Provincial authorities determined provincial minimum wage levels based on proposals by tripartite (workers, employers, and government) provincial wage commissions. The provincial minimum wage rates establish a floor for minimum wages within the province. Local districts set district minimum wages using the provincial levels as references. Districts also set minimum wages in some industrial sectors on an ad hoc basis. Provinces and districts conducted annual minimum wage rate negotiations, which often produced controversy and protests.

The minimum wage levels set by most local governments did not provide a worker and family with a decent standard of living. Most province-level minimum wage rates fell below the Government's own calculation of basic minimum needs. During the year Aceh offered the highest minimum wage (approximately \$105 (1 million rupiah) per month), while the manpower ministry reported official minimum wages as low as \$43 (390 thousand rupiah) per month in one area.

Local manpower officials were responsible for enforcing minimum wage regulations. Enforcement remained inadequate, particularly at smaller companies and in the informal sector. In practice official minimum wage levels applied only in the formal sector, which accounted for 35 percent of the workforce.

Labor law and ministerial regulations provide workers with a variety of benefits. Persons who worked at more modern facilities often received health benefits, meal privileges, and transportation. The law also requires employers to register workers with and pay contributions to the state-owned insurance agency JAMSOSTEK.

The law establishes a 40-hour workweek, with one 30-minute rest period for every 4 hours of work. Companies often required a 5½- or 6-day workweek. The law also requires at least 1 day of rest weekly. The daily overtime rate was 1.5 times the normal hourly rate for the first hour and twice the hourly rate for additional overtime, with a maximum of 3 hours of overtime per day and no more than 14 hours per week. Workers in industries that produced retail goods for export frequently worked overtime to meet contract quotas. Unions complained that companies relied upon excessive overtime in some garment and electronics assembly plants, to the detriment of workers' health and safety. Observance of laws regulating benefits and labor standards varied by sectors and regions. Employer violations of legal requirements were fairly common, sometimes resulting in strikes and protests. The Solidarity Center reported that workers in the garment industry worked extremely long hours but because their pay slips did not specify the amount of overtime paid, workers could not be certain they were fully compensated for overtime. The Manpower Ministry continued to urge employers to comply with the law; however, government enforcement and supervision of labor standards were weak.

Both law and regulations provide for minimum standards of industrial health and safety. In practice the country's worker safety record was poor. JAMSOSTEK reported 37,845 accidents in the first 3 months of the year, compared with 99,624 for the whole of 2006. Local officials have responsibility for enforcing health and safety standards.

In larger companies, the quality of occupational health and safety programs varied greatly. Health and safety standards in smaller companies and in the informal sector tended to be weaker or nonexistent. Workers are obligated to report hazardous working conditions, and employers are forbidden by law from retaliating against those who do report hazardous working conditions; however, the law was not enforced effectively.

---

## JAPAN

Japan is a parliamentary democracy with a population of approximately 127.7 million. Sovereignty is vested in the citizenry, and the emperor is defined as the symbol of state. On September 25, Yasuo Fukuda replaced Shinzo Abe as prime minister and head of a coalition composed of the Liberal Democratic Party (LDP) and the New Komeito Party. In elections on July 29, the Democratic Party of Japan ended the LDP's half-century dominance of the Diet when it captured a majority in the upper house. The elections were generally considered free and fair. The civilian authorities generally maintained effective control of the security forces.

The Government generally respected the rights of its citizens. There were some cases of violence and other abuse against women and children and of sexual harassment. Despite government efforts to combat human trafficking, it remained a prob-



lem. Employment discrimination against women occurred, and human rights non-governmental organizations (NGOs) reported discrimination against ethnic and other minorities.

RESPECT FOR HUMAN RIGHTS

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

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

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits such practices, and the Government generally respected these provisions in practice. Unlike in past years, there were no reports of violence against prisoners or detainees.

At year's end the civil case against three police officers convicted for the 2004 death of a suspect who was being held in a police detention center was still pending.

The Government continued to deny death-row inmates and their families information about the date of execution. Families of condemned prisoners were notified of the execution after the fact. Condemned prisoners, although held in solitary confinement for an average of 7 years and 5 months until their execution, were allowed visits by their families and lawyers and, following revisions to penal regulations that took effect during the year, by other persons as well.

Prisoner rights NGOs reported that prison management regularly abused the rules on solitary confinement for prisoners. Although the Prison Law Enforcement Regulation stipulates the maximum time prisoners may be held in solitary confinement, it gives wardens broad leeway. Punitive solitary confinement may be imposed for a maximum of 60 days, but procedures allow wardens to keep prisoners in "isolation" solitary confinement indefinitely.

*Prison and Detention Center Conditions.*—Prison conditions generally met international standards. However, several facilities were overcrowded, lacked heating, and provided inadequate food and medical care. NGOs reported that inmates in some institutions were given insufficient clothing and blankets to protect themselves against cold weather. In August two men in detention facilities that lacked air conditioning or fans died of heatstroke. NGOs, lawyers, and doctors criticized healthcare in prisons, police-operated preindictment detention centers, and immigration detention centers.

Unlike in past years, there were no reports of rape or brutality against prisoners.

Regulations do not require that minors be held separately from adults in immigration detention centers; however, unlike in past years there were no reports of minors being held in the same correctional or immigration detention facilities as adults. NGOs reported that the two 16-year-old Kurdish immigrants who had been held in an Ibaraki Prefecture immigration detention center alongside adults in 2006 had been granted provisional release, but their refugee applications were still pending.

Prison management regulations stipulate that independent committees inspect prisons and detention centers operated by the Ministry of Justice. These committees included physicians, lawyers, local municipal officials, NGO representatives, and other local citizens. Prisoner rights advocates reported that the committees visited Ministry of Justice prisons throughout the year. In June the committees began inspecting police-operated detention centers as well. There was no independent inspection regime for immigration detention centers. Human rights NGOs reported that in comparison to past years, there appeared to be an increased flow of correspondence in and out of prisons.

In May the U.N. Committee Against Torture (UNCAT) criticized immigration detention centers for alleged violence, the unlawful use of restraining devices, sexual harassment, and lack of access to healthcare. UNCAT also criticized the lack of an independent monitor of immigration detention centers.

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

*Role of the Police and Security Apparatus.*—Civilian authorities maintained effective control over the national police Agency (NPA) and local police forces, and the Government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year. However, some NGOs criticized local public safety commissions for lacking independence from or sufficient authority over police agencies.

*Arrest and Detention.*—Persons were apprehended openly with warrants based on sufficient evidence and issued by a duly authorized official, and detainees were brought before an independent judiciary.

The law provides detainees the right to a prompt judicial determination of the legality of the detention, and authorities respected this right in practice. The law requires authorities to inform detainees immediately of the charges against them. Authorities usually held suspects in police-operated detention centers for an initial 72 hours. A judge must interview a suspect prior to further detention. The judge may extend pre-indictment custody by up to two consecutive 10-day periods. Prosecutors routinely sought and received these extensions. Prosecutors may also apply for an additional 5-day extension.

The code of criminal procedure allows detainees, their families, or representatives to request that the court release an indicted detainee on bail. However, bail was not available preindictment to persons detained in police-operated detention centers.

Unlike in past years, preindictment detainees had access to counsel, including court-appointed attorneys, but prisoner advocates said that in practice this access was limited both in duration and frequency. Counsel may not be present during interrogations at any time. Family members were allowed to meet with detainees, but only in the presence of a detention officer.

*e. Denial of Fair Public Trial.*—The law provides for an independent judiciary, and the Government generally respected judicial independence in practice.

There are several levels of courts, including family and summary courts, district courts, high courts, and the Supreme Court, which serves as the court of final appeal.

*Trial Procedures.*—The law provides the right to a fair trial for all citizens and ensures that each charged individual receives a public trial by an independent civilian court, has access to defense counsel, and has the right to cross-examine witnesses. A defendant is presumed innocent until proven guilty in a court of law, and defendants cannot be compelled to testify against themselves.

UNCAT, NGOs, and lawyers questioned whether defendants were presumed innocent in practice. According to legal advocacy NGOs, the majority of detainees who were indicted confessed while in police custody. Safeguards exist to ensure that suspects cannot be compelled to confess to a crime or be convicted when a confession is the only evidence, but a manual of police interrogation procedures showed that police investigators are authorized to use heavy pressure to extract confessions. The use of police-operated detention centers, which puts suspects in the custody of their interrogators, has been on the rise for more than 30 years. According to government statistics, more than 98 percent of arrested suspects were sent to police detention facilities. The other 2 percent were held in Ministry of Justice-operated preindictment detention centers. More than 99 percent of cases that reached a trial court resulted in conviction.

During the year there were widespread media reports of persons convicted on the basis of police-obtained confessions, who were later proved innocent. In January the Toyama prefectural police and District Public Prosecutor's Office admitted that a man had been wrongly convicted and served 25 months in prison based on "insufficient" evidence. In August the Supreme Public Prosecutor's Office released a report acknowledging that investigators sometimes placed too much emphasis on confessions and recommending measures to prevent false charges.

Trial procedures favor the prosecution. Although the law provides for access to counsel, a significant number of defendants reported that this access was insufficient. The law does not require full disclosure by prosecutors, and material that the prosecution does not use in court may be suppressed. The legal representatives of some defendants claimed that they did not receive access to relevant material in the police record.

The language barrier was a serious problem for foreign defendants. No guidelines existed to ensure effective communication between judges, lawyers, and non-Japanese-speaking defendants. No standard licensing or qualification system existed for court interpreters, and trials proceeded even if no translation or interpretation was provided to the accused. Several foreign detainees claimed that police urged them to sign statements in Japanese that they could not read and that were not translated adequately.

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

*Civil Judicial Procedures and Remedies.*—There is an independent and impartial judiciary in civil matters. Cases involving human rights violations have been brought before these courts.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law prohibits such actions, and the Government generally respected these prohibitions in practice.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events. The requirement for Ministry of Education approval of history textbooks has been a subject of controversy, particularly regarding the treatment of certain subjects pertaining to the 20th century.

*b. Freedom of Peaceful Assembly and Association.*—The law provides for the freedom of assembly and association, and the Government generally respected these rights in practice.

*c. Freedom of Religion.*—The law provides for freedom of religion, and the Government generally respected this right in practice.

*Societal Abuses and Discrimination.*—Relations among religious groups were generally amicable. An estimated 200 Jewish families lived in the country. There were no reports of anti-Semitic acts.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

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

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

In practice the Government provided some protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. However, in May UNCAT noted that Japanese law does not expressly prohibit deportation to countries where there is a risk of torture. In addition, UNCAT criticized the lack of an independent body to review applications for refugee status, the fact that the Ministry of Justice does not allow applicants for refugee status to select legal representatives for appeal, and the restrictions on government legal assistance for nonresidents. UNCAT, NGOs, and lawyers criticized the indefinite and often long period of detention between the rejection of an application for asylum and deportation.

The Government granted refugee status or asylum in only a small number of cases. Of 959 claims submitted to the Ministry of Justice in 2006, the Government granted refugee status to 34 persons. The country also provided temporary protection to 53 individuals who did not qualify as refugees under either the 1951 convention or the 1967 protocol. The Government did not accept any refugees for resettlement during the year.

Refugees faced the same patterns of discrimination that ethnic minorities did in the country: Reduced access to housing, education, and employment. Persons whose refugee status was pending or on appeal did not have the legal right to work or receive social welfare, rendering them completely dependent on overcrowded government shelters or the support of NGOs.

The Government cooperated with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

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

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

*Elections and Political Participation.*—In July the country held elections for the upper house of the Diet. The elections were considered generally free and fair.

Political parties operated without restriction or outside interference.

Women held 45 of 480 seats in the lower house of the Diet and 43 of the upper house's 242 seats. At year's end there were five female governors. There were two women in the 18-member cabinet. Because some ethnic minorities are of mixed heritage and do not self-identify, it was difficult to determine the number of minorities that served in the Diet. In the past an Ainu served in the upper house, and currently some Diet members are naturalized citizens.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively. There were several reports of government corruption during the year. According to NPA figures for 2006, there were 74 cases involving bribery and 42 cases of bid rigging, compared with 65 for bribery and 17 for bid rigging during 2005. There were regular media reports of financial accounting scandals involving politicians and government officials.

The public has the legal right to access government information. There were no reports that the Government denied legal requests for information or required information seekers to pay prohibitive fees to gain access.

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

A number of domestic and international human rights groups generally operated without governmental restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

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

The law prohibits discrimination on the basis of race, gender, disability, language, and social status. Although the Government generally enforced these provisions, discrimination against women, ethnic minority groups, and foreigners remained a problem.

*Women.*—The law criminalizes all forms of rape, including spousal rape, and the Government generally enforced the law effectively. According to government statistics, 1,948 rapes were reported in 2006, and 153 persons were convicted for rape, and six persons for gang rape. Many police stations had female officers to provide confidential assistance to female victims.

Although prohibited by law, domestic violence against women remained a problem. District courts may impose 6-month restraining orders on perpetrators of domestic violence and impose sentences of up to 1 year in prison or fines of up to \$8,500 (1 million yen). In 2006 courts granted 2,208 out of 2,759 petitions for protection orders. The law, which covers common-law marriages and divorced individuals, was amended in July to include protection not only for victims of abuse but also for persons threatened with violence. According to NPA statistics, in 2006 there were 18,236 reported cases of domestic violence. Spousal violence consultation assistance centers reported 57,088 consultation cases in 2006.

Prostitution is illegal but widespread. Domestic sex tourism was not a significant problem.

Sexual harassment in the workplace remained widespread. In Fiscal Year (FY) 2006 the Ministry of Health, Labor, and Welfare (MHLW) received 11,102 reports of such harassment. The law includes measures to identify companies that failed to prevent sexual harassment, but it does not include punitive measures to enforce compliance other than publicizing the names of offending companies. The Government established hot lines and designated ombudsmen to handle complaints of discrimination and sexual harassment.

The law prohibits sexual discrimination and provides women the same rights as men. A Council for Gender Equality existed to monitor enforcement; its high-level members included the chief cabinet secretary, cabinet ministers, and Diet members. During the year the council regularly met to examine policies and monitor progress on gender equality.

Inequality in employment remained entrenched in society. Women composed 41.5 percent of the labor force, and their average monthly wage was \$1,988 (222,600 yen), less than two-thirds of the monthly wage earned by men (\$3,015, or 337,700 yen). A June Cabinet Office report showed that among developed countries Japan ranked extremely low in the number of women serving in leadership roles in management or politics.

The issue of "comfort women," or women forced into sexual slavery for Japanese troops in World War II, continued to draw controversy. In 1995 the Government es-

tablished the Asian Women's Fund (AWF), which sent a signed apology from the prime minister along with privately raised financial compensation to each victim. Critics of the policy towards comfort women maintained that the apology letter from the prime minister took moral but not legal responsibility for the suffering endured by the comfort women, and called for the Government to pay direct compensation.

*Children.*—The Government was committed to the rights and welfare of children, and in general children's rights were protected adequately.

Public school education is provided for up to 12 years. Education is free and compulsory through the lower secondary level (age 15 or the ninth grade). Education was widely available to students who met minimum academic standards at the upper secondary level through age 18. Society placed an extremely high value on education, and enrollment levels for both boys and girls through the upper secondary level exceeded 94.4 percent, according to the Ministry of Education, Culture, Sports, Science, and Technology. There were no differences in the treatment of girls and boys at any level of school.

The Government provides universal health care for all citizens, including children.

Reports of child abuse continued to increase at an alarming rate. In FY 2006 there were 37,343 reported cases of child abuse by parents or guardians. According to the NPA, 59 children died in FY 2006 after being abused. The law grants child welfare officials the authority to prohibit abusive parents from meeting or communicating with their children. The law also bans abuse under the guise of discipline and mandates that anyone aware of suspicious circumstances must report the information to a nationwide local child-counseling center or municipal welfare center.

The law does not criminalize the possession of child pornography, which often depicted the brutal sexual abuse of small children. The absence of a statutory basis makes it difficult for police to obtain search warrants, preventing them from effectively enforcing existing child pornography laws or participating in international law enforcement efforts in this area. Along with child pornography involving real victims, child molesters used cartoons and comics depicting child pornography to seduce children. Internet Service Providers in Japan acknowledged that the country has become a hub for child pornography, leading to greater victimization of children both domestically and abroad.

*Trafficking in Persons.*—The law establishes human trafficking both for sexual and labor exploitation as a criminal offense.

Nonetheless, human trafficking remained a significant problem despite government efforts, including stricter requirements for entertainment visas and more aggressive investigation and prosecution of offenders. The country remained a destination and transit country for men, women, and children trafficked for commercial sexual exploitation and other purposes. Victims came from China, the Republic of Korea, Southeast Asia, Eastern Europe, and to a lesser extent Latin America. There were also reports of internal trafficking of girls for sexual exploitation.

Brokers in the countries of origin recruited women and sold them to intermediaries or employers, who in turn subjected them to debt bondage and coercion. Agents, brokers, and employers involved in trafficking for sexual exploitation often had connections with organized crime.

Most women trafficked into the sex trade had their travel documents taken away and their movements strictly controlled by their employers. Victims were threatened with reprisals to themselves or their families if they tried to escape. Employers often isolated the women, subjected them to constant surveillance, and used violence to punish them for disobedience. NGOs reported that in some cases brokers used drugs to subjugate victims.

Debt bondage was another means of control. Before arrival in the country, trafficking victims generally did not understand the size of the debts they would owe, the amount of time it would take them to repay the debts, or the conditions of employment to which they would be subjected upon arrival. Women typically faced debts of \$26,000 to \$43,000 (3 million to 5 million yen). In addition, they had to pay their employer for their living expenses, medical care (when provided by the employer), and other necessities. "Fines" for misbehavior added to the original debt and the process that employers used to calculate these debts was not transparent. Employers also sometimes "resold," or threatened to resell, troublesome women or women found to be HIV positive, thereby increasing the victims' debts and often leading to even worse working conditions.

In response to increased police enforcement, many sex business operators shifted from store-front businesses to "delivery" escort services. This made it much harder to measure the extent to which employers were exploiting victims of trafficking.

NGOs and the media reported abuses of the "foreign trainee" program, a government-sponsored training program supervised by the Japan International Training

Cooperation Organization. In some companies, trainees reportedly were forced to work unpaid overtime and made less than the minimum wage. Moreover, their wages were automatically deposited in company-controlled accounts, despite the fact that “forced deposits” are illegal. According to labor rights NGOs, trainees sometimes had their travel documents taken from them and their movement controlled to “prevent escape.” A government review of the program was ongoing, and in December the Ministry of Justice amended the guidelines governing organizations that accept trainees and interns to prevent further abuses.

There were significant improvements in the country’s prosecution of trafficking offenders. In 2006, 78 trafficking suspects were arrested, 17 cases prosecuted, and 15 trafficking offenders convicted under the trafficking statute. This was a significant increase from the few prosecutions and one conviction obtained in 2005. Of the 15 convictions in 2006, 12 offenders received prison sentences ranging from 1 to 7 years; three offenders received suspended sentences.

The NPA oversaw significant improvements in police handling of trafficking cases and identification of victims. Nevertheless, there continued to be reports that police and immigration officers failed to identify victims adequately. For example, NGOs reported that police and immigration officers occasionally neglected to classify women working in exploitative conditions as victims because they willingly entered the country to work illegally.

The MHLW encouraged police and immigration officers to use its preexisting network of shelters for domestic violence victims as temporary housing for foreign trafficking victims awaiting repatriation. The Government paid for victims’ medical care and subsidized repatriation through a grant to the International Organization for Migration (IOM). The MHLW reported that in FY 2006, 36 women were protected in private and public shelters, and IOM representatives helped 41 women return home with the Government’s support.

Typically, government shelters lacked the resources needed to provide adequate services to trafficking victims. NGO shelters that specialized in assisting victims of human trafficking had full-time staff able to speak seven or more languages, but the MHLW shelters had to rely on interpretation services from outside providers. Without sufficient counseling in their native language by professionals familiar with the special needs of trafficking victims, foreign women staying at government shelters elected to repatriate as quickly as possible. Although the Government reserved funds to subsidize victims’ stays in private shelters, the majority of victims were referred to public shelters.

*Persons with Disabilities.*—The law prohibits discrimination against persons with physical and mental disabilities in employment, education, and access to health care, and the Government generally enforced these provisions effectively. The Government supported the right of persons with disabilities to participate in civic affairs.

Persons with disabilities were not generally subject to overt discrimination in employment, education, or provision of other state services; however, in practice they faced limited access to these services. Persons with disabilities made up less than 0.2 percent of university students.

The law mandates that the Government and private companies hire minimum proportions of persons with disabilities (including mental disabilities). Companies with more than 300 employees that do not comply must pay a fine of \$425 (50,000 yen) per vacant position per month. Public employment of persons with disabilities exceeded the minimum, but according to MHLW statistics the private sector lagged in spite of increases over last year.

In December 2006 revisions to accessibility laws mandated that new construction projects for public use must include provisions for persons with disabilities. In addition, the Government allows operators of hospitals, theaters, hotels, and other public-use facilities to receive low-interest loans and tax benefits if they upgrade or install features to accommodate persons with disabilities.

*National/Racial/Ethnic Minorities.*—Burakumin (descendants of feudal era “outcasts”) and ethnic minorities experienced varying degrees of societal discrimination. The approximately 3 million burakumin, although not subject to governmental discrimination, frequently were victims of entrenched societal discrimination, including restricted access to housing, education, and employment opportunities. NGOs reported that discrimination was still extensive outside major metropolitan areas.

Despite legal safeguards against discrimination, the country’s large populations of Korean, Chinese, Brazilian, and Filipino permanent residents—many of whom were born, raised, and educated in Japan—were subject to various forms of deeply entrenched societal discrimination, including restricted access to housing, education, and employment opportunities. There was a widespread perception among citizens

that “foreigners,” often members of Japan-born ethnic minorities, were responsible for most of the crimes committed in the country. The media fostered this perception although Ministry of Justice statistics showed that the “foreigner”-committed crime rate, excepting crimes like illegal entry and overstay, was lower than the crime rate for citizens.

Many immigrants struggled to overcome obstacles to naturalization, including the broad discretion available to adjudicating officers and the great emphasis on Japanese-language ability. Aliens with 5 years of continuous residence are eligible for naturalization and citizenship rights. Naturalization procedures also require an extensive background check, which includes inquiries into the applicant’s economic status and assimilation into society. The Government defended its naturalization procedures as necessary to ensure the smooth assimilation of foreigners into society.

*Indigenous People.*—The 1997 Law for the Promotion of the Ainu Culture and Dissemination and Advocacy for the Traditions of the Ainu and the Ainu Culture (Culture Promotion Law) recognized the Ainu as an ethnic minority, required all prefectural governments to develop basic programs for promoting Ainu culture and traditions, canceled previous laws that discriminated against the Ainu, and required the Government of Hokkaido to return Ainu communal assets. Although the Ainu enjoyed the same rights as all other citizens, when clearly identifiable as Ainu they faced the same patterns of discrimination that all ethnic minorities encountered.

*Other Societal Abuses and Discrimination.*—There were no reports of societal violence or discrimination based on sexual orientation or against persons with HIV/AIDS.

#### Section 6. Worker Rights

*a. The Right of Association.*—The law allows workers to form and join unions of their choice without previous authorization or excessive requirements, and the Government effectively enforced the law. Unions were free of government control and influence; however, public service employees’ basic union rights, governed by a separate law, are considerably restricted in ways that “effectively require prior authorization” to form unions. Approximately 18 percent of the total workforce was unionized in 2006.

*b. The Right to Organize and Bargain Collectively.*—Except for public sector workers and employees of state-owned enterprises, the law allows unions to conduct their activities without interference, and the Government protected this right. Collective bargaining is protected by law and was freely practiced. Unions have the right to strike, and workers exercised this right in practice.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred. Labor rights NGOs alleged that some companies forced foreign laborers to work illegal overtime, refused to pay them allowances, controlled their movement and travel documents, and forced them to deposit paychecks into company-controlled accounts. The law and Ministry of Justice guidelines prohibit these practices.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The law bans the exploitation of children in the workplace, and the Government effectively implemented the law. The MHLW is responsible for enforcement. By law, children between the ages of 15 and 18 may perform any job that is not designated as dangerous or harmful. Children between the ages of 13 and 15 may perform “light labor” only, and children under 13 may work only in the entertainment industry. Other than victims of human trafficking and child pornography, child labor was not a problem.

*e. Acceptable Conditions of Work.*—Minimum wages are set on a prefectural and industry basis, with the input of tripartite (workers, employers, and public interest) advisory councils. Employers covered by a minimum wage must post the concerned minimum wages, and compliance with minimum wages was considered widespread. Minimum wage rates ranged, according to prefecture, from \$5.74 (618 yen) to \$6.54 (739 yen) per hour. The minimum daily wage provided a decent standard of living for a worker and family.

The law provides for a 40-hour workweek for most industries and mandates premium pay for hours worked above 40 in a week or 8 in a day. However, it was widely accepted within the population that workers, including those in government jobs, routinely exceeded the hours outlined in the law. Labor unions frequently criticized the Government for failing to enforce maximum working hour regulations.

According to the Trade Union Confederation, companies increasingly hire workers on a part-time, non-regular basis. Such workers reportedly made up one-third of the labor force, and worked for lower wages, enduring insecure working conditions.

Temporary employees reportedly also faced the same unfair working conditions. Activist groups claimed that employers exploited illegal foreign workers, who often had little or no knowledge of the Japanese language or their legal rights.

The Government sets occupational health and safety standards, and the Ministry of Labor effectively administered the various laws and regulations governing occupational health and safety. Labor inspectors have the authority to suspend unsafe operations immediately, and the law provides that workers may voice concerns over occupational safety and remove themselves from unsafe working conditions without jeopardizing their continued employment.

## KIRIBATI

Kiribati is a constitutional multiparty republic with a population of approximately 92,500. The president exercises executive authority and is popularly elected for a 4-year term. The legislative assembly nominates at least three, and no more than four, presidential candidates from among its members. Parliamentary and presidential elections held in August and October, respectively, were considered generally free and fair. Anote Tong of the Boutokaan Te Koaua party was reelected president. The civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. Government corruption, violence and discrimination against women, child abuse, and commercial sexual exploitation of children were problems.

### RESPECT FOR HUMAN RIGHTS

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

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

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits such practices, and there were no reports that government officials employed them. Traditional village practice permits corporal punishment for criminal acts and other transgressions. On some outer islands, village associations occasionally ordered strokes with palm fronds to be administered for public drunkenness and other minor offenses, such as petty theft. There were no reports of more severe forms of communal justice, such as beatings or banishments, during the year.

*Prison and Detention Center Conditions.*—Prison conditions generally met international standards, and the Government permitted visits by independent human rights observers. There was no separate facility for juvenile offenders, but children under age 16 usually were not incarcerated. Juveniles age 16 to 17 generally may be detained no longer than a month in the adult facility; however, for more serious offenses, such as murder, juveniles over age 16 can be held in custody for more than a month and can be sentenced to longer terms. Pretrial detainees accused of serious offenses who did not meet bail were held with convicted prisoners. Persons charged with minor offenses normally were released on their own recognizance pending trial.

Family members and church representatives were allowed access to prisoners. Diplomats and senior judicial officials visited the prisons, including some unannounced visits, and reported no problems.

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

*Role of the Police and Security Apparatus.*—The commissioner of police and prisons, who reports directly to the Office of the President, heads the police force, which was reasonably effective in maintaining law and order. Police corruption and impunity generally were not serious problems. The police commissioner is responsible for investigating allegations of police misconduct, and police officers have occasionally been dismissed.

*Arrest and Detention.*—In some cases magistrates issued warrants before an arrest was made. Persons taken into custody without a warrant must be brought before a magistrate within 24 hours or within a reasonable amount of time when arrested in remote locations. These requirements were generally respected in practice. Many individuals were released on their own recognizance pending trial, and bail was granted routinely for many offenses. The law requires that arrested individuals be informed of their rights, which include the right to legal counsel during ques-



tioning and the right not to incriminate themselves. Two police officers must be present at all times during questioning of detainees, who also are provided the option of writing and reviewing statements given to police. Detainees were allowed prompt access to legal counsel. Public defenders, known as “people’s lawyers,” were available free of charge for arrested persons and other needed legal advice.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the Government generally respected judicial independence in practice.

The judiciary consists of magistrates’ courts, the High Court, and the Court of Appeal.

*Trial Procedures.*—The Constitution provides for the right to a fair public trial, and an independent judiciary generally enforced this right. There is no trial by jury. An accused person must be informed of the charges and be provided adequate time and facilities to prepare a defense. The law also provides for the right to confront witnesses, present evidence, and appeal convictions. Defendants facing serious criminal charges are entitled to free legal representation. Procedural safeguards are based on British common law and include the presumption of innocence until proven guilty.

Extrajudicial traditional communal justice, in which village elders decide cases and mete out punishment, remained a part of village life, especially on remote outer islands. In the past there were reports that in extreme cases, those deemed guilty were banished from an island or even killed, but there were no reports of such actions during the year. The incidence of communal justice was declining under pressure from the codified national law.

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

*Civil Judicial Procedures and Remedies.*—There is an independent and impartial judiciary in civil matters, as well as access to a court to bring lawsuits seeking damages for, or cessation of, human rights violations.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, but there were some concerns about government control of the media and limits on press freedom.

Individuals generally could criticize the Government publicly or privately without fear of reprisal.

The Government Broadcasting and Publications Authority (BPA) operates Radio Kiribati, the dominant media source in the country. There is one other radio station, owned by a member of Parliament (MP) affiliated with the governing party. Shortly before the second round of parliamentary elections in August, the BPA prohibited a prominent opposition politician from making a speech on the government-owned station.

International media were allowed to operate freely. Under the Newspaper Registration Act, newspapers are required to register with the government, but there were no reports that the Government denied registration to any publication.

*Internet Freedom.*—There were no government restrictions on the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in peaceful expression of views via the Internet, including by e-mail. While generally available and accessible on South Tarawa, public access to the Internet elsewhere in the country was limited by lack of infrastructure.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

*Societal Abuses and Discrimination.*—There were no reports of societal abuses or discrimination against religious groups, including anti-Semitic acts. There was no known Jewish community in the country.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. Although the law prohibits government restrictions on citizens' freedom of movement, it does not restrict such actions by traditional village councils.

The law provides for the forced expulsion from the country of a convicted person if "in the interests of" defense, public safety, order, morality, health, or environmental conservation. The Government did not use forced exile; however, on rare occasions traditional village councils have banished persons from a specific island within the country, usually for a fixed period of time. The legality of this form of punishment has never been challenged.

*Protection of Refugees.*—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has not established a system for providing protection to refugees. During the year there were no applications for refugee resettlement, asylum, or protection from refoulement, the return of persons to a country where there was reason to believe they feared persecution. The country had no formal association with the Office of the U.N. High Commissioner for Refugees.

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

The Constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

*Elections and Political Participation.*—The legislature has 45 members: 43 are elected by universal adult suffrage, the Rabi Island council of I-Kiribati (persons of Kiribati ancestry) in Fiji selects one, and the attorney general is an ex officio member. The most recent parliamentary elections were held in August. In October Anote Tong of the Boutokaan Te Koaua party was elected to a second term as president. The elections were considered generally free and fair. The Government party held 26 legislative seats, the opposition held seven, and independents held 12. There were no government restrictions on political opponents. Elected village councils run local governments in consultation with traditional village elders.

There were two women in the 45-member legislature. Several permanent secretaries were women. No women sat on the High Court.

The president and several members of the legislature were of mixed descent.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption, but the Government did not implement the law effectively. Government officials have sometimes engaged in corrupt practices with impunity, but there were no specific reports of government corruption during the year.

Nepotism, based on tribal, church, and family ties, was prevalent. Public officials were not subject to financial disclosure laws. The auditor general (AG) is responsible for oversight of government expenditures. In reality the AG lacked sufficient resources, and findings of misappropriations and unaccounted-for funds were generally ignored, or the investigations were inconclusive.

No specific law provides for citizen or media access to government information. In practice the Government was fairly responsive to individual requests for information.

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

There were no restrictions on the formation of local human rights nongovernmental organizations (NGOs), but none have been formed. There were no restrictions on operations by international human rights groups. Government officials were cooperative and responsive to their views.

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

The Constitution prohibits discrimination on the basis of race, national origin, or color, and the Government observed these prohibitions in practice; however, only native I-Kiribati may own land.

*Women.*—Spousal abuse and other forms of violence against women were significant problems. Alcohol abuse frequently was a factor in attacks on women. Rape, including spousal rape, is a crime, with a maximum penalty of life imprisonment, but sentences were typically much shorter. The law does not address domestic violence specifically, but general common law and criminal law make assault in all forms illegal. The law provides for penalties of up to 6 months' imprisonment for

common assault and up to 5 years' imprisonment for assault involving bodily harm. Prosecutions for rape and domestic assault were infrequent, largely due to cultural taboos on reporting such crimes and police attitudes encouraging reconciliation over prosecution.

Prostitution is not illegal; however, procuring sex and managing brothels are illegal. The lack of a law against prostitution hindered the ability of the police to restrict these activities.

The law does not specifically prohibit sex tourism. There were reports of foreign fishermen engaging in commercial sexual acts with minors. Obscene or indecent behavior is banned.

The law does not prohibit sexual harassment, which sometimes occurred but generally was not regarded as a major problem.

The law does not prohibit discrimination on the basis of gender, and the traditional culture, in which men are dominant, impeded a more active role for women in the economy. Nevertheless, women were slowly finding work in unskilled and semiskilled occupations. Women filled many government office and teaching positions. The law prohibits night work by women except in certain specified occupations, including health worker, pharmacist, business manager, theater employee, and hotel, bar, and restaurant worker; however, there were no reported prosecutions based on this ordinance. Statistics generally were not well collected in the country, and data on the participation of women in the work force and on comparative wages were unavailable. Women have full rights of ownership and inheritance of property as well as full and equal access to education.

*Children.*—Within its limited financial resources, the Government made adequate expenditures for child welfare. Primary education is compulsory, free, and universal for children between the ages of 6 and 14 years. In practice the Government did not enforce primary school attendance. According to the Department of Statistics, 93.5 percent of all school-age children attended primary school. Boys and girls had similar attendance rates. The approximately 40 percent of primary school graduates who pass a national examination qualify for 3 additional years of subsidized junior secondary and 4 years of subsidized senior secondary education; a small fee was charged to other students who wished to matriculate at these levels.

The Government provided free medical services for children. Boys and girls had equal access to such care.

Chronic alcohol abuse leading to child abuse (physical and occasionally sexual) and neglect continued to be a serious problem. There is a police unit specifically focused on child and family violence.

Crewmembers of foreign fishing vessels that stopped in Kiribati engaged in commercial sexual exploitation of underage girls. U.N. and NGO reports estimated that 20 to 80 girls were involved in such prostitution. Some of the girls worked as prostitutes in bars frequented by crewmembers, and local I-Kiribati acted as facilitators, delivering girls to the boats. The girls generally received cash, food, or goods in exchange for sexual services. The lack of a legal ban on prostitution, and the fact that the legal age of consent is 15, hindered police efforts to stem the practice.

*Trafficking in Persons.*—The law prohibits trafficking in persons, and there were no reports that persons were trafficked to or from the country. There were incidences of commercial sexual exploitation of underage girls within the country.

*Persons with Disabilities.*—The law does not specifically prohibit discrimination against persons with disabilities; however, there were no formal complaints of discrimination in employment, education, or the provision of other state services for persons with mental or physical disabilities. Accessibility of buildings for persons with disabilities has not been mandated, and there were no special accommodations for persons with disabilities. The central hospital on Tarawa had a wing for persons with mental disabilities, and there was a psychiatrist working on Tarawa.

There was no government agency specifically responsible for protecting the rights of persons with disabilities. Government officials provided some informal, case-by-case assistance to voters with disabilities during the 2007 elections.

*Other Societal Abuses and Discrimination.*—Sodomy and acts of "gross indecency" between males are illegal, but there were no reports of prosecutions under these provisions. Societal discrimination and violence based on sexual orientation and against persons with HIV/AIDS were not significant problems. A government-run HIV/AIDS taskforce coordinated outreach and education activities concerning HIV/AIDS.

*Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution provides for freedom of association, and workers are free to join and reorganize unions; workers exercised these rights in practice.

More than 80 percent of the adult workforce was occupied in fishing or subsistence farming. An estimated 10 percent of wage-earning workers were union members. There were no official public sector trade unions, but nurses and teachers belonged to voluntary employee associations similar to unions and constituted approximately 30 to 40 percent of total union and association membership.

*b. The Right to Organize and Bargain Collectively.*—The law protects workers from employer interference in their right to organize and administer unions. The Government did not control or restrict union activities; however, unions must register with the Government. The law provides for collective bargaining. The Government sets wages in the large public sector. In a few statutory bodies and government-owned companies, however, employees could negotiate wages and other conditions. In the private sector, individual employees also could negotiate wages with employers. In keeping with tradition, negotiations generally were nonconfrontational. There were no reports of antiunion discrimination, and there were mechanisms to resolve any complaints that might arise.

The law provides for the right to strike, but no strikes have taken place since 1980.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced or compulsory labor, and there were no reports that such practices occurred. The prohibition does not mention specifically forced and compulsory labor by children; however, there were no reports that such practices occurred.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The law prohibits the employment of children under age 14. Children through the age of 15 are prohibited from industrial employment and employment aboard ships. Labor officers from the Ministry of Labor and Human Resources Development generally enforced these laws effectively. Children rarely were employed outside the traditional economy.

Underage girls were solicited for commercial sex.

*e. Acceptable Conditions of Work.*—The wage-earning workforce consisted of approximately 8,000 persons, mostly employed on the main atoll of Tarawa, the political and commercial capital. The remainder of the working population worked within a subsistence economy. There is no official minimum wage, but the Labor Ministry estimated the “non-legislated” minimum to be between \$1.44 and \$1.53 (A\$1.60 to A\$1.70) per hour. There is provision for a minimum wage at ministerial discretion, but it has never been implemented. Income tended to be pooled within individual extended families. The standard wage income provided a marginally decent standard of living for a worker and family. There is no legislatively prescribed workweek. Workers in the public sector (80 percent of the wage-earning workforce) worked 36¼ hours per week, with overtime pay for additional hours.

Employment laws provide rudimentary health and safety standards for the workplace. For example, employers must provide an adequate supply of clean water for workers and ensure the availability of sanitary toilet facilities. Employers are liable for the expenses of workers injured on the job, but a lack of qualified personnel hampered the Government’s ability to enforce employment laws. Workers do not have the right to remove themselves from hazardous work sites without risking loss of employment.

---

## DEMOCRATIC PEOPLE’S REPUBLIC OF KOREA

The Democratic People’s Republic of Korea<sup>1</sup> (DPRK or North Korea) is a dictatorship under the absolute rule of Kim Jong-il, general secretary of the Korean Workers’ Party (KWP) and chairman of the National Defense Commission (NDC), the

<sup>1</sup>Note on Sourcing: The United States does not have diplomatic relations with the Democratic People’s Republic of Korea. North Korea does not allow representatives of foreign governments, journalists, or other invited guests the freedom of movement that would enable them to fully assess human rights conditions or confirm reported abuses. Refugee testimony is often dated because of the time lapse between refugee departures from North Korea and contact with NGOs or officials able to document human rights conditions, though in recent years some refugees have been able to relate their stories in a more timely fashion.

“highest office of state.” The country has an estimated population of 23.1 million. Kim’s father, the late Kim Il-sung, remains “eternal president.” Local elections held in July were not free or fair. There was no civilian control of the security forces, and members of the security forces committed numerous serious human rights abuses.

The Government’s human rights record remained poor, and the regime continued to commit numerous serious abuses. The regime subjected citizens to rigid controls over many aspects of their lives. Articles of the Constitution that require citizens to follow “socialist norms of life” and to obey a “collective spirit” took precedence over individual political and civil liberties. Citizens did not have the right to change their government. There continued to be reports of extrajudicial killings, disappearances, and arbitrary detention, including of political prisoners. Prison conditions were harsh and life-threatening, and torture occurred. Pregnant female prisoners underwent forced abortions in some cases, and in other cases babies were killed upon birth in prisons. The judiciary was not independent and did not provide fair trials. Citizens were denied freedom of speech, the press, assembly, and association, and the Government attempted to control all information. The Government restricted freedom of religion, citizens’ movement, and worker rights. There continued to be reports of severe punishment of some repatriated refugees. There were widespread reports of trafficking in women and girls among refugees and workers crossing the border into China.

#### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—There were numerous reports that the regime committed arbitrary and unlawful killings. Defector and refugee reports indicated that in some instances the regime executed political prisoners, opponents of the regime, repatriated defectors, and others, including military officers suspected of espionage or of plotting against Kim Jong-il. The law prescribes the death penalty for the most “serious” or “grave” cases of “anti-state” or “anti-nation” crimes, including: Participation in a coup or plotting to overthrow the state; acts of terrorism for an anti-state purpose; treason, which includes defection or handing over state secrets; suppressing the people’s movement for national liberation; cutting electric power lines or communication lines; and illegal drug transactions.

In the past border guards reportedly had orders to shoot to kill potential defectors, and prison guards were under orders to shoot to kill those attempting to escape from political prison camps, but it was not possible to determine if this practice continued during the year.

During the year a North Korean defector who escaped from a political prison camp in 2005 reported that in 1996 he was forced to watch the public execution of his mother and brother for attempting to escape from the camp.

A South Korean nongovernmental organization (NGO) reported that in October the head of a factory in South Pyongan province was executed by a firing squad in a stadium before a crowd of 150,000 for making international calls on 13 phones he installed in a factory basement.

Religious and human rights groups outside the country alleged that some North Koreans who had contact with foreigners across the Chinese border were imprisoned or killed. In recent years anecdotal evidence from refugees suggested that refugees forcibly repatriated from China were generally treated less harshly than in past years, but during the year several sources indicated that the DPRK reversed this more lenient policy.

There were no new developments in the alleged 2006 death penalty sentence for Son Jong-nam, whose brother reported that Son was still alive as of the spring.

*b. Disappearance.*—The Government was responsible for disappearances. In recent years defectors claimed that state security officers often apprehended individuals suspected of political crimes and sent them, without trial, to political prison camps. There are no restrictions on the ability of the Government to detain and imprison persons at will and to hold them incommunicado. The penal code states that a prosecutor’s approval is required to detain a suspect; however, the Government ignored this law in practice.

There were no developments in the 2006 disappearance of Lee Kwang-soo’s family following his defection to South Korea (Republic of Korea or ROK).

Japan continued to seek further information about the cases of 12 officially designated Japanese nationals believed to have been abducted by DPRK government entities, despite the DPRK’s insistence that the 12 were either dead or were never in North Korea. Japan also hoped to gain answers regarding other cases of suspected abductions of Japanese nationals.

In the past, credible reports indicated that the Government also kidnapped other nationals from locations abroad, including citizens from Romania, Thailand, and possibly elsewhere. However, the Government continued to deny its involvement in the kidnappings. The South Korean Government estimated that approximately 480 of its civilians who were abducted or detained by the DPRK since the end of the Korean War remained in the DPRK. The South Korean Government estimated 560 South Korean prisoners of war (POWs) and soldiers missing in action were also believed to remain alive in the country.

The whereabouts of defector Kang Gun remained unknown. In 2005 Amnesty International reported that Kang may have been kidnapped from China by North Korean agents.

In May media reported that the wife of South Korean missionary Kim Dong-shik believed Kim had most likely died within a year of his disappearance near the China-DPRK border in 2000.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The penal code prohibits torture or inhumane treatment; however, many sources continued to confirm its practice. According to an April report by Freedom House, prisoners in political prison camps were regularly subjected to beatings and sometimes more systematic torture for infractions of prison camp regulations. Methods of torture and other abuse reportedly included severe beatings, electric shock, prolonged periods of exposure to the elements, humiliations such as public nakedness, confinement for up to several weeks in small “punishment cells” in which prisoners were unable to stand upright or lie down, being forced to kneel or sit immobilized for long periods, being hung by the wrists, being forced to stand up and sit down to the point of collapse, and forcing mothers recently repatriated from China to watch the infanticide of their newborn infants. Defectors continued to report that many prisoners died from torture, disease, starvation, exposure to the elements, or a combination of these causes.

During the year Shin Dong-hyuk, a defector born and confined in a political prison camp in Kaechon in South Pyongan Province for 22 years, explained that beatings and torture were a common occurrence within the camp. Shin reported that he was tortured with hot coals while being hung from the ceiling after members of his family tried to escape from the camp.

In 2006 a defector reported that, upon his repatriation from China in 2000, authorities forced him to crouch for long periods of time with a wooden pole placed between his calves and thighs; while crouching, booted guards would stomp on the top of his legs, crushing his toes and hyperextending his knees. He also reported that interrogators forced him to kneel forward onto fire-heated iron plates.

In 2005 a defector reported that she lost the use of her feet due to severe beatings she received from police for attempting to leave the country.

Over the years there have been unconfirmed reports from a few defectors alleging the testing on human subjects of a variety of chemical and biological agents through the early 1990s.

Officials prohibited live births in prison and ordered forced abortions, particularly in detention centers holding women repatriated from China, according to refugee reports. In some cases of live birth, prison guards killed the infant or left it for dead, according to defectors. In addition guards reportedly sexually abused female prisoners.

Re-education through labor, primarily through sentences at forced labor camps, was a common punishment and consisted of forced labor such as logging, mining, or tending crops under harsh conditions. Re-education involved memorizing speeches by Kim Jong-il and forced self-criticism sessions focused on work performance.

*Prison and Detention Center Conditions.*—NGO, refugee, and press reports indicated that there were several types of centers and camps, including forced labor camps and separate camps for political prisoners. Using commercial satellite imagery to bolster their assertions about the existence of the camps and point out their main features, defectors claimed the camps covered areas as large as 200 square miles. The camps appeared to contain mass graves, barracks, work sites, and other prison facilities.

Those sentenced to prison for nonpolitical crimes were typically sent to reeducation prisons where prisoners were subjected to intense forced labor. Those who were considered hostile to the regime or who committed political crimes, such as defection, were sent to political prison camps indefinitely. Many prisoners in political prison camps were not expected to survive. The Government continued to deny the existence of political prison camps.

Reports indicated that conditions in the political prison camps were harsh. Systematic and severe human rights abuses occurred throughout the prison and deten-

tion system. Detainees and prisoners consistently reported violence and torture. According to refugees, in some places of detention, prisoners received little or no food and were denied medical care. Sanitation was poor, and former labor camp inmates reported they had no changes of clothing during their incarceration and were rarely able to bathe or wash their clothing.

The Government did not permit inspection of prisons or detention camps by human rights monitors.

*d. Arbitrary Arrest or Detention.*—The law prohibits arbitrary arrest and detention, but the Government did not observe these prohibitions in practice.

*Role of the Police and Security Apparatus.*—The internal security apparatus includes the Ministry of Public Security (MPS) and the State Security Department (SSD). Reports of diversion of food aid to the military and regime officials and of official quid-pro-quo bribery were indicative of corruption in the security forces. The security forces do not have adequate mechanisms to investigate possible security force abuses.

Kim Jong-il is the Supreme Commander of the Korean People's Army (KPA) and Chairman of the National Defense Commission. The army has four branches: Ground Force, Naval Force, Air Force, and Civil Securities Force. The country has an estimated 1.21 million active personnel, in addition to a reserve force of approximately 4.7 million personnel.

*Arrest and Detention.*—Members of the security forces arrested and transported citizens suspected of committing political crimes to prison camps without trial.

There were no restrictions on the Government's ability to detain and imprison persons at will or to hold them incommunicado. Family members and other concerned persons found it virtually impossible to obtain information on charges against detained persons or the lengths of their sentences. Judicial review of detentions did not exist in law or in practice.

In some cases entire families, including children, were imprisoned when one member of the family was accused of a crime.

*e. Denial of Fair Public Trial.*—The Constitution states that courts are independent and that judicial proceedings are to be carried out in strict accordance with the law; however, an independent judiciary did not exist. The Constitution mandates that the central court is accountable to the Supreme People's Assembly, and the criminal code subjects judges to criminal liability for handing down "unjust judgments." Furthermore, individual rights are not acknowledged.

*Trial Procedures.*—The MPS dispensed with trials in political cases and referred prisoners to the SSD for punishment. Little information was available on formal criminal justice procedures and practices, and outside access to the legal system was limited to show trials for traffic violations and other minor offenses.

The Constitution contains elaborate procedural protections, providing that cases should be heard in public, except under circumstances stipulated by law. The Constitution also states that the accused has the right to a defense, and when trials were held, the Government reportedly assigned lawyers. Some reports noted a distinction between those accused of political, as opposed to nonpolitical, crimes and claimed that the Government offered trials and lawyers only to the latter. There was no indication that independent, nongovernmental defense lawyers existed.

*Political Prisoners and Detainees.*—An estimated 150,000 to 200,000 persons were believed to be held in political prison camps in remote areas. The Government considered critics of the regime to be political criminals. Reports from past years described political offenses as including sitting on newspapers bearing Kim Il-sung's or Kim Jong-il's picture, mentioning Kim Il-sung's limited formal education, or defacing photographs of the Kims. The number of political prisoners and detainees remained unknown. In some cases, citizens forcibly returned from China were subjected to hard labor in political prison camps.

*Civil Judicial Procedures and Remedies.*—According to article 69 of the Constitution, "[c]itizens are entitled to submit complaints and petitions. The state shall fairly investigate and deal with complaints and petitions as fixed by law." Under the Law on Complaint and Petition, citizens are entitled to submit complaints to stop encroachment upon their rights and interests or seek compensation for the encroached rights and interests.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution provides for the inviolability of person and residence and the privacy of correspondence; however, the Government did not respect these provisions in practice. The regime subjected its citizens to rigid controls. The Government relied upon a massive, multilevel system of informants to identify critics and potential troublemakers. Entire communities sometimes were subjected to security checks.

Possessing “anti-state” material and listening to foreign broadcasts were crimes that could subject the transgressor to harsh punishments, including up to 5 years of labor reeducation.

The Government monitored correspondence and telephone conversations. Private telephone lines operated on a system that precluded making or receiving international calls; international phone lines were available only under restricted circumstances. Foreign diplomats in Pyongyang stated that the local network was subdivided so phone use remained a privilege. Although a government-controlled cellular phone network existed, cell phone use has been banned for the general population since 2004. However, visitors to Pyongyang continued to report limited cell phone usage. NGOs also reported that migrants obtained cell phones in China and used them on a limited basis in border areas on the Chinese network. During the year defectors reported contacting their relatives in the country via this network.

Allegations continued to circulate that imprisonment and execution had been ordered for individuals who made statements at home that were critical of the regime.

The Government divided citizens into loyalty-based classes, which determined access to employment, higher education, place of residence, medical facilities, and certain stores. The U.N. Special Rapporteur reported in 2005 that “while this practice may have been abolished by law, it seems to persist and is implied by the testimonies of those who leave the country in search of refuge elsewhere.”

Collective punishment was practiced. Entire families, including children, have been imprisoned when one member of the family was accused of a crime. The 2006 decree on cutting electric power or communication lines and illegal drug transactions states that a violator’s family shall be “expelled.”

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press; however, the Government prohibited the exercise of these rights in practice. There were no developments in the case of the 21 cheerleaders who were imprisoned in the Daeheung prison camp, reportedly for discussing upon their return to the country what they had seen in the ROK at the 2002 Busan Asian Games. According to the U.N. special rapporteur’s 2006 report, the Government banned discussion of Kim Jong-il’s succession at the end of 2005, after media speculation on the topic.

The Constitution provides for the right to petition. However, the Government did not respect this right. For example, when anonymous petitions or complaints about state administration were submitted, the SSD and MPS sought to identify the authors, who could be subjected to investigation and punishment.

The Government sought to control virtually all information. There were no independent media. The Government carefully managed visits by foreigners, especially foreign journalists.

On occasion, when it served its agenda, the Government allowed foreign media to cover certain events. During visits by foreign leaders, groups of foreign journalists were permitted to accompany official delegations and to file reports. In all cases journalists were strictly monitored. They generally were not allowed to talk to officials or to persons on the street, and cellular or satellite phones were held at the airport for the duration of a visitor’s stay. In October ROK reporters were allowed to travel to Pyongyang to cover the second inter-Korean summit. The ROK press also was permitted to cover the inter-Korean rail tests in May.

In previous years there were cases of foreign media personnel being denied access to the country or being asked to leave the country because the Government deemed news content to be offensive. In 2006 a group of 24 South Korean reporters covering family reunions at Mt. Kumgang left in protest after officials prevented two broadcasters from transmitting stories and asked one reporter to leave the country. Reporters Without Borders reported that in 2006 North Korean authorities blocked the arrival of 200 ROK journalists to the Kaesong Industrial Complex after the ROK press criticized the country’s decision to halt a railroad project between the two countries.

Domestic media censorship continued to be enforced strictly, and no deviation from the official government line was tolerated. The Government prohibited listening to foreign media broadcasts except by the political elite, and violators were subject to severe punishment. Radios and television sets, unless altered, received only domestic programming; radios obtained from abroad must be altered to operate in a similar manner. The Government continued to attempt to jam all foreign radio broadcasts. In 2006 the Government condemned the activities of a defector-run broadcasting station in South Korea and unsuccessfully petitioned ROK authorities to shut down the organization.



*Internet Freedom.*—Internet access for citizens was limited to high-ranking officials and other designated elites, including select university students. This access was granted via international telephone lines through a provider in China, as well as a local connection that was linked with a German server. NGO and press reports claimed that there was an “intranet,” available to a slightly larger group of users, including an elite grade school; selected research institutions, universities, and factories; and a few individuals. The Korean Communication Corporation acted as the gatekeeper, downloading only acceptable information for access through the intranet. Reporters Without Borders reported that some e-mail access existed through this internal network. According to a press report, an increasing number of citizens had e-mail addresses on their business cards, though they were usually e-mail addresses shared among all the employees of an organization.

*Academic Freedom and Cultural Events.*—The Government restricted academic freedom and controlled artistic and academic works. A primary function of plays, movies, operas, children’s performances, and books was to buttress the cult of personality surrounding Kim Il-sung and Kim Jong-il.

According to North Korean media, Kim Jong-il frequently told officials that ideological education must take precedence over academic education in the nation’s schools. Indoctrination was carried out systematically through the mass media, schools, and worker and neighborhood associations. Indoctrination continued to involve mass marches, rallies, and staged performances, sometimes including hundreds of thousands of persons.

The Government continued its attempt to limit foreign influences on its citizens. Listening to foreign radio and watching foreign films is illegal; however, numerous NGOs reported that Chinese and South Korean DVDs continued to be smuggled into the country. The Government intensified its focus on preventing the smuggling of imports of South Korean popular culture, especially television dramas. According to a media report, in an attempt to enforce the restriction on foreign films, police routinely cut electricity to apartment blocks and then raided every apartment to see what types of DVDs were stuck in the players. In July the Government also ordered the closure of karaoke bars in an attempt to curb outside influences on the population.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The Constitution provides for freedom of assembly; however, the Government did not respect this provision in practice and continued to prohibit public meetings without prior authorization.

*Freedom of Association.*—The Constitution provides for freedom of association; however, the Government failed to respect this provision in practice. There were no known organizations other than those created by the Government. Professional associations existed primarily to facilitate government monitoring and control over organization members.

*c. Freedom of Religion.*—The Constitution provides for “freedom of religious belief”; however, in practice the Government severely restricted religious freedom unless supervised by officially recognized groups linked to the Government. The law also stipulates that religion “should not be used for purposes of dragging in foreign powers or endangering public security.” Genuine religious freedom did not exist.

The personality cult of Kim Il-sung and Kim Jong-il continued to resemble a state religion that provided a spiritual underpinning for the regime. Refusal to accept the leader as the supreme authority was regarded as opposition to the national interest and continued to result in severe punishment. In his 2006 report, the U.N. Special Rapporteur on the Situation of Human Rights in the DPRK observed that “the regime’s emphasis is to inculcate religiously upon the people from a young age a belief in and total adherence to the past and current political leadership, coupled with massive ideological mobilization akin to cult worship.”

The 2006 Korea Institute for National Unification’s White Paper on Human Rights in North Korea concluded that the regime used authorized religious entities for external propaganda and political purposes and strictly barred local citizens from entering places of worship. For example, funds and goods that were donated to government-approved churches were channeled to the KWP by the Government.

There were unconfirmed reports that the nonreligious children of religious believers may be employed at midlevels of the Government. In the past such individuals suffered broad discrimination with sometimes severe penalties or even imprisonment.

According to defector reports, the Government was concerned that faith-based South Korean relief and refugee assistance efforts along the border had both humanitarian and political goals, including overthrow of the regime, and alleged that these groups were involved in intelligence gathering. According to an unconfirmed

claim from one foreign religious NGO, nine North Korean nationals in its network disappeared during the year.

There continued to be reports of underground Christian churches. The Government repressed and persecuted unauthorized religious groups in recent years. Defectors reported that persons engaged in religious proselytizing, persons with ties to overseas evangelical groups, and repatriated persons who contacted foreigners while outside the country were arrested and subjected to harsh punishment. During the year defectors asserted that citizens who received help from foreign churches were considered political criminals and received harsher treatment. This has included imprisonment, prolonged detention without charge, torture, and execution.

Religious and human rights groups outside the country continued to provide numerous unconfirmed reports that members of underground churches were beaten, arrested, detained in prison camps, tortured, or killed in prior years because of their religious beliefs.

*Societal Abuses and Discrimination.*—There was no information on societal violence, harassment, or discrimination against members of religious groups.

There was no known Jewish population, and there were no reports of anti-Semitic acts.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The law provides for the “freedom to reside in or travel to any place”; however, the Government did not respect this right in practice. During the year the Government continued to attempt to control internal travel.

The Government continued to restrict the freedom to move within the country. Only members of a very small elite class and those with access to remittances from overseas had access to personal vehicles, and movement was hampered by the absence of an effective transport network and by military and police checkpoints on main roads at the entry to and exit from every town. Use of personal vehicles at night and on Sundays was restricted. Violators of the new karaoke bar ban were reportedly warned that punishment could include relocation to other regions within the country.

The Government strictly controlled permission to reside in, or even to enter, Pyongyang, where food supplies, housing, health, and general living conditions were much better than in the rest of the country.

The Government also restricted foreign travel. The regime limited issuance of exit visas for foreign travel to officials and trusted businessmen, artists, athletes, academics, and religious figures. Short-term exit papers were available for some residents on the Chinese border to enable visits with relatives or to engage in small-scale trade.

It is not known whether the laws prohibit forced exile; the Government forced the internal exile of some citizens. In the past the Government engaged in forced internal resettlement to relocate tens of thousands of persons from Pyongyang to the countryside. Sometimes this occurred as punishment for offenses, although social engineering was also involved. For example, although disabled veterans were treated well, other persons with physical and mental disabilities, as well as those judged to be politically unreliable, have been sent out of Pyongyang into internal exile.

The Government did not allow emigration, although officials in border areas reportedly took bribes from, or simply let pass, persons crossing the border into China without required permits. In prior years official media reported periodic crackdowns on this practice, with a stepped-up military presence along the border.

Substantial numbers of citizens have crossed the border into China over the years, and NGO estimates of those who lived there during the year ranged from tens of thousands to hundreds of thousands. Some settled semipermanently in northeastern China, others traveled back and forth across the border, and still others sought asylum and permanent resettlement in third countries. A few thousand citizens gained asylum in third countries during the year.

The law criminalizes defection and attempted defection, including the attempt to gain entry to a foreign diplomatic facility for the purpose of seeking political asylum. Individuals who cross the border with the purpose of defecting or seeking asylum in a third country are subject to a minimum of 5 years of “labor correction.” In “serious” cases defectors or asylum seekers are subject to indefinite terms of imprisonment and forced labor, confiscation of property, or death. Many would-be refugees who were returned involuntarily were imprisoned under harsh conditions. Some sources indicated that the harshest treatment was reserved for those who had extensive contact with foreigners. In 2006 China reported it had repatriated a North Korean asylum seeker known as Kim Chun-hee, despite requests from the inter-

national community to treat her humanely. Kim's whereabouts remained unknown. In 2006 Chinese police arrested and deported to North Korea nine relatives of South Korean POWs; one NGO reported that the nine were likely in prison, but their whereabouts remained unknown.

In the past, reports from defectors indicated that the regime differentiated between persons who crossed the border in search of food (who might be sentenced only to a few months of forced labor or in some cases merely issued a warning) and persons who crossed repeatedly or for political purposes (who were sometimes sentenced to heavy punishments). The law stipulates a sentence of up to 2 years of "labor correction" for the crime of illegally crossing the border. For example, a defector reported during the year that he and six others were sent to a political prison camp after being repatriated in 1999. At least one of the seven persons died in the camp following 7 months of torture after her repatriation. According to the U.N. special rapporteur's 2005 report, there was a new policy to enable persons leaving the country for nonpolitical reasons to return with the promise of a pardon under the penal code.

During the year Human Rights Watch reported that the Government had reversed a policy in place since 2000, under which punishment imposed on border-crossers had been relatively lenient. According to the report, between 2000 and 2004, many border-crossers were either released after questioning or served a few months at labor reeducation facilities, unless they had contact with missionaries or South Koreans. Several recent border-crossers reported in 2006 that upon their return to the country citizens caught crossing the border or repatriated from China were punished with longer sentences in more abusive prisons. Under the new policy, the Government warned that everyone would be sent to prison. This trend continued during the year.

*Protection of Refugees.*—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, nor has the Government established a system for providing protection for refugees. The Government did not grant refugee status or asylum. The Government did not cooperate with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers. The Government had no known policy or provision for refugees or asylees and did not participate in international refugee fora.

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

Citizens do not have the right to change their government peacefully. The KWP and the KPA, with Kim Jong-il in control, dominated the political system. Little reliable information was available on intraregime politics. The legislature, the Supreme People's Assembly (SPA), meets only a few days per year to rubber-stamp resolutions presented by the party leadership.

The Government justified its dictatorship with nationalism and demanded near deification of both Kim Jong-il and Kim Il-sung. All citizens remained subject to intensive political and ideological indoctrination, which was intended to ensure loyalty to the leadership and conformity to the state's ideology and authority.

*Elections and Political Participation.*—Elections of delegates to the provincial, municipal, and county people's assemblies were held in July; the elections were not free and fair. The outcome was virtually identical to prior elections. The Government openly monitored voting, resulting in nearly 100 percent participation and 100 percent approval.

The Government has created several "minority parties." Lacking grassroots organizations, they existed only as rosters of officials with token representation in the SPA. The Government regularly criticized the concept of free elections and competition among political parties as an "artifact" of "capitalist decay."

Women made up 20 percent of the membership of the SPA as of the 2003 elections, and approximately 4 percent of the membership of the KWP central committee.

The country is racially and ethnically homogenous. Officially there are no minorities, and there is, therefore, no information on minority representation in the Government.

*Government Corruption and Transparency.*—It is not known whether the law provides criminal penalties for official corruption, whether the Government implemented any such laws effectively, and how often officials engaged in corrupt practices with impunity.

Reports of diversion of food aid to the military and government officials and of quid pro quo bribery were indicative of corruption in the Government and security

forces. The Government continued to deny any diversion of food aid, although it hinted that it was combating internal corruption.

A credible NGO reported that, in a unique case, citizens in a border town petitioned the Government regarding a corrupt government official. In response the Government demoted but did not prosecute the official.

It is not known whether public officials are subject to financial disclosure laws and whether a government agency is responsible for combating corruption. There are no known laws that provide for public access to government information.

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

There were no independent domestic organizations to monitor human rights conditions or to comment on the status of such rights. The Government's North Korean Human Rights Committee has denied the existence of any human rights violations in the country.

The Government ignored requests for visits from international human rights NGOs. The NGO community and numerous international experts continued to testify to the grave human rights situation in the country during the year. The Government decried international statements about human rights abuses in the country as politically motivated and as interference in internal affairs. The Government asserted that criticism of its human rights record was an attempt by some countries to cover up their own abuses and that such hypocrisy undermined human rights principles.

The Government emphasized that it had ratified most U.N. human rights instruments but continued to refuse cooperation with U.N. representatives. The Government continued to prevent the U.N. special rapporteur on the situation of human rights in the DPRK, Vitit Muntarbhorn, from visiting the country to carry out his mandate. The Government continued to refuse to recognize the special rapporteur's mandate and rejected the offer of the Office of the High Commissioner on Human Rights to work with the Government on human rights treaty implementation. In March the Government's diplomats contended that allegations of human rights abuses were deliberately hostile provocations that infringed upon the country's sovereignty and dignity in a statement by the country's delegation at the fourth session of the U.N. Human Rights Council. In June the Government rejected the 2006 U.N. General Assembly resolution and the extension of the special rapporteur's mandate in a letter to the U.N. Human Rights Council.

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

The Constitution grants equal rights to all citizens. However, the Government has never granted its citizens most fundamental human rights in practice, and there continued to be pervasive discrimination on the basis of social status.

*Women.*—The Government appeared to criminalize rape, but no information was available on details of the law and how effectively the law was enforced. Women in prison camps reportedly were subject to rape and forced abortions.

Violence against women was a significant problem both inside and outside the home.

According to a press report, the revised penal code includes a new provision on prostitution that sentences those who engage in repeated acts of prostitution to up to 2 years of labor correction; there is no available information on the prevalence of prostitution in the country. There continued to be reports of trafficking in women and young girls who had crossed into China.

The Constitution states that "women hold equal social status and rights with men"; however, although women were represented proportionally in the labor force, few women had reached high levels of the party or the Government. An NGO reported that beginning in October, the Government prohibited women under 40 from working in markets as part of a crackdown on trade activities.

*Children.*—The state provides 11 years of free compulsory education for all children. However, in the past some children were denied educational opportunities and subjected to punishments and disadvantages as a result of the loyalty classification system and the principle of "collective retribution" for the transgressions of family members.

Foreign visitors and academic sources reported that from an early age, children were subjected to several hours a week of mandatory military training and indoctrination at their schools.

The U.N. Committee on the Rights of the Child has repeatedly expressed concern over de facto discrimination against children with disabilities and the insufficient measures taken by the state to ensure these children had effective access to health, education, and social services.

It is not known whether boys and girls have equal access to state-provided medical care; access to health care was largely dependent upon loyalty to the Government.

Information about societal or familial abuse of children remained unavailable. There were reports of trafficking in young girls among persons who had crossed into China.

*Trafficking in Persons.*—There were no known laws specifically addressing the problem of trafficking in persons, and trafficking of women and young girls into and within China continued to be widely reported. Some women and girls were sold by their families or by kidnappers as wives or concubines to men in China; others fled of their own volition to escape starvation and deprivation. A network of smugglers facilitated this trafficking. Many victims of trafficking, unable to speak Chinese, were held as virtual prisoners, and some were forced to work as prostitutes. Traffickers sometimes abused or physically scarred the victims to prevent them from escaping. Officials facilitated trafficking by accepting bribes to allow individuals to cross the border into China.

*Persons with Disabilities.*—A law enacted in 2003 mandates equal access for persons with disabilities to public services; however, implementing legislation has not been passed. Traditional social norms condone discrimination against persons with physical disabilities. Although veterans with disabilities were treated well, other persons with physical and mental disabilities have been sent out of Pyongyang into internal exile. According to a report released in 2006 by the World Association of Milal, approximately 3.4 percent of the population was disabled. According to the report, more than 64 percent of persons with disabilities lived in urban areas. In 2006 a citizen who defected in 2005 reported that “there are no people with physical defects in North Korea” because babies born with disabilities were killed in a practice encouraged by the Government. It is not known whether the Government restricts the right of persons with disabilities to vote or participate in civic affairs.

*Other Societal Abuses and Discrimination.*—No information was available on other societal abuses and discrimination, such as societal violence or discrimination based on sexual orientation or against persons with HIV/AIDS.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution provides for freedom of association; however, this provision was not respected in practice. There were no known labor organizations other than those created by the Government. The KWP purportedly represents the interests of all labor. There was a single labor organization, the General Federation of Trade Unions of Korea. Operating under this umbrella, unions functioned on the classic Stalinist model, with responsibility for mobilizing workers to support production goals and for providing health, education, cultural, and welfare facilities.

*b. The Right to Organize and Bargain Collectively.*—Workers do not have the right to organize or to bargain collectively. Factory and farm workers were organized into councils, which had an impact on management decisions. Unions do not have the right to strike.

There was one special economic zone (SEZ) in the Rajin-Sonbong area. The same labor laws that applied in the rest of the country applied in the Rajin-Sonbong SEZ, and workers in the SEZ were selected by the Government.

Under a special law that created the Kaesong Industrial Complex (KIC), located close to the demilitarized zone between South and North Korea, special regulations covering labor issues negotiated between North Korea and South Korea were in effect for the management of labor in the area. Those regulations did not contain provisions that guarantee freedom of association or the right to collectively bargain. According to South Korea’s Ministry of Unification, at year’s end approximately 60 South Korean firms, including small firms operating in an apartment-type factory, were producing goods at the KIC. There were approximately 22,800 workers employed at the site. South Korea’s Ministry of Unification reported that the DPRK’s Central Special Area Development Directing Bureau provides candidates for selection by the South Korean companies. Under this agreement, North Korean workers in the KIC reportedly earned a monthly minimum wage of approximately \$60.40, after a 5 percent wage increase began in August. Employing firms reported that, with overtime, the average worker earned about \$74 before deductions. Due to the lack of transparency, it was difficult to determine what proportion of their earned wages workers ultimately took home. Although the special laws governing the KIC require direct payment to the workers, the wages were in fact paid to the North Korean Government, which withheld a portion for social insurance and other benefits and then remitted the balance (reportedly about 70 percent) to the workers in

an unknown combination of coupons, which could be exchanged for staple goods, and North Korean won, converted at the official exchange rate.

*c. Prohibition of Forced or Compulsory Labor.*—The laws prohibit forced or compulsory labor. However, the Government mobilized the population for construction and other labor projects, including on Sundays, the 1 day off a week. Following severe flooding in July, the media released footage of soldiers and civilians working on flood recovery construction projects. School children sometimes were sent to work in factories or in the fields for short periods to assist in completing special projects or in meeting production goals. Children were also forced to participate in cultural activities and, according to academic reports, were subjected to harsh conditions during mandatory training sessions. According to a South Korean press report, the Government required high school and college students to participate in unpaid “voluntary work,” particularly rice planting efforts, during their vacation periods. A defector interviewed by the U.N. special rapporteur reported that the Government sometimes took young people from the street and forced them to work on the farms. The Government also frequently gathered large groups together for mass demonstrations and performances. “Reformatory labor” and “reeducation through labor” have traditionally been common punishments for political offenses. Forced and compulsory labor, such as logging and tending crops, continued to be the common fate of political prisoners. In 2006 Cho Chang-ho, a ROK POW who escaped in 1994, testified that the Government held ROK POWs in various types of prison camps and forced them to work in coal mines and other types of forced labor. Cho reported POWs faced daily abuses, beatings, and threats.

The penal code requires that all citizens of working age must work and “strictly observe labor discipline and working hours.” According to the penal code, failure to meet economic plan goals can result in 2 years of “labor correction.”

*d. Prohibition of Child Labor and Minimum Age for Employment.*—According to the law, the state prohibits work by children under the age of 16 years, and the penal code criminalizes forced child labor. Still, school children were occasionally assigned to factories or farms for short periods to help meet production goals and to other work such as snow removal on major roads.

*e. Acceptable Conditions of Work.*—No reliable data were available on the minimum wage in state-owned industries. Since the 2002 economic reforms, compensation underwent significant change as citizens sought to earn hard currency to support themselves and their families. Workers often had to pay for services that had previously been provided either free or at highly subsidized rates by the state, such as rent for housing and fees for transportation. While education and medical care technically remained free, educational materials and medicines appeared available only for purchase in markets. Foreign observers who visited the country reported that many factory workers regularly failed to go to work, paying a bribe to managers to list them as present, so they could engage in various trading and entrepreneurial activities instead. The same source said that many government factories were not operating, primarily due to electricity shortages.

Class background and family connections could be as important as professional competence in deciding who received particular jobs, and foreign companies that have established joint ventures continued to report that all their employees must be hired from registers screened by the Government.

The Constitution stipulates an 8-hour workday; however, some sources reported that laborers worked longer hours, perhaps including additional time for mandatory study of the writings of Kim Il-sung and Kim Jong-il. The Constitution provides all citizens with a “right to rest,” including paid leave, holidays, and access to sanitariums and rest homes funded at public expense; however, the state’s willingness and ability to provide these services was unknown. Foreign diplomats reported that workers had 15 days of paid leave plus paid national holidays. Some persons were required to take part in mass events on holidays, which sometimes required advance practice during work time. Workers were often required to “celebrate” at least some part of public holidays with their work units and were able to spend a whole day with their families only if the holiday lasted for 2 days.

Many worksites were hazardous, and the industrial accident rate was high. The law recognizes the state’s responsibility for providing modern and hygienic working conditions. The penal code criminalizes the failure to heed “labor safety orders” pertaining to worker safety and workplace conditions only if it results in the loss of lives or other “grave loss.” In addition workers do not have an enumerated right to remove themselves from hazardous working conditions.

Citizens suffered human rights abuses and labored under harsh conditions while working abroad for North Korean firms and under arrangements between the North Korean Government and foreign firms. According to press reports, such contract la-

borers worked in Mongolia, Russia, Libya, Saudi Arabia, Bulgaria, and Angola. In most cases employing firms paid salaries to the North Korean Government, and it was not known how much of that salary the workers received. Workers were typically watched closely by government officials while overseas and reportedly did not have freedom of movement outside their living and working quarters. In January the Czech Ministry of Interior announced the elimination of its program for North Korean workers. All North Koreans should have left the Czech Republic by the end of the year, when their work visas expired. Similarly, the Government of Poland decided to end the North Korean work program once the current workers' visas expire.

Wages of some of the several thousand North Koreans employed in Russia were reportedly withheld until the laborers returned home, making them vulnerable to deception by North Korean authorities, who promised relatively high payments. During the year the Government and Russia held talks on an agreement on the use of the temporary labor of one another's nationals.

## REPUBLIC OF KOREA

The Republic of Korea (Korea or ROK) is a constitutional democracy governed by a president and a unicameral legislature. The country has a population of approximately 48 million. Multiple candidates ran in presidential elections held in December that were free and fair. The civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Women, persons with disabilities, and minorities continued to face societal discrimination. Rape, domestic violence, child abuse, and trafficking in persons remained serious problems.

### RESPECT FOR HUMAN RIGHTS

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

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

According to unconfirmed news reports, approximately 100 conscripts have committed suicide each year due to military hazing. Official sources indicated that not all of the suicides were caused by such hazing, alleging that mental illnesses and personal issues also were factors.

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits mistreatment of suspects, and officials generally observed this prohibition in practice.

The Government continued to investigate incidents of possible abuse under the country's former military regimes. Since the Commission for the Restoration of Honor and Compensation to Activists of the Democratization Movement's creation in 2000, it had reviewed 11,041 of the 12,657 cases reported and determined that compensation was due for 3,112 of cases, as of November.

*Prison and Detention Center Conditions.*—Prison and detention center conditions generally met international standards, and the Government permitted visits by independent human rights observers.

*d. Arbitrary Arrest or Detention.*—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. However, rules regarding arrest and detention under the National Security Law (NSL) are vague. For example, the NSL defines espionage in broad terms and permits the authorities to detain and arrest persons who commit acts viewed as supporting North Korea (DPRK) and therefore deemed dangerous to the country. The NSL permits the imprisonment for up to 7 years of anyone who "with the knowledge that he might endanger the existence or security of the state or the basic order of free democracy, praised, encouraged, propagandized for, or sided with the activities of an antistate organization." The legal standard for what constitutes "endangering the security of the state" is vague. Thus, persons could be arrested for the peaceful expression of views that the Government considered pro-DPRK or antistate. The U.N. Human Rights Committee termed the NSL "a major obstacle to the full realization of the rights enshrined in the International Covenant on Civil and Political Rights."

Between January and September, authorities arrested 16 persons for alleged NSL violations. For example, two teachers who were members of the Unification Committee of the Korea Teachers Labor Union were indicted on charges of violating the

NSL for collecting unification-related materials to be used in class and for discussing such materials over the Internet with other teachers. They were released on bail and were on trial without physical detention. In another case a photographer faced charges of revealing national security and military secrets for publishing a book that included photographs of local United States Forces Korea facilities. At year's end he was on trial without physical detention.

A university professor found guilty of violating the NSL was sentenced to 2 years in prison with a stay of execution of 3 years, and he appealed the case in 2006. At an appeal hearing, his sentence was upheld, and at year's end he was pursuing his final appeal.

*Role of the Police and Security Apparatus.*—Civilian authorities maintained effective control over the Korean national police Agency (KNPA), and the Government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

*Arrest and Detention.*—The law requires warrants in cases of arrest, detention, seizure, or search, except if a person is apprehended while committing a criminal act or if a judge is not available and the authorities believe that a suspect may destroy evidence or escape capture if not quickly arrested. In such cases judges must issue arrest warrants within 48 hours after the suspect is apprehended, or within 72 hours if a court is not located in the same county. Police may detain suspects who appear voluntarily for questioning for up to 6 hours but must notify the suspects' families. The police generally respected these requirements. Authorities generally must release an arrested suspect within 20 days unless an indictment is issued. An additional 10 days of detention is allowed in exceptional circumstances.

There is a bail system, but human rights lawyers stated bail generally was not granted for detainees who were charged with committing serious offenses, might attempt to flee or harm a previous victim, or had no fixed address.

The law provides for the right to representation by an attorney, including during police interrogation. During the first 24 hours of up to a 10-day temporary detention, however, the Government can deny detainees access to a lawyer. For the remainder of the 10-day period, the Government can prohibit a detainee's attorney from being present during questioning. After an arrest there are no restrictions on access to a lawyer. These rights are codified in the law and were generally observed. During both detention and arrest periods, an indigent detainee may request that the Government provide a lawyer.

Access to family members during detention varies according to the level of crime being investigated. During the year Minbyun, a legal aid nongovernmental organization (NGO), reported that there were no reports of access to legal counsel being denied.

*Amnesty.*—In August the Government granted a special amnesty to 434 prisoners and paroled another 5,888. The list included seven politicians and 223 others who had been convicted for election fraud.

*e. Denial of Fair Public Trial.*—The law provides for an independent judiciary, and the Government generally respected judicial independence in practice.

*Trial Procedures.*—The law provides defendants with a number of rights in criminal trials, including the presumption of innocence, protection against self-incrimination, the right to a speedy trial, the right of appeal, and freedom from retroactive laws and double jeopardy. Although the law prohibits double jeopardy, the courts interpreted this provision to mean that a suspect cannot be indicted or punished more than once for the same crime, while the prosecution can appeal a not-guilty verdict or a sentence it considers excessively lenient. Therefore, a suspect may be tried more than once for the same crime. Trials are open to the public, but a judge may restrict attendance if he believes spectators might disrupt the proceedings. While a new public jury system was introduced this year, the verdict of the jury is not legally binding. Court-appointed lawyers are provided by the Government (at government expense) in cases where defendants cannot afford to provide their own legal counsel. When a person is detained, the initial trial must be completed within 6 months of arrest. Judges generally allowed considerable scope for examination of witnesses by both the prosecution and defense. Defendants have the right to be present and to consult with an attorney, can confront or question witnesses against them, and can present witnesses and evidence on their behalf. Defendants have access to government-held evidence relevant to their cases. The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. The law extends the above rights to all citizens.

*Political Prisoners and Detainees.*—It was difficult to estimate the number of political prisoners because it was unclear whether persons were arrested for exercising



the rights of free speech and association, or were detained for committing acts of violence or espionage. Mingahyup, an NGO, reported that as of September the Government had prosecuted 82 persons for their political beliefs. As of August the Government had convicted 803 conscientious objectors who failed to report for military service.

There were no reports of political detainees.

*Civil Judicial Procedures and Remedies.*—There was an independent and impartial judiciary in civil matters, and there were no problems enforcing domestic court orders.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law prohibits such actions, and the Government generally respected these prohibitions in practice. Some human rights groups raised concerns about possible government wiretapping abuse. The Anti-Wiretap Law establishes broad conditions under which the Government may monitor telephone calls, mail, and other forms of communication for up to 2 months in criminal investigations and 4 months in national security cases. The Ministry of Information and Communication reported 1,033 instances of wiretapping in 2006. From January to June, there were 623 cases of wiretapping, an increase of 18 percent from the 528 cases during the same period in 2006.

The Government continued to require some released prisoners to report regularly to a probation officer under the Social Surveillance Law. While the Ministry of Unification (MOU) designated precinct-level officers to handle issues brought forth by resettled DPRK refugees, the MOU claimed that there were no reporting requirements for the resettled citizens.

The NSL forbids citizens from listening to North Korean radio in their homes or reading books published in the DPRK if the Government determines that the action endangers national security or the basic order of democracy in the country. However, this prohibition was rarely enforced, and the viewing of DPRK satellite telecasts in private homes is legal.

The Government used its authority, and what protestors claimed was excessive force by security officials, to appropriate land for a foreign military base expansion in Pyongyang. Some Daechuri villagers, who depended on the land for their livelihood, claimed that they were evicted without fair compensation. The villagers vacated the land by April, according to press reports.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press. However, under the NSL the Government may limit the expression of ideas that authorities consider Communist or pro-DPRK.

According to Reporters Without Borders, on March 10 police beat journalists who were covering a banned protest against free-trade talks. After the incident the police issued an apology, proposed solutions to guarantee the safety of journalists, and claimed that they had taken disciplinary measures against the officers in question after an investigation.

*Internet Freedom.*—The Government blocked violent and sexually explicit Web sites and required site operators to rate their site as harmful or not harmful to youth, based on the country's telecommunications laws that ban Internet service providers from offering harmful information for youth. The Government also continued to block DPRK Web sites that it deemed inappropriate.

According to 2005 Organization for Economic Cooperation and Development data, 92.7 percent of households had access to the Internet. In addition to Internet access from home, public Internet rooms were widely available and inexpensive.

*Academic Freedom and Cultural Events.*—There were generally no government restrictions on academic freedom or cultural events. However, during the year the Government refused to issue the Dalai Lama a visa to enter the country.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The law provides for freedom of assembly, and the Government generally respected this right in practice. The Law on Assembly and Demonstrations prohibits assemblies that are considered likely to undermine public order. The law requires police to be notified in advance of demonstrations of all types, including political rallies. The police must notify organizers if they consider an event impermissible under this law; however, police routinely approved demonstrations. While numerous trade-related protests occurred throughout the year, the police reportedly banned some protests by groups that had not properly registered, or that had been responsible for violent protests in the past.

*Freedom of Association.*—The law provides for freedom of association, and the Government generally respected this right in practice. Associations operated freely, except those deemed by the Government to be seeking to overthrow the Government. For example, Jang Min-ho, a U.S. citizen and former Joongang Daily reporter in Los Angeles, was indicted in October 2006 with six ROK citizens on charges of meeting with DPRK spies.

*c. Freedom of Religion.*—The law provides for freedom of religion, and the Government generally respected this right in practice.

*Societal Abuses and Discrimination.*—During the year a publisher agreed to withdraw a best-selling children's comic book from stores after meeting with a prominent anti-Semitism watchdog group that accused the author of spreading messages echoing Nazi propaganda. According to the Ministry of Culture and Tourism, the author and the publisher released a revised version of the book that eliminated the disputed portions by year's end.

The small Jewish population was comprised almost entirely of expatriates.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—Most citizens could move freely throughout the country; however, government officials restricted the movement of certain DPRK defectors by denying them passports. The Supreme Court reviewed the constitutionality of this matter during the year and by year's end had not issued a ruling. While foreign travel generally was unrestricted, the Government must approve travel to the DPRK. Travelers going to places other than Kaesong or Mt. Kumgang must receive a briefing from the MOU prior to departure and demonstrate that their trip does not have a political purpose and is not undertaken to praise the DPRK or criticize the Government.

The law does not include provisions for forced exile of its citizens, and the Government did not employ it.

*Protection of Refugees.*—The laws provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. However, the Government did not routinely grant refugee status or asylum. In practice the Government generally provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. Government guidelines provide for offering temporary refuge in the case of a mass influx of asylum seekers and an alternative form of protection, a renewable, short-term permit, to those who met a broader definition of "refugee." Between July 1994, when the Government first accepted applications, and December 2007, the Government received approximately 1,500 asylum applications (not including those from the DPRK); of those, the Government recognized 64 applicants as refugees. During the year the Government received 403 refugee applications (not including those from the DPRK). The Government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers. The Government continued to work with the UNHCR to bring its refugee processing up to international standards; however, a complex procedure and long delays in refugee status decision making continued to be problems.

According to a 2007 Human Rights Watch paper, the Government's commitment to refugee protection was weak. The few who were granted refugee status often were forced to "put their lives on hold" for years awaiting a final decision on their status. Those given permission to stay without refugee status were not allowed to work. While government financial assistance was almost nonexistent, civil society groups provided some forms of assistance.

Those few asylum seekers who were recognized as refugees were provided with basic documentation but frequently encountered problems in exercising their rights. In particular their protected status was not always recognized by all government departments, and refugees, like other foreigners, were frequently subjected to various forms of informal discrimination.

The Government continued its longstanding policy of accepting refugees from the DPRK, who are entitled to ROK citizenship. The Government resettled 1,990 North Koreans from January to October, resulting in a total of approximately 11,700 North Koreans resettled in the country.

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

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage for all citizens 20 years of age or older.

*Elections and Political Participation.*—Presidential elections held in December were free and fair.

Both the majority and the various minority political parties operated without restriction or outside interference.

In general elections, 50 percent of each party's candidates on the proportional ballot and 30 percent of each party's geographical candidates must be women. There were 43 female lawmakers in the 299-seat National Assembly, with two of 19 National Assembly committees chaired by women. Two of 13 Supreme Court justices and one of 18 cabinet ministers were women.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively. The Korea Independent Commission Against Corruption stated that the overall "cleanliness level" of the Government for 2006 was 8.77 out of 10 points, an improvement from 8.68 in 2005 and 8.38 in 2004. They reported that the increase resulted from the Government's continued focus on anticorruption measures, including the improvement of internal auditing in the various ministries. During the year the commissioner of the National Tax Service was arrested on allegations of accepting bribes. Two Blue House aides were arrested on charges of influence peddling.

According to the Public Service Officers Ethics Law, public servants above a certain rank must register their assets, including how they were accumulated, thereby making their holdings public. Among the anticorruption agencies are the Korea Independent Commission Against Corruption, the Board of Audit & Inspection, and the Public Servants Ethics Committee.

The country has a Freedom of Information Act; in practice the Government granted access for citizens and noncitizens alike, including foreign media.

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

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were often cooperative and responsive to their views.

The National Human Rights Commission (NHRC) is an independent government body established in 2001 by the National Human Rights Commission Act. The goal of the commission is to protect and promote human rights in Korea; however, it has no enforcement powers, and its decisions are not binding. The NHRC investigates complaints, issues policy recommendations, and conducts education campaigns. The NHRC has largely enjoyed the Government's cooperation, received adequate resources, and been considered effective.

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

The law forbids discrimination on the basis of gender, religion, disability, age, social status, regional origin, national origin, ethnic origin, physical condition or appearance, marital status, pregnancy and child delivery, family status, race, skin color, thought or political opinion, record of any crime for which punishment has been fulfilled, sexual orientation, or medical history, and the Government generally respected these provisions. However, traditional attitudes limited opportunities for women, persons with disabilities, and ethnic minorities. While courts have jurisdiction to decide discrimination claims, many of these cases were instead handled by the NHRC. From January to August, 779 such cases were brought before the NHRC.

*Women.*—Rape remained a serious problem. Although there is no specific statute that defines spousal rape as illegal, the courts have established a precedent by prosecuting spouses in such cases. Between January and August there were 4,374 reports of rape and 1,959 prosecutions. Many rapes were believed to have gone unreported because of the stigma associated with being raped. The activities of women's groups increased awareness of the importance of reporting and prosecuting rape, as well as of offenses such as sexual harassment in the workplace. According to women's rights groups, cases involving sexual harassment or rape frequently went unprosecuted, and perpetrators of sex crimes, if convicted, often received light sentences. The penalty for rape is 3 years' imprisonment; if a weapon is used or two

or more persons commit the rape, punishment may be a maximum of life imprisonment.

Violence against women remained a problem. Between January and August the Ministry of Justice (MOJ) registered 6,733 cases of domestic violence and prosecuted 1,043 cases. According to the Ministry of Gender Equality and Family Affairs (MOGEF), nearly 50 percent of all women were victims of domestic violence. The Special Act on the Punishment of Domestic Violence defines domestic violence as a serious crime and enables authorities to order offenders to stay away from victims for up to 6 months. Offenders can also be sentenced up to 5 years' imprisonment or fined less than \$7,400 (7 million won). Offenders may also be placed on probation or ordered to see court-designated counselors. The law also requires police to respond immediately to reports of domestic violence, and the police generally were responsive. The Government established some shelters for battered women and increased the number of childcare facilities. However, women's rights groups stated these measures fell far short of effectively dealing with the problem. During the year the NHRC determined that female victims are more likely to receive social criticism rather than protection. The NHRC also found that women often suffer from feelings of shame, disgust, mortification, and guilt rather than being provided with appropriate support because of law enforcement officials' chauvinism and inadequate sensitivity, which affects the investigation and trial process. During the year the Government built five new shelters for victims of domestic violence for a total of 97 shelters but did not build any new shelters for child victims of sexual violence.

Prostitution is illegal but widespread. Media reports claimed that police officers, soldiers, government employees, and airport officials frequented massage parlors, where prostitution has become more prevalent in recent years. Antiprostitution and antitrafficking legislation provides protection for the victims of prostitution and enhanced punishment for those engaged in prostituting other persons. From January to June, the Government indicted 2,944 citizens for violating the 2004 Act on the Punishment of Intermediation of Sex Trade, and of these 147 had been detained for pretrial purposes. In 2006 the Government indicted 6,472 such persons and detained 323 for trial. The Government allows for the prosecution of its citizens for acts of child sexual exploitation committed in other countries, although this law was seldom used. Some NGOs also expressed concern that sex tourism to China and South-east Asia was becoming more prevalent.

In recent years the Government has made some progress in addressing sexual harassment, but the issue continued to be a problem. The 2005 revision of "Framework Act on Women's Rights Promotion" stipulated that heads of organizations were obligated to take preventive measures against sexual harassment. Pursuant to the act, the Government conducts an annual review of actions taken by public organizations concerning sexual discrimination, grants awards for improvements, and provides special retraining sessions for managers of suboptimal organizations. Private companies' obligations to take preventive measures against sexual harassment are stipulated in the Sexual Equality Employment Act. These efforts have had only limited success; the NHRC found that there continued to be a lack of understanding on what constitutes sexual harassment. The NHRC received 155 cases of sexual harassment during the year. According to the NHRC, remedies for sexual harassment cases included issuance of recommendation for redress, conciliation, mutual settlement, and resolution during investigation. More cases were resolved through conciliation or mutual settlement, which were quicker and more efficient than the commission's investigation process. The NHRC lacks the authority to impose punitive measures, which must be pursued through the court system. During the year court rulings that overturned sexual harassment convictions, often at the request of the complainant, pointed to an underlying tolerance in society at large for sexual harassment in the workplace rather than any failing of the systems of redress.

In 2005 the National Assembly eliminated the household registration system that made women legally subordinate to the male family head. The reforms also allow remarried women to change their children's family name to their new husband's name and ended the 6-month waiting period to remarry that was directed only at women. The family law permits women to head a household, recognizes a wife's right to a portion of the couple's property, and allows a woman to maintain greater contact with her children after a divorce.

Women continued to experience economic discrimination in pay for substantially similar work. According to the Korea Institute of Finance, a survey of financial services companies revealed that almost 60 percent of newly created jobs in this sector were filled by women. Nevertheless, relative to other developed countries, few women worked in managerial positions or earned more than a median income, and gender discrimination in the workplace remained a problem. According to a 2006 Korea Women's Development Institute survey, the average working woman earned

64 percent of what a man made in a comparable job. The Equal Employment Act penalizes companies found to discriminate against women in hiring and promotions. A company found guilty of practicing sexual discrimination could be fined up to approximately \$5,300 (5 million won) and have its name published in the newspaper. The law also provides for a public fund to support victims in seeking legal redress. Some government agencies' preferential hiring of applicants with military service (nearly always men) reinforced barriers against women, despite a constitutional court ruling that such preferential hiring was unconstitutional. A poll showed that 79 percent of female respondents experienced some form of discrimination in the workplace, usually in the form of job duties and pay.

*Children.*—The Government demonstrated its commitment to children's rights and welfare through public education. The Government provided high-quality elementary education to all children free of charge. Education is compulsory through the age of 15, and most children obtained a good secondary education. In 2006 enrollment rates for elementary school were at 91 percent. Boys and girls have equal access to education. High-quality health care was widely available to children.

From January through June, 5,573 child abuse cases were reported to the MOHW. During the year the MOGEF continued to maintain three centers that provided counseling, treatment, and legal assistance to child victims of sexual violence.

The Juvenile Sexual Protection Act establishes a maximum sentence of 25 years' imprisonment for the brokerage and sale of the sexual services of persons younger than 19 years of age. It also establishes prison terms for persons convicted of the purchase of sexual services of youth under age 19. Based on this law, the commission publicizes the names of those who commit sex offenses against minors. The Youth Protection Law provides for prison terms of up to 3 years or a fine of up to approximately \$21,200 (20 million won) for owners of entertainment establishments who hire persons under age 19. The Commission on Youth Protection's definition of "entertainment establishment" includes facilities such as restaurants and cafes where children are hired illegally as prostitutes.

Although the law bans fetal testing except in cases in which a woman's life is in danger, hereditary disease could be transmitted, or rape or incest, such testing and the subsequent abortion of female fetuses frequently occurred, reflecting the traditional preference for male children. The birthrate was 1.08 boys for every girl. The Government continued an education campaign aimed at eradicating gender-preference abortions, which are prohibited by law.

*Trafficking in Persons.*—The law prohibits all forms of trafficking in persons; however, there were reports that persons were trafficked to and from the country. Women from Russia, other countries of the former Soviet Union, China, Mongolia, the Philippines, and other Southeast Asian countries were trafficked to the country for sexual exploitation and domestic servitude. They were recruited personally or answered advertisements and were flown to Korea, often with entertainer or tourist visas. In an effort to curb abuse, the Government restricted issuance of certain types of entertainer visas. Once these visa recipients were in the country, employers in some instances held victims' passports. In addition, some foreign women, recruited for legal and brokered marriages with Korean men, ended up in involuntary servitude in Korea once married. As a country of origin, women were trafficked primarily for sexual exploitation to the United States, sometimes through Canada and Mexico, as well as to other Western countries and Japan. Relatively small numbers of economic migrants, seeking opportunities abroad, were believed to have become victims of trafficking as well. There were reports that human traffickers exploited ROK passports for the purposes of human trafficking. There was no credible evidence that officials were involved in trafficking.

Legislation targeting prostitution and human trafficking implemented in 2004 led to a decline in the overall number of red-light districts and prostitutes. As prostitution continued to move overseas and to less visible and less static sex trade sites, however, accurate numbers were difficult to determine. As of August the MOGEF estimated that there were approximately 2,500 prostitutes and 1,000 red-light districts.

The KNPA and the MOJ were principally responsible for enforcing antitrafficking laws. While many credited the laws with increasing societal awareness of sexual exploitation and trafficking as a crime, some observers believed the new laws were not being enforced to their fullest potential. The Government continued to support a public awareness campaign, a victim support hot line, and a reward system for information leading to the arrest of traffickers.

While civil and criminal penalties exist for trafficking in persons, prosecution for trafficking Koreans to other countries such as Canada or Mexico was restricted to document fraud or forgery. The national police and the Prosecutor's Office were re-

sponsible for combating trafficking and were generally effective. While the Government worked with the international community on investigations related to trafficking, the actual number of cases pursued was not significant.

The Government maintained a network of shelters and programs to assist trafficking victims. As of June 451 Korean women were housed in 41 shelters, and 23 foreign women were in three shelters. Victims were also eligible for medical, legal, vocational, and social support services. Many of these services were provided in conjunction with NGOs. The MOJ continued to educate male offenders about the antiprostitution and antitrafficking laws. During the year 15,124 men participated in the program.

*Persons with Disabilities.*—The law prohibits discrimination against persons with disabilities in employment, education, or the provision of other state services. The government, through the MOHW, enacted antidiscrimination laws, built rehabilitation support centers, and provided part-time employment to increase opportunities and access for persons with disabilities. However, during the year the NHRC received 155 cases of alleged discrimination in employment, property ownership, and access to educational facilities.

Firms with more than 300 employees are required by law either to hire persons with disabilities or pay a fine. Nevertheless, the hiring of persons with disabilities remained significantly below target levels.

There were no reports that the Government restricted the right of persons with disabilities to vote or participate in civic affairs. NGOs confirmed that the handicapped were not hindered in efforts to participate in civic affairs.

*National/Racial/Ethnic Minorities.*—The country is racially homogeneous, with no sizable populations of ethnic minorities. Citizenship is based on parentage, not place of birth, and persons must demonstrate their family genealogy as proof of citizenship. Naturalization is a difficult process requiring detailed applications, a long waiting period, and a series of investigations and examinations. Because of the difficulty of establishing Korean citizenship, those not ethnically Korean remained “foreign,” thus disqualifying them legally from entering the civil service and, in practice, being hired by some major corporations. Some foreign workers continued to report difficult working conditions.

*Other Societal Abuses and Discrimination.*—Despite cultural respect for the elderly, there were reports of age discrimination in the workplace. For example, the NHRC criticized airline companies’ policy of not hiring women over the age of 25 as crew members.

Some observers claimed that persons with HIV/AIDs suffered from severe societal discrimination and social isolation. A 2006 U.N. Report on the Global AIDS Epidemic estimated that the country had approximately 13,000 persons with HIV or AIDS, although the Government recorded only 4,229 official cases. The AIDS Prevention Act ensures the confidentiality of persons with HIV/AIDS and protects individuals from discrimination. The Government supported rehabilitation programs and shelters run by private groups and subsidized medical expenses from the initial diagnosis. The Government operated a Web site with HIV/AIDS information and a telephone counseling service.

A 2007 Human Rights Watch letter maintained that, although the law prohibits discrimination on the basis of sexual orientation, transgender people were at risk of discrimination in employment, education, housing, and healthcare.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law provides workers with the right to associate freely. The 2006 Act on the Establishment and Operation of Public Officials’ Trade Unions allows public servants to organize unions; however, government unions protested the law because certain groups of government officials are barred from collective bargaining. In 2006 the Ministry of Labor (MOL) approved a request from the Federation of Government Employees to establish a legal union.

The implementation of the 1997 law that authorizes union pluralism was again postponed. Local and international labor union organizations criticized the Government’s continued ban on union pluralism to deny workers their collective bargaining rights.

The ratio of organized labor in the entire population of wage earners was approximately 10 percent, or 1.5 million unionists from a total of 14.7 million workers. The country has two national labor federations, the Korean Confederation of Trade Unions (KCTU) and the Federation of Korean Trade Unions (FKTU), and an estimated 1,600 labor unions. The KCTU and the FKTU were affiliated with the International Trade Union Confederation. Most of the FKTU’s constituent unions maintained affiliations with global union federations.

The Government recognized a range of other labor federations, including independent white-collar federations representing hospital workers, journalists, and office workers at construction firms and at government research institutes. Labor federations not formally recognized by the MOL generally operated without government interference, with the exception of the Korean Government Employees Union (KGEU), which was forced out of its offices in 2006 after failing to register as an official union before the specified deadline. During the year the International Labor Organization's Committee on Freedom of Association expressed concern about the Government's interference in KGEU's activities and recommended that the Government cease all acts of interference, including the ban on collective bargaining. After the KGEU registered as a union in October, the Government recognized the union and reported that the KGEU office was reopened.

*b. The Right to Organize and Bargain Collectively.*—The law provides for the workers' right to collective bargaining and collective action, and workers exercised these rights in practice. This law also empowers workers to file complaints of unfair labor practices against employers who interfere with union organizing or who discriminate against union members. Employers found guilty of unfair practices can be required to reinstate workers fired for union activities. However, forced reinstatement was used less frequently because employers took extra precautions when firing union members.

Under the Special Act on Public Servants' Unions, public servants are allowed to organize trade unions and bargain collectively, although the act restricts the public service unions from collective bargaining on topics such as policymaking issues and budgetary matters.

Under the Trade Union and Labor Relations Adjustment Act, unions must submit a request for mediation to the Labor Relations Commission before a strike. In most cases the mediation must be completed within 10 days; in the case of essential services, within 15 days. Once a dispute has been referred to binding arbitration, striking is prohibited. Management can initiate criminal proceedings against an illegal strike. Arrest warrants can be issued against union leaders, and striking workers can be removed by police from the premises and prosecuted, along with union leaders, and sentenced under the penal code for "obstruction to business." Labor laws prohibit retribution against workers who have conducted a legal strike and allow workers to file complaints of unfair labor practices against employers.

A total of 86 strikes occurred between January and September, with 92,147 participating workers. By law unions in enterprises determined to be of "essential public interest"—including railways, utilities, public health, the Bank of Korea, and telecommunications—can be ordered to submit to government-ordered arbitration. Strikes are prohibited for both central and local government officials and for those who produce mainly defense goods.

There is no independent system of labor courts. Semijudicial agencies such as the Central and Local Labor Relation Commissions mediate or arbitrate labor disputes based on the Trade Union and Labor Relation Adjustment Act. Each commission is composed of equal numbers of representatives of labor, management, and neutral experts who represent the "public interest." The Labor Relations Commission can decide on remedial measures in cases involving unfair labor practices and can mediate or arbitrate labor disputes in sectors deemed essential to public welfare.

The Government originally designated enterprises in the two export processing zones (EPZs) as public interest enterprises. Workers in these enterprises were given the rights enjoyed by workers in other sectors, and labor organizations were permitted in the EPZs. However, foreign companies operating in the EPZs were exempt from some of these labor regulations. For example, foreign-invested enterprises located in free economic zones are exempt from mandating monthly leave, paid holidays, and menstruation leave for women; giving preferential treatment to patriots, veterans, and their families; obligating companies with more than 300 persons to recruit persons with disabilities for at least 2 percent of its workforce; encouraging companies to reserve 3 percent of their workforce for workers over 55 years of age; and restricting large companies from participating in certain business categories.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The law protects children from exploitation in the workplace and prohibits forced or compulsory labor, and the Government effectively enforced these laws through regular inspections. Child labor was not considered a problem.

The labor standards law prohibits the employment of persons under age 15 without a special employment certificate from the MOL. Because education is compul-

sory through middle school (approximately age 15), few special employment certificates were issued for full-time employment. To obtain employment, children under age 18 must obtain written approval from either parents or guardians. Employers can require minors to work only a limited number of overtime hours and are prohibited from employing them at night without special permission from the MOL.

*e. Acceptable Conditions of Work.*—The minimum wage is reviewed annually. As of December the minimum wage was approximately \$3.70 (3,480 won) per hour. The FKTU and other labor organizations asserted that the existing minimum wage did not meet the basic requirements of urban workers.

Employees of large conglomerates, publicly owned companies, banks, insurance companies with 1,000 or more registered workers, and companies with more than 50 employees work a 5-day, 40-hour workweek per new labor regulations introduced in July. Labor laws mandate a 24-hour rest period each week and provide for a flexible hours system, under which employers can require laborers to work up to 48 hours during certain weeks without paying overtime (and 52 with approval from the relevant labor union), so long as average weekly hours for any given 2-week period do not exceed 40 hours. If a union agrees to a further loosening of the rules, management may ask employees to work up to 56 regular hours in a given week. Workers may not be required to work more than 12 hours per working day. Unions claimed that the Government did not adequately enforce the maximum workweek provisions at small companies. The labor standards law also provides for a 50 percent higher wage for overtime.

The Korea Occupational Safety and Health Agency is responsible for implementing industrial accident prevention activities. The Government set health and safety standards, but the accident rate was high by international standards. Through August there were 1,221 fatalities related to industrial accidents. According to the Korea Occupational Safety and Health Act, an employer may not dismiss or otherwise disadvantage an employee who interrupts work and takes shelter because of an urgent hazard that could lead to an industrial accident. During the year the Korea Occupational Safety and Health Agency provided funds and technical support to improve safety and health facilities at manufacturing workplaces employing less than 50 employees, awareness of occupational health problems in the workplace, and safety education for migrant workers.

Contract and other “nonregular” workers accounted for a substantial portion of the workforce. According to the government, as of August 2006 there were approximately 5.5 million nonregular workers, approximately 35.5 percent of the workforce. In general nonregular workers performed work similar to regular workers but received approximately 60 percent of the wages and were ineligible for national health and unemployment insurance and other benefits. The Government stated that the effect of the 2006 Non-regular Workers Act was still uncertain. The vast majority of the approximately 5.5 million contract and other nonregular workers are usually not foreign workers.

Beginning in July the law on nonregular workers allows companies with more than 300 workers expanded use of temporary contracts for workers for up to 2 years. However, labor groups alleged that employers used a loophole in the law to avoid their obligation to hire part-time workers as regular workers after the 2-year time limit. In September international unions organized a campaign in support of strikes by shop workers against a retail company that dismissed more than 1,000 workers when it bought a retail chain earlier in the year. The unions alleged that the company tried to escape its obligations to grant permanent contracts to the workers, as required by the law. By the end of August, 10 local trade union representatives remained in police prisons, and the Government ignored demands to release them.

The Ministry of Migrant Workers estimated that the total number of foreigners with legal working status, including those working through the Employment Permit System (EPS), was approximately 465,000. There were approximately 224,000 illegal immigrants as of July. The MOJ estimated that there were 186,000 illegal workers in the country. The Government continued its crackdown on illegal foreign labor.

The Government continued to use the EPS to increase protections and controls on foreign workers while easing the labor shortage in the manufacturing, construction, and agricultural sectors. Through the EPS, permit holders may work in certain industries only and have limited job mobility but generally enjoy the same rights and privileges, including the right to organize. Foreign workers were limited in their freedom to change jobs. Before changing jobs, the employee’s place of work must close down or the worker must have proof of physical abuse at the hand of the employer. If the worker does not find a new employer within 2 months, the worker loses his legal status.

As of August there were approximately 176,000 foreigners employed through EPS, mostly from China, Bangladesh, Mongolia, the Philippines, Thailand, Nepal, Viet-



nam, Indonesia, Sri Lanka, and Pakistan. They often faced difficult working conditions. Amnesty International and local media reported that foreign laborers often faced physical abuse and exploitation from employers. The Government did not provide special protections for foreign laborers.

Foreign workers working as language teachers continued to complain that the institutes for which they worked frequently violated employment contracts, but employers reported there were a large number of foreign teachers who did not fully honor their work contracts.

---

## LAOS

The Lao People's Democratic Republic is an authoritarian, communist, one-party state ruled by the Lao People's Revolutionary Party (LPRP). The 2005 census estimated the population to be 5.6 million. The most recent National Assembly election was held in April 2006. The Constitution legitimizes only a single party, the LPRP, and almost all candidates were LPRP members vetted by the party. The LPRP generally maintained effective control of the security forces, but on occasion elements of the security forces acted outside the LPRP's authority.

The central Government's overall human rights record improved somewhat during the year, but violations occurred regularly at the provincial, district, and local levels. Citizens continued to be denied the right to change their government. Prison conditions were harsh and at times life threatening. Corruption in the police and judiciary persisted. The Government infringed on citizens' right to privacy and did not respect the right to freedom of speech, the press, assembly, or association. Local officials at times interfered with religious freedom and restricted citizens' freedom of movement. Trafficking in persons, especially women and girls for prostitution, remained a problem, as did discrimination against minority groups, such as the Hmong. Workers' rights were restricted. The fate and whereabouts of five boys and one adult from a group of 27 Hmong deported from Thailand in 2005 remained unknown.

### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—There were no confirmed reports of politically motivated killings by the Government or its agents. There continued to be reports of actions by military units against small Hmong insurgent groups that resulted in deaths, including a November 20 attack in the Phu Bia area of Vientiane Province that reportedly killed two women and one child.

There were no developments in the cases of persons allegedly killed by the military or police in previous years, including the deaths in northeast Thailand of four foreign and two Thai citizens, all of Lao ethnicity and connected to the former Lao regime, in January, May, and December 2006; the April 2006 killing allegedly by troops in Vientiane Province of 26 unarmed Hmong, 25 of them women and children, who were foraging for food; the June 2006 killing allegedly by police in the former Saisomboun Special Zone of a Hmong farmer who was a cousin of a Hmong insurgent leader and the shooting of his 6-year-old son; and the 2005 death of Protestant pastor Aloun Voraphom in Pak Kading District.

Clashes between insurgent and military forces resulted in an unknown number of deaths of civilians, insurgents, and military forces. During the year insurgents reportedly faced continued army pressure against their encampments in Bolikhamsai, Xieng Khouang, Luang Prabang, and Vientiane provinces and in the former Saisomboun Special Zone. According to insurgent reports, the military attacks and pressure resulted in deaths, injuries, and starvation of persons, mostly women and children.

*b. Disappearance.*—On January 18, police reportedly abducted an ethnic Thai Dam resident of Oudomsay Province who had been an active leader in the Muang Houn Christian community. On January 23, a businessman in an ecotourism company in Luang Namtha Province was abducted after being told to report to the Luang Namtha district police station. The businessman reportedly had been outspoken in his criticism of what he viewed as excessive rubber planting in Luang Namtha. No information on the whereabouts of either individual was available at year's end.

Although the Government began the year by continuing to deny that it had detained a group of 26 Hmong children deported from Thailand in December 2005, in March officials acknowledged that the Government had custody of the 21 girls from

the group, and in April the girls were returned to members of their extended families. Many sources indicated that the children had been held in various government detention facilities since their arrival in the country. At year's end no information on the five boys from the group or the woman who was accompanying the 26 children had been made available. In early May a senior official denied that the Government had been detaining the remaining members of the group or knew of their whereabouts, although the official reaffirmed that the Government would not give up its efforts to find the boys and promised they would not be harmed or prosecuted.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits the beating or torture of an arrested person. In practice members of the police and security forces sometimes abused prisoners, especially those suspected of associations with the insurgency; however, there were anecdotal reports that abuse continued to decrease, and during the year there were no verifiable reports of prisoner abuse.

Detainees have sometimes been subjected to beatings and long-term solitary confinement in completely darkened rooms, and in many cases they were detained in leg chains or wooden stocks for long periods. Former inmates reported that degrading treatment, the chaining and manacling of prisoners, and solitary confinement in small unlit rooms were standard punishments in larger prisons, while smaller provincial or district prisons employed manacles and chains to prevent prisoners from escaping.

*Prison and Detention Center Conditions.*—Prison conditions varied widely but in general were harsh and occasionally life threatening. Prisoners in larger, state-operated facilities in Vientiane generally fared better than those in provincial prisons. Food rations were minimal, and most prisoners relied on their families for subsistence. Most of the larger facilities allowed prisoners to grow supplemental food in small vegetable gardens, although there were periodic reports that prison guards took food from prisoners' gardens. Prison wardens set prison visitation policies. Consequently, in some facilities families could make frequent visits, but in others visits were severely restricted. Credible reports indicated that ethnic minority prisoners and some foreign prisoners were treated particularly harshly. Former prisoners reported that incommunicado detention was used as an interrogation device and against perceived problem prisoners; however, there were fewer reports of its use. Although most prisons had some form of clinic, usually with a doctor or nurse on staff, medical facilities were extremely poor, and medical treatment for serious ailments was unavailable. Medicine had to be provided by outside sources. In some facilities prisoners could arrange treatment in outside hospitals if they could pay for the treatment and the expense of police escorts.

Prisons held both male and female prisoners, although they were placed in separate cells. In some prisons juveniles were held with adult prisoners. International organizations opposed the Government's plan to construct a separate facility to serve juvenile detainees, arguing that juveniles would best be kept in segregated sections of adult prisons located close to their homes and families. Most juveniles were in detention for narcotics offenses or petty crimes. Rather than send juveniles to prisons, authorities used drug treatment facilities as holding centers for juvenile offenders. While conditions in treatment facilities were generally better than those in prisons, conditions were nevertheless Spartan and lengths of detention indefinite.

The Government did not permit regular independent monitoring of prison conditions. The International Committee of the Red Cross (ICRC) continued its longstanding efforts to establish an official presence in the country to carry out its mandate of monitoring prison conditions, but at year's end the Government had not granted the ICRC's request. The Government at times provided foreign diplomatic personnel access to some prisons and U.N. and nongovernmental organization (NGO) personnel access to some juvenile detention facilities, but such access was strictly limited.

*d. Arbitrary Arrest or Detention.*—The law prohibits arbitrary arrest and detention; however, in practice the Government did not respect these provisions, and arbitrary arrest and detention persisted.

*Role of the Police and Security Apparatus.*—The Ministry of Public Security (MoPS) maintains internal security but shares the function of state control with the Ministry of Defense's security forces and with LPRP and popular fronts. The MoPS includes local police, traffic police, immigration police, security police (including border police), and other armed police units. Communication police are responsible for monitoring telephone and electronic communications. The armed forces have domestic security responsibilities that include counterterrorism and counterinsurgency activities as well as control of an extensive system of village militias.

Impunity remained a problem, as did police corruption. Many police officers used their authority to extract bribes from citizens. Corrupt officials reportedly were rarely punished. In theory the Government's National Audit Committee has responsibility for uncovering corruption in all government ministries, including the MoPS, but in practice the office's investigative activities were minimal. Lower-level officials on occasion were arrested and punished for corruption, including some customs officials during 2006.

In January in Vientiane, the MoPS' Inspection Department installed two complaint boxes for citizens to deposit written complaints. On March 1, the ministry announced that most complaints received had been against police officers misusing their powers to take bribes and that "several" police officials had been dismissed or moved to new positions. A senior MoPS official stated that filing grievances is a "basic right" of citizens and claimed that the new system, which was to be expanded nationwide, would help the MoPS "work more effectively." By year's end complaint boxes had also been installed in all provinces except Xekong and Attapeu, which were scheduled to have boxes installed in 2008.

Police are trained at the national police Academy, but the extent to which the academy's curriculum discusses corruption was unknown. At the instruction of the LPRP, the government-controlled press rarely reported cases of official corruption.

*Arrest and Detention.*—Police and military forces both had powers of arrest, although normally only police carried out these powers. Police agents exercised wide latitude in making arrests, relying on exceptions to the requirement that warrants are necessary except to apprehend persons in the act of committing crimes or in urgent cases. Police reportedly sometimes used arrest as a means to intimidate persons or extract bribes. There were reports that military forces occasionally arrested or detained persons suspected of insurgent activities.

There is a 1-year statutory limit for detention without trial. The length of detention without a pretrial hearing or formal charges is also limited to 1 year. The Office of the Prosecutor General (OPG) reportedly made efforts to ensure that all prisoners were brought to trial within the 1-year limit, but the limit sometimes was ignored. The OPG must authorize police to hold a suspect pending investigation. Authorization is given in 3-month increments, and a suspect must be released after a maximum of 1 year if police do not have sufficient evidence to bring charges. There is a bail system, but its implementation was arbitrary. Prisoner access to family members and a lawyer was not assured. Incommunicado detention was a problem; however, it was used less frequently than in the past.

A statute of limitations applies to most crimes. Alleged violations of criminal laws at times led to lengthy pretrial detentions without charge and minimal due process protection of those detained. Authorities sometimes continued to detain prisoners after they had completed their sentences, particularly in cases where prisoners were unable to pay court fines. In other cases prisoners were released contingent upon their agreement to pay fines at a later date. There were no reports that police administratively overruled court decisions by detaining exonerated individuals.

On February 9, authorities released two ethnic minority Christians arrested in August 2006 in Savannakhet Province's Xephone District, reportedly for being outspoken about their Christian faith and for their perceived pro-Western views.

Early in the year authorities released one of 13 ethnic Khmu Christians arrested in Khon Kean Village, Vientiane Province, in late 2006. On May 16, nine others were released after being held at a police detention facility in Hin Heup, Vientiane Province, and receiving "reeducation" on the Government's policy on religion. The three pastors from the group were released in early December.

After an insurgent attack on an army camp near Vang Vieng in Vientiane Province in February, Vang Vieng officials reportedly allowed 10 local Hmong and Khmu Christian families to move from Vientiane Province to neighboring Bokeo, Luang Namtha, and Oudomsay provinces, although the Vang Vieng officials did not provide the legal documents required for such a move. After a short period, the Vang Vieng officials reportedly required the families to return to Vang Vieng, where the male heads of family—seven Hmong and three Khmu—reportedly were detained at Vientiane Province's Thong Harb Prison. On August 4, three pastors went to the prison to ask why the men were being held. The pastors themselves were then imprisoned but released on October 13 after each paid a fine of \$100 (960,000 kip). Of the original 10 detainees, one reportedly died, and the other nine remained in Thong Harb Prison at year's end.

*e. Denial of Fair Public Trial.*—The law provides for the independence of the judiciary; however, senior government and party officials influenced the courts, although to a lesser degree than in the past. Impunity was a problem, as was corruption. Reportedly, some judges could be bribed. The National Assembly may remove

judges from office for “impropriety”; however, according to government sources, since 1991 only one judge at the district level has been removed for improper behavior.

The people’s courts have four levels: District courts, municipal and provincial courts, a court of appeals, and the Supreme People’s Court. In 2004 the Supreme Court established a commercial court, family court, and juvenile court. Decisions of the lower courts are subject to review by the Supreme Court, but military court decisions are not. There are instances in which civilians may be tried in military courts, but there were no reports of such trials during the year.

*Trial Procedures.*—Juries are not used. Trials that involve certain criminal laws relating to national security, state secrets, children under the age of 16, or certain types of family law are closed. The law provides for open trials in which defendants have the right to defend themselves with the assistance of a lawyer or other persons. Defense attorneys are provided at government expense only in cases involving children, cases for which there is the possibility of life imprisonment or the death penalty, and cases that are considered particularly complicated, such as those involving foreigners. The law requires that authorities inform persons of their rights and states that defendants may have anyone assist them in preparing written cases and accompany them at their trials; however, only the defendant may present oral arguments at a criminal trial. Defendants are permitted to question witnesses and can present witnesses and evidence on their own behalf.

Court litigants may select members of the Lao Bar Association to represent them at trials. The association is nominally independent but receives some direction from the Ministry of Justice. For several reasons, including a lack of funds, shortage of attorneys, and the general perception that attorneys cannot affect court decisions, most defendants did not choose to have attorneys or trained representatives. To enhance popular understanding of the law and legal sector, in December the bar association launched a 3-year project, funded by a grant from The Asia Foundation, to conduct the first mobile legal clinics in the country, operating from legal aid clinic bases in Champasak and Oudomsay provinces. The project was also intended to enhance the institutional capacity of the bar association itself.

Under the law defendants enjoy a presumption of innocence. However, in practice judges usually decided guilt or innocence in advance, basing their decisions on the result of police or the prosecutor’s investigation reports. Most trials, including criminal trials, were little more than pro forma examinations of the accused and review of the evidence. Defendants have the right of appeal.

All of the country’s 450 judges were LPRP members. Most had only basic legal training, and many provincial and district courts had few or no reference materials available for guidance. The National Assembly’s Legal Affairs Committee occasionally reviewed Supreme Court decisions for “accuracy” and returned cases to the court or the OPG for review when the committee believed decisions were reached improperly.

*Political Prisoners and Detainees.*—There were three well-known political prisoners. Colonel Sing Chanthakoumane, an official of the pre-1975 government, was serving a life sentence after a 1990 trial that was not conducted according to international standards. Sing reportedly was very ill, but the Government ignored numerous requests to release him on humanitarian grounds. At least two persons, Thongpaseuth Keuakoun and Seng-aloun Phengboun, who were arrested in 1999 for attempting to organize a prodemocracy demonstration in Vientiane, continued to serve 10-year sentences for antigovernment activities.

In December 2006 three prisoners were pardoned and released from prison—Thongdai of Meune Manh Village, Feuang District, Vientiane Province; Norneng Siva of Tham Krabork Village, Salaboury District, Trad Province, Thailand; and Herporyang, of Lao Ou Village, Chiang Rai District, Chiang Rai Province, Thailand.

Another 10 persons also described as political prisoners had their sentences reduced in December 2006: Khamlaab, of Meung Va Tha Village, Sikhottabong District, Vientiane Capital; Phavanh, of Nongbone Village, Saysettha District, Vientiane Capital; Thongsai of Nakhandai Village, Lakhonepheng District, Saravane Province; Sounthala, of Laksi Village, Lakhonepheng District, Saravane; Senglith, of Champi Village, Sanasomboun District, Champasak Province; Bounnar, of Nongveng Village, Lakhonepheng District, Saravane; Thitfanh, of Laksong Village, Saravane District, Saravane; Thongchanh, of Thin Village, Xay District, Oudomsay Province; and Lao Cao Va and Lao Tou Va, both of Phiangthor Village, Houn District, Oudomsay.

In addition, based on information provided by former prisoners, a small but unknown number of persons, particularly Hmong suspected of insurgent activities, were detained for allegedly violating criminal laws concerning national security. Other persons may have been arrested, tried, and convicted under laws relating to

national security that prevent public court trials, but there was no reliable method to ascertain their total number.

*Civil Judicial Procedures and Remedies.*—The law provides for independence of the judiciary in both criminal and civil matters; however, enforcement of court orders remained a problem. If civil or political rights are violated, one may seek judicial remedy in a criminal court or pursue an administrative remedy from the National Assembly under the Law on Public Complaints. In regard to social and cultural rights, one may seek remedy in a civil court.

*f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.*—The law generally protects privacy, including that of mail, telephone, and electronic correspondence, but the Government reportedly violated these legal protections when there was a perceived security threat.

The law prohibits unlawful searches and seizures. By law police must obtain search authorization from a prosecutor or a panel of judges, but in practice police did not always obtain prior approval, especially in rural areas. Security laws allow the Government to monitor individuals' movements and private communications, including via cellular telephones and e-mail.

The MoPS regularly monitored citizens' activities through a surveillance network that included a secret police element. A militia in urban and rural areas, operating under the aegis of the armed forces, shared responsibility for maintaining public order, reporting "undesirable elements" to police, and providing security against insurgents in remote rural areas. Members of the LPRP's front organizations, including the Lao Women's Union, the Youth Union, and the Lao Front for National Construction (LFNC), also played a role in monitoring the citizenry at all levels of society.

The Government continued its program to relocate highland slash-and-burn farmers, most of whom belonged to ethnic minority groups, to lowland areas in keeping with its plan to end opium production and slash-and-burn agriculture. In some areas district and provincial officials used persuasion to convince villagers to move to relocation areas. In other areas villagers relocated spontaneously to be closer to roads, markets, and government services. Although the Government's resettlement plan called for compensating farmers for lost land and providing resettlement assistance, this assistance was not available in many cases or was insufficient to give relocated farmers the means to adjust to their new homes and new way of life. Moreover, in some areas farmland allotted to relocated villagers was of poor quality and unsuited for intensive rice farming. The result was that some relocated villagers experienced increased poverty, hunger, malnourishment, susceptibility to disease, and mortality rates. The Government relied on assistance from NGOs, bilateral donors, and international organizations to cover the needs of those recently resettled, but such assistance was not available in all areas.

The Government allows citizens to marry foreigners only with prior approval. Premarital cohabitation is illegal. Although the Government routinely granted permission to marry, the process was lengthy and burdensome and offered officials the opportunity to solicit bribes. The Government may annul marriages to foreigners undertaken without government approval, with both parties subject to arrest and fines.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The law provides for freedom of speech and of the press; however, in practice the Government severely restricted political speech and writing. The Government also prohibited most public criticism that it deemed harmful to its reputation. The law forbids slandering the state, distorting party or state policies, inciting disorder, or propagating information or opinions that weaken the state. Citizens who registered legitimate complaints with government departments generally did not suffer reprisals.

The state owned and controlled most domestic print and electronic media. Local news in all media reflected government policy. Although domestic television and radio broadcasts were closely controlled, the Government made no effort to interfere with television and radio broadcasts from abroad. Many citizens routinely watched Thai television or listened to Thai radio, including news broadcasts from international news sources. Citizens had 24-hour access to international stations via satellite and cable television. The Government required registration of receiving satellite dishes and payment of a one-time licensing fee, largely as a revenue-generating measure, but otherwise made no effort to restrict their use. A private company provided cable television service to subscribers in Vientiane and other cities that offered Thai and international news and entertainment programs without restriction from authorities.

The Government permitted the publication of several privately owned periodicals of a nonpolitical nature, including periodicals specializing in business, society, and trade topics. While government officials did not review in advance all articles in these periodicals, they reviewed them after publication and could impose penalties on periodicals that carried articles that did not meet government approval. A few Asian and Western newspapers and magazines were available through private outlets that had government permission to sell them.

Foreign journalists were required to apply for special visas and were restricted in their activities. Authorities did not allow journalists free access to information sources, but journalists often were allowed to travel without official escorts. When escorts were required, journalists reportedly had to pay for their services.

Authorities prohibited the dissemination of materials deemed indecent, subversive of “national culture,” or politically sensitive. Any person found guilty of importing a publication considered offensive to the national culture faced a fine or imprisonment for up to 1 year.

*Internet Freedom.*—The Government controlled all domestic Internet servers and retained the ability to block access to Internet sites that were deemed pornographic or critical of government institutions and policies. The Lao National Internet Committee, under the umbrella of the Prime Minister’s Office, administered the Internet system. The Government sporadically monitored Internet usage to ensure conformity with the 1997 “Internet Decree”; the prime minister’s Decree 166 on the “Organization of a Network and Importation, Use, and Control of the Internet System”; and the prime minister’s 2007 Decree 141 on “Rules and Regulations of Internet Services in Lao PDR.”

The Prime Minister’s Office required all Internet service providers to submit quarterly reports and link their gateways to facilitate monitoring, but the Government’s ability to enforce such regulations appeared to be limited. The Government regularly blocked a few Web sites, operated mostly by Hmong groups abroad. However, the Government did not block any major foreign news sources, nor did it have the capability to monitor Web logging (blogging) activity or the establishment of new Web sites. Fearful of monitoring by the authorities, many citizens used the Internet services of a growing number of Internet cafes rather than personal computers for private correspondence. Citizen users are required to register with the authorities, which may have caused some to self-censor their Internet behavior.

*Academic Freedom and Cultural Events.*—The law provides for academic freedom, but in practice the Government imposed restrictions. The Ministry of Education tightly controlled curriculums in schools, including private schools and colleges.

Both citizen and noncitizen academic professionals conducting research in the country may be subject to restrictions on travel, access to information, and publication. The Government exercised control, via requirements for exit stamps and other mechanisms, over the ability of state-employed academic professionals to travel for research or obtain study grants, but it actively sought such opportunities worldwide and approved virtually all such proposals.

Films and music recordings produced in government studios were required to be submitted for official censorship; however, uncensored foreign films and music were available in video and compact disc format. The Ministry of Information and Culture repeatedly attempted to impose restrictions aimed at limiting the influence of Thai culture in Lao music and entertainment, but these restrictions were widely ignored and appeared to have little effect.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The law provides for freedom of assembly; however, the Government restricted this right in practice. The law prohibits participation in demonstrations, protest marches, or other acts that cause “turmoil or social instability.” Participation in such acts is punishable by prison terms of 1 to 5 years.

*Freedom of Association.*—The law provides citizens the right to organize and join associations, but the Government restricted this right in practice. The Government registered and controlled all associations and their activities. Political groups other than popular front organizations approved by the LPRP are forbidden. Although the Government restricted many types of formal professional and social associations, informal nonpolitical groups were able to meet without hindrance. The Government permitted the creation of some associations of a business nature. The Government also permitted the establishment of nonprofit organizations designed to promote science and agriculture. The Prime Minister’s Office oversees the small but growing number of organizations that have registered to conduct activities in these areas.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion; however, authorities, particularly at the local level, interfered with this right.

Although the state is secular, the LPRP and the Government support Theravada Buddhism, which is followed by more than 40 percent of the population and is the faith of nearly all of the ethnic Lao population. The law does not recognize a national religion, but the Government's support for and oversight of temples and other facilities and its promotion of Buddhist practices give Buddhism an elevated status among the country's religions.

The LFNC has recognized two Protestant groups: The Lao Evangelical Church (LEC), which is the umbrella Protestant church, and the Seventh-day Adventist Church. The LFNC refused to recognize congregations, such as the Methodists, who operated independently.

By year's end all 13 ethnic Khmu Christians arrested in Khon Kean Village, Vientiane Province, in late 2006 had been released (see Section 1.d.).

In the Government amnesty at the end of 2006, LEC member Thongchanh, sentenced to 15 years in prison in 1999 for treason and sedition, had his sentence reduced to 7 years.

The Constitution prohibits "all acts of creating division of religion or creating division among the people." The LPRP and the Government used this to justify restrictions on religious practice by all religious groups, including the Buddhist majority and animists. Although official pronouncements acknowledged the positive benefits of religion, they also emphasized its potential to divide, distract, or destabilize. The Constitution notes that the state "mobilizes and encourages" Buddhist monks and novices as well as priests of other religions to participate in activities "beneficial to the nation and the people."

Authorities continued to be suspicious of non-Buddhist religious communities, including some Christian groups. Local authorities, apparently in some cases with encouragement from government or LPRP officials, singled out Protestant groups, both those officially recognized by the LFNC and those that were not recognized, as targets of abuse.

Many minority religious leaders complained that Decree 92, which is intended among other things to permit activities such as proselytizing and printing religious material, was too restrictive in practice. They maintained that the requirement to obtain permission, sometimes from several different offices, for a broad range of activities greatly limited their freedom.

The Government's tolerance of religion varied by region. In most parts of the country, members of long-established congregations had few problems practicing their faith. Authorities in some areas sometimes advised new congregations to join the LEC, despite clear differences between the groups' beliefs. However, in other areas authorities allowed congregations not affiliated with the LEC or Seventh-day Adventists to continue their worship unhindered. Authorities in some provinces used threats of arrest as a means of intimidating local religious communities. Local officials in some parts of the country also threatened to withhold government identification cards and household registration documents as well as deny educational benefits to those who did not give up their religious beliefs.

The LFNC often sought to intervene with local governments in cases where minority religious practitioners, particularly Christians, had been harassed or mistreated. The LFNC reportedly was growing more proactive about solving problems by educating persons to respect the law and regulations as well as training local officials to respect religious believers. In May the LFNC's director of religious affairs held a nation-wide seminar that included attendance by representatives of all four approved religions (Buddhist, Christian, Muslim, and the Baha'i) to review religious rights given under the Constitution and in the law and to discuss resolving religious problems. Local officials such as district chiefs, district police chiefs, and LFNC district-level representatives were to take back lessons learned to be applied locally. In July the LFNC held a second meeting for religious leaders and officials from Vientiane Municipality and Vientiane Province.

In January a visiting LFNC official and the village chief advised residents of Houaysay Noi Village in Bokeo Province that they could believe as they wished but would not be allowed to construct a church. The officials also told the 19 Christian families in the village that they could continue to meet at their house church as long as they used no visible religious symbols that could identify the house as an "official religious structure." At year's end local officials continued to refuse to issue a construction permit.

The Roman Catholic Church was unable to operate effectively in the northern part of the country, and church members living there had only intermittent contact with the bishop of Luang Prabang, who lived in Vientiane. The small Catholic communities in Luang Prabang, Sayaboury, and Bokeo provinces sporadically held services in homes, but there were no priests in the areas, and pastoral visits from Vientiane were infrequent.

During the year the four Catholic priests ordained in 2006, the first new priests allowed by the Government in 30 years, took up their new duties. On December 29, the Catholic Church was allowed to ordain an additional priest at Paksane District, Bolikhamsai Province.

Followers of the Baha'i Faith were able to practice their religion without hindrance in Vientiane City and in Savannakhet and Champasak provinces. Small Baha'i groups faced fewer restrictions from local authorities than in the past. The small Muslim community in Vientiane was able to practice its religion without hindrance.

Animists generally experienced no interference from the Government in their religious practices, which varied extensively among the approximately 70 identified ethnic groups and tribes in the country. However, the Government actively discouraged animist practices that it regarded as outdated, unhealthful, or illegal, such as the practice in some tribes of infanticide of those with birth defects or of keeping the bodies of deceased relatives in homes.

On January 18, in Luang Namtha's Long District, local and district officials pressured 23 ethnic Yao and Hmong Christian families to sign, under threat of being expelled from their village, a document renouncing their faith. Although some refused to sign, no one was forced to leave the village, and at year's end there was no report that any action was taken against the families.

More than 200 Christians—mostly ethnic Yao, Khmu, and Hmong—in Luang Namtha's Xunya Village were regularly pressured by police and reportedly were not allowed to meet for worship services. LFNC officials visited Luang Namtha Province in February to discuss the Xunya situation and educate local Christians of their rights and the requirements for construction of new churches; nonetheless, reports indicated that problems intensified in March, and district officials also took steps to try to prevent Xunya's Christians from worshipping. Representatives from a foreign-based religious group, accompanied by two LEC representatives, attempted to visit Xunya in early April but were prevented from doing so by local police and military personnel. Although the LFNC in Vientiane issued a document on April 2 supporting the right of the Christians in Xunya to worship and sent the document to LFNC and police officials in Luang Namtha, the impact of the April 2 document reportedly was negligible. At year's end tensions remained high between local officials and village Christians.

In Bolikhamsay Province, village and district officials told more than 100 Christians in Nam Deua Village in Pakading District that they could not believe in Christianity because it was an "American" religion. The officials threatened them with expulsion, but at year's end none had been expelled.

Local officials in the villages of Kha and Porhai, both in Huaphanh Province, also pressured local Hmong families not to follow Christianity. At year's end there were no reports of arrests or other actions against Christians in these villages. Christians in other areas of Huaphanh, including Sam Neua District, reportedly were concerned that local officials were prone to blame any security incidents on the Hmong Christian community.

The Government strictly prohibited foreigners from proselytizing, although it permitted foreign NGOs with religious affiliations to work in the country. Foreigners who distributed religious material were subject to arrest or deportation. Although Decree 92 permits proselytizing by religious practitioners provided they obtain permission for such activities from the LFNC, the LFNC did not grant such permission, and persons found evangelizing risked harassment or arrest.

Decree 92 authorizes the printing of religious material, provided permission is obtained from the LFNC. The Government permitted the printing, import, and distribution of Buddhist religious material. While Christian and Baha'i groups were able to print other religious materials, the Government did not allow the printing of Bibles. Special permission was required for their importation for distribution purposes. LEC officials requested permission to import 1,000 Thai-language Bibles early in the year and eventually received permission to import 350.

*Societal Abuses and Discrimination.*—For the most part, the various religious communities coexisted amicably. There was no known Jewish community in the country, and there were no reports of anti-Semitic acts.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, but in practice the Government imposed some restrictions. Citizens who traveled across provincial borders are not required to report to authorities; however, in designated security zones officials occasionally



set up roadblocks and checked travelers' identity cards. Citizens who sought to travel to contiguous areas of neighboring countries could do so with travel permits generally easily obtained from district offices. Those wishing to travel farther abroad were required to apply for passports; however, officials at the local level sometimes denied some persons permission to apply for passports. Early in the year the Government repealed the requirement that citizens obtain exit visas for travel abroad.

Authorities restricted access by foreigners to certain areas where antigovernment insurgents continued to operate.

The Government did not use forced exile; however, a small group of persons, who fled the country during the 1975 change in government and were tried in absentia for antigovernment activities, did not have the right of return.

In the years following their return, citizens who had temporarily sought refuge abroad were subject to greater scrutiny by the authorities than were other citizens. However, these returnees have largely reintegrated and no longer received unusual attention from officials. Many who fled after the 1975 change of government have returned to visit relatives; some have stayed and gained foreign resident status, and some have reclaimed citizenship successfully.

*Protection of Refugees.*—The country is not a signatory to the 1951 U.N. Convention relating to the Status of Refugees or its 1967 protocol, but the Nationality Law provides for asylum and the protection of stateless persons. In practice the Government did not provide protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution, and did not routinely grant refugee or asylum status. However, the Government showed some flexibility in dealing pragmatically with individual asylum cases.

The Government continued to refuse the request from the Office of the U.N. High Commissioner for Refugees (UNHCR) to reestablish a presence in the country to monitor the reintegration of former refugees who returned under the UNHCR resettlement program. The Government stated that the UNHCR's mandate expired in 2001 and all former refugees had been successfully reintegrated. However, there were estimates that since 2005 more than 2,000 Hmong had surrendered, mainly in the provinces of Xieng Khouang, Bolikhamsai, and Vientiane (part of which composed the former military-administered Saisomboung Special Zone).

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

Citizens do not have the right to change their government. Although the Constitution outlines a system composed of executive, legislative, and judicial branches, the LPRP controlled governance and the leadership at all levels through its constitutionally designated "leading role."

*Elections and Political Participation.*—The law provides for a representative national assembly, elected every 5 years in open, multiple-candidate, fairly tabulated elections, with voting by secret ballot and universal adult suffrage. However, the Constitution legitimizes only a single party, the LPRP; all other political parties are outlawed. Election committees, appointed by the National Assembly, must approve all candidates for local and national elections. Candidates do not need to be LPRP members, but in practice almost all were.

The National Assembly chooses members of the Standing Committee, generally based on the previous Standing Committee's recommendations. Upon this committee's recommendation, the National Assembly elects or removes the president and vice president. The Standing Committee has the mandate to supervise all administrative and judicial organizations and the sole power to recommend presidential decrees. It also appoints the National Election Committee, which has powers over elections, including approval of candidates. Activities of the Standing Committee were not fully transparent.

The National Assembly, upon the president's recommendation, elects the prime minister and other ministers of the Government. The 115-member National Assembly, elected in 2006 under a system of universal suffrage for a 5-year term, approved the LPRP's selection of the president and ratified the president's selection of a new prime minister and cabinet at its 2006 inaugural session.

The National Assembly may consider and amend draft legislation, but only permanent subcommittees of the National Assembly may propose new laws. The law gives the right to submit draft legislation to the Standing Committee and the ruling executive structure.

There were 29 women in the 115-member National Assembly, including two on the 9-member Standing Committee. The 55-member LPRP Central Committee included four women, one of whom was also a member of the 11-member Politburo. Of 12 ministers in the Prime Minister's Office, two were women: One headed a new Water and Environment Authority, and the other chaired the Public Administration

and Civil Service Authority. The minister of labor and social welfare was also a woman.

There were 23 members of ethnic minorities in the National Assembly, and three of the 28 cabinet ministers were members of ethnic minority groups.

*Government Corruption and Transparency.*—Prior to taking their designated positions, senior officials are required to disclose their personal assets to the LPRP's Party Inspection Committee. The committee inspects the officials' assets before and after the officials have been in their positions. On December 21, Minister of Public Security Thongbanh Seng-aphone, at the Fourth International Day Against Corruption meeting, highlighted the Government's objective to combat corruption by implementing policies and passing new laws on state audits, accounting, and state inspections.

Nonetheless, there was a widespread public perception that many officials within the executive and judicial branches of the Government were corrupt. Wages of all government officials were extremely low, and many officials, such as police members, had broad powers that they could easily abuse. Some action was reportedly taken against corrupt customs officials in 2006, and a new system of "complaint boxes" in Vientiane led to several police officials being dismissed or transferred early in the year. The LPRP used its control of government authorities and media to block public censure of corrupt officials who were party members.

There are no laws providing for public access to government information, and in general the Government closely guarded the release of any information pertaining to its internal activities, deeming such secrecy necessary for "national security."

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

There were no domestic human rights NGOs, nor is there a formal procedure for registering such groups.

The Government only sporadically responded in writing to requests for information on the human rights situation from international human rights organizations. However, the Government maintained human rights dialogues with several foreign governments and continued to receive training in U.N. human rights conventions from several international donors. In June a U.S. professor held a series of six conferences, lectures, and roundtable events on trafficking in persons for more than 150 officials and students. In October two other U.S. professors presented lectures on international human rights institutions and different systems of government to approximately 65 officials and also gave a lecture to 70 students from the National University of Laos.

The Government maintained contacts with the ICRC and continued to translate international human rights and humanitarian law conventions with ICRC support. Since the 2001 closing of the UNHCR office, the Government has not permitted UNHCR personnel to conduct monitoring visits to the country.

A human rights division in the Ministry of Foreign Affairs has responsibility for investigating allegations of human rights violations. However, in practice the division apparently had no authority to perform or order other ministries to undertake investigations. The ministry on occasion responded to inquiries from the U.N. regarding its human rights situation.

The Government at times permitted limited access by international organizations and NGOs to provide food and other material assistance to former insurgents who had accepted government resettlement offers.

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

The Constitution provides for equal treatment under the law for all citizens without regard to sex, social status, education, faith, or ethnicity. The 1990 Family Law also includes provisions providing for equal treatment without regard to social status. The 2004 Law on Women establishes penalties for crimes against women that are significantly more severe than those contained in the criminal code. The 2004 law defines trafficking and violence against women and children as criminal actions and provides for the protection of victims internally and by international agencies. The Government at times took action when well-documented and obvious cases of discrimination came to the attention of high-level officials, although the legal mechanism whereby citizens may bring charges of discrimination against individuals or organizations was neither well developed nor widely understood among the general population.

*Women.*—Rape reportedly was rare. Article 119 of the penal code criminalizes rape, with punishment set at 3 to 5 years' imprisonment. Sentences are significantly longer and may include capital punishment if the victim is under 18 or is seriously

injured or killed. In rape cases that were tried in court, defendants generally were convicted with penalties ranging from 3 years' imprisonment to execution.

Spousal abuse is illegal. There were reports that domestic violence against women occurred, but such violence did not appear to be widespread. Penalties for domestic abuse, including battery, torture, rape, and detaining persons against their will, may include both fines and imprisonment. There was no evidence of police or judicial reluctance to act on domestic abuse cases.

Prostitution is illegal, with penalties ranging from 3 months to 1 year in prison. However, in practice antiprostitution laws generally were not enforced, and in some cases officials reportedly were involved in the trade. Trafficking in women and girls for prostitution, both to Thailand and internally, was a problem.

Sexual harassment was rarely reported, and the actual extent was difficult to assess. Although sexual harassment is not illegal, "indecent sexual behavior" toward another person is illegal and punishable by 6 months to 3 years in prison.

The law provides for equal rights for women, and the Lao Women's Union operated nationally to promote the position of women in society. The law prohibits legal discrimination in marriage and inheritance. Discrimination against women did not appear common; however, varying degrees of traditional, culturally based discrimination persisted, with greater discrimination practiced by some hill tribes. Many women occupied responsible positions in the civil service and private business, and in urban areas their incomes were often higher than those of men.

*Children.*—Although the Government has made children's education and health care a priority in its economic planning, funding for children's basic health and educational needs remained inadequate, and the country had a very high rate of infant and child mortality.

Education is free and compulsory through the fifth grade; however, high fees for books and supplies and a general shortage of teachers in rural areas prevented many children from attending school. Although not reliable, 2005 census data claimed that 67 percent of primary school-age children, 81 percent of middle school-age children, and approximately 41 percent of high school-age children were enrolled in school. In contrast, the U.N. Development Program estimated that almost 40 percent of children did not attend primary school and only 10 percent entered secondary school. There were significant differences among the various ethnic groups in the educational opportunities offered to boys and girls. Although the Government's policy is to inform ethnic groups on the benefits of education for all children, some ethnic groups do not consider education for girls either necessary or beneficial. While figures were not reliable, literacy rates for girls were approximately 10 percent lower than for boys in general. However, according to government policy, an equal number of men and women were accepted by the national university.

According to the Ministry of Public Health, boys and girls had equal access to public medical care.

The law prohibits violence against children, and violators were subject to stiff punishments. Reports of the physical abuse of children were rare.

Trafficking in girls for prostitution and forced labor was a problem. Other forms of child labor generally were confined to family farms and enterprises.

*Trafficking in Persons.*—The law prohibits abduction and trade in persons, detaining persons against their will, procuring persons for commercial sex, and prostitution; however, there were reports that persons, particularly women and girls, were trafficked to, from, or within the country.

The country was primarily a country of origin for trafficking in persons, including girls ages 13 to 16, and, to a much lesser extent, a country of transit. The primary destination country was Thailand. There was almost no effective border control. Studies conducted between 2004 and 2006 indicated that the scale of economic emigration, mostly by young persons between the ages of 15 and 30, was far greater than previously supposed. Approximately 7 percent of the total sample population in three southern provinces migrated, primarily to Thailand, either seasonally or permanently, and approximately 55 percent of the migrants were female. The Thai Ministry of Labor estimated that at least 250,000 Lao workers were employed in Thailand, of whom at least 80,000 were unregistered. An unknown number of these persons were trafficked, although one study indicated that two-thirds of the Lao citizens in Thailand were trafficked after crossing the border. Victims trafficked within Laos were primarily from the northern provinces, such as Houaphan and Xieng Khouang, and were trafficked for sexual exploitation or factory work in cities farther south. According to one study, a very small number of female citizens also were trafficked to China to become brides for Chinese men.

Most trafficking victims were lowland Lao, although small numbers of minority women also were victimized by traffickers, and the number of minority trafficking

victims was increasing. Minority groups were particularly vulnerable because they did not have the cultural familiarity or linguistic proximity to Thai that Lao-speaking workers could use to protect themselves from exploitative situations. A much smaller number of trafficked foreign citizens, especially Burmese and Vietnamese, transited through the country.

Many labor recruiters in the country were local persons with cross-border experience and were known to the trafficking victims. For the most part, they had no connection to organized crime, commercial sexual exploitation, or the practice of involuntary servitude, but their services usually ended once their charges reached Thailand, where the victims were exploited by more-organized trafficking groups.

Before the antitrafficking provisions in the 2004 Law on Women went into effect in 2006, the Government had prosecuted only a handful of traffickers, according to available information. All were prosecuted under other criminal statutes. The government, working with U.N. agencies, NGOs, and some foreign governments, disseminated the law to the public, local officials, and law enforcement personnel. During the year the Government hosted workshops and training sessions for journalists, policewomen, provincial authorities, ministries involved with road construction, the military, and other LPRP and government officials.

According to information from international organizations, 27 persons were investigated for cross-border trafficking-related offenses involving 139 victims between September 2006 and year's end, leading to 14 convictions. At year's end there were 38 persons under investigation for human trafficking. Lao law enforcement officers participated in joint investigations with their Thai counterparts from northeast Thailand and worked with Vietnamese law enforcement on the new transport routes through the south-central part of the country.

There were few reports of official involvement in trafficking; however, anecdotal evidence suggested that local officials knew of trafficking activities, and some may have profited from them.

The Government became more involved in countering the worst forms of trafficking and the exploitation of underage persons, chiefly through cooperation with international NGOs working on trafficking problems. In addition, the Government increased its efforts to raise the profile of the trafficking problem by educating the population on the dangers of trafficking, using the media and public appearances by senior leaders. On December 7, the deputy prime minister and minister of national defense, Lieutenant General Douangchay Phichit, warned that human trafficking and sexual exploitation of children were serious problems and stated that combating them required the cooperation of the both the public and private sectors.

The Ministry of Labor and Social Welfare (MLSW) had a unit devoted to children with special needs, including protection of trafficking victims and prevention of trafficking. The MLSW also maintained two small-scale repatriation assistance centers for returned victims of trafficking, but their effectiveness was limited by a small budget, inadequate international assistance, and a lack of trained personnel. According to the MLSW, the transit centers have assisted 1,044 victims of human trafficking since 2001, including 268 victims identified from January to July. These victims were formally identified as trafficking victims at shelters in Thailand and were repatriated and assisted under special regulations for victims of human trafficking. The centers also served victims of domestic violence.

The MLSW and the Lao Women's Union, in conjunction with NGOs, conducted validation studies on antitrafficking information campaigns and reintegration programs and began to refine antitrafficking projects, with a particular focus on tracking victims' reintegration and trying to provide economic opportunities for victims that would persuade them not to cross the border illegally again to look for work. Financial constraints limited the cash contributions the Government could make, but it offered the services of ministerial personnel and meeting venues to NGOs doing antitrafficking work.

The NGO Assistance for Women in Distressing Situations (AFESIP) maintained a shelter in Vientiane Municipality to aid victims of human trafficking and sexual exploitation, particularly those in need of long-term counseling and assistance. AFESIP also monitored reintegration for victims who returned directly to their communities or participated in vocational training at other locations. Working with the MLSW, AFESIP opened a second beauty parlor in Sayaboury Province to provide training and economic support for victims of internal or international trafficking. The NGO and MLSW began construction of a second shelter in Savannakhet Province. The Lao Women's Union also opened a shelter in Vientiane for victims of trafficking and domestic violence. Both the AFESIP and LWU shelters received victims identified and repatriated through MLSW repatriation centers.

In July 2006 the Government reissued a 2004 order to stop the practice of fining returnees and followed up with training for local immigration officials in some

areas. The 2006 order and a campaign to educate provincial authorities, including workshops for officials throughout the year, greatly assisted in reducing the practice of fining trafficking victims and migrant laborers, as local and immigration authorities can no longer “punish” victims for a violation of domestic law in failing to procure an exit permit. In addition, the International Organization for Migration and NGOs expressed concerns that formally identified trafficking victims, some of whom had been awarded money through the Thai court systems, had funds stolen from them after returning. With support from U.N. Children’s Fund, the National Commission for Mothers and Children continued an active program of support for victims.

The Lao Women’s Union and the Youth Union, both party-sanctioned mass organizations, offered educational programs designed to inform girls and young women about the schemes of recruiters for brothels and sweatshops in neighboring countries and elsewhere. These organizations were most effective in disseminating information at the grassroots level.

*Persons with Disabilities.*—The Constitution provides citizens protection against discrimination but does not specify that these protections apply to persons with disabilities. Regulations promulgated by the MLSW and the Lao National Commission for the Disabled protect such persons against discrimination; however, the regulations lack the force of law. The law does not mandate accessibility to buildings or government services for persons with disabilities, but the MLSW has established regulations regarding building access and built some sidewalk ramps in Vientiane.

According to the Ministry of Justice, the Government supports the rights of all persons, including those with disabilities, to vote and participate in civic affairs.

*National/Racial/Ethnic Minorities.*—The law provides for equal rights for all minority citizens, and there is no legal discrimination against them; however, societal discrimination persisted. Moreover, critics charged that the Government’s resettlement program for ending slash-and-burn agriculture and opium production adversely affected many ethnic minority groups, particularly in the north. The program requires that resettled persons adopt paddy rice farming and live in large communities, ignoring the traditional livelihoods and community structures of these minority groups. International observers questioned whether the benefits promoted by the government—access to markets, schools, and medical care for resettled persons—outweighed the negative impact on traditional cultural practices. Even some minority groups not involved in resettlement, especially those in remote locations, faced difficulties, believing they had little voice in government decisions affecting their lands and the allocation of natural resources from their areas.

The Hmong are one of the largest and most prominent highland minority groups. There were a number of Hmong officials in the senior ranks of the Government and the LPRP, including one Politburo member and five members of the LPRP Central Committee. However, societal discrimination persisted against the Hmong, and some Hmong believed their ethnic group could not coexist with the ethnic Lao population. This belief fanned separatist or irredentist beliefs among some Hmong. In recent years the Government has focused limited assistance projects in Hmong areas to address regional and ethnic disparities in income. The Government also provided for Hmong and Khmu language radio broadcasts but reportedly denied Khmu requests to use the Lao script as their official written language. The Khmu language does not have its own writing system.

Although there were very few substantiated reports of attacks by Hmong insurgent groups during the year, the Government leadership maintained its suspicion of Hmong political objectives. Security forces continued operations to isolate and defeat or force the surrender of scattered pockets of insurgents and their families in remote jungle areas.

For several years the Government has offered “amnesty” to insurgents who surrender to authorities. Since 2005 an estimated 2,000 have surrendered. While there were no reports of violence against those who surrendered, the Government continued to deny international observers permission to visit these groups, and their status and welfare remained unknown at year’s end. Because of their past activities, amnestied insurgents continued to be the focus of official suspicion and scrutiny.

The Government generally refused offers from the international community to assist surrendered insurgents directly, but it allowed some aid from the U.N. and other international agencies to reach them as part of larger assistance programs.

*Other Societal Abuses and Discrimination.*—Within lowland Lao society, despite wide and growing tolerance of homosexual practices, societal discrimination persisted against such practices.

There was no official discrimination against persons with HIV/AIDS, but social discrimination existed. The Government actively promoted tolerance of those with

HIV/AIDS, and during the year it conducted awareness campaigns to educate the population and promote understanding toward such persons.

*Section 6. Worker Rights*

*a. The Right of Association.*—Under the law workers may form unions within government organizations or in private enterprises without previous authorization as long as they operate within the framework of the officially sanctioned Federation of Lao Trade Unions (FLTU), which in turn is controlled by the LPRP. According to the FLTU, there were 3,042 trade unions nationwide, including in most government offices, with a total FLTU membership of 112,557. Most of the FLTU members worked in the public sector.

The Government employed the majority of salaried workers, although this was changing as the Government privatized state enterprises and otherwise reduced the number of its employees. Subsistence farmers made up an estimated 80 percent of the work force.

*b. The Right to Organize and Bargain Collectively.*—There is no right to organize and bargain collectively. The law stipulates that disputes be resolved through workplace committees composed of employers, representatives of the local labor union, and representatives of the FLTU, with final authority residing in the MLSW. The law generally was not enforced by the MLSW, especially in dealings with joint ventures in the private sector. Labor disputes reportedly were infrequent. According to labor activists, the FLTU needed government permission to enter factories and had to provide advance notice of such visits, rendering it powerless to protect workers who filed complaints.

The Government sets wages and salaries for government employees, while management sets wages and salaries for private business employees.

Strikes are not prohibited by law, but the Government's ban on subversive activities or destabilizing demonstrations made strikes unlikely, and none were reported during the year.

The law stipulates that employers may not fire employees for conducting trade union activities, lodging complaints against employers about law implementation, or cooperating with officials on law implementation and labor disputes, and there were no reports of such cases. Workplace committees were used for resolving complaints, but there was no information on how effective these committees were in practice.

There are no operational export processing zones in the country.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced labor except in time of war or national disaster, during which time the state may conscript laborers. The law also prohibits forced or compulsory labor by children, and there were no reports that such practices occurred.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—Under the law children under age 15 may not be recruited for employment except to work for their families, provided the work is not dangerous or difficult. Many children helped their families on farms or in shops, but child labor was rare in industrial enterprises. Some garment factories reportedly employed a very small number of underage girls. The Ministries of Public Security and of Justice are responsible for enforcing these provisions, but enforcement was ineffective due to a lack of inspectors and other resources.

*e. Acceptable Conditions of Work.*—The daily minimum wage for the approximately 7,000 factory workers was set at \$1.19 (11,154 kip); the monthly minimum wage was \$30.98 (290,000 kip). These minimum wages were insufficient to provide a decent standard of living for a worker and family. The minimum wage for several hundred thousand civil servants was raised from \$21.37 to \$26.71 (from 200,000 to 250,000 kip) per month in the Government's 2007–8 budget. Although lower than the minimum wage for factory workers, civil servants often received other government benefits and housing subsidies. Some piecework employees, especially on construction sites, earned less than the minimum wage.

The law provides for a workweek limited to 48 hours (36 hours for employment in dangerous activities) and at least 1 day of rest per week. Overtime may not exceed 30 hours per month, and each period of overtime may not exceed 3 hours. The overtime pay rate is 150 percent for work from 5 p.m. to 10 p.m., 200 percent from 10 p.m. until 8 a.m., 250 percent from 8 a.m. to 10 a.m. on Lao National Day, and 300 percent after 10 a.m. on Lao National Day.

The law provides for safe working conditions and higher compensation for dangerous work. Employers are responsible for compensating a worker injured or killed on the job, or the worker's family. This requirement was generally fulfilled by employers in the formal economic sector. The law also mandates extensive employer responsibility for those disabled while at work, and this provision appeared to be

enforced effectively. The MLSW is responsible for workplace inspections and stated that it was able to increase inspections during the past several years. According to the Labor and Social Welfare Department of Vientiane Capital, there are two types of inspections: Regular inspections announced in advance, and urgent or special cases. Department and district officials undertake unannounced inspections when notified that a workplace has violated safe working standards. However, the MLSW lacked the personnel and budgetary resources to enforce the law effectively. The law has no specific provision allowing workers to remove themselves from a dangerous situation without jeopardizing their employment.

There were a number of illegal immigrants in the country, particularly from Vietnam and China, and they were vulnerable to exploitation by employers.

## MALAYSIA

Malaysia is a Federal constitutional monarchy with a population of approximately 26.9 million. It has a parliamentary system of government headed by a prime minister selected through periodic, multiparty elections. The National Front, a coalition of political parties dominated by the United Malays National Organization (UMNO), has held power since 1957. The most recent national elections, in March 2004, were conducted in a generally transparent manner, but the opposition complained of the ruling coalition's exploitation of the powers of incumbency. The civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. The Government abridged citizens' right to change their government. No independent body investigated deaths that occurred during apprehension by police or while in police custody. Other problems included police abuse of detainees, overcrowded prisons, use of four statutes to arrest and detain persons without charge or trial, and persistent questions about the impartiality and independence of the judiciary. The civil courts have allowed the Shari'a (Islamic law) courts to exercise jurisdiction in cases involving families that included non-Muslims. The Government continued to restrict freedom of press, association, and assembly and placed some restrictions on freedom of speech and freedom of religion. Violence against women remained a problem. Although the Government passed antitrafficking legislation during the year, the country was a destination and transit point for trafficking in women and girls for the purposes of prostitution and domestic servitude. Longstanding government policies gave preferences to ethnic Malays in many areas. Court backlogs and limitations on the right to organize unions in some industries impeded workers' rights. Migrant workers faced some discrimination and exploitation.

### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—The Government or its agents did not commit any politically motivated killings; however, local nongovernmental organizations (NGOs) reported that police killed 16 persons while apprehending them, down from 20 such killings in 2006. Local NGOs also reported that 11 persons died in police custody, down from 19 such deaths in 2006.

In November 2006 police charged police chief inspector Azilah Hadri and police corporal Sirul Azhar Umar with the October 2006 murder of Altantuya Sharibu, a Mongolian citizen and part-time translator. The prosecution also charged Abdul Razak Baginda, a well-known political analyst and advisor to the deputy prime minister, with abetting murder for allegedly ordering her death. The prosecution claimed the two police officers shot Altantuya in the head and then destroyed her body with explosives. The trial remained ongoing at year's end.

The Federal criminal investigation department investigated 57 deaths in custody dating back to 2000. The authorities did not release any results of the investigation and were not expected to do so.

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—No law specifically prohibits torture; however, laws that prohibit "committing grievous hurt" encompass torture. There were no reports of torture by police. According to the government, investigations followed every report of prisoner abuse; however, the Government generally did not release information on the results of internal police investigations, and information regarding punishment of those responsible for abuses was limited.

Criminal law prescribes caning as an additional punishment to imprisonment for those convicted of some nonviolent crimes, such as narcotics possession, criminal breach of trust, and alien smuggling. The law prescribes up to six strokes of the cane for both illegal immigrants and their employers. Judges routinely included caning in sentences of those convicted of such crimes as kidnapping, rape, and robbery. Some state Shari'a laws, which bind only Muslims, also prescribed caning. Caning, carried out with a ½-inch-thick wooden cane, commonly causes welts and at times scarring. The law exempted males older than 50 and women from caning. Male children 10 years of age and older may be given up to 10 strokes of a "light cane."

*Prison and Detention Center Conditions.*—Prison overcrowding, concentrated near major cities, remained a serious problem. Eleven of 23 facilities experienced occupancy rates more than 50 percent above designed capacity. For example, the Simpang Renggam Prison held more than 4,000 inmates although its design capacity was for 2,100 inmates. Water problems made prisoners prone to skin infections and other illnesses. In September 2006 officials from SUHAKAM, the Human Rights Commission of Malaysia, reported that detainees under investigative detention or awaiting trial accounted for a significant portion of the overcrowding problem in prisons.

In November the Ministry of Home Affairs reported that the country's 29 prisons held 34,917 prisoners, exceeding the prison system's planned maximum capacity of 28,900 prisoners.

NGOs and international organizations involved with migrant workers and refugees made credible allegations of inadequate food and medical care, poor sanitation, and prisoner abuse in the 15 government detention camps for illegal immigrants. An NGO with access to the camps claimed overcrowding, deficient sanitation, and lack of medical screening and treatment facilitated the spread of disease. During the year the Government allowed local NGOs with mobile medical clinics into the camps.

The Government does not permit prison visits by the International Committee of the Red Cross. The authorities generally did not permit NGOs and the media to monitor prison conditions. The Government approved visits by SUHAKAM officials on a case-by-case basis.

The U.N. High Commissioner for Refugees (UNHCR) had limited access to immigrant detention centers. During the year UNHCR staff members conducted numerous visits at various prisons and immigrant detention facilities located throughout the country. By law anyone entering the country without appropriate documentation is considered illegal and faces mandatory imprisonment for a maximum of 5 years, a fine not to exceed \$3,000 (10,000 ringgit), or both, and mandatory caning not to exceed six strokes. The UNHCR intervened to prevent caning and deportation of detained refugees and persons of concern.

*d. Arbitrary Arrest or Detention.*—The Constitution stipulates that no person may be incarcerated unless in accordance with the law. However, the law allows investigative detention, to prevent a criminal suspect from fleeing or destroying evidence while police conduct an investigation. Several laws also permit preventive detention to incarcerate an individual suspected of criminal activity or to prevent a person from committing a future crime. Such laws severely restrict, and in some cases eliminate, access to timely legal representation and a fair public trial.

*Role of the Police and Security Apparatus.*—The Royal Malaysia Police is under the command of the inspector general of police (IGP), who reports to the minister of internal security. The prime minister served as the minister of internal security. The IGP is responsible for organizing and administering the police force. The police force consisted of approximately 93,350 officers, of whom 4,500 were women.

Reported police offenses included accepting bribes, theft, and rape; punishments included suspension, dismissal, and demotion. Police officers are subject to trial by the civil courts. Prime Minister Abdullah Badawi, who was concurrently minister for internal security, reported that there were 25 disciplinary actions against police officers during the year.

The Government continued to focus police reform efforts on improving salaries, quarters, and general living conditions of police officers. The status of other reforms recommended in a 2005 police commission report, including the formation of an independent police complaints and misconduct commission, remained uncertain. NGOs complained that the Government's efforts to implement the 2005 commission's recommendations lacked transparency.

The police-training center continued to include human rights awareness training in its courses. SUHAKAM conducted human rights training for police three times during the year as part of its regular annual programming.



The Home Affairs Ministry relied primarily upon the People's Volunteer Corps (RELA), consisting of approximately 494,000 citizens, to conduct raids and detain suspected illegal migrants. RELA members received a monthly stipend and a bounty of \$22 (80 ringgit) per person detained. Local and international NGOs, refugees, legal foreign workers, persons of concern, and illegal migrants all reported various abuses by members of RELA including rape, beatings, extortion, theft, pilfering homes, destroying UNHCR and other status documents, and pillaging refugee settlements. According to press reports, after one Indonesian domestic worker escaped an abusive employer, a RELA member took her to his residence. There, he imprisoned and raped her repeatedly, during which time she became pregnant. After a month another RELA member rescued her. An informed source reported that although the victim submitted a police report, the only disciplinary action taken was removing the accused from RELA. A RELA official reportedly offered the woman approximately \$1,430 (5,000 ringgit) to keep the matter quiet.

In May the press reported a food court operator filed a lawsuit against RELA for abuse of power and corruption. The plaintiff claimed that a RELA officer entered his food court and displayed his firearm without reason. The RELA member detained four food court employees and demanded approximately \$570 (2,000 ringgit) from the employer for their release.

*Arrest and Detention.*—The law permits police to arrest individuals for some offenses without a warrant and hold suspects for 24 hours without charge. A magistrate may extend this initial detention period for up to 2 weeks. Although police generally observed these provisions, a 2005 police commission report noted that police sometimes released suspects and then quickly rearrested them and held them in investigative custody.

Police often denied detainees access to legal counsel and questioned suspects without giving them access to counsel. Police justified this practice as necessary to prevent interference in ongoing investigations, and judicial decisions generally upheld the practice. The commission stated that an "arrest first, investigate later" mentality pervaded some elements of the police force and recommended that detention procedures be reviewed to prevent abuse.

The law allows the detention of a person whose testimony as a material witness is necessary in a criminal case if that person is likely to flee. Bail is usually available for those accused of crimes not punishable by life imprisonment or death. The amount and availability of bail is determined at the judge's discretion. When bail is granted, accused persons usually must surrender their passports to the court.

Crowded and understaffed courts often resulted in lengthy pretrial detention, sometimes lasting several years. In May the Government introduced the country's first night court to help alleviate the number of backlogged cases in civil courts.

In August, after a relative inquired about his whereabouts, a court released a 19-year-old citizen originally detained when he failed to produce his national identity card (MyKad) for a police officer. He was detained for 6 months during which time police did not allow him to contact family members or meet with legal counsel. The law requires citizens to carry their MyKad at all times.

In July immigration officials detained two women, who claimed to be princesses of a fictitious country, for illegally entering the state of Sarawak from Brunei. A judge ordered their release and deportation after 51 days' detention. Upon their release immigration officials again arrested them and brought them before a magistrate's court. At year's end the case was pending.

Four preventive detention laws permit the Government to detain suspects without normal judicial review or filing formal charges: The Internal Security Act (ISA), the Emergency (Public Order and Prevention of Crime) Ordinance, the Dangerous Drugs (Special Preventive Measures) Act, and the Restricted Residence Act.

The ISA empowers police to arrest without warrant and hold for up to 60 days any person who acts "in a manner prejudicial to the national security or economic life of Malaysia." During the initial 60-day detention period in special detention centers, the ISA allows for the denial of legal representation and does not require that the case be heard in open court. Upon the recommendation of an advisory board, the internal security minister may authorize further detention for up to 2 years, with an unlimited number of 2-year periods to follow. In practice the Government rarely authorized ISA detention beyond two 2-year terms. Some of those released before the end of their detention period are subject to "imposed restricted conditions." These conditions limit freedom of speech, association, and travel inside and outside the country.

Even when there are no formal charges, the ISA requires that authorities inform detainees of the accusations against them and permit them to appeal to an advisory board for review every 6 months. However, advisory board decisions and recommendations are not binding on the internal security minister, not made public,

and often not shown to the detainee. In past years local human rights NGOs claimed police at times intimidated and harassed family members of ISA detainees to prevent them from taking legal action against the police.

The Bar Council has asserted that ISA detentions should be subject to full judicial review; however, the courts do not concur with this interpretation. Courts are not allowed to review procedural challenges to ISA detentions but can submit habeas corpus applications. Detainees freed by judicial order were nearly always immediately detained again.

In September a local NGO stated that there were approximately 90 persons in detention under the ISA. The 90 included 56 suspected of involvement with terrorist groups, 15 held for forging currency, and 19 held for falsification of documents or other offenses. The longest-held ISA detainee has been detained for approximately 6 years. According to the local human rights NGO, SUARAM, authorities had not formally charged any of these detainees with a criminal offense. The Government required released ISA detainees to remain within a fixed area of residence and prohibited them from international travel.

In October former ISA detainee Abdul Malek Hussin won a lawsuit against the Government over his arrest and torture in 1998. The Kuala Lumpur High Court ruled that the authorities unlawfully detained and then assaulted and tortured him while he was in ISA custody. The court awarded him \$780,000 (2.5 million ringgit).

Under the Emergency Ordinance, the internal security minister may issue a detention order for up to 2 years against a person if he deems it necessary for the protection of public order, "the suppression of violence, or the prevention of crimes involving violence." A local NGO reported that more than 1,000 individuals were detained under the Emergency Ordinance. The authorities used the Emergency Ordinance on suspected organized crime figures.

Provisions of the Dangerous Drugs Act give the Government specific power to detain suspected drug traffickers without trial for up to 39 days before the internal security minister must issue a detention order. Once the Ministry of Internal Security issues the detention order, the detainee is entitled to a court hearing, which has the authority to order the detainee's release. Authorities may hold suspects without charge for successive 2-year intervals with periodic review by an advisory board, whose opinion is binding on the minister. However, the review process contains none of the procedural rights that a defendant would have in a court proceeding. Police frequently detained suspected narcotics traffickers under this act after courts acquitted them of formal charges. According to the National Anti-Drug Agency, the Government detained 433 persons under the preventive detention provisions of the act during the first 6 months of the year, compared with 1,296 persons during the same period in 2006.

The Restricted Residence Act allows the minister of internal security to place individuals under restricted residence away from their homes. These persons may not leave the residential district assigned to them, and they must present themselves to police on a daily basis. As under the ISA, authorities may renew the term of restricted residence every 2 years. The minister is authorized to issue the restricted residence orders without any judicial or administrative hearings. The Government continued to justify the act as a necessary tool to remove suspects from the area where undesirable activities were being conducted.

*e. Denial of Fair Public Trial.*—Three constitutional articles provide the basis for an independent judiciary, and the Government generally respected these provisions in practice. However, other constitutional provisions, legislation restricting judicial review, and additional factors limited judicial independence and strengthened executive influence over the judiciary.

The Constitution does not directly vest judicial powers in the courts but rather provides that Parliament confers judicial powers. It also confers certain judicial powers on the attorney general, including the authority to instruct the courts on which cases to hear, the power to choose venues, and the right to discontinue cases. The attorney general controlled and directed all criminal prosecutions and assumed responsibility for judicial assignments and transfers. The prime minister's recommendation determined senior judge appointments.

Members of the bar, NGO representatives, and other observers expressed serious concern about the general decline of judicial independence, citing a number of high-profile instances of arbitrary verdicts, selective prosecution, and preferential treatment of some litigants and lawyers. On September 19, former deputy prime minister and current opposition political figure, Anwar Ibrahim released an 8-minute videotape of a purported 2002 conversation between a senior lawyer with a reputation as a "fixer" and a senior judge discussing arrangements for assigning cases to "friendly" judges. The revelations caused the public to question the credibility and transparency of the judiciary. The Bar Council lodged a complaint with the Anti-

Corruption Agency (ACA), and on September 26, approximately 2,000 lawyers and supporters marched to the prime minister's office demanding that the Government establish a royal commission to investigate the alleged judicial corruption. In December the Government formed a royal commission to investigate the videotape. The Bar Council president said that the council desired that the commission's scope of inquiry should be wider than just the videotape and opined that the commission's terms of reference gave it sufficient scope to conduct a thorough inquiry.

Sessions courts heard minor civil suits and criminal cases. High courts have original jurisdiction over all criminal cases involving serious crimes. Juvenile courts try offenders below age 18. The special court tries cases involving the king and the sultans. The Court of Appeal has appellate jurisdiction over high court and sessions court decisions. The Federal Court, the country's highest court, reviews court of appeal decisions.

Indigenous groups in the states of Sarawak and Sabah have a system of customary law to resolve matters such as land disputes between tribes. Although rarely used, penghulu (village head) courts may adjudicate minor civil matters.

Shari'a laws, administered by state authorities through Islamic courts, bind all Muslims, most of whom are ethnic Malays. The laws and the degree of their enforcement varied from state to state.

The armed forces have a separate system of courts.

*Trial Procedures.*—English common law is the basis for the secular legal system. The Constitution states that all persons are equal before the law and entitled to equal protection of the law. Trials are public, although judges may order restrictions on press coverage. Juries are not used. Defendants have the right to counsel at public expense if requested by an accused individual facing serious criminal charges. Strict rules of evidence apply in court. Defendants may make statements for the record to an investigative agency prior to trial. Limited pretrial discovery in criminal cases impeded defendants' ability to defend themselves. Defendants are presumed innocent until proven guilty and may appeal court decisions to higher courts. The law limits a defendant's right to appeal in some circumstances. The Government stated that the limits expedite the hearing of cases in the upper courts, but the Bar Council declared that they impose excessive restrictions on appeals.

In firearm and certain national security cases, a lower standard for accepting self-incriminating statements by defendants as evidence is in effect. Regulations also allow the authorities to hold an accused for an unspecified time before making formal charges.

In criminal cases, police sometimes used tactics that impaired a defendant's due process rights. For example, during a trial police summoned and interrogated witnesses who had previously given testimony not helpful to the prosecution. Police also used raids and document seizures to harass defendants.

Shari'a courts do not give equal weight to the testimony of women. Many NGOs also complained that women did not receive fair treatment from Shari'a courts, especially in matters of divorce and child custody. In November, in a first, a 24-year-old woman was appointed as a judge on the lower Shari'a court. The president of the Shari'a Lawyers Association questioned the appointment and expressed doubt that the woman had adequate experience due to her age.

*Political Prisoners and Detainees.*—There were no known political prisoners or detainees.

*Civil Judicial Procedures and Remedies.*—The structure of the civil judiciary mirrors that of the criminal courts. A large case backlog often resulted in delayed provision of court-ordered relief for civil plaintiffs. The Government and government officials can be sued in court for alleged violations of human rights.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—Various laws prohibit arbitrary interference with privacy rights; however, authorities infringed on citizens' privacy rights in some cases. Provisions in the security legislation allow police to enter and search without a warrant the homes of persons suspected of threatening national security. Police also may confiscate evidence under these provisions. Police used this legal authority to search homes and offices, seize computers, books and papers, monitor conversations, and take persons into custody without a warrant. The Government monitored e-mails sent to Internet blog sites and threatened to detain anyone sending content over the Internet that the Government deemed threatening to public order or security.

In November 2006 the Federal Islamic Development Department (JAKIM) announced revised guidelines for conducting raids on premises where it suspected Muslims engaged in offenses such as gambling and consumption of alcohol. The new guidelines authorize JAKIM officials to enter private premises without a warrant if they deem swift action necessary.

In February Prime Minister Abdullah asked the religious police to quit “snooping around” for couples committing *khalwat*, or close physical proximity, an offense under Shari’a law. The prime minister said there was no need to invade privacy.

In corruption investigations, after a senior police official involved in the investigation submits a written application, the law empowers a deputy public prosecutor to authorize interception of any messages sent or received by a suspect. Information obtained in this way is admissible as evidence in a corruption trial.

Amendments to the law that took effect January 1 provide the security forces broader authority to surreptitiously install surveillance devices on private property. In addition, public prosecutors may authorize police to intercept postal and telecommunications messages if a prosecutor judges these likely to contain information regarding a terrorist offense. Intercepted communications from such efforts are admissible in court.

The law permits the Ministry of Internal Security to place criminal suspects under restricted residence in a remote district away from their homes for 2 years. The Government bans membership in unregistered political parties and organizations.

Certain religious issues posed significant obstacles to marriage between Muslims and adherents of other religions, and during the year children were removed from the custody of a non-Muslim parent and placed in the care of a Muslim parent or grandparent.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press; however, some important legal limitations exist. In practice the Government restricted freedom of expression and intimidated journalists into practicing self-censorship. According to the government, it imposed restrictions on the media to protect national security, public order, and friendly relations with other countries.

The law provides that legislation “in the interest of security (or) public order” may restrict freedom of speech. For example, the Sedition Act prohibits public comment on issues defined as sensitive, such as racial and religious matters. The Government used the Sedition Act, the Official Secrets Act, the Printing Presses and Publications Act, criminal defamation laws, and other laws to restrict or intimidate political speech. The election law makes it an offense for a candidate to “promote feelings of ill will, discontent, or hostility.” Violators could be disqualified from running for office.

The Printing Presses and Publications Act requires domestic and foreign publications to apply annually to the Government for a permit, makes publication of “malicious news” a punishable offense, and empowers the minister of internal security to ban or restrict publications believed to threaten public order, morality, or national security. It also prohibits court challenges to suspension or revocation of publication permits. According to the government, these provisions ensured that the media did not disseminate “distorted news” and were necessary to preserve harmony and promote peaceful coexistence in a multiracial country. During the year the ministry continued to review, censor, and confiscate many foreign publications. In February SUARAM listed 57 books banned by the Government. Among the banned books is a Tamil-language book, *March 8*, which discussed the 2001 *Kampung Medah* racial clashes between Malays and Indians.

Eleven national daily newspapers—three in English, four in Malay, and four in Chinese—dominated print journalism. Parties in the ruling coalition owned or controlled a majority of shares in two of the three English and all Malay dailies. Politically well-connected businesspersons owned the third English-language newspaper and all four major Chinese-language newspapers.

Criminal defamation is punishable by a maximum of 2 years in jail, a fine, or both. This along with the Government power over annual license renewal and other policies inhibited independent or investigative journalism and resulted in extensive self-censorship. Nonetheless, the English-, Malay-, and Chinese-language press sometimes provided balanced alternative views on sensitive issues. The mainstream press occasionally printed editorials and interviews with opposition leaders that included criticism of government policy.

The appeal of human rights monitor Irene Fernandez of her 2003 conviction is scheduled to be heard in April 2008. The court sentenced her to 12 months’ imprisonment for malicious publication of false material regarding abuse and torture of migrant workers at detention camps. She remains free on bail in the case, which began in 1996.

Publications of opposition parties, social action groups, unions, and other private groups actively covered opposition parties and frequently printed views critical of

government policies. However, the Government requires the annual renewal of publishing permits and limits circulation to organization members only. Printers often were reluctant to print publications that were critical of the Government. Unlike in the past, the Government brought no libel suits against the media during the year.

Radio and television stations were as restricted as the print media and were almost uniformly supportive of the Government. News of the opposition was tightly restricted and reported in a biased fashion. Opposition party leaders alleged that during the April by-election in Ijok the mainstream media provided minimal coverage for their candidate, intensely negative reporting about their party's senior figure, and extensive reporting on the ruling party candidate.

Internet television faced no such restrictions, and the Islamic Party of Malaysia (PAS) continued daily Internet television broadcasts.

Television stations censored programming in line with government guidelines. The Government banned some foreign newspapers and magazines and, occasionally, censored foreign magazines or newspapers, most often for sexual content; however, the Internet provided a means to bypass such restrictions. The Government maintained a "blacklist" of local and foreign performers, politicians, and religious leaders who were not allowed to appear on television or broadcast on radios.

The Government generally restricted remarks or publications, including books, that might incite racial or religious disharmony; it also attempted to restrict the content of sermons at mosques in the states controlled by the governing coalition. Some state governments banned certain Muslim clergymen from delivering sermons. The Religious Affairs Department continued to conduct background checks on all clergymen. The Government maintained its ban on the weekly Chinese-language newspaper *Epoch Times*. In August the Government suspended the Tamil-language newspaper *Makkal Osai* for 1 month for publishing an image of Jesus Christ with a cigarette and beer can. The Ministry of Internal Security banned 51 books with religious elements, including *The Life and Times of Muhammad* by John Glubb, *Now You Can Know What Muslims Believe* by Ministries to Muslims, *What Is Ahmadiyah Movement* by Mirza Bahiruddin Mahmud, and *Tasawuf in the Quran* by Mir Aliudin.

*Internet Freedom.*—There were no government restrictions on access to the Internet. However, in July Prime Minister Abdullah warned that Internet users, particularly bloggers, "do not have the freedom to do whatever they like . . . It is not for them [bloggers] to claim that they are immune from the law simply because their Web sites are hosted overseas where they have the right to say anything."

In August a university student studying overseas released a satirical video highlighting political corruption. The student rewrote the national anthem lyrics, and the video was widely viewed. Responding to the video, UMNO Youth chief Hishammuddin Hussein said, "UMNO Youth warns that freedom has its limits and we will not tolerate those who touch on the issue of national stability, harmony, cultural values, and the personality of national leaders." He called for legislation that would allow the Government to recall from overseas citizens who "smeared the country's image."

On July 13, police detained and held incommunicado Nathaniel Tan, a prominent political blogger, activist, and staff member of the opposition People's Justice Party for 5 days allegedly for violating the Official Secrets Act. Police did not allow Tan contact with his family or legal counsel until after a legal activist spotted him with police at the magistrate's court. Police allegedly attempted to have Tan arraigned without the presence of his lawyer. On July 25, police questioned for 8 hours the online political commentator Raja Petra Kamaruddin. In both cases, senior UMNO party members filed police reports alleging the men had posted seditious articles on their blogs. Both Tan and Kamaruddin regularly published articles and commentary on their Web sites regarding political corruption. Police investigations of both Tan and Kamaruddin's alleged criminal activities were ongoing at year's end, and neither had had formal charges filed against them.

Internet access was widely available, and Internet subscriptions totaled approximately 13.5 million at the end of 2006; however, criminal defamation and preventive detention laws generated some self-censorship from local Internet content sources such as bloggers, Internet news providers, and NGO activists. The Malaysian Communications and Multimedia Commission (MCMC) shut down 11 Web sites for contravening rules and regulations concerning the publication of information on the Internet. Neither the MCMC nor the Government released the names of the 11 Web sites.

The Communications and Multimedia Act (CMA) requires certain Internet and other network service providers to obtain a license. Previously, the Government stated that it did not intend to impose controls on Internet use but that it would punish the "misuse" of information technology. The CMA permits punishment of the

owner of a Web site or blog for allowing content of a racial, religious, or political nature that a court deems offensive.

Police continued investigations of Malaysiakini, the country's largest independent Internet news organization. One investigation stemmed from an erroneous report that identified police officials as possible participants in an assault on former prime minister Mahathir Mohamad in July 2006. Another investigation concerned the National Petroleum Company's (Petronas) 2005 accusation of criminal defamation.

*Academic Freedom and Cultural Events.*—The Government placed some restrictions on academic freedom, particularly the expression of unapproved political views, and enforced restrictions on teachers and students who expressed dissenting views. The Government continued to require that all civil servants, university faculty, and students sign a pledge of loyalty to the king and the Government. Opposition leaders and human rights activists claimed that the Government used the loyalty pledge to restrain political activity among civil servants, academics, and students. In 2004 University Utara Malaysia officials fired a university lecturer and his wife, who was also a lecturer at the university, for refusing to sign the pledge. Subsequently the lecturer wrote about his termination, and the university demanded a public apology for the published articles, claiming they tarnished the university's reputation. The lecturer refused and threatened the university with legal action. In August the university filed a lawsuit seeking compensation for tuition and salaries the university paid the couple while they were pursuing their doctorates overseas.

Although faculty members sometimes were publicly critical of the government, there was clear self-censorship among public university academics whose career advancement and funding depended on the Government. Private institution academics practiced self-censorship as well, fearing that the Government might revoke the licenses of their institutions. The law also imposes limitations on student associations and on student and faculty political activity.

The Government has long stated that students should be apolitical and it used that assertion as a basis for denying political parties access to student forums. According to student leaders, academic authorities sometimes expelled or fined students who signed antigovernment petitions. School authorities did not restrain propagation of government views on controversial issues on school campuses.

The Government censored and banned films for profanity, nudity, sex, violence, and certain political and religious content. Among films banned during the year was *The Village People Radio Show*. According to the censorship board, the film about Malay communist guerrillas now living in Thailand was too sympathetic toward communism and too critical of the Government. Also initially banned but subsequently allowed a showing in one theater was *I Don't Want To Sleep Alone*. The censor board determined that the film about migrant laborers portrayed Kuala Lumpur negatively.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The Constitution states that all citizens have “the right to assemble peaceably and without arms”; however, the Government placed significant restrictions on this right through use of the Public Order Ordinance and the Police Act. The ordinance restricts public assemblies that could damage security and public order, while the act requires police permits for all public assemblies except for workers on picket lines. The Police Act defines a public assembly as a gathering of five or more persons.

The decision to grant a permit rests with the district police chief; however, senior police officials and political leaders have influenced the granting or denial of some permits. Police granted permits routinely to government and ruling coalition supporters but used a more restrictive approach with government critics, opposition parties, and human rights activists.

On September 8, police in Terengganu used water cannons and tear gas to disrupt an opposition party-sponsored rally on election reform after demonstrators refused to disperse. In the ensuing violence, one officer shot and injured two demonstrators, one critically. Police and government spokespersons alleged that the officer fired in self-defense and charged one of the shooting victims with attempted murder. The rally organizers alleged that undercover police within the crowd acted as agents provocateurs.

On November 10, in defiance of warnings by the prime minister and the police, tens of thousands of demonstrators led by major opposition political leaders assembled and marched to the National Palace to petition the king for electoral reform measures. The security forces deployed approximately 4,000 personnel (firefighters, RELA, and riot police) and used water cannons (and in some instances tear gas) to disperse the crowd at two assembly points. However, the police allowed the dem-

onstrators to proceed to the palace. After the demonstrators had presented their petition to a palace official, the police asked them to disperse, and demonstrators complied. The police reported that 245 persons were detained at various times during the demonstration, most briefly, and organizers said that at least seven persons were beaten and kicked by police, including one man whose leg was broken.

On November 25, the Hindu Rights Action Force (HINDRAF), a small activist NGO, organized a demonstration in Kuala Lumpur with the intent to present the British High Commission with a memorandum asking for Queen Elizabeth II's intervention on their behalf. HINDRAF's leaders intended to highlight the marginalization of the country's Indian minority. Approximately 20,000 demonstrators gathered at multiple points around the city in defiance of warnings from government officials and the police. Police actively dispersed the crowds of demonstrators over a period of 6 hours, repeatedly using tear gas and water cannons. During and after the rally, the police arrested approximately 400 persons. The police released the majority of those detained, but the attorney general charged 31 demonstrators with, among other things, the attempted murder of a police officer, illegal assembly, and destruction of property. Human rights activists, opposition leaders, and other civil society leaders condemned the attempted murder charges as politically motivated and meant to intimidate others from participating in future demonstrations. The attorney general dropped the attempted murder charge in December.

On December 9, police arrested eight persons, including five lawyers, for participating in an "illegal assembly." The eight had organized a march involving approximately 60 persons to mark International Human Rights Day in Kuala Lumpur. Police also arrested the Bar Council's Human Rights Committee chair, Edmond Bon, when he tried to prevent city officials from removing human rights day banners, which were critical of government practices and political corruption, from the Bar Council's building. All nine remained free on bail with trials scheduled for early in 2008.

On December 11, police arrested 26 members of the Coalition for Clean and Fair Elections, a coalition of opposition parties and NGOs seeking reforms to the electoral process. The group was attempting to deliver a memorandum to Parliament protesting the extension of the Election Commission chief's term past retirement age through a constitutional amendment. Police claimed the group had breached a court order, obtained by the police the previous day, which banned gatherings in front of the Parliament. The court released on bail 17 persons from the December 11 arrestees. The police released the remaining nine persons unconditionally.

On December 13, police arrested five HINDRAF leaders—P. Uthayakumar, M. Manoharan, R. Kenghadharan, Ganabathirau, and T. Vasantha Kumar—under the ISA and indicated they would be held without trial for a period of 2 years. After the November 25 rally, government officials, the police, and the government-influenced mainstream media reports on HINDRAF included claims the NGO was a militant organization with links with foreign militant groups including the Liberation Tigers of Tamil Ealam and the Hindu fundamentalist group, National Volunteer's Organization (Rashtriya Swayamsevak Sangh). An official from the Office of the Prime Minister, in a published statement, explained the decision to use ISA as follows: "The Government had warned HINDRAF not to engage in activities that would inflame communal tensions and had charged its leaders in court for sedition. This did not stop the spread of inflammatory rhetoric. On two occasions, the leaders of HINDRAF issued implicit threats that the group would turn to violence if its demands were not met. The Royal Malaysian Police have also uncovered links with international terrorist organizations. While the Government is determined to take action against the five individuals in open court, it is also determined to preempt any unfortunate incidents that may be inspired by the irresponsible words and deeds of a small minority." Local and international NGOs and civil society groups condemned the detention under the ISA and appealed to the Government to charge the five in an open court.

A SUHAKAM public inquiry into the handling of a peaceful 2006 demonstration over fuel and electricity price increases found that the police abused their powers. SUHAKAM named officers who used excessive force, and the police transferred the accused to other districts. The police authorities did not publicly reveal what other disciplinary action, if any, was taken against the accused officers.

*Freedom of Association.*—The Constitution provides for the right of association; however, the Government placed significant restrictions on this right, and certain statutes limit it. Under the Societies Act, only registered organizations of seven or more persons may function as societies. The Government sometimes refused to register organizations or imposed conditions when allowing a society to register. The Government prohibited the Communist Party and its affiliated organizations from

registering. It also has blocked the registration of the Socialist Party of Malaysia since 1999. The Government has the power to revoke the registration of an existing society for violations of the act, a power that it enforced selectively against political opposition groups.

The Universities and University Colleges Act also restricts freedom of association. This act mandates university approval for student associations and prohibits student associations and faculty members from engaging in political activity. Many students, NGOs, and opposition political parties called for the repeal or amendment of the act. A number of ruling coalition organizations and politicians also supported reexamination of the act, but the Government maintained that the act still was necessary.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion; however, the Government placed some restrictions on this right. The Constitution defines all ethnic Malays as Muslims and stipulates that Islam is the official religion. The Government significantly restricted the practice of Islamic beliefs other than Sunni Islam. Non-Muslims, who constitute approximately 40 percent of the population, including large Buddhist, Christian, Hindu, and Sikh communities, were free to practice their religious beliefs with few restrictions. The Government provided financial support to Islamic religious establishments and provided more limited funding to non-Islamic religious communities. State authorities imposed Islamic religious laws administered through Shari'a courts on all ethnic Malays (and other Muslims) in some civil matters but generally did not interfere with the religious practices of the non-Muslim community. Over the past several years, the civil courts have ceded jurisdictional control to Shari'a courts in certain areas of family law involving disputes between Muslims and non-Muslims.

Prime Minister Abdullah, a proponent of Islam Hadari ("civilizational Islam"), continued to emphasize religious tolerance. On July 17, Deputy Prime Minister Najib Razak stated the country was an Islamic and not a secular state. Leading members of the non-Muslim community and senior lawyers publicly challenged this and argued that the country was constitutionally a secular state. After several days of public discourse, the Government prohibited the mainstream media from addressing the debate except to report statements by the prime minister and deputy prime minister. On August 4, the prime minister stated the country was neither secular nor theocratic, but a parliamentary democracy.

The Registrar of Societies, under the Ministry of Home Affairs, registers religious organizations. Registration enables organizations to receive government grants and other benefits. The Government did not recognize some religious groups as such; these groups sometimes registered themselves as businesses under the Companies Act.

The Government maintained that views held by "deviant" groups endangered national security. According to the Jakim Web site, the Government identified and prohibited to Muslims 56 deviant teachings as of September. They included Shi'a, transcendental meditation, and Baha'i teachings. The Government asserted that "deviationist" teachings could cause divisions among Muslims. Religious authorities, with the consent of a Shari'a court, arrested and detained members of groups deemed "deviationist" in order to "rehabilitate deviants" and return them to the "true path of Islam." The religious affairs minister stated that members of these groups were subject to prosecution, detention under the ISA, or rehabilitation. Neither the Government nor religious authorities provided data on the number of persons subjected to prosecution or rehabilitation.

The Government continued to monitor the activities of the Shi'a minority, and state religious authorities reserved the right to detain Shi'a followers under the ISA as members of a "deviant sect." According to the government, it did not detain anyone under the ISA for religious reasons during the year.

In August Khatijah Ali, a cult leader, renounced her teachings before the Selangor State Religious Affairs Department, which had declared her teachings deviant in 1998.

The Selangor Islamic Affairs Department continued efforts to stop the spread of the banned al-Arqam Islamic group. The Federal Ministry of Internal Security continued to investigate the group as a "threat to national security." Authorities strictly monitored the group.

The Government generally respected non-Muslims' right of worship; however, state governments have authority over the building of non-Muslim places of worship and the allocation of land for non-Muslim cemeteries. State authorities sometimes granted approvals for building permits very slowly. Minority religious groups reported that state governments sometimes blocked construction using restrictive zoning and construction codes.



The Government demolished unregistered religious statues and places of worship. Several NGOs complained of the demolition of unregistered Hindu temples and shrines located on both private and government-owned lands. The structures were often located on government-owned plantations, which had been private property prior to independence. In May 2006 persons who used a 150-year-old unregistered temple sought a court injunction against a planned demolition by Negeri Sembilan state authorities. The court case remained open at year's end.

In June following the demolition of a 110-year-old temple, approximately 200 Hindus demonstrated in front of the Attorney General's Office. The Attorney General's office did not respond to the protest. In July local authorities in Melaka demolished another unregistered temple. Local NGOs condemned the demolition and urged the authorities to be sensitive when dealing with places of worship.

In practice, Shari'a law as interpreted in the country does not permit Muslims to convert to another religion. In several court rulings during the year, secular courts ceded jurisdiction to Shari'a courts in matters involving conversion to or from Islam. Shari'a courts routinely denied conversion from Islam requests. In May the Federal Court upheld a 2005 lower court decision that the civil courts did not have jurisdiction over the conversion case of Lina Joy and that Joy should take the matter to Shari'a court.

In January Revathi Masoosai, a 29-year-old ethnic Indian woman whose parents converted to Islam, was arrested after she went to the Shari'a court to change her Muslim name and religion on her identity card to reflect her religion as Hinduism. Revathi married her husband in 2004 according to Hindu rites, and both were practicing Hindus. Revathi said her grandmother raised her as a Hindu and that she would continue to practice the religion. The court gave Revathi's Muslim parents custody of their 2-year-old daughter. The Malacca State Shari'a Court ordered Revathi sent to the Islamic Rehabilitation Centre for 180 days' rehabilitation to help her "return to Islam." She was released in July into the custody of her parents. The authorities ruled she could not convert out of Islam and that her marriage was void. The court also ordered her to attend weekly religious classes and banned her from seeing her husband. At year's end Revathi's parents retained custody of the child.

The Federal Court made no decision in the appeal of Kaliasammal Sinnasamy, a non-Muslim woman, involving the disposition of the remains of her spouse. He allegedly converted from Hinduism to Islam before his death. Islamic religious authorities buried the man with Muslim rites.

The law strictly prohibits non-Muslims from proselytizing Muslims; proselytizing of non-Muslims faced no legal obstacles. In July the opposition-controlled state of Kelantan announced it had increased the maximum penalties for proselytizing Muslims from 2 years' imprisonment and a fine of approximately \$1,430 (5,000 ringgit) to 5 years' imprisonment, a fine of approximately \$2,860 (10,000 ringgit), and six lashes with the cane.

According to the Malaysian Consultative Council of Buddhists, Christians, Hindus, Sikhs, and Taoists the Government continued to restrict visas for foreign clergy under the age of 40 to inhibit "militant clergy" from entering the country. While representatives of non-Muslim groups did not sit on the immigration committee that approved visa requests for clergy, the committee asked the consultative council for its recommendations.

Religious education is compulsory for Muslim children and follows a government-approved curriculum. Muslim civil servants are required to attend Islamic religious classes taught by government-approved teachers.

The Government discouraged but did not ban distribution in peninsular Malaysia of Malay-language translations of the Bible, Christian tapes, and other printed materials, but it restricted distribution and required "Not for Muslims," be stamped on all Malay-language materials. The distribution of Malay-language Christian materials faced few restrictions in the eastern states of Sabah and Sarawak. In June the Government banned 51 book titles and publications on Islam, alleged to undermine the faith of Muslims. The books included *The Qur'an* by M.A.S. Abdel Haleem, *Feminism and Islamic Fundamentalism: The Limits of Postmodern Analysis* by Haideh Moghissi, *The Life and Times of Muhammad* by John Glubb, and *War, Terror & Peace in the Qur'an and in Islam: Insights For Military and Government Leaders*, by T.P. Schwartz.

The Government generally restricted remarks or publications that might incite racial or religious disharmony. This included some statements and publications critical of particular religions, especially Islam. The Government also restricted the content of sermons at mosques. In recent years both the Government and the opposition party PAS have attempted to use mosques in the states they control to deliver politically oriented messages. Several states attempted to ban opponent-affiliated imams from speaking at mosques.

In family and religious matters, Muslims are subject to Shari'a. According to some women's rights advocates, women were subject to discriminatory interpretations of Shari'a and inconsistent application of the law from state to state. In 2005 Parliament approved amendments to the Islamic Family Law Act intended to harmonize Shari'a family law throughout the country. However, a review of amendments continued at year's end.

State authorities in Kelantan continued to ban traditional Malay dance theaters, prohibited advertisements depicting women not fully covered by clothing, enforced wearing of headscarves by Muslim women, and imposed fines for violators. In December 2006 the Kelantan state government enacted a by-law against "indecent dressing" by Muslim women working in retail outlets and restaurants. The dress code requires headscarves and allows only faces and hands to be exposed. The law also stipulates that non-Muslim women should avoid dressing "sexily or indecently." Women who violate the dress code face possible fines up to \$139 (500 ringgit). Women's rights leaders and the minister of women, family, and community development criticized the new law as overly restrictive.

The Government provided no statistics regarding raids by Federal religious police of nightclubs and similar places during the year.

*Societal Abuses and Discrimination.*—No reliable estimate of the country's Jewish population was available, and there were no locally based Jewish communities or synagogues. There were no reports of anti-Semitic acts.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice, although there were some restrictions. The eastern states of Sabah and Sarawak controlled immigration and required citizens from peninsular Malaysia and foreigners to present passports or national identity cards for entry. The Government provided limited cooperation with the Office of the U.N. High Commissioner for Refugees (UNHCR) and generally did not impede other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

The Government regulated the internal movement of provisionally released ISA detainees. The Government also used the Restricted Residence Act to limit movements of those suspected of some criminal activities.

Citizens must apply for government permission to travel to Israel.

The Constitution provides that no citizen may be banished or excluded from the country. However, according to the terms of a 1989 peace agreement, Chin Peng, the former leader of the communist insurgency in the country, continued to live in exile in Thailand, and the Government denied him permission to return. The Government also demanded he provide evidence that he remained a citizen.

*Protection of Refugees.*—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has not established a system for providing protection to refugees. The Government did not grant refugee status or asylum. In practice the Government did not provide protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. The Government generally did not deport individuals recognized as persons of concern by the UNHCR.

The Government continued to deport some refugees and asylum seekers but allowed certain refugees and persons of concern to remain, pending resettlement to other countries. The Government generally did not distinguish between asylum seekers and illegal immigrants and detained them in the same camps. Detention facilities were overcrowded and lacked adequate medical facilities. Local human rights NGOs alleged prison officials sometimes abused detainees and provided inadequate food.

A group of Thai citizens, who illegally entered the country in August 2005, reportedly to escape violence in southern Thailand, remained in an illegal-migrant detention center in Terengganu. Due to several births, their number has grown from 131 to 134. The Government allowed Thai authorities full access to this group to try to persuade them to return to Thailand. In August, according to a Malaysian national news agency report, the Government turned one of the original 131 over to the Thai authorities for alleged involvement in the southern Thailand violence.

As of the end of August, the UNHCR listed 7,351 persons as asylum seekers and 30,132 as refugees, approximately 50 percent of whom were Burmese citizens.

By the end of August, the UNHCR submitted 8,098 refugees to third countries for resettlement consideration. Third countries accepted and resettled 3,183 refugees. The cases of the remaining 4,915 refugees remained pending and at risk for detention and deportation by immigration officials.

The UNHCR reported 813 asylum seekers and refugees, including 135 children, remained in immigration detention centers and prisons after immigration officials or RELA members arrested them. By the end of July, the UNHCR had facilitated the release of 1,196 individuals from police lockups and immigration detention camps.

In August the government, on humanitarian grounds, announced a 1-year visa for refugees from Aceh.

In 2006 RELA detained 25,045 illegal immigrants, refugees, asylum seekers, and persons of concern. As of November RELA members arrested 30,332 illegal immigrants, refugees, asylum seekers, and persons of concern and carried out approximately 40 raids per night (see Section 1.d.).

The immigration law provides for 6 months in prison and up to six strokes of the cane for immigration violations. In practice delays in processing travel documents led to the detention of many illegal immigrants in camps for more than a year. As of the end of July, authorities caned 30 refugees or persons of concern compared with 10 for all of last year.

In November the Bar Council opined that the extended detention of eight Burmese refugees was unlawful; prison officials extended their sentences in order to carry out caning imposed as part of their punishment. A Bar Council official noted that the prisons cannot hold someone once his sentence had been completed irrespective of whether a caning has been executed. The council urged the Government to stop prosecuting refugees and asylum seekers as illegal immigrants.

In 2005 the Prisons Department took over management of immigrant detention centers from the Immigration Department. Nonetheless, NGOs reported that conditions in the centers had not materially improved, largely due to inadequate funding for food, medical care, and infrastructure maintenance. In November the minister of home affairs transferred responsibility over immigration detention centers from the Prisons Department to the Immigration Department. RELA members were expected to staff the immigration centers for up to 2 years while the Immigration Department trains a permanent staff.

*Stateless Persons.*—Citizenship is derived from one's parents (*jus sanguinis*). NGO estimates of the number of stateless persons ranged from several thousand to as many as 30,000. A foreign government estimated that approximately 10 to 20 percent of the 60,000 illegal immigrants and persons of concern living in Sabah were stateless children born in Sabah. Government officials denied stateless persons access to education, health care, and the right to own property.

Some persons were stateless because the Government refused to register their birth due to inadequate proof of their parents' marriage. Interfaith marriages not recognized by the Government sometimes resulted in undocumented, *de facto* stateless children.

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

The law provides citizens the right to change their government peacefully, and citizens formally exercised this right in practice through periodic elections based on universal suffrage; however, while votes generally were recorded accurately, there were irregularities that affected the fairness of elections and this right was abridged in practice.

*Elections and Political Participation.*—Opposition parties were unable to compete on equal terms with the governing coalition (which has held power at the national level since independence in 1957) because of significant restrictions on campaigning, freedom of assembly and association, and access to the media. Nevertheless, opposition candidates campaigned actively, with some success in past state and national elections. In the most recent national elections, held in 2004, opposition parties captured 19 of 219 parliamentary seats and 52 of 505 state assembly seats.

The lack of equal access to the media was one of the most serious problems encountered by the opposition in the 2004 national elections and in subsequent by-elections. Opposition leaders also claimed that the election commission was under government control and lacked the independence needed to carry out its duties impartially. There were numerous opposition complaints of irregularities by election officials during the 2004 campaign; however, most observers concluded that they did not substantially alter the results. NGOs and opposition party leaders lodged allegations of illegally registered "phantom" voters, reportedly brought in from other districts to vote in tightly contested districts; inflated voter rolls; nonregistered voters

using fictitious names or the names of dead voters still listed on the voter rolls; and noncitizens registered to vote.

As of September there were approximately 21 million eligible voters in the country and an estimated 16 million registered to vote.

The Constitution states that parliamentary constituencies should have approximately equal numbers of eligible voters; however, in practice the numbers varied significantly.

The Malay-based UMNO party dominated the ruling National Front coalition. Since 1969 the National Front coalition has maintained at least a two-thirds majority in Parliament, which enabled the Government to amend the Constitution at will.

Over the years power increasingly has been concentrated in the prime minister, and Parliament's function as a deliberative body has deteriorated. Parliament rarely amended or rejected government proposed legislation and did not give legislation proposed by the opposition serious consideration. Parliamentary procedures allow the speaker of Parliament to suspend members, establish restrictions on tabling questions, edit written copies of members' speeches before delivery, and severely restrict members' opportunities to question and debate government policies. Nonetheless, government officials often faced sharp questioning in Parliament, and the press reported in greater detail than in the past.

Under the Local Government Act, elections of public officials were confined to state assemblies and the Federal Parliament. Some politicians and NGO activists advocated the reintroduction of local government elections, which the Government abolished after the 1969 race riots. Some ruling party municipal officials noted that local bodies were simply "rubber stamps" for the Government.

Women faced no legal limits on participation in government and politics. At the end of September, three of 33 cabinet ministers were women. Women held 21 of 219 seats in the lower house and 17 of the 64 senate seats.

In practice the political dominance of the Malay majority meant that ethnic Malays held the most powerful senior leadership positions. Non-Malays filled 10 of the 33 ministerial posts and 21 of 35 deputy minister positions.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption. Government commitment to the effective implementation of the law remained unclear, and the media reported numerous cases of alleged official corruption. There was a broadly held perception of widespread corruption and cronyism within the governing coalition and in government institutions. The World Bank's worldwide governance indicators reflect that corruption was a problem. As of 2006 the ACA employed approximately 1,800 staff members nationwide. According to the ACA director general, the agency initiated the arrest of 492 individuals during the year. In August the Government announced that civil servants who refuse or fail to declare their assets would face disciplinary actions and would be ineligible for promotion.

A deputy prime minister-headed panel investigating allegations of log smuggling by a member of Parliament (MP) had not completed its investigation by year's end.

There is no law designed to facilitate citizens' requests for government statistics or other information collected and compiled by the Government. Individual MPs were allowed to request and obtain such information on an ad hoc basis, some of which was then made available to the public.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

SUHAKAM was generally considered a credible monitor of the human rights situation and a check on police activities. SUHAKAM is not empowered to inquire into allegations relating to ongoing court cases and must cease its inquiry if an allegation under investigation becomes the subject of a court case.

SUHAKAM commissioners traveled throughout the country to educate community leaders, including police officials, on the importance of human rights. Commissioners also made several visits to prisons throughout the country to monitor conditions. They repeatedly noted that a major unresolved challenge was the slow government response to their reports on major topics that touched on fundamental liberties.

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

The Constitution provides for equal protection under the law and prohibits discrimination against citizens based on sex, religion, race, descent, or place of birth.

However, the Constitution also provides for the “special position” of ethnic Malays and the indigenous groups of the eastern states of Sabah and Sarawak (collectively, bumiputras), and discrimination based on this provision persisted. Government policies and legislation gave preferences to bumiputras in housing, home ownership, awarding of government contracts and jobs, educational scholarships, and other areas. Nonbumiputras regularly complained about these preferences, arguing that government subsidies for disadvantaged persons should be dispensed without regard to race.

*Women.*—The penal code states that rape is punishable by a prison term of up to 30 years, caning, and a fine. According to the police, 3,177 rapes were reported during the year, compared with 2,435 in 2006. Spousal rape is not a crime, although a husband may be charged for causing hurt to his wife while attempting to force sexual relations with her.

The courts may decide the minimum jail term for a man convicted of statutory rape of a girl age 15 years or less. Prior to 2006 the penal code had stipulated minimum jail sentences for such behavior. In addition the law prohibits a person in authority from using his position to intimidate a subordinate into having sexual relations.

Many government hospitals had crisis centers where victims of rape and domestic abuse could make reports without going to a police station. NGOs and political parties also cooperated to provide counseling for rape victims, but cultural attitudes and a perceived lack of sympathy from the largely male police force resulted in many victims not reporting rapes. According to the Ministry of Women, Family, and Community Development (MWFCD) and a leading women’s NGO, only 10 percent of rape cases were reported to police. Women’s groups noted that while some rapists received heavy punishments, including caning, other rapists received inadequate punishments.

Some Shari’a experts urged Muslim women to become more aware of the provisions of Shari’a that prohibit spousal abuse and provide for divorce on grounds of physical cruelty. Provisions in state Shari’a laws, however, generally prohibit wives from disobeying the “lawful orders” of their husbands and presented an obstacle to women pursuing claims against their husbands in Shari’a courts. Muslim women were able to file complaints in civil courts.

Violence against women remained a problem. During the year police received 3,264 domestic violence reports. Reports of rape and spousal abuse drew considerable government, NGO, and press attention. Under the Domestic Violence Act, anyone who willfully contravenes a protection order by using violence against a protected person may be punished by imprisonment of up to 1 year and a maximum fine of \$556 (2,000 ringgit). In extreme cases, involving “grievous hurt” inflicted using a deadly weapon, the maximum imprisonment increases to 20 years. Women’s groups criticized the act as inadequate and called for amendments to strengthen it. In their view the act fails to protect women in immediate danger because it requires separate reports of abuse be filed with both the Social Welfare Department and the police, causing delay in the issuance of a restraining order. Cases also require visible evidence of physical injury, despite its interpretation to include sexual and psychological abuse.

Although the government, NGOs, and political parties maintained shelters and offered other assistance to battered spouses, activists asserted that support mechanisms for victims of domestic violence remained inadequate. There was a sexual investigations unit at each police headquarters to help victims of sexual crimes and abuse. Police responses and sensitivity to complaints of domestic violence continued to improve, but women’s rights activists claimed that police needed additional training in handling domestic abuse and rape cases.

Prostitution is not a criminal offense, although Muslims engaged in prostitution could face civil penalties under Shari’a for engaging in sexual relations out of wedlock. Foreign prostitutes were routinely arrested as illegal immigrants or for violating the terms of their nonimmigrant visas. Financially benefiting from the prostitution activities of others, is illegal and was prosecuted. The police conducted 9,878 (gambling/prostitution) raids from January to August, compared with 12,901 for all of 2006. The police arrested and placed in preventive detention 44 panderers from January to August, detaining 30 under the Restricted Residence Law and the remaining 14 under the Emergency Ordinance. There were no reports that the police charged anyone under the penal code. In 2006 the police arrested and charged 35 panderers under the penal code. The police arrested 5,250 foreign prostitutes from January to August, compared with 5,968 in all of 2006. The police arrested 428 local prostitutes from January to August, compared with 545 in all of 2006. NGOs accused the police of profiling female Chinese nationals as potential prostitutes, fol-

lowing several highly publicized arrests. Police and NGO representatives estimated 150,000 women were involved in prostitution.

A government voluntary code of conduct provides a detailed definition of sexual harassment, which is meant to raise public awareness of the problem, but women's groups advocated passage of a separate law on sexual harassment. The Malaysian Employers Federation opposed any attempt to legislate against sexual harassment in the workplace, arguing that government-imposed policies would unduly restrict the management of labor relations.

Women's rights advocates asserted that women faced discriminatory treatment in Shari'a courts due to prejudicial interpretations of Islamic family law.

The law allows polygyny and Muslim men practiced polygyny in limited numbers. Islamic inheritance law generally favors male offspring and relatives. There was a small but steadily increasing number of women obtaining divorces under the provisions of Shari'a that allow for divorce without the husband's consent.

Non-Muslim women are subject to civil law. The Guardianship of Women and Infants Act gives mothers equal parental rights. Four states extended the provisions of the act to Muslim mothers, and women's groups urged the other states to do the same.

The Government undertook a number of initiatives to promote equality for women and the full and equal participation of women in education and the work force. According to the MWFC, women made up approximately 7.6 percent of total board members of publicly traded companies and 6.9 percent of state assembly members. At year's end women accounted for 46.1 percent of the labor force, including a significant portion of the country's dentists (56.2 percent), lawyers (45.7 percent), accountants (44 percent), and medical doctors (37.2 percent).

*Children.*—The Government demonstrated a commitment to children's rights and welfare; however, the law allows use of a "light cane" to administer a maximum of 10 strokes to male children between the ages 10 and 18.

Parents must register a child within 14 days of birth. The authorities require citizens to provide their marriage certificate and both parents' MyKad. Non-citizens must provide passport or travel documents. Parents applying for late registration must prove the child was born in the country. The authorities do not enter the father's information for a child born out of wedlock unless there is a joint application by the mother and the person claiming to be the father. The authorities do not register children born to illegal immigrants or asylum seekers. Asylum seekers who register a birth risk arrest as illegal immigrants. The UNHCR registers children born to refugees. Marriages between Muslims and non-Muslims are void. Couples in such marriages have difficulty registering births that recognize the father due to the invalidity of the marriage. Children without birth certificates are stateless and denied entry into both public and private schools. Stateless children (like noncitizens) are required to pay higher medical fees, which caused hardship in many cases.

The Government allocated approximately 25 percent of the national budget to education and provided free education for children through age 17. Although primary education is compulsory, there is no enforcement mechanism governing school attendance. There was no apparent difference in the treatment of girls and boys at the primary and secondary levels.

A variety of programs provided low-cost health care for most children without distinction based on gender.

The Government recognized that sexual exploitation of children and incest were problems. Incest in particular was a problem in rural areas. The law provides for 6 to 20 years' imprisonment and caning for individuals convicted of incest. The police stated that 332 cases of incest were reported in 2006, up from 295 cases in 2005. In past years the majority of incest cases involved children less than 15 years of age. The testimony of children is accepted only if there is corroborating evidence. This posed special problems for molestation cases in which the child victim was the only witness.

Statutory rape occurred and was prosecuted. According to the Women, Family and Community Development Ministry, most victims were below 15 years of age. However, Islamic law provisions that consider a Muslim girl an adult after her first menstruation sometimes complicated prosecution of statutory rape. Such a girl may be charged with *khalwat*, even if she is under the age of 18 and her partner is an adult. Thus Shari'a courts sometimes punished the victims of statutory rape. There were no reports of Shari'a courts charging rape victims with *khalwat* during the year. Shari'a courts sometimes were more lenient with males charged with *khalwat*, although in many cases Muslim men were charged and punished for statutory rape under civil law.

Child prostitution existed, but child prostitutes often were treated as delinquents or illegal immigrants rather than victims.

Sabah had a problem of street children. Estimates ranged from a few hundred to 15,000, born in the country to illegal immigrant parents some of whom were deported. These children lacked citizenship and access to government-provided support and often resorted to menial labor, criminal activities, and prostitution to survive.

*Trafficking in Persons.*—On July 26, the Antitrafficking in Persons Act was enacted. It prohibits all forms of trafficking in persons; however, there were reports that persons were trafficked to, from, or within the country. The Government can use other laws, such as the Child Act, the Immigration Act, and the Restricted Residence Act, to arrest and detain traffickers.

Trafficking in persons was a serious problem. The country was a destination, and to a lesser extent, a source and transit point for men and women trafficked for the purposes of sexual exploitation and forced labor. Foreign trafficking victims, mostly women and girls from China, Indonesia, Cambodia, Thailand, the Philippines, and Vietnam, were trafficked to the country for commercial sexual exploitation. These women often worked as karaoke hostesses, “guest relations officers,” and masseuses. Some Malaysian women, primarily of Chinese ethnicity, were trafficked abroad for sexual exploitation. Some economic migrants, mostly from Bangladesh and Indonesia, working as domestic servants or laborers in the construction and agricultural sectors, faced exploitative conditions that met the definition of involuntary servitude.

According to police, the Bar Council, and SUHAKAM, many foreigners found to be involved in prostitution were possible trafficking victims. Foreign Embassies, NGOs, and government authorities reported that police and NGOs rescued and repatriated at least 300 to 400 trafficking victims in each of the past 2 years. The rescues did not lead to a significant number of arrests and prosecutions of traffickers.

A small number of Malaysian women and girls were trafficked for sexual purposes, mostly to Singapore, Macau, Hong Kong, and Taiwan, but also to the United Kingdom, Japan, Australia, and Canada. According to police and ethnic Chinese community leaders, female citizens who were victims of trafficking were usually ethnic Chinese, although ethnic Malay and Indian women also were exploited as prostitutes domestically. The Ministry of Foreign Affairs and NGOs estimated that fewer than 100 Malaysian women were trafficked abroad during 2006 and that the number had declined in recent years.

Foreign trafficking victims were kept compliant through involuntary confinement, confiscation of travel documents, debt bondage, physical abuse, and forced drug use. According to news reports, these women said that they were lured to the country by promises of legitimate employment but were forced into prostitution upon their arrival in the country.

Police and NGOs believed that criminal syndicates were behind most of the trafficking. Employment agencies were also believed to be heavily involved in trafficking migrant workers.

Under the Antitrafficking Act, any person convicted of trafficking an adult is subject to a maximum imprisonment term of 15 years and a possible fine. A person convicted of trafficking a child receives a minimum sentence of 3 years and maximum of 20. Any person profiting from the exploitation of a trafficked person may serve a maximum of 15 years and pay a minimum fine of approximately \$14,285 (50,000 ringgit) and maximum of approximately \$142,850 (500,000 ringgit).

There were allegations of corruption among law enforcement personnel, since some trafficking victims passed through two or more ports of entry without travel documents.

The Government assisted some underage persons exploited as prostitutes and rescued some trafficked women and girls. During the year police continued a referral system to place foreign trafficking victims in shelters operated by NGOs and certain foreign Embassies. However, shelter space in private shelters remained inadequate to hold all identified victims, and those whom shelters could not accept were transferred to immigration detention facilities for deportation processing. Police participated in NGO and foreign-funded antitrafficking seminars.

*Persons with Disabilities.*—Neither the Constitution nor other laws explicitly prohibit discrimination based on physical or mental disabilities, but the Government promoted public acceptance and integration of persons with disabilities.

The Government did not discriminate against persons with disabilities in employment, education, or in the provision of other state services. A public sector regulation reserves 1 percent of all public sector jobs for persons with disabilities. The Government did not mandate accessibility to transportation for persons with disabilities, and few older public facilities were adapted for such persons. New government

buildings were generally outfitted with a full range of facilities for persons with disabilities.

A code of practice serves as a guideline for all government agencies, employers, employee associations, employees, and others to place suitable persons with disabilities in private sector jobs. SUHAKAM recommended legislation to address discriminatory practices and barriers facing persons with disabilities, and it organized dialogues among persons with disabilities, government departments, and NGOs to promote awareness of the rights of persons with disabilities.

Special education schools existed but were not sufficient to meet the needs of the population with disabilities. The Government undertook initiatives to promote public acceptance of persons with disabilities, make public facilities more accessible to such persons, and increase budgetary allotments for programs aimed at aiding them. Recognizing that public transportation was not "disabled-friendly," the Government maintained its 50 percent reduction of the excise duty on locally made cars and motorcycles adapted for persons with disabilities. The Ministry of Human Resources was responsible for safeguarding the rights of the disabled.

*National/Racial/Ethnic Minorities.*—The law and government policy provide for extensive preferential programs designed to boost the economic position of bumiputras. Such programs limited opportunities for nonbumiputras in higher education, government employment, business permits and licenses, and ownership of land. According to the government, these programs were necessary to ensure ethnic harmony and political stability. Ethnic Indian citizens, who did not receive such privileges, remained among the country's poorest groups.

In August 2006 the minister of higher education stated that the nation's 17 public universities employed few nonbumiputra deans. At the Universiti Malaya, 19 of 20 deans were bumiputras; in many other universities, deans were exclusively bumiputras. They also accounted for more than 85 percent of the country's almost 1.15 million civil servants at the end of 2006. The percentage has steadily increased.

In November HINDRAF organized a march to increase awareness of the perceived marginalization of ethnic Indians, who make up 8 percent of the population. Police used tear gas and water cannons to disperse the demonstrators. In December five HINDRAF leaders were detained under the ISA (see Section 2.b.).

*Indigenous People.*—Indigenous people (the descendants of the original inhabitants of the peninsular region of the country and the Borneo states) generally enjoyed the same constitutional rights as the rest of the population. However, in practice Federal laws pertaining to indigenous people of the peninsular region, known as the Orang Asli, vest considerable authority in the non-Orang Asli minister for rural development to protect, control, and otherwise decide issues concerning this group. As a result indigenous people in peninsular Malaysia had very little ability to participate in decisions that affected them.

The Orang Asli, who numbered approximately 150,000, constituted the poorest group in the country. Government statistics, categorized approximately 77 percent of Orang Asli households as living below the poverty level. A government-sponsored national advisory council monitored the development of Orang Asli, but only five of the council's 17 members were Orang Asli. In addition, only one Orang Asli held a management position in the Government's Department of Orang Asli Affairs. Under its ninth economic plan covering the years 2006–10, the Government allocated slightly more than \$100 million (361.8 million ringgit) for development projects for the Orang Asli. These focused on improving health, preschool education, infrastructure, and economic activities. The plan included an additional \$28 million (100 million ringgit) for development of lands inhabited by the Orang Asli. In July the Ministry of Education and the U.N. Children's Fund introduced a remedial education program especially tailored for the Orang Asli to improve reading and writing skills.

In March 2006 the minister of rural and regional development stated that the dropout rate among Orang Asli children was more than 50 percent in secondary schools. Village chiefs reported strangers lured teenagers from various Orang Asli tribes away from their villages with promised jobs as domestic workers in cities. The Orang Asli Affairs Department suspected the teenagers were kidnapped. The department responded by sending letters to the chiefs of some 800 villages to be wary of strangers and consult the authorities if their young women planned to take up job offers outside the village.

Under the Aboriginal People's Act, Orang Asli were permitted to live on designated land as tenants-at-will, but they did not possess land rights. Observers reported that over the years, the total area of land reserved for Orang Asli had decreased, and some land previously set aside as Orang Asli reserve was rezoned for development.



The uncertainty surrounding Orang Asli land ownership made them vulnerable to exploitation. Logging companies continued to encroach on land traditionally held by Orang Asli and other indigenous groups in the Borneo states. Indigenous people in Sabah and Sarawak continued to protest encroachment by state and private logging and plantation companies onto land that they considered theirs under native customary rights. After four SUHAKAM commissioners visited impoverished natives of the large Penan tribe in Sarawak in September 2006, they stated that living conditions of the Penan people had not improved during the past 5 years. The commissioners also found that the Government had not registered as citizens the vast majority of the Penan people visited. In July the Sarawak Penan Association urged the state government to delineate the Penan's native customary land boundaries, revoke timber licenses that overlapped their land, stop issuing provisional leases for plantations, and halt all logging and plantation development activities on their land. In August SUHAKAM released a report on the Penan in Ulu Belaga, Sarawak. The report stated the tribe no longer had the legal avenue to claim their rights over ancestral land due to amendments to the Sarawak Land Code that do not recognize ancestral land rights. The report indicated that the Penan tribe was among the poorest groups in the country and lived below the poverty line. SUHAKAM urged the Government to ensure the availability of necessities for the Penan through poverty eradication and income generation programs. As of September the state government had not responded to either group's recommendations.

A case regarding ownership of the land used for the construction of the Kuala Lumpur International Airport remained pending at year's end. In September 2005 the Court of Appeal upheld a high court ruling that the Temuan, an Orang Asli group in peninsular Malaysia, were the rightful owners of the land and ordered the Selangor state government to pay compensation; however, the Government appealed the decision. In November 2006 the Federal Court agreed to hear the appeal initiated by the state of Selangor and the Federal Government.

Laws allowing condemnation and purchase of land do not require more than perfunctory notifications in newspapers, to which indigenous persons may have no access. In past years this deprived some indigenous persons of their traditional lands with little or no legal recourse. In March the Semalai, another Orang Asli group in peninsular Malaysia, filed a petition at the high court to review a Pahang State government-ordered eviction from an area the Semalai claim as their traditional land. The land, approved as an aboriginal reserve in 1974, was not officially registered. The state government decided to divide the land among neighboring Malay villagers through a government approved land scheme. As of September the suit was still pending.

*Other Societal Abuses and Discrimination.*—Although there are no laws that prohibit homosexuality, laws against sodomy and “carnal intercourse against the order of nature” exist and were enforced. Religious and cultural taboos against homosexuality were widespread. The Government's response to HIV/AIDS was generally nondiscriminatory, although stigmatization of AIDS sufferers was common.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—By law most workers have the right to engage in trade union activity, but trade unions represented only 9.5 percent of the labor force. Those restricted by law from joining a union include public sector workers categorized as “confidential, managerial, and executive,” as well as defense and police officials. In theory foreign workers can join a trade union; however, the Immigration Department barred foreign workers from holding trade union offices, and most foreign workers' contracts banned them from joining a trade union.

The Trade Unions Act prohibits interfering with, restraining, or coercing a worker in the exercise of the right to form trade unions or participation in lawful trade union activities. However, the act restricts a union to representing workers in a “particular establishment, trade, occupation, or industry or within any similar trades, occupations, or industries.” The director general of trade unions may refuse to register a trade union and in some circumstances may withdraw the registration of an existing trade union based on provisions outlined in the act. When registration is refused, withdrawn, or canceled, a trade union is considered an unlawful association; there were no reports of any such actions during the year. Trade unions from different industries may join in national congresses, but such congresses must register separately as societies under the Societies Act.

Malaysian Trade Union Congress (MTUC) officials continued to express frustration about delays in the settlement of union recognition disputes. While the Industrial Relations Act requires that an employer respond to a union's request for recognition within 21 days of application, it was not uncommon for such applications to be refused and unions to go unrecognized for 1 to 4 years. In August Parliament

amended the trade union act making it more difficult for workers to form unions. Under the amendments if an employer does not respond to the union application within the 21 days the union must submit a written appeal to the director general of trade unions within 14 days. If the union fails to submit the appeal within the stipulated period, the union automatically is not recognized. The amendments also denied the right of unions and individuals to hold strikes protesting the nonrecognition of their union.

Government policy inhibited the formation of national unions in the electronics sector, the country's largest industry, because it has "pioneer status," which affords certain investment incentives. The Government stated that establishment of national unions in the electronics sector would impede foreign direct investment and negatively affect the country's international competitiveness in the sector; government leaders stated that enterprise-level unions were more appropriate for the electronics industry. According to MTUC officials, 150,000 electronics workers were unable to organize, and only eight in-house unions existed in the electronics industry.

Unions maintained independence from both the Government and political parties, but individual union members may belong to political parties. Although by law union officers may not hold principal offices in political parties, individual trade union leaders have served in Parliament. Trade unions were free to associate with national labor congresses, which exercised many of the responsibilities of national labor unions, although they cannot bargain on behalf of local unions.

Trade unions were permitted to affiliate with international trade union organizations, such as global union federations and the International Trade Union Confederation, subject to the approval of the director general of trade unions.

*b. The Right to Organize and Bargain Collectively.*—Workers have the legal right to organize and bargain collectively, and collective bargaining was widespread in those sectors where labor was organized.

There are two national labor organizations. The MTUC is a society of trade unions in both the private and government sectors and is registered under the Societies Act. As such, the MTUC does not have collective bargaining or industrial action rights but provides technical support for affiliated members. The other national organization is the Congress of Unions of Employees in the Public and Civil Service (CUEPACS), a federation of public employee unions registered under the Trade Unions Act.

CUEPACS is an umbrella organization that included 127 distinct civil servant unions with approximately 300,000 members out of a total of 1 million civil servants, represented by an estimated 160 unions. Teacher unions accounted for 140,000 of CUEPACS' 300,000 members. CUEPACS holds talks with the Government through three National Joint Councils (NJC) that represent three types of workers: Managerial and professional, scientific and technological, and general (all other types of workers, such as clerical and support staff). The Government established the NJC system to have NJCs serve as aggregating, intermediary negotiating bodies between the Government and the various unions served by CUEPACS. NJC members are elected from constituent unions. While an individual civil service union may approach the Government directly on narrow issues that affect only that particular union or its members, broader issues that affect the entire civil service flow up to CUEPACS and then to one of the NJCs, depending on the type of civil servants involved.

Government regulations limited CUEPACS' negotiating power and virtually eliminated its right to organize strikes. CUEPACS has sought a minimum wage for civil servants; however, by year's end the Government had announced no plans to institute a minimum wage for public or private sector workers. In May the Government approved a pay raise of as much as 35 percent for civil servants, the first such increase in 15 years.

The Government placed limits on collective bargaining agreements in companies designated as having pioneer status. The MTUC continued to object to legal restrictions on collective bargaining in pioneer industries. On June 3 and August 8, MTUC and its 200 affiliated unions organized a nationwide protest and demanded a national minimum wage of \$250 (900 ringgit) per month and a cost of living allowance of \$85 (300 ringgit) per month, equivalent to the amount paid to public sector workers. By the end of September, the Government had not responded to MTUC demands.

Charges of discrimination against employees engaged in organizing union activities may be filed with the Ministry of Human Resources or the industrial court. Critics alleged that the industrial court was slow to adjudicate worker complaints when conciliation efforts by the Ministry of Human Resources failed.

The Government holds that issues of transfer, dismissal, and reinstatement are internal management prerogatives; therefore, they are excluded from collective bar-

gaining, which is not in accordance with International Labor Organization (ILO) standards.

Although private sector strikes are legal, the right to strike is severely restricted. The law contains a list of “essential services” in which unions must give advance notice of any industrial action. The list includes sectors not normally deemed essential under ILO definitions. MTUC officials said that requirements imposed by the authorities were so stringent that it was almost impossible to strike. According to MTUC officials, there were eight lunchtime pickets or 1-day work slowdowns but no strikes during the year. Employees in the public sector do not have the right to collective bargaining.

The Industrial Relations Act requires the parties to notify the Ministry of Human Resources that a dispute exists before any industrial action may be taken. The ministry’s Industrial Relations Department then may become involved actively in conciliation efforts. If conciliation fails to achieve settlement, the minister has the power to refer the dispute to the industrial court. Strikes or lockouts are prohibited while the dispute is before the industrial court. The act prohibits employers from taking retribution against a worker for participating in the lawful activities of a trade union. However, some trade unions questioned the effectiveness of the provisions. In August Parliament amended the Industrial Relations Act, limiting worker compensation to a maximum of 2 years from the time the employee is laid off.

Companies in export processing zones (EPZs) must observe labor standards identical to those in the rest of the country. Although the electronics sector’s pioneer status inhibits organizing, many companies had “in house unions”; however, these were seen as controlled by management and were not allowed to affiliate with national union umbrella bodies.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred. Some of the estimated 320,000 foreign women employed as household workers were subjected to physical abuse and forced to work under harsh conditions, and some child household employees worked in conditions amounting to forced labor. Some domestic workers were not paid or were paid below the agreed salary. Some of the abused women reported their employers forced them to sleep on kitchen floors and fed them only the scraps from a meal. Two Indonesian domestic workers escaped abusive employers by climbing down the side of high-rise residences with homemade ropes. Although Malaysia and Indonesia concluded a Memorandum of Understanding (MOU) in 2006 that, among other things, called for domestic workers to be paid directly, receive compensation for personal injury, and be given time off in lieu of overtime, it remained a common practice for employers to deposit wages with recruiting agencies as repayment for debts. Under terms of the MOU, domestic workers have to surrender their passports to their employers to ensure they will not run away. Child labor occurred in certain areas of the country.

In 2004 a 19-year-old Indonesian domestic worker, Nirmala Bonat, allegedly was burned repeatedly with an iron and scalded with boiling water by her employer’s wife, Yim Pek Ha. The abuse produced severe disfigurement. The Government charged Yim with the crime, and the court released her on bail. The trial, which began in 2004, proceeded slowly and continued as of year’s end.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The law prohibits the employment of children younger than age 14 but permits some exceptions, such as light work in a family enterprise, work in public entertainment, work performed for the Government in a school or in training institutions, or work as an approved apprentice. In no case may a child work more than 6 hours per day, more than 6 days per week, or at night.

Most child laborers worked informally in the agricultural sector, helping their parents in the field; however, only adult members of the family received a wage. Child labor in urban areas was often found in family food businesses, night markets, and small-scale industries. Government officials did not deny the existence of child labor in family businesses but maintained that foreign workers had largely replaced child labor and that child labor provisions were vigorously enforced.

*e. Acceptable Conditions of Work.*—No national minimum wage provision was in effect, as the Government preferred to allow market forces to determine wages. Prevailing market wages generally provided a decent standard of living for citizens, although not for all migrant workers. Wage councils, established by a 1947 act to provide a recommended minimum wage for sectors in which the market wage was deemed to be insufficient, had little impact on wages in any sector. According to MTUC officials, the wage councils had not met for more than 15 years, and their recommended wages have long been obsolete.

Plantation workers generally received production-related payments or daily wages. Under a 2003 agreement, plantation workers received a minimum wage of \$97 (350 ringgit) per month. Proponents of the agreement said that productivity incentives and bonuses raised the prevailing wage to nearly \$194 (700 ringgit).

Under the Employment Act, working hours may not exceed 8 hours per day or 48 hours per workweek of 6 days. Each workweek must include a 24-hour rest period. The act also sets overtime rates and mandates public holidays, annual leave, sick leave, and maternity allowances. The Labor Department of the Ministry of Human Resources is responsible for enforcing the standards, but a shortage of inspectors precluded strict enforcement.

There were approximately 2 million legal migrant workers, who worked in the country mainly in manufacturing (35.9 percent), plantations and agriculture (24.7 percent), as domestic workers (15.8 percent), and in construction (14.1 percent). According to the Ministry of Human Resources, as of September 30, legal foreign workers primarily came from Indonesia (58 percent), Nepal (11 percent), Bangladesh (9 percent) and India (7 percent). Among legal foreign workers, Indonesian workers accounted for 90 percent of domestic helpers, 89 percent of plantation workers, and 81 percent of construction workers. The deputy prime minister stated that between 300,000 and 500,000 illegal migrants also worked in the country, but many observers and officials believed that the number of illegal migrant workers exceeded 1 million.

Legal and illegal foreign workers from Indonesia, Nepal, India, Burma, Vietnam, Bangladesh, the Philippines, and other countries constituted approximately 20 percent of the work force. Illegal foreign workers have no legal protection under the law and have no legal recourse in cases of abuse. Foreign migrant laborers, legal and illegal, often worked under difficult conditions, performed hazardous duties, had their pay withheld by employers, and had no meaningful access to legal counsel in cases of contract violations and abuse.

Foreign workers, particularly if they were illegal aliens, generally did not have access to the system of labor adjudication. However, the Government investigated complaints of abuses, attempted to inform workers of their rights, encouraged workers to come forward with their complaints, and warned employers to end abuses. Like other employers, labor contractors may be prosecuted for violating the law. According to the results of a survey conducted during the year by the Federation of Malaysian Manufacturers, the average monthly wage of foreign workers engaged in the manufacturing sector was \$161 (581 ringgit). In October the Ministry of Human Resources opened an investigation into a complaint by 700 Bangladeshi textile factory workers who alleged they were being paid only one-sixth of the amount their employers had promised. By year's end the Government had enforced payment of back wages, and many of the workers had been repatriated back to Bangladesh.

The Workmen's Compensation Act covers both local and foreign workers but provides no protection for foreign household workers. According to the government, foreign household workers are protected under the Employment Act with regard to wages and contract termination. However, these workers are excluded from provisions of the act that would otherwise ensure that they received one rest day per week, an 8-hour workday, and a 48-hour workweek.

Employers sometimes failed to honor the terms of employment and abused their household workers. Only household workers ages 25 to 45 were allowed into the country, according to Immigration Department officials. They were not allowed to bring family members into the country while employed. The terms of the contract for Indonesian domestic workers, who made up approximately 92 percent of all foreign household workers, were often vague and open to abuse. The typical contract provided for a monthly salary of \$111 (400 ringgit) but did not specify the number of working hours per day. NGOs reported that many Indonesian household workers were required to work 14 to 18 hours a day, 7 days a week. The contract for Filipina household workers included more comprehensive protections, but both groups suffered from a lack of education concerning their legal rights.

Some workers alleged that their employers subjected them to inhuman living conditions, withheld their salaries, confiscated their travel documents, and physically assaulted them. Workers have the right to take legal action against abusive employers. According to NGOs, the courts generally sided with employees and ruled that employers must pay all back salary and compensate plaintiffs for injuries, but long delays in court proceedings and rulings often precluded aggrieved foreign workers from seeking redress through the court system.

Mechanisms for monitoring workplace conditions were inadequate. Private, for-profit labor agencies, themselves often guilty of abuses, were often responsible for the resolution of abuse cases. Bilateral labor agreements with Indonesia do not provide adequate protections for household workers.

The Occupational Safety and Health Act covers all sectors of the economy except the maritime sector and the armed forces. The act established a national Occupational Safety and Health Council, composed of workers, employers, and government representatives, to set policy and coordinate occupational safety and health measures. It requires employers to identify risks and take precautions, including providing safety training to workers, and compels companies that have more than 40 workers to establish joint management-employee safety committees. The act requires workers to use safety equipment and cooperate with employers to create a safe, healthy workplace. Employers or employees that violate the act are subject to substantial fines or imprisonment for up to 5 years, although the MTUC complained that some employers flouted the rules with impunity. There are no specific statutory or regulatory provisions that provide a right for workers to remove themselves from dangerous workplace conditions without arbitrary dismissal.

## MARSHALL ISLANDS

The Republic of the Marshall Islands is a constitutional republic with a population of approximately 56,000. In November voters elected the Parliament (Nitijela) in generally free and fair multiparty elections. The Parliament was scheduled to elect a president in January 2008. The civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens; however, prison conditions, government corruption, violence against women, child abuse, and lack of worker protections were areas of concern.

### RESPECT FOR HUMAN RIGHTS

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

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

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits such practices, and there were no reports that government officials employed them.

*Prison and Detention Center Conditions.*—Prison conditions did not meet international standards. Lighting, ventilation, and sanitation were inadequate, and there was no program to ensure regular access to outside activity. Security was poor.

Some male juveniles were held together with the general prison population. There were no specialized prison facilities for female prisoners, including juveniles; they generally were held under house arrest. Some female offenders were held in a separate police substation. Pretrial detainees were not separated from the general prison population.

There were no requests for prison visits by independent human rights observers. In the past the Government allowed visits by the media and foreign diplomatic representatives without interference.

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

*Role of the Police and Security Apparatus.*—Civilian authorities maintained effective control over the police force, and the Government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the police force during the year.

*Arrest and Detention.*—Under the Constitution and law, a warrant issued by a court is required for an arrest if there is adequate time to obtain one. The courts have interpreted this provision to exempt situations such as a breach of the peace or an ongoing felony. There was a functioning system of bail, and detainees may request bond immediately upon arrest for minor offenses. Most serious offenses require the detainee to remain in jail until a hearing can be arranged, normally the morning after arrest. Detainees have the right to lawyers of their choice, and the Government provides a lawyer if the defendant is indigent. Families had access to detainees.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the Government generally respected judicial independence in practice.

The High Court chief justice, with foreign assistance, continued work on implementation of a multiyear judicial training program and improvements in trial procedures.

*Trial Procedures.*—The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right.

Defendants can choose either a bench trial or a four-member jury trial. In recent years defendants increasingly opted for jury trials, which had a higher rate of acquittals. Defendants enjoy a presumption of innocence and have the right to counsel. They may question witnesses, examine government-held evidence, and appeal convictions.

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

*Civil Judicial Procedures and Remedies.*—There is no separate judiciary in civil matters, but there are administrative remedies for alleged wrongs as well as judicial remedies within the general court system.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

On October 12, supporters of an opposition party accused police forces of destroying political signs placed on private property. The following week the property owners filed a civil suit against a police officer accused of destroying the signs. The case was pending at year's end.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

*Societal Abuses and Discrimination.*—There were no reports of societal abuse or discrimination against religious groups, including anti-Semitic acts. There were few known individuals of Jewish background in the country.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

The law does not prohibit forced exile, but the Government did not employ it.

*Protection of Refugees.*—The laws do not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the country is not a signatory of these instruments. The Government has not established a system for providing protection to refugees. In practice the country has almost no history of refugees or asylum seekers.

*Stateless Persons.*—The country has one habitually resident de facto stateless person. The law does not provide a specific way for stateless persons to gain citizenship. The stateless resident has not been subjected to discriminatory treatment, access to services, or application of the law.

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

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

*Elections and Political Participation.*—Executive power is centralized in the president and his cabinet. The legislature consists of the Nitijela and a council of chiefs (Iroj), the latter of which serves a largely consultative function dealing with custom and traditional practices. Citizens 18 years of age and older elect the 33-member Nitijela and mayors by secret ballot every 4 years.

The most recent elections for the Nitijela were held in November. There were many problems on election day in the major population center of Majuro, resulting in many voters waiting more than 5 hours to cast their ballots. In addition, some ballot boxes were recounted on the initiative of the chief electoral officer, which caused accusations of impropriety and assertions that the boxes should have been reopened only with a court order. Nevertheless, a team of independent election observers from the Pacific Islands Forum stated in their initial report that the election, while poorly managed, was conducted in a democratic manner, enabling voters to exercise their will freely.

Individuals and parties can freely declare their candidacy and stand for election. There are no restrictions on the formation of political parties, although many candidates prefer to run independently or loosely aligned with informal coalitions.

There are no legal impediments to women's participation in government and politics; however, traditional attitudes of male dominance, women's cultural responsibilities, traditionally passive roles, and the generally early age of pregnancies made it difficult for women to obtain political qualifications or experience. There was one woman in the 33-member Nitijela and four women in the 12-seat House of Iroij. There were no female judges, but the chief public defender was a woman. There were a number of women in prominent appointed government positions, including the secretary of education, secretary of health, acting secretary of foreign affairs, director of the Social Security Administration, and banking commissioner.

There were no members of minorities in the legislature.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. The World Bank's worldwide governance indicators reflect that corruption was a serious problem. Budgetary problems persisted, but the Government continued to make steady improvements, and auditors found fewer faults than in previous years.

Public officials are not subject to financial disclosure laws. The Attorney General's Office is responsible for investigating cases of alleged corruption, but few cases were prosecuted. No high-level elected official has ever been indicted for corruption. Voters tend to look to representatives for financial assistance, which pressured elected officials to use government authority to provide patronage to extended family members and supporters. This frequently led to allegations of nepotism in government hiring, especially for teachers, where studies found serious differences between teacher pay and qualification.

The law does not provide specifically for public access to government information. Although there is no specific statutory basis for denying such information, the Government held that the burden for overcoming a denial of access rests with the public, and a court filing showing the reason the information is required was often necessary.

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

Human rights groups generally operated without government restriction, but few local groups existed. The Government was not always responsive to the concerns of nongovernmental organizations (NGOs). The NGO Women United Together in the Marshall Islands (WUTMI) worked on women's, children's, and family issues and played a significant role in social issues.

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

The Constitution prohibits discrimination on the basis of sex, race, color, language, national or social origin, place of birth, and family status or descent, and the Government generally observed these provisions.

*Women.*—Rape and assault are criminal offenses, and the Government enforced the law effectively. The law establishes penalties of up to 25 years' imprisonment for first-degree sexual assault. Spousal abuse was common; most assaults occurred while the assailant was under the influence of alcohol. According to a 2003 WUTMI survey, more than 80 percent of women had been affected by spousal abuse. Violence against women outside the family also occurred, and women in urban centers risked assault if they went out alone after dark. Police generally responded to reports of rape and domestic assault, and the Government's health office provided counseling in reported spousal and child abuse cases. However, most observers believed that few sexual offenses were prosecuted, since cultural constraints discouraged victims from reporting such crimes to the police. During the year one sexual assault case was brought before the High Court; at year's end it was pending.

The courts have promulgated rules designed to protect women filing rape charges during court testimony, and women's groups under the WUTMI umbrella continued to publicize women's issues and promote a greater awareness of women's rights.

Prostitution is illegal but continued to occur, particularly on the Majuro and Kwajalein atolls. Organized prostitution on Majuro, run primarily by foreigners, no longer catered only to the crews of foreign fishing vessels. There were no specific reports of violence against prostitutes, although the Government assumed that it existed. The Government prosecuted and expelled several persons who had overstayed their visas, could show no income or other evidence of support, and were alleged to be involved in prostitution.

Although not legally prohibited, no sex tourism was reported.

Sexual harassment is not prohibited by law, but it was not considered a widespread or serious problem.

The inheritance of property and traditional rank is matrilineal, with women occupying positions of importance in the traditional system, although control of property often was delegated to male family members on behalf of female landowners. Several educated women held prominent positions, particularly in government; however, while female workers were very prevalent in the private sector, many were in low-paying jobs with little prospect for advancement. The traditional authority exercised by women has declined with growing urbanization and movement of the population away from traditional lands.

*Children.*—The Government showed a commitment to children's welfare through its programs of free education and health care, but these were not adequate to meet the needs of the country's increasing population.

Education was universal and compulsory to age 18, and the National Government did not charge school fees. It was estimated that up to 20 percent of children did not attend elementary school on a regular basis. In many cases this was because they lived too far away from a school or their families could not afford the annual registration fee (which varied by school but averaged approximately \$10) or incidental expenses. The lack of school lunch programs in most public schools was cited as another factor that contributed to absenteeism and poor performance. There were not enough high school facilities to accommodate all high-school-age children. Admission to high school continued to be by competitive examination. The Government's enrollment report indicated that only two-thirds of those completing eighth grade attended high school. According to a 2005 World Bank report, approximately 50 percent of high school students—or one-third of those who started elementary school—eventually graduated.

The Government provided subsidized essential medical services for all citizens, including children. Boys and girls had equal access to these services.

Child abuse and neglect are criminal offenses, but public awareness of children's rights remained low, and child abuse and neglect were considered increasingly common. Convictions for violation are punishable by up to 25 years in prison, depending on the degree of the offense. A law passed in September sets 18 years as the minimum age of consent for sexual activity. The law requires teachers, caregivers, and other persons to report instances of child abuse and exempts them from civil or criminal liability as a consequence of making such a report. Nonetheless, there were few reports or prosecutions.

*Trafficking in Persons.*—The law does not specifically prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the country.

*Persons with Disabilities.*—The Constitution prohibits discrimination against persons with physical or mental disabilities, and there are no restrictions on the right of such persons to vote or participate in civic affairs. There was no apparent discrimination against persons with physical or mental disabilities in employment, education, access to health care, or the provision of other state services; however, there were no building codes and no legislation mandating access for such persons. The Government provided minimal support for persons with mental disabilities.

Persons who could be medically defined as psychotic were imprisoned with the general prison population and visited by a doctor. When prison officials protested the disruptions caused by this practice, other arrangements, such as house arrest, were made.

There is no government agency specifically charged with protecting the rights of persons with disabilities. The attorney general is responsible for handling court cases involving complaints of discrimination against persons with disabilities, but no such cases were brought during the year.

*National Minorities.*—There were reports that discrimination against Chinese nationals increased. The Government was accused of selectively enforcing laws, espe-



cially immigration laws, against migrants from the People's Republic of China (PRC) while ignoring similar violations from other nationalities. There were allegations that immigration officers seized PRC passports from their holders at the airport. The owners of these passports were later detained by immigration enforcement officers and were unable to produce their documentation because their passports had been "lost" by officials at the airport. Police then arrested them for being in the country without documentation.

*Other Societal Abuses and Discrimination.*—Some ethnic Chinese reported being threatened or attacked based on their race and receiving regular racial slurs. Other ethnic Chinese stated it was common for taxi drivers to refuse to stop for Chinese passengers. It was not uncommon to hear Marshallese complaining of "too many foreigners, especially Chinese."

There were no accounts of societal violence based on sexual orientation or HIV/AIDS infection. There are no enforced laws criminalizing homosexuality. In general homosexuals were accepted in society. There was some cultural stigma attached to HIV infection, but NGOs and the Government conducted campaigns to provide HIV/AIDS education and encourage testing for the disease.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law provides for the right of free association in general, and the Government interpreted this right as allowing the existence of labor unions, although none have been formed. With few major employers, there were few opportunities for workers to unionize, and the country had no history or culture of organized labor.

*b. The Right to Organize and Bargain Collectively.*—There is no legislation concerning collective bargaining or trade union organization. Wages in the cash economy were determined by market factors in accordance with the minimum wage and other laws.

The law does not provide for the right to strike, and the Government has not addressed this issue.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits involuntary servitude, and there were no reports of its practice among citizens. Officials suspected that some forced or compulsory labor existed among the illegal alien population.

The law does not specifically prohibit forced and compulsory labor by children; however, there were no reports that such practices occurred.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—There is no law or regulation setting a minimum age for employment of children. Children typically were not employed in the wage economy, but some assisted their families in fishing, agriculture, retailing, and other small-scale enterprises.

*e. Acceptable Conditions of Work.*—The law establishes a minimum wage of \$2 per hour for both government and private sector employees. (The U.S. dollar is used as the national currency.) The national minimum wage did not provide a decent standard of living for a worker and family. However, in the subsistence economy, extended families were expected to help less fortunate members, and there often were several wage earners to support each family. The Ministry of Resources and Development adequately enforced the minimum wage regulations. Foreign employees and local trainees of private employers who had invested in or established a business in the country were exempt from minimum wage requirements. This exemption did not affect a significant segment of the workforce.

A government labor office makes recommendations to the Nitijela on working conditions, such as the minimum wage, legal working hours and overtime payments, and occupational health and safety standards, and the office periodically convenes board meetings that are open to the public. There is no legislation concerning maximum hours of work or occupational safety and health. On Sunday most businesses were closed, and persons generally refrained from working. No legislation specifically gives workers the right to remove themselves from situations that endanger their health or safety without jeopardy to their continued employment, and no legislation protects workers who file complaints about such conditions. The law protects foreign workers in the same manner as citizens.

## FEDERATED STATES OF MICRONESIA

The Federated States of Micronesia is a constitutional republic composed of four states: Chuuk, Kosrae, Pohnpei, and Yap. Its population was approximately 107,000. The popularly elected unicameral legislature selects the president from among its four at-large senators (one from each state). There were no formal political parties. The most recent general elections for Congress, held on March 6, were considered generally free and fair despite technical problems and some allegations of fraud in Chuuk. On May 11, Congress chose Emanuel Mori as president. Individual states enjoyed significant autonomy, and traditional leaders retained considerable influence in Pohnpei and Yap. The civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens. Reported human rights problems included judicial delays, government corruption, discrimination against women, domestic violence, and child neglect.

### RESPECT FOR HUMAN RIGHTS

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

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

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits such practices, and there were no reports that government officials employed torture; however, there were occasional reports of physical abuse by police.

*Prison and Detention Center Conditions.*—Prison conditions generally met international standards; however, the underfunded corrections divisions of the Pohnpei and Chuuk State Public Safety Departments failed to provide nutritionally adequate meals to prisoners.

There were no designated juvenile detention facilities; however, juvenile crime was rare, and the states seldom incarcerated juvenile offenders. Pretrial detainees usually were held together with convicted prisoners.

The Government permits prison visits by human rights observers, but the question of such visits did not arise during the year.

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

*Role of the Police and Security Apparatus.*—Each state has a Department of Public Safety composed of police, corrections, fire, and emergency response functions. There is a small national police force under the Department of Justice. Some municipalities also have small police forces. Many citizens preferred to rely on customary and traditional remedies to resolve criminal and civil matters.

Despite some improvement after Chuuk State's governor introduced measures in 2006 to reform the state's underqualified and politicized police force, the force remained politicized. In July the public safety director resigned his position in response to political pressure brought upon him by Chuuk's Senate president, who introduced a resolution of censure against the director in apparent reprisal for the arrests of the Senate president's brother and son for armed robbery and assault.

In Pohnpei the Department of Public Safety dismissed a police officer for carrying a handgun while off duty and illegally discharging it during an altercation outside a night club. A youth was grazed by a ricocheting bullet.

*Arrest and Detention.*—Warrants are required for arrests, and detainees were promptly advised of the charges against them. Detainees must be brought before a judge for a hearing within 24 hours of arrest, and this requirement was generally observed in practice. Most arrested persons were released on bail, which usually was set at low levels except in cases involving flight risk. Detainees had prompt access to family members and lawyers. All defendants have the right to counsel; however, the public defender's office was underfunded, and not all defendants received adequate legal assistance in practice.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the Government generally respected judicial independence in practice. The president, with the advice and consent of the legislature, appoints justices to fill vacancies on the three-member Supreme Court. Each state also has a supreme court, and some municipalities have local courts. Some states have additional courts to deal with land disputes. The formal legal system coexists with traditional, medi-

ation-based mechanisms for resolving disputes and dealing with offenders at the local level.

*Trial Procedures.*—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are public, although juveniles are allowed closed hearings. Judges conduct trials and render verdicts; there are no juries. Defendants enjoy a presumption of innocence and have the right to counsel, to question witnesses, to access government-held evidence, and to appeal convictions. There is a national public defender system with an office in each state. Despite these provisions, cultural resistance to litigation and incarceration as methods of maintaining public order allowed some persons to act with impunity. Serious cases of sexual and other assault and even murder did not go to trial, and suspects routinely were released indefinitely. Bail, even for major crimes, usually was set at low levels.

Delays in some judicial appointments and underfunding of the court system hampered the judiciary's ability to function efficiently. Shortages or unavailability of court personnel and services occasionally hampered the right to a speedy trial.

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

*Civil Judicial Procedures and Remedies.*—There is an independent and impartial judiciary in civil matters. The Supreme Court is responsible for hearing lawsuits seeking damages for, or cessation of, human rights violations. There were no non-judicial administrative remedies available.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution contains an express right to privacy that prohibits such actions, and the Government generally respected these prohibitions in practice.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of “expression” but not specifically of “speech” or of “the press”; however, the Government generally respected each of these rights in practice.

Individuals could criticize the Government publicly or privately without reprisal. The number of independent media outlets was very small but growing, with the addition of two religiously affiliated radio stations during the year, one in Pohnpei and one in Yap. There was a lack of consistently reliable access to broadcast media, although this improved greatly during the year. The Government radio stations on Yap, Chuuk, and Pohnpei resumed operations, although Chuuk's station operated only 4 hours a day due to a limited power supply.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Cost and lack of infrastructure limited public Internet access on the outlying islands in each state. On the four principal islands, infrastructure was adequate, but cost still limited access. However, each state telecommunications office had Internet work stations available to the public 24 hours a day for reasonable hourly fees.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

*Societal Abuses and Discrimination.*—There were no reports of societal abuse or discrimination against religious groups, including anti-Semitic acts. There was no known Jewish community.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution provides for freedom of movement within the country. It does not address foreign travel, emigration, or repatriation, but in practice none of these rights was restricted.

The law does not explicitly prohibit forced exile; however, statutes that prescribe punishments for crimes do not provide for the imposition of exile, and the Government did not employ it.

*Protection of Refugees.*—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has not established a system for providing protection to refugees. The Government did not grant refugee status or asylum, and there were no requests for refugee status or asylum during the year. In practice the Government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. The Government cooperated with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

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

The Constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

*Elections and Political Participation.*—The March 6 general elections were generally free and fair; however, there were serious discrepancies between national and state voter registries in Chuuk State that disenfranchised perhaps hundreds of voters. The reasons for the discrepancies appeared primarily technical, although there were some allegations of fraud. Voting in Chuuk was marred by violence in the past, but none was reported during the March elections.

State governors, state legislators, and municipal governments are elected by direct popular vote. There are no restrictions on the formation of political groups; however, there were no significant efforts to form organized political parties, and none existed. Candidates generally sought political support from family and allied clan groupings and from religious groups.

Cultural factors in the male-dominated society limited women's representation in government and politics. Women were well represented in the middle and lower ranks of government at both the Federal and state level, and women held the Federal cabinet-level positions of attorney general and public defender.

There was one woman in the 23-seat Pohnpei State legislature and no women in the other state legislatures or in the 14-member national legislature.

The country is a multicultural federation, and both the legislature and the Government included persons from various cultural backgrounds.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively; however, officials sometimes engaged in corrupt practices with impunity. Government corruption was a problem, particularly in Chuuk State. In May a former ambassador was charged with criminal conspiracy and violation of financial management regulations in connection with an alleged passport fraud scheme. At year's end he was free on bail, and the case was pending. A Member of Congress indicted in 2004 for corruption retained his seat in the March elections. The judge initially appointed to hear the case recused himself, and at year's end the chief justice had not assigned a new judge to hear the case.

Public officials were not subject to financial disclosure laws. The Office of the Attorney General has primary responsibility for combating government corruption.

There is no national law providing for public access to government information. The speaker of Congress can declare any congressional documents confidential. State laws and practices varied. Legislative hearings and deliberations generally were open to the public. In Pohnpei the state legislature's proceedings were televised, and in Yap they were broadcast on FM radio. Information from other branches of government also was accessible; however, retrieval sometimes was complicated and delayed by the loss or mishandling of records and by the concern of lower level administrative personnel with verifying that release of the particular information requested was permissible. There were no reported cases of government denial of access to media, but there were only a small number of media outlets, and their reporting resources were limited.

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

Although there were no official restrictions, no local groups concerned themselves exclusively with human rights. There were groups that addressed problems concerning the rights of women and children, and the Government cooperated with these groups.

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

The Constitution and law provide explicit protection against discrimination based on race, sex, or language, but societal discrimination against women remained a problem.

*Women.*—Sexual assault, including rape, is a crime. Sexual assault involving a dangerous weapon or serious physical or psychological harm to the victim is punishable by up to 9 years' imprisonment in Chuuk and 10 years' imprisonment in the other three states, or a fine of up to \$20,000 in Kosrae and \$10,000 in the other states. (The U.S. dollar is the national currency.) If neither of these factors is involved, the assault is punishable in all states by up to 5 years' imprisonment or a fine. However, few cases were reported or prosecuted. There is no specific law against spousal rape. According to police and women's groups, there were a number of reports of physical and sexual assaults against women, both citizens and foreigners, outside the family context. In this traditional society, unmarried women sometimes were considered to have invited such violence by living or traveling alone.

Reports of spousal abuse, often severe, continued during the year. Although assault is a crime, there were no specific laws against domestic abuse, and there were no governmental or private facilities to shelter and support women in abusive situations. Effective prosecution of offenses was rare. In many cases victims decided against initiating legal charges because of family pressure, fear of further assault, or belief that the police would not involve themselves actively in what is seen as a private family problem.

Within the traditional extended family unit, violence, abuse, and neglect directed against spouses or children were deemed offenses against the family, not just the individual victims, and were addressed by a complex system of familial sanctions. However, traditional methods of coping with family discord were breaking down with increasing urbanization, monetization of the economy, and greater emphasis on the nuclear family. No government agency, including the police, has succeeded in replacing the extended family system or in addressing the problem of family violence directly.

Prostitution is illegal and was not a major problem. The law does not prohibit sex tourism specifically, but it was not a problem. The law does not prohibit sexual harassment, which appeared to be pervasive although seldom reported.

Women have equal rights under the law, including the right to own property, and there were no institutional barriers to education or employment. Women received equal pay for equal work. There continued to be extensive societal discrimination against women, although women were active and increasingly successful in private business. There was an active national women's advisory council that lobbied the Government. Additionally, several small NGOs were interested in women's issues, particularly those associated with family violence and abuse. The Women's Interest Section of the Department of Health, Education, and Social Affairs worked to protect and promote women's rights.

*Children.*—The Government was committed to children's welfare through its programs of health care and education; however, these programs were inadequate to meet the needs of the population, particularly in an environment in which the extended family was breaking down. Health officials and religious leaders ran peer-support and family-care groups to address factors that could contribute to youth suicides.

A compulsory education law requires all children to begin school at age 6, but not all did so. A shortage of qualified teachers and lack of textbooks hampered progress. Education was free, and there was no difference between the education of boys and girls. Education levels differed among the states, but on average 75 percent of children finished eighth grade, 55 percent finished ninth grade, and 35 percent finished high school. There were not enough high schools to accommodate all students who wished to attend. Children were permitted to leave school when they reached the age of 14 or after completing the eighth grade, whichever came first.

The Government administered an immunization program throughout the country and provided some vitamin supplements. Boys and girls had equal access to government-provided medical care.

There were some anecdotal reports of child abuse and neglect, but no reliable statistics were available.

*Trafficking in Persons.*—National and state laws do not specifically prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the country.

*Persons with Disabilities.*—The law prohibits discrimination in public service employment against persons with disabilities. Children with physical or mental disabili-

ities, including learning disabilities, were provided with special education, including instruction at home if necessary; however, such classes were dependent on foreign funding. There were no reports of discrimination against persons with disabilities in employment, access to health care, or provision of other state services; however, persons with disabilities usually did not seek employment outside the home.

Neither laws nor regulations mandate accessibility to public buildings or services for persons with disabilities. Some private businesses provided special parking spaces and wheelchair ramps.

The national Health Services Department is responsible for protecting the rights of persons with disabilities.

Due to the lack of facilities for treating mentally ill persons, some persons with mental illnesses but no criminal background were housed in jails. The authorities provided separate rooms in jails for persons suffering from mental illness, and the state health services departments provided medications to the patients.

*National/Racial/Ethnic Minorities.*—Each of the country's four states has a different language and culture. Traditionally the state of Yap had a caste-like social system with high-status villages, each of which had an affiliated low-status village. In the past those who came from low-status villages worked without pay for those with higher status. In exchange those with higher status offered care and protection to those subservient to them. The traditional hierarchical social system has been gradually breaking down, and capable people from low-status villages could rise to senior positions in society. Nonetheless, the traditional system continued to affect contemporary life, with individuals from low-status villages still likely to defer to those with higher status. Persons from low-status backgrounds tended to be less assertive in advocating for their communities' needs with the Government. As a result, low-status communities sometimes continued to be underserved.

The national and state constitutions prohibit noncitizens from purchasing land, and a 2002 law continued to limit the occupations that noncitizens could fill. The national Congress granted citizenship to non-Micronesians only in rare cases. There is no permanent residency status. For the most part, however, noncitizens shared fully in the social and cultural life of the country.

*Other Societal Abuses and Discrimination.*—There were no reports of societal violence or discrimination against homosexuals or against persons with HIV/AIDS.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—Under the Constitution, citizens have the right to form or join associations, and National Government employees by law can form associations to "present their views" to the Government without coercion, discrimination, or reprisals. For a variety of reasons—including the fact that most private-sector employment was in small-scale, family-owned businesses and citizens were not accustomed to collective bargaining—there were neither associations nor trade unions. Although foreign workers have the right to form unions, they did not do so.

*b. The Right to Organize and Bargain Collectively.*—No law deals specifically with trade unions or with the right to collective bargaining, and there were no reports of collective bargaining agreements during the year. Individual employers, the largest of which were the national and state governments, set wages. There is no specific right to strike.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced or compulsory labor, and there were no reports that such practices occurred. This prohibition does not mention specifically forced and compulsory labor by children, but there were no reports that such practices occurred.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—National and state laws do not establish a minimum age for employment of children. In practice there was no employment of children for wages; however, children often assisted their families in subsistence farming and in family-owned shops.

*e. Acceptable Conditions of Work.*—Pohnpei had a minimum hourly wage rate of \$2.00 for government and \$1.35 for private-sector workers. The other three states had minimum hourly rates only for government workers: \$1.25 for Chuuk, \$1.49 for Kosrae, and \$1.60 for Yap. The minimum hourly wage for employment with the National Government was \$2.64. These minimum wage structures and the wages customarily paid to skilled workers were sufficient to provide a decent standard of living for a worker and family. The minimum wage was enforced through the tax system, and this mechanism was believed to be effective.

There are no laws regulating hours of work (although a 40-hour workweek was standard practice) or prescribing standards of occupational safety and health. A Federal regulation requires that employers provide a safe workplace, but the De-

partment of Health had no enforcement capability, and working conditions varied in practice. There is no law for either the public or private sector that permits workers to remove themselves from dangerous work situations without jeopardy to their continued employment.

Foreign workers were not subjected to abuse or deported without cause. They have the right to a hearing if facing deportation.

Working conditions aboard some Chinese-owned fishing vessels operating in the country's waters were very poor. Crewmen reported a high incidence of injuries, beatings by officers, and nonpayment of salary.

---

## MONGOLIA

Mongolia, with a population of approximately 3 million, is a multiparty, parliamentary democracy. Observers noted minor irregularities in the 2005 presidential elections. Parliament (the State Great Hural), with the agreement of the president, selects the prime minister, who is nominated by the majority party. In November Parliament confirmed S. Bayar of the Mongolian People's Revolutionary Party (MPRP) as prime minister, and a new coalition government was formed. Civilian authorities generally maintained effective control of the security forces, but there reportedly were a few instances in which elements of the security forces acted independently of government authority.

The Government generally respected the human rights of its citizens; however, the following human rights problems were noted: Police abuse of prisoners and detainees; impunity; poor conditions in detention centers; arbitrary arrest, lengthy detention, and corruption within the judicial system; criminal defamation laws applied to journalists; continued refusal by some provinces to register Christian churches; sweeping secrecy laws and a lack of transparency; domestic violence against women; international trafficking of persons; and some domestic cases of child prostitution.

### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—The Government or its agents did not commit any politically motivated killings; however, abuse by security forces likely caused some deaths. In May 2006 the National Human Rights Commission (NHRC) reported that police abuse of suspects resulting in death was a persistent problem, and it cited numerous examples. There often was a lag time in reporting and investigating cases, and examples of new deaths in police custody during the year were not readily available.

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits such practices; however, police, especially in rural areas, occasionally beat prisoners and detainees, and the use of unnecessary force—particularly to obtain confessions—in the arrest process was common.

Nongovernmental organizations (NGOs) reported that cruel punishment was sometimes meted out to inmates by guards or police at police stations, prisons, and detention centers. The NGOs stated some inmates were burned with cigarettes, beaten with batons, or kicked in the shins with steel-toed boots. However, they stated that the overall level of excessive punishment declined during the year.

While the NHRC did not report on torture during the year, in 2006 it condemned persistent abuse of suspects, including some cases resulting in death. The NHRC asserted that among 1,338 detainees surveyed at eight pretrial detention centers in 2005, more than 70 percent of them had confessed under duress or actual force. Consistent credible evidence suggested that suspects were placed in cells with violent inmates whom investigators had instructed to coerce confessions.

In addition to a regular salary, police receive a bonus for closing cases; human rights organizations argued that this created an incentive for police to coerce quick confessions rather than fully investigate criminal activity.

During the year the NHRC reported that some military superiors commonly used force and humiliation against subordinates. It said a survey of soldiers found that in addition to punching and kicking subordinates, some superiors administered electric shocks using communication devices. The NHRC said that during a 10-month period in 2006, the Armed Forces Central Clinical Hospital admitted 12 soldiers for treatment, following severe beatings by superiors. The NHRC said soldiers were extremely reluctant to report such attacks.

*Prison and Detention Center Conditions.*—Conditions in pretrial detention and prison facilities were generally poor. Insufficient food, heat, and medical care threatened the health and life of inmates. However, NGOs reported prison and detention center conditions generally improved during the year, particularly with regard to food quality and access to hot water. Nevertheless, access to prisons and detention centers by monitors from the diplomatic and human rights community was limited, and some monitors were “chaperoned” by public servants who forbade them to speak privately with inmates. Overcrowding continued to be a problem, especially at detention centers, where cells sometimes held eight persons in a space intended for two or three. According to NGOs, punishment for inmate misconduct or insubordination was swift and could include baton blows, kicks to the shins, or being burned with cigarettes. Guards often worked 24-hour shifts and reportedly drank heavily during their shifts.

Many inmates entered prison infected with tuberculosis (TB) or contracted it in prison. The Government treated victims, either at prison, detention center clinics or the Government’s TB hospital. Generally, infected persons with active TB were isolated from the general prison population. Treatment was often problematic because many of the infected inmates had a drug-resistant strain of TB. NGOs stated the overall TB situation at prisons and detention centers improved slightly during the year. While the number of inmates who died from the disease declined significantly over the years, infection in prisons and detention facilities and poor treatment for the disease remained serious problems.

At military prisons, soldiers held in solitary confinement were sometimes denied potable water, fed as infrequently as once a day, and denied access to fresh air, according to the NHRC.

At least two domestic and six foreign NGOs, including Crossroads and Prison Fellowship Mongolia, worked to improve conditions in prisons and detention centers; some provided clothing, food, books, English-language instruction, and vocational training.

*d. Arbitrary Arrest or Detention.*—The law provides that no person shall be searched, arrested, detained, or deprived of liberty except by specified procedures; however, arbitrary arrest and detention remained problems. General public awareness of basic rights and judicial procedures, including rights with regard to arrest and detention, was limited, especially in the countryside.

*Role of the Police and Security Apparatus.*—Security forces are under the jurisdiction of the Ministry of Defense (MOD), the Ministry of Justice and Home Affairs (MOJHA), and the General Intelligence Agency (GIA). The MOD oversees national defense and assists in providing domestic emergency assistance and disaster relief, in support of internal security forces. National police operate under the MOJHA, as does the Border Force. The GIA, formerly the State Security Agency, is responsible for both internal security and foreign intelligence collection and operations. The GIA’s civilian head reports directly to the prime minister. The State General Prosecutor’s Office supervises undercover activities of the police and the intelligence agencies.

There was general agreement that corruption in law enforcement agencies was endemic. Some police officers were reportedly investigated by the Anti-Corruption Agency, which was established during the year. There were no major changes to prevent or punish police who abused detainees. The government, however, took efforts to improve training and professionalism of the security forces, including a workshop on the use of nonlethal weapons for crowd control.

Laws and mechanisms to investigate police abuses remained inadequate. A Special Investigative Unit (SIU) under the State General Prosecutor’s Office investigates allegations of misconduct by law enforcement personnel, prosecutors, and members of the judiciary. Each year the SIU received between 600 and 700 complaints against law enforcement and conducted 300 to 350 investigations. In approximately 40 percent of these cases, criminal charges were brought against the accused. In another 40 percent of cases, complaints were dismissed, often because the parties reached a private settlement. The final 20 percent remained pending further action. According to the SIU, police frequently blocked or impeded the work of its investigators, particularly when the targets of investigation were high-ranking police officials.

*Arrest and Detention.*—A judge-issued warrant is required prior to the arrest of a suspect; however, arrest without a warrant was believed to be fairly common. A “pressing circumstances” exception allows police to arrest suspects without obtaining a warrant, and this was widely used.

Under the criminal code, police must request a court order to continue holding a suspect after 24 hours. If permission is obtained, police may hold suspects for up



to 72 hours before a decision is made to prosecute or release them. If a court order is not granted within 72 hours, the suspect must be released.

Detainees generally were informed promptly of the charges against them. The maximum pretrial detention with a court order is 24 months; an additional 6 months are allowed for particularly serious crimes such as murder. Detainees are allowed prompt access to family members, and during the year penal authorities increased the amount of food relatives could bring to detained family members. Detainees may be released on bail with the approval of a prosecutor.

A detainee has the right to a defense attorney during pretrial detention and all subsequent stages of the legal process. If a defendant cannot afford a private attorney, the Government must appoint an attorney. From January 1 through September 22, the Government appointed attorneys in 799 cases nationwide, according to the Mongolian Attorneys Association. Despite this legal provision, many detainees were unaware of their right to a government-appointed attorney and did not assert it. There was a shortage of public-funded and pro bono attorneys for low-income defendants, particularly outside of Ulaanbaatar.

According to an administrative regulation, if a person is wrongly charged with a crime, the Government must restore the person's rights and reputation and provide compensation; however, this regulation was rarely followed in practice.

*e. Denial of Fair Public Trial.*—The law provides for an independent judiciary, and the Government generally respected this provision in practice; however, corruption and outside influence were problems. Bribery could contribute to getting a case dismissed or a recommended sentence reduced, and blackmail and identity fraud were also a source of corruption. During the first 9 months of the year, the investigative branch of the State General Prosecutor's Office investigated six judges for misconduct. One was convicted in July on corruption charges and received a 5-year sentence. The verdict was overturned in September by a higher court but appealed to the Supreme Court, which in October found the judge guilty and handed her to a 2-year suspended sentence.

The judiciary consists of district, provincial, and separate constitutional courts and a supreme court. The 17-member Supreme Court is the court of final appeal, hearing appeals from lower courts and cases involving alleged misconduct by high-level officials. District courts primarily hear routine criminal and civil cases, while more serious cases, such as murder, rape, and grand larceny, are sent to the provincial courts. Provincial courts also serve as the appeals court for lower court decisions. The Constitutional Court, which is separate from criminal courts, has sole jurisdiction over constitutional questions. The General Council of Courts, an administrative body within the MOJHA, nominates candidates for vacancies on the courts; the president has the power to approve or refuse such nominations. The council also is charged with protecting the rights of judges and providing for the independence of the judiciary. The military judicial system was abolished in 1993; since then all military cases have been handled in civilian courts.

*Trial Procedures.*—The law provides for the right to a fair public trial by a judge. Juries are not used. Closed proceedings are permitted in cases involving state secrets, rape cases involving minors, and other cases as provided by law. Defendants may question witnesses, present evidence, and appeal decisions. The law provides that defendants are innocent until proven guilty.

Despite these provisions, trial procedures were often plagued by legal inconsistencies. There was a shortage of state-provided defense lawyers, and many defendants lacked adequate legal representation. Confessions, many of which were coerced by police, were often relied upon in convicting defendants.

*Political Prisoners and Detainees.*—There were no reports of political prisoners or detainees. However, after the August 31 conviction of Ninjiin Demberel for slander against two senior government officials, human rights NGOs accused the authorities of jailing a citizen simply for exercising his right to free speech.

*Civil Judicial Procedures and Remedies.*—Corruption and outside influence were problems in the civil judicial system, and enforcement of court orders was also a problem. Although victims of police abuse were able by law to sue for actual damages, few were able to actually claim compensation.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law prohibits such actions, and the Government generally respected these prohibitions in practice; however, the head of the GIA, with the knowledge and consent of the prime minister, was allowed to direct the monitoring and recording of telephone conversations. The extent of such monitoring was unknown. Police wiretaps must be approved by the prosecutor's office and were authorized for 2 weeks at a time.

In September and October, a number of Ulaanbaatar-based foreign missionaries, mostly from other Asian countries, reported being detained by police and subjected

to lengthy questioning. The detentions apparently were aimed at identifying foreigners who remained in the country after their visas had expired.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice. However, government interference with licensing and indirect intimidation of the press, particularly broadcast media, was a problem. Access to information was limited by a far-reaching State Secrets Law, which limited freedom of information and government transparency.

A variety of newspapers and other publications represented both major political parties and independent viewpoints. The MOJHA licensed newspapers, television and radio broadcasters, and magazines. The media law bans censorship of public information and any legislation that would limit the freedom to publish and broadcast; however, perceived self-censorship was believed to be a growing problem during the year. The Government monitored all media for compliance with antiviolenence, antipornography, antialcohol, and tax laws.

During the year violence against journalists occurred, and the Government failed to prosecute the attackers. According to the NGO Globe International, three journalists were physically attacked during the year. According to press reports, on June 24, the manager of an Ulaanbaatar restaurant attacked a newspaper photojournalist who was taking photos of the restaurant. The manager kicked the journalist in the head and broke his camera. The journalist then attempted to report the attack at the Sukhbaatar District Police Station, but he was rebuffed on two occasions.

Police and other government officials sometimes impeded the work of journalists. On February 25, police physically prevented a newspaper journalist, G. Erdenetuya, from photographing the wreckage of a helicopter crash that claimed more than a dozen lives.

While there was no direct government censorship, the press alleged indirect censorship in the form of government and political party harassment, such as frequent libel complaints and tax audits. The law places the burden of proof on the defendant in libel and slander cases. Both libel and “insult” were criminal charges.

In August former government spokesperson Ninjin Demberel was convicted of insulting President Enkhbayar and a member of Parliament, Ch. Ulaan, and received a 4-month sentence. In an interview, Demberel had accused Ulaan of being “merely a puppet” with “no opinions of his own.”

In April and May, prosecutors filed criminal charges against a reporter, B. Tsognemekh, and his editor, B. Ganbold, both of the popular Zuuuny Medee newspaper. The reporter wrote articles in late 2006 and early 2007 that suggested that Ch. Ulaan was guilty of corruption and abuse of power. At year’s end the reporter faced a potential sentence of up to 3 months on an insult charge and up to 6 months on a libel charge.

Media watchdogs stated many newspapers were affiliated with political parties or owned (or partly owned) by individuals affiliated with political parties, and that this affiliation strongly influenced the published reports. The watchdogs also complained that underpaid reporters frequently demanded payment to cover or fabricate a story. Broadcast media were similarly not free of political interference. A lack of transparency during the tender process and lack of a truly independent licensing authority inhibited fair competition for broadcast frequency licenses and benefited those with political connections. At the provincial level, local government control of the licensing process similarly inhibited the development of independent television stations.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. The Government estimated that 280,000 citizens were Internet users via their own connections and many more used Internet or cyber cafes. Internet access expanded during the year to remote areas as a result of government and private sector efforts.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*—The law provides for freedom of assembly and association, and the Government generally respected these rights in practice.

*c. Freedom of Religion.*—The law provides for freedom of religion, and the Government generally respected this right in practice.

All NGOs, including religious groups, were required to register with the MOJHA. Local assemblies approve applications at the local level, and then MOJHA issues the registration once local approval is obtained. Registration and reregistration were burdensome for religious groups and could take years. The length and documentation requirements of the process reportedly discouraged some organizations from applying. Some provincial authorities reportedly used the registration process to limit the number of places for religious worship; however, this practice was not universal. In Ulaanbaatar, at least nine places of worship were constructed during the year, including a larger church in the Songinokhairkhan District. According to NGOs, the Government's approval of places of worship was not a straightforward process; although no religious organization was prevented from acquiring land on which to build a house of worship, in many cases the land was first acquired by an individual and then transferred to the organization following construction of the house of worship. Some places of worship avoided being authorized as such because of bureaucratic difficulties and instead characterized themselves as a fitness center or a cultural center. No churches were known to have been refused registration in Ulaanbaatar. However, in Tov Province, near Ulaanbaatar, authorities continued routinely to deny registration to churches. No churches were registered in that province during the year. A number of churches in Tov Province brought complaints to the NHRC in May, and the NHRC raised the issue with Tov authorities, noting NHRC concern that the Constitution was being violated. By year's end the Tov authorities had not made any public response.

The country's Muslim minority—ethnic Kazakhs concentrated in the western part of the country—generally enjoyed freedom of religion. However, the Government monitored the Kazakh community closely for any activity that could be construed as extremist or separatist.

The law does not prohibit proselytizing, but it forbids the use of incentives, pressure, or “deceptive methods” to introduce religion. Some Muslim citizens complained during the year that foreign (Christian) missionaries were using material goods to attract poorer Muslims to church activities in violation of the law.

*Societal Abuses and Discrimination.*—Societal attitudes were generally tolerant, and there was little overt or egregious discrimination based on ethnicity, national origin, gender, or sexual preference. An exception, however, was that Chinese citizens were widely treated with suspicion and sometimes with contempt. There were no reports of anti-Semitic acts during the year. There was no identified Mongolian Jewish population, and the number of resident Jews was very small.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

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

*Protection of Refugees.*—Although the country is not a party to the 1951 U.N. Convention relating to the Status of Refugee, and its laws do not provide the granting of asylum or refugee status, the Government provided protection against refoulement, the return of persons to a country where there is a reason to believe they feared persecution. During the year the Government developed a system for providing protection to refugees, referring to them as “humanitarian cases” rather than refugees. More than 400 entered the country from China during the year, and the Government allowed them to be resettled elsewhere. The Government's refusal to accede to the 1951 convention was fueled by continued concern about the potential for large numbers of migrants to arrive from neighboring countries.

The Government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers.

*Stateless Persons.*—Two stateless persons resided in the country during the year. Both potential countries of origin denied they were citizens of their country.

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

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair, elections held on the basis of universal suffrage. The law limits the president to two 4-year terms; parliamentary and local elections are held separately, also for 4-year terms.

The law provides that the majority party in Parliament, in consultation with the president, shall appoint the prime minister. The demarcation of powers between the

president and the prime minister has been the subject of several constitutional amendments and court challenges. Members of Parliament may serve as cabinet ministers. There is no requirement that the prime minister or other ministers be a member of Parliament.

*Elections and Political Participation.*—No presidential or parliamentary elections were held during the year. Only minor irregularities were observed in the 2005 presidential election of N. Enkhbayar. In a September 2006 parliamentary by-election, observers found some minor problems but no major irregularities. The campaign and balloting processes for the June 2004 parliamentary elections were marred by violations and inconsistencies. Two seats were disputed and resolved in court in 2005.

The potential for bias within the General Election Commission was a concern, particularly for smaller political parties. Although the nine commissioners were not allowed to be current party members, all had belonged to parties previous to their appointments. Seven of the nine had belonged to the same party.

By year's end there were 17 political parties that had registered with the Supreme Court. No party disbanded or lost its registration during the year. Two new parties registered during the year: The Civil Movement Party and the Development Program Party. Three parties took part in the coalition government that was formed in December: The formerly communist Mongolian People's Revolutionary Party, the Civil Will Party, and the New National Party.

There were no legal impediments to the participation of women or minorities in government and politics. There were five women in the 76-member Parliament. Three of the 16 cabinet ministers were women, as were seven of the 17 Supreme Court justices. Women and women's organizations were vocal in local and national politics and actively sought greater female representation in government policy-making.

There were three ethnic Kazakhs serving in Parliament. There were no members of minorities serving in the cabinet or the Supreme Court.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption; however, the Government did not always implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. Corruption was perceived to be a serious and continuing problem at all levels of government, particularly within the police, judiciary, and customs service. Varying degrees of corruption at most levels of government resulted in a blurring of the lines between the public and private sectors. Conflicts of interest were rife. The problem was compounded by weak governmental oversight bodies and media that frequently failed to expose corruption.

The criminal code proscribes the acceptance of bribes by officials and provides for fines or imprisonment of up to 5 years. It also outlaws offering bribes to government officials. However, corruption-related arrests, let alone convictions, were exceedingly rare.

A new Anti-Corruption Agency (ACA) was launched in January, and in September it received authority to investigate corruption cases. In late September the ACA stated that nearly all of the country's 252 most senior officials had complied with a new requirement to declare their assets and income (and those of relatives, including spouses, parents, children and live-in siblings). The ACA is also required to review the asset declarations of public servants, including police officers and members of the military, and this was being carried out in practice. The ACA was reluctant to publicize its activities, but reportedly investigated a number of individuals and government entities, including the National Emergency Management Agency (NEMA), the customs and tax authorities, the Ulaanbaatar Mayor's Office, and the Traffic Police. On December 18, ACA investigators reportedly arrested a senior NEMA official on suspicion of corruption.

Government and parliamentary decision making was not transparent, and public legislative hearings were rare. The far-reaching State Secrets Law inhibited freedom of information and government transparency, while also undermining accountability. The law also hinders citizen participation in policy discussions and government oversight. During the year a parliamentary working group was formed to study amendments to the State Secrets law. Meanwhile, there were public calls to amend the law and implement the equivalent of a freedom of information act. Parliament was to address the issue of a draft freedom of information law during its fall session, but by year's end no concrete action had been taken. Judicial transparency improved during the year, thanks in part to a new Web site at which citizens could access information on court decisions.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

With assistance from the U.N. Development Program, a local representative in each provincial assembly monitored human rights conditions, among other duties.

The NCHR consists of three senior civil servants nominated by the president, the Supreme Court, and Parliament, for terms of 6 years. The NCHR is responsible for monitoring human rights abuses, initiating and reviewing policy changes, and coordinating with human rights NGOs. The NCHR reports directly to Parliament. In its reports, the NCHR repeatedly criticized the Government for abuses of the power of arrest and detention, poor conditions in detention and prison facilities, lengthy detentions without trial, and failure to implement laws related to human rights.

The Government allowed midlevel civil servants to receive human rights training through seminars, conferences, and lectures.

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

The law states that "no person shall be discriminated against on the basis of ethnic origin, language, race, age, sex, social origin, or status," and that "men and women shall be equal in political, economic, social, cultural fields, and family." The Government generally enforced these provisions in practice.

*Women.*—Rape and domestic abuse are illegal, and offenders can be prosecuted after formal charges have been filed; however, there is no law specifically prohibiting spousal rape, and rape remained a problem. During the first 7 months of the year, there were 244 cases of rape reported to authorities; in all of 2006, there were 314. Many rapes, however, were not reported. NGOs stated that police procedures were stressful to victims and tended to discourage reporting of the crime. Social stigma also lowered the number of reported cases.

According to NGOs, police referred for prosecution only a minority of rape cases, largely on the basis that there was insufficient evidence for prosecution. Post-rape medical examinations were available, and results were occasionally used as evidence; however, such exams were not always available in remote areas. NGOs stated negative attitudes among some police resulted in some cases not being referred to prosecutors. The Criminal Code outlaws sexual intercourse through physical violence (or threat of violence) and provides for sentences of up to 5 years. In the event that the victim was injured or tortured, or was a minor, the penalty could reach 5 to 10 years. Such a crime committed by a recidivist, or inflicting death, or victimizing a child under 14 years of age, could result in imprisonment for 15 to 25 years, or application of the death penalty.

Domestic violence against women was a serious problem, particularly among low-income rural families; according to NGOs, alcohol played a factor in perhaps two-thirds of incidents. The law requires police to accept and file complaints, visit the site of incidents, interrogate offenders and witnesses, impose administrative criminal penalties, and bring victims to refuge. It also provides for sanctions for offenders, including expulsion from home, prohibitions on the use of joint property, prohibitions on meeting victims and on access to minors, and compulsory training aimed at behavior modification. However, this level of service was rarely provided by the police, who lacked sufficient funding and, according to women's NGOs, often were reluctant to intervene in what has long been viewed as an internal family matter.

There were no reliable statistics regarding the extent of domestic abuse; however, an NGO focused on this problem, the National Center Against Violence (NCAV), reported that during the year, 11 persons were convicted for this offense. The NCAV said that during the year it received 368 requests for temporary shelter and provided psychological counseling to 436 victims. The NCAV operated five shelters for victims and had 15 branches across the country.

There was increasing public and media discussion of domestic violence, including spousal and child abuse. However, victims were culturally informed not to step forward, in order to avoid "airing their family's dirty laundry." A vast majority of the perpetrators were men.

Divorced women secured alimony payments under the family law, which details rights and responsibilities regarding alimony and parents' rights. The ex-husband and ex-wife evenly split property and assets acquired during their marriage. However, women's activists said that because businesses were usually registered under the husband's name, ownership was increasingly transferred automatically to the ex-husband.

Prostitution is illegal, as is public solicitation for prostitution and organizing prostitution. Women's activists claimed that in Ulaanbaatar alone there were hundreds of brothels posing as saunas, massage parlors, and hotels. Some were occasionally raided by police. Some women worked abroad in the sex trade; an unknown number of them were trafficked.

There are no laws against sexual harassment. According to NGOs, there was a lack of awareness within the society on what constituted inappropriate behavior, making it difficult to gauge the actual extent of the problem. A 2004 NHRC survey found that one out of every two employed women under the age of 35 identified herself as a victim of workplace sexual harassment.

The law provides men and women with equal rights in all areas, including equal pay for equal work and equal access to education. In most cases, these rights were enjoyed in practice. Women's activists stated that in at least two areas—information technology and mining—women were paid less than men for the same work.

Women represented approximately half of the workforce, and a significant number were the primary wage earners for their families. The law prohibits women from working in certain occupations that require heavy labor or exposure to chemicals that could affect infant and maternal health, and the Government effectively enforced these provisions. Many women occupied midlevel positions in government and business, and many were involved in the creation and management of new trading and manufacturing businesses.

There was no separate government agency to oversee women's rights; however, there was a national council to coordinate policy and women's interests among ministries and NGOs, and the Ministry of Social Welfare and Labor had a Division for Women and Youth Issues. There were approximately 40 women's rights groups concerned with issues such as maternal and child health, domestic violence, and equal opportunity.

*Children.*—The Government remained committed to children's rights and welfare, although it was unable to keep pace with the educational, health, and social needs of this rapidly growing segment of the population. The Government provided children with free and compulsory public education through the age of 16; however, family economic needs and state budgetary troubles made it difficult for some children to attend school. In practice female children above age 15 had better opportunities to complete their education than male children, because teenage males often were required to work at home, and schools generally were located far from homes. In addition there continued to be a severe shortage of teachers and teaching materials at all educational levels.

Children generally had access to medical care, although in remote areas, clinics and hospitals were not always accessible. Each province had at least one government-run clinic, and each clinic had a children's section. By law citizens under the age of 18 have a right to free medical service at state clinics and hospitals. However, children's access to medical care declined during the year, due to a drop in the number of working pediatricians.

Child abuse took two main forms: Violence and sexual abuse. According to the governmental National Center for Children (NCC), both problems were most likely to occur within families. The NCC stated five persons were convicted of child sexual abuse during the year and three others were under investigation at year's end. In one case, a father was sentenced to death for sexually abusing his 9-year-old daughter, the NCC reported.

Child prostitution—involving those under 18—was a problem. According to the NGO Gender Equality Center, in the last 4 months of the year, at least three girls between the ages of 15 and 17 were kidnapped in Ulaanbaatar and forced to work as prostitutes. Police raids freed some victims; however, NGOs claimed other police officers worked with procurers and brothel keepers.

Although society has a long tradition of raising children in a communal manner, societal and familial changes orphaned many children. Child abandonment was a problem; other children were orphaned or ran away from home as a result of abuse, much of it involving alcohol. According to the NGO Globe International, Ulaanbaatar alone was home to 55 orphanages, most of them small. Approximately 1,800 children were estimated to be living without parental figures. Experts estimated in 2005 that there were approximately 1,300 homeless children, of whom about 70 lived on the street; the remainder lived in shelters that were often run by NGOs receiving foreign funding. Street children sometimes faced sexual abuse.

The Government was more willing than in the past to admit the extent of the problem, but it lacked the resources to improve the welfare of children who became victims. The National Committee for Children sought to address this and other child welfare problems. There were two government-funded but privately owned and ad-

ministered shelters, one for children up to age 3 and the other for children ages 3 to 16. Foreign charities operated more than 40 other shelters.

*Trafficking in Persons.*—The law specifically prohibits the “sale or purchase of humans” and provides for imprisonment of up to 3 years, or in egregious cases, up to 15 years; however, it does not cover the recruitment, transportation, or harboring of trafficking victims, and the country remained a source of internal and transnational trafficking. In some cases trafficking was carried out not only for sexual exploitation but also for labor exploitation.

According to a 2006 NGO study, women between 19 and 35 years of age were most vulnerable to trafficking, particularly those with low incomes or unemployed. Most victims worked abroad in commercial sexual exploitation, often in China, to which citizens can travel without visas. However, cases in destinations such as South Korea, Japan, Malaysia, Turkey, and Switzerland were alleged or confirmed. Local NGOs cited an increase in internal sex trafficking, including at least three cases in which girls aged 15 to 17 were abducted, transported to a hotel and forced into prostitution. One NGO, the Gender Equality Center (GEC), operated a trafficking hot line which received 118 calls during the year. The GEC and other NGOs also helped Mongolians who had ended up in debt-bondage situations abroad. There were also reports of involuntary servitude by Mongolian women who entered into foreign marriages, largely with Korean men.

Some men were also trafficked to Kazakhstan for labor.

The Criminal Code provides for 3 years’ imprisonment, fines, or forced labor for a person convicted of the “sale or purchase of humans.” The sentence can reach 5 to 10 years if the crime was committed against a minor, or against two or more persons, or was for the purpose of forced prostitution. If the same crime was committed by an organized criminal organization or inflicted “grave harm,” it can be punishable with a prison term of 10 to 15 years. During the year no one was convicted of trafficking in persons. The police opened nine trafficking cases involving 31 victims and 16 perpetrators, and referred seven cases to the attorney general for prosecution. The attorney general presented them to the District Court for trial. Three cases resulted in convictions under the law on forced prostitution.

The Government acknowledged the trafficking problem and took steps to prevent the crime, identify and prosecute traffickers, and assist victims. During the year the International Organization for Migration (IOM) and other NGOs provided trafficking-related training to immigration officials, police investigators, prosecutors, railway police, GIA officials, and officials of the Ministries of Foreign Affairs and Social Welfare/Labor, among others. In addition foreign law enforcement experts trained local police on techniques for investigating trafficking and developing cases. The Government also sent a study team to Macau, where a number of Mongolian women were believed to be involved in the sex trade, and negotiated the opening of a consulate there.

NGO representatives reported that protections for victims and witnesses were extremely limited. Social stigma also inhibited victims from telling their stories. The Government had limited resources, divergent priorities, and provided no specific direct assistance for trafficking victims. NGOs offered support when possible, and the Government relied on NGOs to increase awareness and initiate prevention programs. During the year authorities began to implement the national action plan against trafficking and sexual exploitation of women and children, including enhanced efforts by Mongolian diplomatic missions to combat the problem and assist victims.

*Persons with Disabilities.*—The labor law prohibits discrimination in employment and education against persons with disabilities. The Law on Social Protection of the Disabled gives provincial governors and the Ulaanbaatar governor the responsibility to implement measures to protect the rights of persons with disabilities. However, NGOs claimed that the Government did little to execute such measures, and in practice most persons with disabilities faced significant barriers to employment, education, and participation in public life.

On August 3, Parliament approved amendments to eight laws in ways that expanded or bolstered the rights of persons with disabilities. One change required companies with 25 or more employees to reserve at least 4 percent of positions for persons with disabilities. Previously, the statute applied to companies with 50 or more employees. Another amendment required companies with workers with disabilities to make their workplace disabled-friendly or face a fine. Another change required bus companies with 20 or more buses to make at least half of those vehicles wheelchair-accessible. Other changes voided taxes and tariffs on equipment for persons with disabilities, such as wheelchairs.

According to the National Statistics Office, only 26 percent of persons with disabilities were employed. The Government provided tax benefits to enterprises that hired persons with disabilities, whom some firms hired exclusively. Persons injured in industrial accidents had the right to reemployment when ready to resume work, and the Government offered free retraining at a central technical school.

There is no general law mandating access to buildings for persons with disabilities, which made it difficult for these persons to participate fully in public life. There were no government buildings accessible to persons with disabilities. The NHRC reported that 60 percent of children with disabilities had never visited a cultural institution due to lack of accessibility, inadequate transportation, or other barriers. Public transportation was also largely inaccessible to persons with disabilities, as no transportation company provided accommodations for individuals with mobility impairments.

There were several specialized schools for youth with disabilities, but these students also were free to attend regular schools. In practice children with disabilities had limited access to education. The Mongolian National Federation of Disabled Persons' Organizations (MNFDPPO) estimated that of the country's 35,000 children with disabilities, 61 percent failed to complete secondary education. Schools for the disabled could only accommodate 2,200 children.

The law also requires the Government to provide benefits according to the nature and severity of the disability. Although the Government generally provided such benefits, the amount of financial assistance was extremely low, and it did not reach all persons with disabilities. After significant lobbying by members of the disabled community, the Government approved in August an increase in pensions for qualifying persons with disabilities. According to the MNFDPO, approximately 20,000 persons with disabilities were unable to draw an allowance from the Government.

Persons with disabilities could not fully participate in the political process. Little accommodation was made for persons with disabilities at polling stations, and there were no disabled representatives in Parliament. Persons with disabilities also had difficulty remaining informed on public affairs due to a lack of accessible broadcast media.

In addition to government efforts, 44 NGOs participated in activities assisting persons with disabilities.

*National/Racial/Ethnic Minorities.*—A handful of nationalist and xenophobic groups threatened to kill Chinese residents, attack or burn down their businesses, and cut the hair of any Mongolian woman in a relationship with a Chinese man. During the year there were at least a dozen credible reports of violence against Chinese residents. The government, as an institution, took steps to protect the rights of Chinese residents; but privately, many government officials also harbored suspicions against Chinese residents.

The Constitution states that "All persons lawfully residing within Mongolia are equal before the law and the courts." However, some foreign businesspersons resident in the country complained that government tax and licensing authorities subjected them to much greater scrutiny than domestic competitors. Other foreign entrepreneurs complained privately that they were disproportionately targeted for shakedowns by corrupt government officials, including police.

*Other Societal Abuses and Discrimination.*—Homosexuality is not specifically proscribed by law. However, Amnesty International and the International Lesbian and Gay Association criticized a section of the penal code that refers to "immoral gratification of sexual desires," arguing that it could be used against homosexuals. Homosexuals reported harassment by police, but remained divided over the overall level of societal discrimination.

There was no official discrimination against those with HIV/AIDS; however, some societal discrimination existed.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law entitles all workers to form or join unions and professional organizations of their choosing, and the Government respected this right in practice. However, some legal provisions restrict these rights for groups such as foreign workers, public servants, and workers without employment contracts. The country's largest labor group, the National Confederation of Mongolian Trade Unions, alleged in September that at some garment factories run by joint ventures, management illegally prevented workers from setting up a union.

Union officials estimated that union membership declined over the years to 220,000, out of a total workforce of roughly 860,000. Approximately 400,000 of these workers were self-employed. Workers who were self-employed or who worked at small firms generally did not belong to unions. No arbitrary restrictions limited who could be a union official, and officers were elected by secret ballot.



*b. The Right to Organize and Bargain Collectively.*—The law regulates relations among employers, employees, trade unions, and the Government. The Government's role is limited to ensuring that contracts meet legal requirements concerning hours and conditions of work. Wages and other conditions of employment are set between employers, whether state or private, and employees, with trade union input in some cases. The Labor Dispute Settlement Commission resolves disputes involving an individual; disputes involving groups were referred to intermediaries and arbitrators for reconciliation.

The law provides for the right to strike, and workers exercised this right in practice. If an employer fails to comply with a recommendation by a majority of workers, with union involvement or without, employees may exercise their right to strike. The law protects worker rights to participate in trade union activities without discrimination. However, the Government does not allow intervention in collective bargaining by third parties and prohibits third parties from organizing a strike. The International Labor Organization Committee of Experts described this as a "serious restriction on the free functioning of trade unions" and requested the Government to change it.

Persons employed in essential services, which the Government defines as occupations critical for national defense and safety, including police, utility, and transportation workers, do not have the right to strike.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law specifically prohibits forced or compulsory labor, including children; however, there were isolated reports that such practices occurred.

The NHRC stated that military officials reportedly subjected subordinates to forced labor, requiring them to perform tasks such as cutting firewood, digging ditches, or working at construction sites owned by the superiors' friends or relatives.

An unknown number of North Korean laborers were employed in the country, primarily in the construction and service industries. The Ministry of Social Welfare and Labor did not monitor the working or living conditions of these workers, and there was concern that some North Korean workers were not free to leave their employment or complain about unacceptable work conditions. These workers were reportedly monitored closely by "minders" from their government and did not routinely receive direct and full salary payments. Possible pressure on family members in North Korea raised additional concerns that the labor of these workers was not fully voluntary.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The law prohibits children under the age of 16 from working, although those who are 14 or 15 years of age may work up to 30 hours per week with parental consent. Those under age 18 may not work at night, engage in arduous work, or work in hazardous occupations such as mining and construction. Labor inspectors assigned to regional and local offices were responsible for enforcement of these prohibitions, as well as all other labor regulations. These inspectors have the authority to compel immediate compliance with labor legislation, but enforcement was limited, due to the small number of labor inspectors and the growing number of independent enterprises.

Children worked informally in petty trade, scavenging in dumpsites, in unauthorized small-scale mining, and herding animals. Widespread alcoholism and parental abandonment made it necessary for many children to have an income to support themselves. Unconfirmed estimates placed the number of children in the labor force as high as 58,000.

In addition, due to economic pressures, many children, especially teenage boys in the countryside, dropped out of school before age 18. Children most often herded family livestock, but reports of children working in factories or coal mines continued.

International organizations continued to voice concern over child jockeys in horse racing. According to the NHRC reports, more than 30,000 child jockeys compete in horse races each year. Mongolian children commonly learn to ride horses at age 4 or 5, and young children traditionally serve as jockeys during the national Naadam festival, where horse races range from 2 to nearly 20 miles.

In addition to the Naadam festival, rights groups have expressed concern over the rise and proliferation of commercial horse racing involving child jockeys. Such races often occurred during the winter when temperatures average minus 13 degrees Fahrenheit. The U.N. called on the Government to prohibit the employment of children under 16 as jockeys; however, the Government did not take any such action by year's end.

*e. Acceptable Conditions of Work.*—The legal minimum wage rose in October from \$58 (69,000 tugrik) per month to nearly \$76 (90,000 tugrik). This minimum wage,

which applied to both public and private sector workers and was enforced by the labor ministry, did not provide a decent standard of living for a worker and family. Some workers received less than the minimum wage, particularly at smaller companies in rural areas.

The standard legal workweek is 40 hours, and there is a minimum rest period of 48 hours between workweeks. For those 14 and 15 years of age, the workweek is 30 hours; and for those 16 and 17 years of age, the workweek is 36 hours. By law overtime work is compensated at either double the standard hourly rate or by giving time off equal to the number of hours of overtime worked. Pregnant women and nursing mothers are prohibited from working overtime by law. These laws generally were enforced in practice.

There is no law mandating sick leave for workers. Each employer sets its own rules in this regard, according to the Government.

Laws on labor, cooperatives, and enterprises set occupational health and safety standards. However, the near-total reliance on outmoded machinery and problems with maintenance and management led to frequent industrial accidents, particularly in the mining, power, and construction sectors. According to the National Confederation of Mongolian Trade Unions, 50 to 60 Mongolian workers die each year in work-related accidents. Enforcement of occupational health and safety standards was inadequate. At year's end Parliament was expected to consider a draft law on occupational safety.

Foreign workers, a majority of whom were Chinese construction workers, generally enjoyed the same protections as citizens, despite often working in low-wage jobs and living under spare conditions. However, away from the construction sites, the Chinese workers were sometimes subjected to hostility and suspicion from host-country citizens. Scrutiny of Chinese workers was increased during the year by inflammatory media reporting. A small number of North Korean workers may not have been able to speak out about working conditions, due to various pressures and restrictions.

---

## NAURU

Nauru is a constitutional republic with a population of approximately 9,300. The most recent parliamentary elections, held in August, were generally free and fair. There are no formal political parties. The unicameral Parliament elects one of its members to be the president, who is both chief of state and head of government. In August Parliament reelected President Ludwig Scotty, but following a vote of no confidence in December, he was replaced by Marcus Stephen, who named a new government. The civilian authorities generally maintained effective control of the security force.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of addressing individual instances of abuse. Few human rights problems were reported. At year's end 82 asylum seekers were being held at Australia's refugee processing center in the country.

### RESPECT FOR HUMAN RIGHTS

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

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

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits such practices, and there were no reports that government officials employed them.

*Prison and Detention Center Conditions.*—Prison conditions were austere but generally met international standards.

The Government affirmed it would permit visits by independent human rights observers, but none were reported. Prison visits by church groups and family members were permitted.

Since 2001 the country has hosted a refugee processing and detention center funded by Australia and operated by the International Organization for Migration (IOM). In March the Australian Government transferred 82 Sri Lankan Tamil asylum seekers to the facility. They joined seven Burmese asylum seekers of the Rohingya minority who had been at the facility since September 2006. On December 9, the Burmese were granted refugee status by Australia and removed to Australia for resettlement. Australian human rights organizations and some politicians re-

peatedly expressed concern about the detention center's isolation and austere conditions and called for the asylum seekers to be removed from Nauru. The newly elected Labor government in Australia announced its intention to end the processing of asylum seekers on Nauru in the near term.

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

*Role of the Police and Security Apparatus.*—The country has no military force. The Ministry of Justice oversees the 108-member police force. An expatriate police commissioner and four expatriate advisors are seconded to the police force under a cooperative agreement with Australia. There were no reported cases of police corruption or impunity.

*Arrest and Detention.*—Arrests are made openly, based either on warrants issued by authorized officials or for proximate cause by a police officer witnessing a crime. Police may hold a person for no more than 24 hours without a hearing before a magistrate. There was a functioning bail system. The law provides for accused persons to have access to legal assistance, but in practice qualified assistance was not always readily available. Detainees were allowed prompt access to family members.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the Government generally respected judicial independence in practice.

The Supreme Court is the highest court addressing constitutional issues; it is presided over by the chief justice. Parliament cannot overturn court decisions. Under the Appeals Act, the High Court of Australia may review criminal and civil cases, but this rarely was done. A resident magistrate presides over the District Court and is also chairman of the Family Court's three-member panel. Three lay magistrates handle simple cases; serious matters are given directly to the Supreme Court. The Constitution also provides for two quasi-courts: The Public Service Appeal Board and the Police Service Board. The chief justice presides over both boards.

*Trial Procedures.*—The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. Procedural safeguards are based on English common law. They include the presumption of innocence; the right to be informed promptly of charges; a guarantee of adequate time and facilities to prepare a defense; the right to confront witnesses, present evidence, and appeal convictions; the right to trial by jury; and a prohibition on double jeopardy and forced self-incrimination. Trials are public, defendants have the right to legal counsel, and a representative for the defense is appointed at public expense when required "in the interest of justice." Bail and traditional reconciliation mechanisms rather than the formal legal process were used in many cases, usually by choice but sometimes under communal pressure. These rights were extended to all citizens without exception.

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

*Civil Judicial Procedures and Remedies.*—There is an independent and impartial judiciary in civil matters.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution and law prohibit such actions, and the Government generally respected these prohibitions in practice.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution and law provide for freedom of "expression," and the Government generally respected freedom of speech and of the press in practice.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The Government significantly relaxed restrictions that had previously prevented members of the Church of Jesus Christ of Latter-day Saints (Mormons) and the Jehovah's Witnesses from practicing their religion freely and openly. The Government permitted missionary work by for-

eign religious groups previously barred from entering the country for missionary activities.

*Societal Abuses and Discrimination.*—The relationships among religions generally were amicable, although there was a degree of societal intolerance toward religions other than established Christian denominations. There was no known Jewish community, and there were no reports of anti-Semitic acts.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—Neither the Constitution nor law specifically provides for freedom of movement within the country, foreign travel, emigration, and repatriation, but the Government generally respected these rights in practice.

Neither the Constitution nor law prohibits forced exile; however, the Government did not use it.

*Protection of Refugees.*—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol; the country is a party to neither. Although the Government has not established a system for providing protection to refugees, under its 2001 agreement with Australia establishing refugee processing centers, the country undertook not to commit refoulement, the return of persons to a country where there is reason to believe they feared prosecution. The Government did not accept refugees for resettlement, nor did it grant refugee status or asylum. However, the Government cooperated with the Office of the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees.

Beginning in 2001 the country hosted an Australian Government processing center for persons seeking asylum in Australia who had been apprehended at sea while attempting to enter Australia illegally. These persons were granted visas and detained under national law while their status as refugees was determined and possible applications for asylum in Australia or elsewhere were adjudicated. They were held in facilities funded by Australia but administered by IOM officials. The UNHCR took a limited role, on “an exceptional basis,” in conducting refugee determinations of some applicants when the processing centers were first opened. In subsequent years the UNHCR also assisted in resettling some successful applicants in other countries. The UNHCR visited the center in July.

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

The Constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

*Elections and Political Participation.*—Citizens 20 years and older, in compulsory voting, directly elect an 18-member unicameral Parliament for a term of 3 years. Following general elections in August, Parliament reelected Ludwig Scotty as president. Multiple candidates stood for all parliamentary seats in each of the country’s eight constituencies. Political parties could operate without restriction or outside interference. On December 19, President Scotty lost a parliamentary vote of no confidence, and his government was replaced by a loose coalition of parliamentarians who opposed him.

Independent election observers concluded that the August elections were credible, with voters able to freely exercise their will. However, the observers voiced concern over the perceived increase in the use of cash in election campaigning and allegations of vote buying.

There are no legal impediments to participation in politics by women, but in general women traditionally have been less prominent in politics than men. Eight women stood as candidates in the August elections, but none were elected to Parliament. Women held some senior civil service positions, including the head of the civil service and the presidential counsel.

There were no members of minorities in Parliament or the cabinet.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption; however, the Government did not consistently implement these laws, and officials sometimes engaged in corrupt practices with impunity. Accusations of corruption by a government minister contributed to the toppling of the Scotty government on December 19. There are no financial disclosure laws or specific government agencies responsible for combating government corruption.

There are no legal provisions providing for public access to government information, and the Government did not freely provide such access. An independent ob-

server team to the August elections commented on lack of public access to information relating to major election issues.

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

There were no government restrictions on establishing local human rights organizations, but no such groups existed. There were no reports that the Government sought to constrain the creation of such bodies. The Government worked harmoniously with the IOM, which comanaged the processing center with Australian authorities.

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

The Constitution prohibits discrimination on the basis of race, place of origin, color, creed, or sex, and the Government generally observed these provisions.

*Women.*—Rape is a crime punishable by up to life imprisonment. However, there was no information regarding the extent of rape or domestic violence. Police investigated all reports of rape thoroughly, and cases were vigorously prosecuted by the courts. Spousal rape is not specifically identified as a crime, but police investigated and filed charges when allegations of rape were made against a spouse.

The Government kept no statistics on the incidence of physical and domestic abuse against women. However, credible reports indicated that sporadic abuse occurred, often aggravated by alcohol use. Families normally sought to reconcile such problems informally and, if necessary, communally. The police and judiciary treated major incidents and unresolved family disputes seriously.

Prostitution is illegal, but there were no reports of such activity during the year. Some forms of sexual harassment are crimes, but sexual harassment was not a serious problem.

The law grants women the same freedoms and protections as men. The Government officially provides equal opportunities in education and employment, and women may own property and pursue private interests. However, in practice societal pressures and the country's impoverished economic circumstances often limited opportunities for women to exercise these rights fully. The Women's Affairs Office was responsible for promoting professional opportunities for women.

*Children.*—Government resources for education and health care for children were severely constrained by the country's economic crisis. Education is compulsory, free, and universal until age 16, but in practice not all school-age children attended school. In 2006, 90 percent of children of primary school age attended school. At the secondary level, 56 percent of eligible children attended school. Most children did not complete secondary school.

Government health care was free and available equally to boys and girls, but facilities and services were minimal.

Child abuse statistics were not compiled, and there were no reported cases of child abuse or child prostitution during the year. However, anecdotal evidence indicated that abuse occurred.

*Trafficking in Persons.*—The Constitution and law do not prohibit trafficking in persons, but there were no reports of persons trafficked to, from, or within the country.

*Persons with Disabilities.*—The law does not specifically prohibit discrimination against persons with disabilities. Nonetheless, there was no reported discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services. No legislation mandates services for persons with disabilities or access to public buildings. Department of Education teachers provided rudimentary schooling for a small group of students with disabilities, holding classes in a teacher's home as no classroom was available.

There was no government agency with specific responsibility for protecting the rights of persons with disabilities, nor was there any specific government support to facilitate voting or participation in civic affairs by such persons. There are no formal mechanisms to protect persons with mental disabilities.

*National/Racial/Ethnic Minorities.*—A pattern of petty theft, property damage, and assault directed at the ethnic Chinese community continued during the year. Ethnic Chinese composed 5 to 8 percent of the population. Police attributed most attacks on ethnic Chinese to economic motivations and noted a general trend of theft-related attacks against the country's few private businesses, such as stores and restaurants.

Some members of a small community of nationals from the People's Republic of China (PRC) who formerly worked in the mining industry remained in the country. In August 2006 government figures put the number of PRC workers and their fam-

ily members at 132, but at year's end officials no longer knew the exact size of the community. There were reports that some of the workers departed the country during the year. The PRC workers previously had been provided free housing as part of their contracts, and they continued to occupy this housing. However, it was no longer maintained by the mining company and had become derelict. Some of the workers, who were owed back wages by their former employer, received a government stipend of approximately \$44 (A\$50) every other week.

*Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution provides for the right of citizens to form and belong to trade unions or other associations. However, the country has virtually no labor laws, nor does it have any formal trade unions. Historically, the transient nature of the mostly foreign workforce hampered efforts to organize trade unions.

*b. The Right to Organize and Bargain Collectively.*—The right to strike is not protected, prohibited, or limited by law. Although there were no legal impediments, collective bargaining did not take place. A tiny private sector, mostly family-run stores and restaurants, employed approximately 1 percent of salaried workers. Salaries, working hours, vacation periods, and other employment matters for government workers are nominally governed by public service regulations.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced or compulsory labor, and there were no reports that such practices occurred. Although the law does not specifically mention forced or compulsory labor by children, there were no reports that such practices occurred.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The law sets the minimum age of employment at 17. The only two significant employers, the Government and the phosphate industry, honored this rule. Some children under 17 worked in small, family-owned businesses.

*e. Acceptable Conditions of Work.*—The Government raised wages and implemented a graduated salary system for public service officers and employees, which became effective in July. At lower ranges the salaries did not provide a decent standard of living for a worker and family.

By regulation the workweek in both the public and private sectors was 35 hours for office workers and 40 hours for manual laborers. Neither the law nor regulations stipulate a weekly rest period; however, most workers observed Saturdays and Sundays as holidays.

The Government sets some health and safety standards. The phosphate industry had a history of workplace health and safety requirements and compliance, but with the decline of the industry, enforcement of these regulations was lax. During the year a gradual revival of the industry was accompanied by accusations that unfiltered dust discharge from the phosphate plant exposed workers and the surrounding communities to a significant health hazard. The Government did not act to eliminate the problem, citing high costs. Workers have the right to remove themselves from situations that endangered health or safety without jeopardy to their employment.

---

## NEW ZEALAND

New Zealand is a parliamentary democracy with a population of 4.24 million. Citizens periodically choose their representatives in free and fair multiparty elections, most recently held in 2005. The Labour Party won 50 parliamentary seats and formed a minority coalition government; Helen Clark remained prime minister. The civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of addressing individual instances of abuse. There were disproportionate societal problems for indigenous people.

### RESPECT FOR HUMAN RIGHTS

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

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

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits such practices, and the Government generally respected this prohibition in practice. During the year there were some complaints that individual members of the police committed abuses. The Independent Police Conduct Authority handled complaints of police abuse, ranging from use of abusive language to allegations of complicity in deaths.

In March a jury acquitted a suspended assistant police commissioner and two former police officers on charges of kidnapping and indecent assault stemming from allegations of rape by a woman in Rotorua in 1984. In 2006 the same three men were found not guilty of sexual offenses against two other Rotorua women in 1986. Prosecution of all these cases began in 2004.

The police also charged the assistant police commissioner with numerous breaches of police regulations relating to his behavior during and after the 2007 trial. In November the accused commissioner resigned from the police force, 1 day before the first scheduled hearing on those charges.

In a related case, authorities charged a former police chief inspector, responsible for investigating the alleged Rotorua assaults, with attempting to obstruct, prevent, or defeat the course of justice in his handling of the sex charges. In August a court found him guilty and in October sentenced him to 4½ years' imprisonment.

*Prison and Detention Center Conditions.*—Prison conditions generally met international standards, and the Government permitted visits by human rights observers.

In the 12-month period ending June 30, there were six serious assaults on staff by inmates and 27 assaults of inmates by other inmates.

Due to increased prison capacity, overcrowding was no longer a problem. During the year the Government opened two new prisons, in Spring Hill and Otago, with a capacity of 600 and 335 prisoners, respectively.

Juvenile detainees (under 17 years old) come under the jurisdiction of Child, Youth, and Family Services rather than the police.

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

*Role of the Police and Security Apparatus.*—The police commissioner, appointed by the governor general, is the chief executive of the police force and reports to the minister of police. Allegations of corruption or impunity are referred to the Independent Police Conduct Authority. Changes to the law during the year also allowed the authority to open investigations on its own initiative.

The police generally did not have problems with corruption and impunity. However, in a report issued on April 3, a government-initiated commission of inquiry established in 2004 found that police management lacked the policies, procedures, and practices necessary to deal effectively with incidents of sexual misconduct by officers. The inquiry was prompted by publication of allegations suggesting that police officers might have deliberately undermined or mishandled investigations into complaints of sexual assault made against other officers. Soon after the report's release, the Government proposed new police regulations, which were under consideration by Parliament at year's end.

*Arrest and Detention.*—Police may arrest a suspect without a warrant if they have reasonable cause. Police also may request a warrant from a district court judge. Police may enter premises without a warrant to arrest a person if they reasonably suspect the person of committing a crime on the premises or have found the person committing an offense and are in pursuit. Police must inform arrested persons immediately of their legal rights and the grounds for their arrest.

After a suspect has been arrested and charged, police have the power to release the person on bail until the first court appearance. That bail comes to an end at the first court appearance and is distinct from court bail. Court bail is granted unless there is a significant risk that the suspect would flee, tamper with witnesses or evidence, or commit a crime while on bail. Police bail is not normally granted for more serious offenses such as serious assault or burglary. Family members were granted prompt access to detainees. Detainees were allowed prompt access to a lawyer of their choice, and, if indigent, to a lawyer provided by the Government.

*e. Denial of Fair Public Trial.*—The law provides for an independent judiciary, and the Government generally respected judicial independence in practice.

*Trial Procedures.*—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants enjoy the rights found in other common-law jurisdictions, including a presumption of innocence, a right to a jury trial, a right of appeal, and the right to counsel, to question witnesses, and

to access government-held evidence. The law extends these rights to all citizens. A lawyer is provided at public expense if the defendant cannot afford counsel.

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

*Civil Judicial Procedures and Remedies.*—There is an independent and impartial judiciary in civil matters, which includes access to the Human Rights Review Tribunal and other courts to bring lawsuits seeking damages and other remedies for alleged human rights abuses. There are also administrative remedies for alleged wrongs through the Human Rights Commission (HRC) and the Office of Human Rights Proceedings.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law prohibits such actions, and the Government generally respected these prohibitions in practice.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Internet access was widely available and widely used by citizens.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*—The law provides for freedom of assembly and association, and the Government generally respected these rights in practice.

*c. Freedom of Religion.*—The law provides for freedom of religion, and the Government generally respected this right in practice.

*Societal Abuses and Discrimination.*—Relations among religions generally were amicable, although there were isolated instances of societal abuses or discrimination based on religious belief or practice.

The Jewish community numbered approximately 10,000 persons. In October vandals spray-painted anti-Semitic graffiti in a Wellington Jewish cemetery. At year's end no one had been charged in the incident, and the investigation remained open. Investigations also remained open in the August 2006 vandalizing of a synagogue in Christchurch and a mosque in Wellington, respectively.

The government-funded HRC actively promoted religious tolerance.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

There is no statutory authority for imposing a sentence of exile, and the Government did not practice forced exile.

*Protection of Refugees.*—The laws provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. The Government granted refugee status or asylum. In practice the Government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. The Government also provided temporary protection to individuals who may not qualify under the definition of the 1951 convention and the 1967 protocol, until their status was determined and action taken. The Government cooperated with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

On September 3, Ali Reza Panah, an Iranian citizen who applied for asylum as a Muslim convert to Christianity, was placed in the care of the Anglican Church following a 53-day hunger strike. The Department of Labour and the independent Refugee Status Appeals Authority both rejected Panah's claims to refugee status, and the authorities detained him for more than 18 months while they attempted to deport him. However, Iran refused to accept Panah until he applied for an Iranian passport, and he refused to do so, claiming he would be persecuted if returned



to Iran. The Government offered to facilitate Panah's transfer to a third country, which he first accepted but then rejected. While in the care of the Anglican Church, Panah was not permitted to work and was not eligible for state subsidies; he remained in the church's care at year's end.

On September 13, the Security Intelligence Service (SIS) withdrew the security risk certificate it had placed on asylum seeker and former member of the Algerian Parliament Ahmed Zaoui in 2003. Citing possession of new intelligence, the SIS determined that Zaoui no longer presented a security risk to New Zealand. The SIS maintained that its original decision to apply the security risk certificate was justified on the basis of the information it held at the time.

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

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

*Elections and Political Participation.*—Parliamentarians are elected under a mixed-member, proportional representation system. In the most recent general elections, held in 2005, the Labour Party won 50 of 121 parliamentary seats and formed a minority government with the Progressive Party (one seat), the New Zealand First Party (seven seats) and the United Future Party (three seats). The Labour Party also had a cooperation agreement with the Green Party (six seats). Three other parties were represented in Parliament: The National Party (48 seats), the Maori Party (four seats), and the ACT party (two seats). During the year two members of Parliament (MPs), one from the Labour Party and the other from the United Future Party, left their respective parties to become independent MPs. Although this reduced the Labour Party's parliamentary majority, it continued to govern comfortably. Executive authority is vested in a 20-member cabinet led by the prime minister.

Women participated fully in political life. There were 39 women in the 121-seat Parliament. There were eight women (including the prime minister) on the executive council, which comprises 28 ministers (20 within the cabinet and eight outside the cabinet). The speaker of the house and the chief justice of the Supreme Court were women. There were three women in the 25-seat Parliament of the Associated State of the Cook Islands and three women in the 20-seat Parliament of the Associated State of Niue.

Seven seats in Parliament are reserved for persons of Maori ancestry. The number of Maori seats is adjusted every 5 years, based on the number of persons who register to vote on the Maori electoral roll.

As of July 30, there were 20 Maori members, four members of Pacific Island descent, and two members of Asian descent in Parliament. The cabinet included at least three members of Maori ancestry.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively. There were isolated reports of government corruption during the year. Efforts to combat corruption and prosecution of corruption cases are handled through the Serious Fraud Office and the Ministry of Justice. In 2007 the Government initiated prosecution of one MP for bribery.

The law requires MPs, including all ministers, to submit an annual report of their financial interests, which is then disclosed publicly. Career civil servants are not subject to this requirement but are subject to ethics standards established by the State Services Commission.

The law provides for public access to government information, to be provided within 20 working days of a request. Information must be made available unless a good reason, such as concern for national security, exists for not doing so. The requester must be provided with an estimate of any fees before the information is provided.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were very cooperative and responsive to their views.

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

The law prohibits discrimination on the basis of race, sex, disability, and national or ethnic origin, and the Government actively enforced it.

*Women.*—Violence against women affected all socioeconomic groups. The law criminalizes rape, including spousal rape; the maximum penalty is 20 years' imprisonment. In the 12-month period ending June 30, police recorded 2,374 "sexual attacks" and resolved 61.3 percent of those cases.

From July 2006 through June 2007, there were four prosecutions for spousal rape, with one conviction. During the same period there were three prosecutions for unlawful sexual connection with a spouse, resulting in one conviction. Rape crisis groups existed throughout the country and included centers focusing specifically on Maori and Pacific Islanders.

Assault by a male on a female is a non-sexual crime punishable by up to 2 years' imprisonment (a penalty double that for a male on male or a female on male assault, which carry a 1-year maximum penalty). In the 12-month period ending June 30, 5,372 persons were prosecuted for assault by a male on a female. Of these prosecutions, 50 percent involved Maori men, 30 percent men of European ancestry, and 14 percent Pacific Islanders. Although only 15 percent of the total population claimed Maori ancestry, during the 12-month period ending June 30, 42 percent of the 28,845 women and children who used the National Collective of Independent Women's Refuges were Maori; 43 percent were of European ancestry, and 8 percent were Pacific Islanders.

The Government's Task Force for Action on Violence within Families coordinates a variety of government initiatives to eliminate family violence, including its Te Rito program, a national strategy to address all forms and degrees of domestic violence. Police were responsive when domestic violence was reported. The Government partially funded women's shelters, rape crisis centers, sexual abuse counseling, family violence networks, and violence prevention services.

In July the Government established the Task Force for Action on Sexual Violence, including members from both the Government and NGOs, to provide leadership and coordination of efforts to address sexual violence and to develop recommendations by 2009 on how to better prevent and respond to such violence.

The 2003 Prostitution Reform Act (PRA) decriminalized prostitution and created a certification regime for brothel operators. The act prohibits persons under age 18 from working in the sex industry and gives prostitutes the same workplace protections as other industries. The law also eliminates the defense (by clients, brothel operators, and pimps, for example) of claiming ignorance that a person engaged in commercial sexual activity was under age 18. The act extends culpability to any person who receives financial gain from such activity involving an underage person. The law prohibits sex tourism, and citizens who commit child sex offenses overseas can be prosecuted in New Zealand courts.

The PRA also established a statutory Prostitution Law Review Committee (PLRC) to review the act within 3 to 5 years of its enactment (by June 2008), including an assessment of the act's impact on the number of persons engaged in prostitution, and the nature and adequacy of assistance available to persons to avoid or leave the commercial sex industry. The Government also agreed with the United Future Party to review the act to "address problems associated with street soliciting, under age involvement, and local authority control over brothel zoning."

The law prohibits sexual harassment. Sexual harassment in violation of the Employment Relations Act or the Human Rights Act carries civil penalties. However, sexual contact induced by certain threats may also fall under the criminal code, with a maximum 14-year prison sentence. The HRC published fact sheets on sexual harassment and made sexual harassment prevention training available to schools, businesses, and government departments on a regular basis.

The Ministry of Women's Affairs addresses problems of discrimination and gender equality, and there is a minister of women's affairs in the cabinet. While the law prohibits discrimination in employment and in rates of pay for equal or similar work, the Government acknowledged that a gender earnings gap persisted in practice. A unit dedicated to this issue within the Department of Labour administers a \$750,000 (1 million NZ dollars) annual fund supporting employer and union initiatives to promote pay and employment equity. According to June 2006 figures, the most recent available, women earned 88 percent of the average hourly earnings for men.

*Children.*—The law provides specific safeguards for children's rights and protection. The Government demonstrated its commitment to children's rights and welfare through its well-funded systems of public education and medical care.

The law provides for compulsory, free, and universal education through age 16, and the Government effectively enforced the law. As of July 2006, on average 99 percent of children ages 6 to 16 were enrolled in primary or secondary education. There was equal access to postsecondary education for boys and girls, with nearly

49 percent of girls and 42 percent of boys age 18 to 19 enrolled in higher-level studies.

The Government provided free health care to all children under age 5, and boys and girls had equal access.

Child abuse continued to be of concern to the Government. The Government promoted information sharing between the courts and health and child protection agencies to identify children at risk of abuse. From July 2006 through June 2007, there were 22,287 applications to Family Court for guardianship and parenting orders under the Guardianship Act or Care of Children Act and 4,347 applications for protection orders under the Domestic Violence Act. During the same period, there were 667 prosecutions and 312 convictions involving assaults on children. The Office of the Commissioner for Children played a key role in monitoring violence and abuse against children.

Commercial sexual exploitation of children remained a problem.

The Department of Internal Affairs' Censorship Compliance Unit actively policed images of child sex abuse on the Internet and prosecuted offenders. The Government maintains extraterritorial jurisdiction over child sex offenses committed by the country's citizens abroad.

*Trafficking in Persons.*—The law prohibits trafficking in persons. The Department of Labour followed up on all allegations of trafficking but did not discover evidence sufficient for prosecution. No new confirmed cases of internationally trafficked persons have been brought to the attention of the authorities since 2001, although there was evidence that some women from Asia, and more recently the Czech Republic and Brazil, were working illegally in the country as prostitutes. Although prostitution has been decriminalized, it remains illegal for nonresidents to work in the commercial sex industry.

Commercial sexual exploitation of children was a problem. An informal PLRC study completed in 2004 estimated that approximately 200 young persons under age 18 were working as prostitutes.

The Government has signed the relevant international instruments dealing with trafficking and has adopted tough domestic legislation to criminalize trafficking, with penalties of up to 20 years in prison and fines of up to \$375,000 (NZ\$500,000). Laws against child sexual exploitation and slavery carry penalties of up to 14 years in prison. Under the PRA, it is illegal to use a person under 18 years of age in prostitution. Under the criminal law, it is also illegal to have sexual contact with a child under 16 years of age, regardless of whether the accused believed the child to be 16 years or older. During the 12-month period ending June 30, authorities prosecuted four persons on seven prostitution-related charges involving commercial exploitation of persons under age 18. These cases remained pending at year's end. The case of a man charged in Christchurch with recruiting a 14-year-old girl and a 16-year-old girl to provide sexual services in his brothel in 2005 also remained pending.

The Department of Labour has primary responsibility for coordinating government efforts to combat trafficking in persons. Other agencies involved in anti-trafficking efforts included the police, the HRC, the Ministry of Foreign Affairs and Trade, the Ministry of Justice, the Customs Service, the Ministry of Women's Affairs, the Department of the Prime Minister and cabinet, and the Ministry of Health.

During the year the Government continued work on its national plan of action against trafficking in persons, begun in 2005, addressing the areas of prevention, protection, prosecution, and victim reintegration. There was strong coordination on antitrafficking matters between the Government and NGOs, and an extensive infrastructure of government and NGO assistance programs was available to victims of trafficking, including short-term sanctuary, witness protection, access to medical services, and safe repatriation.

The Government also had a national plan of action against the commercial exploitation of children developed in concert with NGOs, and it operated programs to reintegrate children out of prostitution through vocational training and educational opportunities. The Government also worked to address trafficking in children by providing funding for NGO outreach programs in Auckland and Christchurch that provided accommodations and other support for young persons involved in or at risk of involvement in prostitution.

Shakti Community Council, Incorporated, an NGO with a strong interest in combating trafficking, reported abuses resulting from the immigration of Indian women for forced marriages and provided services to abused women through four refuges located in three cities: Auckland, Christchurch, and Tauranga.

*Persons with Disabilities.*—The law prohibits discrimination against persons with disabilities in employment, education, access to places and facilities, and the provi-

sion of goods, services, and accommodation. Compliance with access laws varied. The Government is prohibited from discrimination on the basis of physical or mental disability, unless such discrimination can be “demonstrably justified.” Of the 5,796 inquiries and complaints that the HRC received during the 12-month period ending June 30, there were more complaints of discrimination based on disability than for any other type of discrimination (29.6 percent of all inquiries and complaints). In its 5-year action plan for human rights released in 2005, the HRC noted that persons with disabilities faced major barriers in obtaining and retaining employment and earning adequate income.

The Government supported equal access for persons with disabilities to polling facilities, as well as their general participation in civic affairs.

The Government’s Office for Disability Issues worked to protect and promote the rights of persons with disabilities. In addition, during the year both the HRC and the Mental Health Commission continued to address mental health issues in their antidiscrimination efforts.

In 2006 New Zealand Sign Language for the hearing impaired joined Maori and English as the country’s official languages.

*National/Racial/Ethnic Minorities.*—Pacific Islanders, who made up 7 percent of the population, experienced societal discrimination and, as of November 25, accounted for 12 percent of prison inmates and 9 percent of those serving community sentences. In 2005 the Department of Corrections launched its Pacific Strategy 2005–8, designed to reduce the crime rate and recidivism among Pacific Islanders through the use of culturally based techniques. The Ministries of Justice and Pacific Island Affairs also had a program to identify gaps in delivery of government services to Pacific Islanders and to involve agencies and communities in developing proposals to reduce crime among Pacific Islanders.

Asians, who as of June 30 made up 10 percent of the population, also reported discrimination. However, as of November 25, Asians constituted only 2.6 percent of the prison population and 1.2 percent of those serving community sentences.

*Indigenous People.*—Approximately 15 percent of the population claimed at least one ancestor from the country’s indigenous Maori minority. The law prohibits discrimination against the indigenous population; however, there was a continuing pattern of disproportionate numbers of Maori on unemployment and welfare rolls, in prison, among school dropouts, in infant mortality statistics, and among single-parent households.

As of November 25, Maori constituted approximately 50 percent of the prison population and 45 percent of persons serving community sentences. The Government had an action plan to reduce Maori recidivism and overrepresentation in the criminal justice system, including the establishment of Maori focus units and special cultural assessments of Maori offenders. The Department of Corrections established a Maori Advisory Group and a Pacific Advisory Group to guide department policy and operational decisions.

Government policy recognized a special role for indigenous people and their traditional values and customs, including cultural and environmental issues that affected commercial development. The Ministry of Maori Development, in cooperation with several Maori NGOs, sought to improve the status of indigenous people. A special tribunal established in 1975 continued to hear Maori tribal claims to land and other natural resources stemming from the 1840 Treaty of Waitangi.

A 2004 law regulates ownership of the foreshore (the land between high and low tide) and the seabed. The law grants ownership of the foreshore and seabed to the state and provides for universal public access. It also established a mechanism to accommodate customary indigenous rights of land use, including preservation of existing fishing rights. This legislation was the focus of protests by Maori groups asserting customary title to the land and by non-Maori groups opposing such claims.

On August 15, the United Nations Committee on the Elimination of Racial Discrimination (CERD) reported on racial discrimination in the country. The report criticized the Government’s foreshore and seabed legislation and its handling of Maori land claims. The report also expressed concern that the Bill of Rights Act and the Treaty of Waitangi, under which many Maori rights are spelled out, do not enjoy protected status within the country’s parliamentary system. Therefore, according to CERD, enactment of legislation contrary to the act and the treaty is possible. The report included 16 recommendations for changes relating to Maori rights or the rights of other ethnic groups that the Government was considering at year’s end but had not endorsed.

On October 15, a total of approximately 300 police officers conducted coordinated raids in multiple locations nationwide and arrested 17 persons, some of whom were Maori (including a well-known Maori activist), on various weapons charges, includ-

ing unlawful possession of rifles. The raids reportedly stemmed from an investigation begun in 2005 after hunters told authorities they had seen a group of men training with firearms in a camp in a remote mountain area. Maori MPs and others in the Maori community strongly criticized police conduct of the raids as excessive and heavy-handed. In November the Dominion Post newspaper published excerpts from police documents indicating that some of those arrested had discussed the killing of government officials and attacks on public facilities. The accused persons denied planning to harm anyone. By November the charges against one defendant were dropped and the remaining defendants had been released on bail. Their cases were pending at year's end.

*Other Societal Abuses and Discrimination.*—The law prohibits violence or discrimination against persons based on sexual orientation and against persons with HIV/AIDS. During the 12-month period ending June 30, the HRC received 52 discrimination complaints relating to sexual orientation (3.1 percent of all complaints), but it did not keep records as to whether violence was involved. The Ministry of Justice received no reports of societal violence or discrimination based on sexual orientation or against persons with HIV/AIDS, and there were no criminal prosecutions relating to these crimes.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law provides workers the right to form and join organizations of their choice without previous authorization or excessive requirements, and workers exercised this right in practice. Nearly all unionized workers were members of the Council of Trade Unions, a federation that included unions representing various trades and locations. A few small, independent labor unions also existed. Unions represented approximately 18 percent of all wage earners.

Labor organization was rudimentary in the territory of Tokelau (population 1,400) and in the Associated State of Niue (population 2,200). In the more developed Associated State of the Cook Islands (population 21,000), most workers in the public sector, the major employer, belonged to the Cook Islands Workers' Association, an independent local union. Industrial relations in the Cook Islands are governed by a simplified version of national legislation.

*b. The Right to Organize and Bargain Collectively.*—The law provides for the right of workers to organize and contract collectively, and workers exercised this right in practice.

The Employment Relations Act governs industrial relations and promotes collective bargaining. In order to bargain collectively, unions must be registered, be governed by democratic rules, be independent, and have at least 15 members. Unions may not bargain collectively on social or political issues.

The law prohibits uniformed members of the armed forces from organizing unions and bargaining collectively. Sworn police officers (which includes all uniformed and plainclothes police but excludes clerical and support staff) are barred from striking or taking any form of industrial action. However, police have freedom of association and the right to organize and bargain collectively. Disputes that cannot be settled by negotiation between the police association and management are subject to compulsory, final-offer arbitration. Strikes by providers of "key services" are subject to certain procedural requirements, including mandatory notice of 3 to 14 days, depending on the service involved. The Department of Labour offers mediation in such cases, and the Employment Court is empowered to resolve matters relating to such disputes.

During the 9-month period ending March 31, 40 work stoppages ended, and none were ongoing.

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

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children, and the Government generally enforced these provisions effectively; however, there were reports of commercial sexual exploitation of children.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—Department of Labour inspectors effectively enforced a ban on the employment of children under the age of 15 in manufacturing, mining, and forestry. Children under age 16 may not work between the hours of 10 p.m. and 6 a.m. By law children enrolled in school may not be employed, even outside school hours, if such employment would interfere with their education.

There were reports of children involved in the commercial sex industry.

*e. Acceptable Conditions of Work.*—On April 1, the minimum wage increased to approximately \$8.45 (NZ\$11.25). Combined with other regularly provided entitle-

ments and welfare benefits for low-income earners, this wage generally was adequate to provide a decent standard of living for a worker and family. The separate youth minimum wage for younger workers (ages 16 to 17) also increased, to approximately \$6.75 (NZ\$9.00). A majority of the work force earned more than the minimum wage.

A 40-hour workweek is traditional. There are legal limits regarding hours worked and premium pay for overtime work. The law does not provide specifically for a 24-hour rest period weekly; however, management and labor have accepted the practice, and it was the norm. The law provides for a minimum 4-week annual paid vacation (increased from 3 weeks on April 1) and 11 paid public holidays. There were some reports of exploitation of foreign workers. In June eight Thai workers complained that recruitment agents and employers promised them well-paid work in the horticulture industry, but that instead they were forced to work 60- to 70-hour, 7-day weeks in vineyards, often at less than the minimum legal wage. The Department of Labour's investigation of that complaint continued at year's end.

Extensive laws and regulations govern health and safety issues. Employers are obliged to provide a safe and healthy work environment, and employees are responsible for their own safety and health, as well as ensuring that their actions do not harm others.

Workers have the legal right to strike over health and safety issues, as well as the right to withdraw from a dangerous work situation without jeopardy to continued employment. Department of Labour inspectors effectively enforced safety and health rules, and they had the power to shut down equipment if necessary. The Department of Labour normally investigated reports of unsafe or unhealthy working conditions within 24 hours of notification.

---

## PALAU

Palau is a constitutional republic with a population of approximately 20,900. The country is organized politically into 16 states. The president, the vice president, and members of the legislature (the Olbiil Era Kelulau) are elected for 4-year terms. There were no political parties. In generally free and fair elections held in November 2004 President Tommy E. Remengesau, Jr. was reelected. The civilian authorities generally maintained effective control over the security forces.

The Government generally respected the human rights of its citizens. Problems were reported in a few areas, including government corruption, domestic violence, trafficking in persons, and discrimination against, and some abuse of, foreign workers.

### RESPECT FOR HUMAN RIGHTS

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

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

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits such practices, and there were no reports that government officials employed them.

*Prison and Detention Center Conditions.*—Conditions in the country's sole prison, although primitive, generally met international standards. Overcrowding remained a problem. The few female prisoners were held in separate cells but were permitted to mingle with male inmates during daylight hours.

No visits by independent human rights observers were requested or made during the year.

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

*Role of the Police and Security Apparatus.*—The civilian authorities maintained effective control over the 160-officer national police and marine police in Koror and Peleliu states. Corruption and impunity were not major problems.

*Arrest and Detention.*—The law requires warrants for arrests. Warrants are prepared by the Office of the Attorney General and signed by a judge. The law provides for a prompt judicial determination of the legality of detention, and this was observed in practice. Detainees were informed promptly of the charges against them and had prompt access to family members and lawyers. If a detainee could not af-

ford a lawyer, the public defender or a court-appointed lawyer was available. There was a functioning system of bail.

*e. Denial of Fair Public Trial.*—The law provides for an independent judiciary, and the Government generally respected judicial independence in practice.

The judiciary consists of the Supreme Court, the Land Court, and the Court of Common Pleas. The Constitution also provides for a national court, but other courts absorbed its caseload and it was inactive.

*Trial Procedures.*—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. The Government has an independent special prosecutor and an independent public defender system.

Trials are public and are conducted by judges; there are no juries. Defendants enjoy a presumption of innocence and a right of appeal. They can question witnesses, present evidence on their own behalf, and access government-held evidence in their cases.

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

*Civil Judicial Procedures and Remedies.*—There is an independent and impartial judiciary in civil matters for lawsuits involving allegations of human rights violations. Remedies were available and enforced.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law prohibits such actions, and the Government generally respected these prohibitions in practice.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*—The law provides for freedom of assembly and association, and the Government generally respected these rights in practice.

*c. Freedom of Religion.*—The law provides for freedom of religion, and the Government generally respected this right in practice.

The Government requires religious organizations to obtain charters as nonprofit organizations from the Office of the Attorney General. This process was not protracted, and the Government did not deny charters to any groups during the year.

*Societal Abuses and Discrimination.*—There were no reports of societal abuse or discrimination against religious groups, including anti-Semitic acts. There was no known Jewish community.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

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

*Protection of Refugees.*—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has not established a system for providing protection to refugees. In practice the Government provided some protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. The Government did not grant refugee status or asylum.

There were no cases during the year involving cooperation with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

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

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

*Elections and Political Participation.*—The national congress consists of the nine-member Senate and the 16-member House of Delegates. Members of the congress are elected by popular vote every 4 years: Senators on a national basis and delegates on a state basis. There is a limit of three consecutive terms for both houses. The president and vice president also are elected every 4 years, and there is no limit on the number of terms they may serve, except that the president may serve only two consecutive terms. Although there have been political parties in the past, there were none during the year. In November 2004 President Tommy E. Remengesau, Jr., was reelected. The Council of Chiefs, consisting of the highest traditional chiefs from each state, advises the president on traditional laws and customs.

There are no legal impediments to women's participation in government and politics. There were no women in the 25-member national legislature. During the year a female candidate ran in the election to fill a vacant senate seat, but she was not elected. Women constituted 14 percent of state legislators. Three women served as state governors during the year. Two of the three associate justices of the Supreme Court were women.

There were two members of minorities in the House of Delegates.

*Government Corruption and Transparency.*—Government corruption was a problem, which the Government took some steps to address. Public officials are required to file annual financial disclosure statements with the Ethics Commission.

In February the special prosecutor charged a Koror state legislator with 92 criminal counts including 43 counts of grand larceny and 43 counts of false pretense for diverting \$22,000 (the U.S. dollar is the national currency ) of rent paid to lease a state building to his personal use between 2001 and 2004. At year's end the case was pending in court.

In March an officer of the Bureau of Revenue, Customs, and Taxation was accused of accepting \$1,300 in bribes for not accessing import tax on cigarettes. He was convicted and sentenced to 75 days in prison and a fine of \$1,300.

In April the former governor of Airai State was ordered to pay \$5,542 for misuse of public funds.

In July the Office of the Special Prosecutor charged the house speaker with misuse of travel funds. During a trip abroad, the then-delegate became ill and requested the then-house speaker to authorize payment for his medical expenses of \$3,790. At year's end the case remained pending in court. The then speaker was also charged but settled out of court, agreeing to pay \$3,790 restitution and \$3,790 civil penalty.

In August the Special Prosecutor filed charges against five senators and 12 delegates for abuse of per diem; the Senate and the House of Delegates reached settlements with the Office of the Special Prosecutor.

Also in August the Special Prosecutor filed charges against 23 former and current legislators of Kayangel State for misuse of government funds. These cases were pending.

The law provides for the right of citizens and noncitizens to examine government documents and observe official deliberations of any government agency, and the Government generally respected this provision in practice.

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

A number of domestic and international groups concerned with human rights generally operated without government restriction. Government officials were cooperative and responsive to their views.

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

The law prohibits discrimination on the basis of sex, race, place of origin, language, social status, or clan affiliation, and the Government generally observed these provisions.

*Women.*—Rape, including spousal rape, is a crime punishable by a maximum of 25 years' imprisonment. There were two cases of rape during the year. One of the victims was a minor.

The Ministry of Health's Office of Victims of Crimes reported 36 cases of domestic violence involving women for Fiscal Year 2007. (Alcohol and drug abuse contributed to this problem.) According to the Office of the Attorney General, the Ministry of



Health, and women's groups, reported cases of domestic violence represented a relatively small percentage of cases of actual abuse. Assault is a criminal offense, punishable by up to 6 months in jail or a fine of up to \$100, and the police responded when such cases were reported; women, however, were reluctant to press charges against their spouses. The Government conducted public education efforts to combat domestic violence.

Prostitution is illegal, but it was a problem. There were reports of women being trafficked to the country from China and the Philippines to work in karaoke bars as hostesses and prostitutes.

Sex tourism is illegal and was not a problem.

Sexual harassment is illegal and did not appear to be a major problem.

The inheritance of property and of traditional rank is matrilineal, with women occupying positions of importance within the traditional system. There were no reported instances of unequal pay for equal work or sex-related job discrimination.

In March local women's groups organized their 14th annual women's conference. The conference focused on women's and children's issues, including health, education, drug abuse, prostitution, and traditional customs and values. Government officials, including the president, vice president, ministers, and traditional chiefs, participated.

*Children.*—The Government provided a well-funded system of public education for children. There was no difference in the treatment of girls and boys in educational opportunities or in the availability of scholarships to attend postsecondary education abroad. Education was free, universal, and mandatory for children from age 6 to 17. The rate of students who completed elementary school was 95.5 percent and the high school graduation rate was 98.6 percent.

Girls and boys received equal treatment in health care services.

The Office of Victims of Crimes reported the following cases involving minors 18 years and younger for Fiscal Year 2007: Eight cases of physical abuse, one case of emotional abuse, and five cases of neglect. During the same period there were 12 cases of sexual abuse involving minors 16 years and younger. The Office of the Attorney General prosecuted such cases successfully. In April a woman and her live-in boyfriend were convicted of molesting her 10-year-old niece. They were sentenced to 4-year and 3-year prison terms respectively. In June a man was charged for repeatedly raping his 15-year-old stepdaughter. The case was pending in court.

Children's rights generally were respected, although there were isolated reports of child neglect. Commercial sexual exploitation of children was not accepted within society and was not practiced.

*Trafficking in Persons.*—An antitrafficking law prohibits such practices, with penalties of up to 10 years' imprisonment and a fine of up to \$50,000 for exploiting or otherwise profiting from a trafficked person; up to 25 years' imprisonment and a fine of up to \$250,000 for trafficking involving force, fraud, or deception; and up to 50 years' imprisonment and a fine of up to \$500,000 for trafficking involving a child "by any means for the purpose of exploitation." There are also laws against slavery, fraud, and prostitution. There were reports of women and some men being trafficked to the country from China and the Philippines to work in karaoke bars as hostesses and prostitutes, in private homes as domestics, and on construction sites.

In May a Chinese couple and two Filipinas along with their Palauan businesswoman partner were convicted of human trafficking and advancing prostitution. The group operated a restaurant/karaoke club and employed 10 waitresses—seven Filipinas and three Chinese. The waitresses claimed they were forced to have sex with customers. If they refused up to \$100 was deducted from their \$250 monthly salary. The Chinese couple were each sentenced to 20 years' imprisonment and fined \$50,000, they were also ordered to pay \$18,000 in restitution and airfare to repatriate the victims. One Filipina was sentenced to 3 years in prison and fined \$5,000; the other was sentenced to 1 year in prison and fined \$5,000. All are subject to deportation after serving a third of their terms and paying all fines. The Palauan businesswoman partner, in a plea agreement, had her 15-year prison term dismissed and \$100,000 fine reduced to \$20,000. The woman was also ordered to pay \$15,000 in restitution.

The divisions of Immigration and Labor and the Office of the Attorney General are responsible for combating trafficking; however, the Government lacked the resources and expertise to address the problem in practice. There was no formal assistance available for victims, and victims normally were detained, jailed, or deported if they committed a crime such as prostitution. No nongovernmental organizations specifically addressed trafficking.

*Persons with Disabilities.*—The Disabled Persons' Antidiscrimination Act and the Programs and Services for Handicapped Children Act cover both persons with men-

tal disabilities and persons with physical disabilities, and the Government enforced the provisions of these acts. No discrimination was reported against persons with disabilities in employment, education, access to health care, or the provision of other state services. The Government provides a monthly stipend of \$50 for persons with disabilities. The law mandates access to buildings for persons with disabilities, and the Government generally enforced these provisions in practice. The public schools had special education programs to address problems encountered by persons with disabilities.

The Government agency *Ngak Mak Tang* (“Everyone Matters”) has responsibility for protecting the rights of persons with disabilities.

*National/Racial/Ethnic Minorities.*—The law prohibits noncitizens from purchasing land or obtaining citizenship. A majority of citizens viewed negatively the rapid increase over the past several years in foreign workers, who, according to estimates during the year, constituted more than 30 percent of the population and approximately 45 percent of the work force. Foreign residents were subjected to discrimination and were targets of petty, and sometimes violent, crimes, as well as other random acts against person and property. Foreign residents made credible complaints that the authorities did not pursue or prosecute crimes committed against noncitizens with the same vigor as crimes against citizens.

Noncitizens are officially excluded from the minimum wage law. In addition some foreign nationals experienced discrimination in employment, pay, housing, education, and access to social services, although the law prohibits such discrimination. There were anecdotal reports of abuse of foreign workers by employers.

*Other Societal Abuses and Discrimination.*—There were no reports of cases of violence or discrimination based on sexual orientation or against person with HIV/AIDS.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law provides for the right of all persons to assemble peacefully and to associate with others for any lawful purpose, including the right to join and organize labor unions. However, there were no active labor unions or other employee organizations; the majority of businesses were small-scale, family-run enterprises employing relatives and friends.

*b. The Right to Organize and Bargain Collectively.*—There is no law concerning trade union organization or collective bargaining. Market forces determine wages in the cash economy.

The law does not provide for the right to strike, and the Government has not addressed this issue.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits slavery or involuntary servitude except to punish crime. Although the law does not prohibit specifically forced or compulsory labor by children, there were no reports that such practices occurred.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The law states that the Government shall protect children from exploitation. There is no minimum age for employment. Children typically were not employed in the wage economy, but some assisted their families with fishing, agriculture, and small-scale family enterprises.

By regulation no foreigner under age 21 may be admitted into the country for employment purposes, and the Government generally enforced this regulation effectively.

*e. Acceptable Conditions of Work.*—The law sets the minimum wage at \$2.50 per hour, but foreign workers are not included under the minimum wage law. It generally was assumed that legislators specifically exempted foreign contract workers from the minimum wage law to ensure a continued supply of low-cost labor in industries that the legislators often control. The national minimum wage provided a decent standard of living for a worker and family. Anecdotal evidence indicated that unskilled workers (usually foreigners) for commercial firms were paid only \$1.50 to \$2.00 per hour; wages for domestic helpers employed in private households were lower still. In addition to their wages foreign workers usually were provided, basic accommodations and food gratis or at nominal cost. The country continued to attract foreign workers from the Philippines, China, and Bangladesh. (Although the law prohibits importation of laborers from Bangladesh, this prohibition was not strictly enforced.) During the year there were more than 6,800 foreign nationals with work permits in the country; of these, 65 percent were from the Philippines, 15 percent from mainland China, and 8 percent from Bangladesh.

There is no legislation concerning maximum hours of work. Most businesses closed on either Saturday or Sunday. The Division of Labor has established some regulations regarding conditions of employment for nonresident workers. The division may inspect the conditions of the workplace and employer-provided housing on the specific complaint of the employees, but enforcement was sporadic. Working conditions varied in practice.

Although there are occupational and safety standards, the law does not specifically provide workers the right to remove themselves from situations that endanger their health or safety without jeopardy to their continued employment, and no law protects workers who file complaints about such conditions. Anecdotal evidence suggested that noncitizens would likely lose their employment if they removed themselves from situations that endangered health or safety. Since foreign workers generally are not permitted to change employers and must depart the country if their contract ends for any reason, noncitizens were reticent about reporting abuses. There were no reports to the Government of violations of occupational health or safety standards during the year.

Some foreign workers, particularly domestic helpers and unskilled laborers, reportedly were forced to accept jobs different from those for which they were recruited. Employers sometimes verbally threatened or withheld passports and return tickets of foreign workers desiring to leave unfavorable work situations.

Reports of mistreatment of foreign workers by their employers continued during the year. The foreign workers most likely to be abused were those who worked under contracts as domestic helpers, farmers, waitresses, beauticians, hostesses in karaoke bars and massage parlors, construction workers, and other semiskilled workers, the majority of whom were from the Philippines, China, and Bangladesh. The most commonly reported abuses included misrepresentation of contract terms and conditions of employment, withholding of pay or benefits, and substandard food and housing. There have, at times, been complaints of physical abuse. In a number of instances local authorities took corrective action when alerted by social service and religious organizations.

---

## PAPUA NEW GUINEA

Papua New Guinea is a constitutional Federal multiparty parliamentary democracy with a population of approximately 6.2 million and more than 800 indigenous tribes. The most recent general elections were held June 30 through July 10; there were localized instances of voter intimidation, election-related violence, and influence peddling. A coalition government, led by Prime Minister Michael Somare, was formed following the election. While civilian authorities generally maintained effective control of the security forces, there were some instances in which elements of the security forces acted independently.

The Government generally respected the human rights of its citizens, but there were serious problems in some areas. Human rights abuses included arbitrary or unlawful killings by police; police abuse of detainees, including children; poor prison conditions; lengthy pretrial detention; infringement of citizens' privacy rights; government corruption; violence and discrimination against women and children; discrimination against persons with disabilities; and intertribal violence.

### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—The Government or its agents did not commit any politically motivated killings; however, police killed a number of persons during the year. According to police reports, most killings occurred during gunfights with criminal suspects who were resisting arrest. However, public concern about police violence continued. On March 21, police reportedly shot three persons suspected of armed robbery, killing one. On May 4, police shot and killed Jeffrey Kui, a fugitive in West Taraka who had escaped from custody; his relatives alleged police shot him repeatedly after he had already surrendered. On May 25, police reportedly shot three individuals suspected of car theft, killing two. The police officers involved in the March 21 and May 25 killings were suspended pending investigations, but no investigation results had been released by year's end. A coroner's court was reviewing the Kui killing at year's end.

There were no further developments in the investigations into the alleged November 2006 police killing of a person in an exchange of gunfire at a Port Moresby hotel

and a 2005 incident at the Porgera primary school in Enga Province in which police killed three persons and reportedly injured at least 20 others.

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits such practices; however, individual police members frequently beat and otherwise abused suspects during arrests, interrogations, and in pretrial detention. There were numerous press accounts of such abuses, particularly against young detainees. On August 23, an auxiliary police officer in Rabaul allegedly shot and wounded a high school student. Also on August 23, police reportedly beat a soldier in Port Moresby.

At year's end no action had been taken against correction officers at Buimo Prison who beat and sexually abused young male detainees in January 2006, and the officers continued to work at the prison.

*Prison and Detention Center Conditions.*—Prison conditions were poor, and the prison system suffered from serious underfunding. During most of the year, three of the country's 20 prisons remained closed because of life-threatening conditions. Neither prisons nor police detention centers had medical care facilities. In some police holding cells, detainees lacked bedding and sufficient food and water. Overcrowding in prisons and police cells was a serious problem. In rural areas infrequent court sessions and bail restrictions for certain crimes exacerbated overcrowding. Prison escapes were common, even from high-security installations.

Male and female inmates usually were held separately, but some rural prisons lacked separate facilities, and there were reports of assaults on female prisoners. There were no separate facilities for juvenile offenders; however, in some prisons juveniles were provided with separate sleeping quarters. Foreign government donor agencies funded the operations of three new juvenile reception centers located in Port Moresby, Lae, and Goroka. Human Rights Watch (HRW) reported that juveniles routinely were held with adults in police detention cells, where in many cases they were assaulted by older detainees. Police denied juvenile court officers access to police cells. Pretrial detainees were not separated from convicted prisoners.

The Government permitted prison visits by human rights observers.

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

*Role of the Police and Security Apparatus.*—A commissioner who reports to the minister for internal security heads the country's national police force, the Royal Papua New Guinea Constabulary. Internal divisions related to clan rivalries and a serious lack of resources negatively impacted police effectiveness throughout the year. Police corruption and impunity were serious problems. During the year some police officials were suspended for involvement in corruption or other criminal activity. On March 28, a group of police officers allegedly assaulted the director of police prosecutions in Port Moresby; however, as of year's end, no action was taken against the officers involved.

Police shootings are investigated by the police department's Internal Affairs Office and reviewed by a coroner's court. If the court finds that the shooting was unjustifiable or due to negligence, the police officers involved are tried. Families of persons killed or injured by police may challenge the coroner's finding in the National Court, with the assistance of the Public Solicitor's Office. Cases of accidental shootings of bystanders by police during police operations are also investigated and reviewed by a coroner's court.

Although the Government continued to negotiate with Australia on implementation of a scaled-down version of the former Enhanced Cooperation Program, under which Australian Federal police officers would work alongside the constabulary to improve police practices, no agreement was reached during the year.

*Arrest and Detention.*—Under the law, to make an arrest police must have reason to believe that a crime was committed, is in the course of being committed, or will be committed. A warrant is not required, and police made the majority of arrests without one. Citizens may make arrests under the same standards as the police, but this was rare in practice. Police, prosecutors, and citizens may apply to a court for a warrant; however, police normally did so only if they believed it would assist them in carrying out an arrest.

Only National or Supreme Court judges may grant bail to persons charged with willful murder or aggravated robbery. In all other cases, the police or magistrates may grant bail. Arrested suspects have the right to legal counsel, to be informed of the charges against them, and to have their arrests subjected to judicial review; however, the Government did not always respect these rights. Detainees had access to counsel, and family members had access to detainees. There were reported in-

stances of politicians directing or bribing police officials to arrest or intimidate individuals seen as political enemies or as possible whistle-blowers on corruption.

Due to very limited police and judicial resources and a high crime rate, suspects often were held in pretrial detention for lengthy periods. Although pretrial detention is subject to strict judicial review through continuing pretrial consultations, the slow pace of police investigations and occasional political interference or police corruption frequently delayed cases for months. Additionally, circuit court sittings were infrequent because of a shortage of judges and travel funds. Some detainees were held in jail for more than 2 years because of the shortage of judges.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the Government generally respected judicial independence in practice. The Supreme Court is the final court of appeal and has original jurisdiction on constitutional matters. The National Court hears most cases and appeals from the lower district (provincial) courts. There also are village courts headed by lay persons (generally local chiefs, known as “big-men”), who judge minor offenses under both customary and statutory law.

*Trial Procedures.*—The legal system is based on English common law. The law provides for due process, including a public trial, and the court system generally enforced these provisions. Judges conduct trials and render verdicts; there are no juries. Defendants have the right to an attorney. The Public Solicitor’s Office provides legal counsel for those accused of “serious offenses” (charges for which a sentence of 2 years or more is the norm) who are unable to afford counsel. Defendants and their attorneys may confront witnesses, present evidence, access government-held evidence, plead cases, and appeal convictions. The shortage of judges created delays in both the process of trials and the rendering of decisions.

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

*Civil Judicial Procedures and Remedies.*—There is an independent and impartial judiciary in civil matters. District courts could order “good behavior bonds,” commonly called “protection orders,” in addition to ordering that compensation be paid for violation of human rights. However, courts had difficulty enforcing judgments. Additionally, many human rights matters were handled by village courts, which were largely unregulated. Village and district courts were often hesitant to interfere directly in domestic matters. Village courts regularly ordered compensation be paid to an abused spouse’s family in cases of domestic abuse rather than issue a domestic court order.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution prohibits such actions; however, there were instances of abuse. Police raids and searches of illegal squatter settlements and the homes of suspected criminals often were marked by a high level of violence and property destruction. Police units operating in highland regions sometimes used intimidation and destruction of property to suppress tribal fighting.

## *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. All newspapers included a variety of editorial viewpoints and reported on controversial topics. There was no evidence of officially sanctioned government censorship; however, newspaper editors complained of intimidation tactics aimed at influencing coverage. On May 29, armed men attacked the home of a reporter for the Post Courier newspaper; the newspaper alleged that the attack was in retaliation for stories the paper had published about official corruption.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. In practice cost factors and lack of infrastructure limited public access to the Internet.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

### *b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The Constitution provides for freedom of assembly; however, the Government often limited this right in practice. Public demonstrations require police approval and 14 days’ notice. In recent years police, asserting a fear of violence from unruly spectators, rarely gave approval. On August 10, police reportedly disapproved a protest march against formation of the new government coalition. However, various groups ignored the legal notice requirements and held

meetings and rallies throughout the year. Groups also challenged the requirements, citing conflicts with the Constitution. There were reports that police intimidated groups attempting to demonstrate during national conferences and events.

*Freedom of Association.*—The Constitution provides for freedom of association, and the Government generally respected this right in practice.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

*Societal Abuses and Discrimination.*—There were no reports of societal abuses or discrimination against religious groups, including anti-Semitic acts. There was no known Jewish community in the country.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

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

*Protection of Refugees.*—Although a party to the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, the Government has not enacted enabling legislation and has not established a system for providing protection to refugees. The Government did not grant refugee status or asylum. In practice the Government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. In practice the Government provided temporary protection to individuals who may not qualify as refugees under the 1951 convention or 1967 protocol.

During the year, with support from the U.N. High Commissioner for Refugees (UNHCR), the Government continued to provide protection to approximately 2,700 persons residing at the East Awin refugee settlement who fled the Indonesian province of Papua (formerly Irian Jaya). Approximately 5,000 additional refugees lived in villages adjacent to the border with Indonesia.

The Government cooperated with the Office of the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. Registered refugees residing in the East Awin refugee settlement were granted a residence permit that allowed them to travel freely within the country and, on a case-by-case basis, to travel abroad depending on the urgency of the business and a guarantee of financial support by sponsoring institutions.

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

The Constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage. Voters elect a unicameral Parliament with 109 members from all 19 provinces and the National Capital District. Any citizen may stand for election; members of Parliament (MPs) must be at least 25 years of age. A new limited preferential voting system requires MPs to be elected by an absolute majority vote.

*Elections and Political Participation.*—The most recent general election was held June 30 through July 10. Of the 109 seats in Parliament, 66 changed hands. Prime Minister Michael Somare formed a coalition government following the election. Bribery, voter intimidation, and undue influence were widespread in some parts of the country during the election. The law provides that a losing candidate may dispute an election result by filing a petition with the National Court. Such petitions may question actions of the winning candidate and his supporters or allege malfeasance by the election officials. The procedure is fair but time consuming and expensive both to initiate and to defend. The National Court registered 53 election petitions that alleged illegal practices. By year's end 16 petitions were dismissed, 13 were withdrawn, one was upheld and a by-election ordered, 20 were scheduled for court hearings, and three remained to be given a hearing date.

Post-election violence was common in various parts of the country. In incidents reported, six persons were shot and killed, one was tortured and burned alive, and many others were injured. The underresourced police force focused on safeguarding key resource projects, government infrastructures, and businesses.

Many voters who claimed to have registered were turned away from the polls. Local and international observer teams reported undue influences, inconsistencies in common rolls, and instances of bloc voting, in which all the members of a tribe or clan voted for the same candidate.

There is no law limiting political participation by women, but the deeply rooted patriarchal culture impeded women's full participation in political life. There was one woman in the 109-seat Parliament. She served as minister of community development, the only cabinet position held by a woman. There was one female National Court justice and no female provincial governors.

There were six minority (non-Melanesian) MPs. Of these, two were in the cabinet, and three were provincial governors.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials often engaged in corrupt practices with impunity.

Corruption at all levels of government was a serious problem due to weak public institutions, lack of transparency, politicization of the bureaucracy, and the use of public resources to meet traditional clan obligations.

A government minister reportedly confirmed the prevalence of corrupt practices and inappropriate deals within the Department of Foreign Affairs. Internal investigations were pending at year's end. A commission of inquiry conducted an investigation into allegations of large-scale fraudulent practices in the Finance Department but had not reported its findings by year's end. Approximately 75 percent of MPs failed to properly account for their expenditures of public funds over the past 5 years.

The minister for national planning, who had been referred to the public prosecutor in 2006 for misconduct, retained his parliamentary seat and was reappointed to the cabinet. At year's end the Leadership Tribunal was reviewing the case. A provincial governor who was suspended from office in September 2006, following referral by the ombudsman to the Leadership Tribunal for alleged misuse of government funds, was found guilty and fined. During the year three MPs, including a provincial governor and a former senior cabinet minister, had their cases pending before the Leadership Tribunal for alleged corruption; however, none of the three was reelected, and as of year's end, the public prosecutor had not filed criminal charges against them.

In October the defense minister rejected the findings of a Defense Board of Inquiry report that concluded Prime Minister Somare and other high-level government officials were involved in arranging for the 2006 flight of Julian Moti, an Australian citizen wanted in Australia on child sex molestation charges, to the Solomon Islands aboard a Papua New Guinea military plane. The defense minister stated that the report was biased and that the board was not legally constituted.

Public officials are subject to financial disclosure laws as stipulated in the leadership code of conduct. The Ombudsman Commission, the Leadership Tribunal, and the Public Accounts Committee are key organizations responsible for combating government corruption.

No law provides for public access to government information. The Government published frequent public notices in national newspapers and occasional reports on specific topics facing the government; however, it generally was not responsive to individual requests, including media requests, for access to government information.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

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

The Constitution provides for equal protection under the law irrespective of race, tribe, place of origin, color, or sex. Despite these provisions, women often faced discrimination. Geographic and cultural diversity prevented any one tribe or clan from dominating the country, and successive governments have consistently avoided favoring any group.

*Women.*—Violence against women, including domestic violence and gang rape, was a serious and prevalent problem. In a March media release, the U.N. Population Fund office stated that violence against women and girls was widespread.

Although rape, including spousal rape, is a crime punishable by imprisonment, and prison sentences were imposed on convicted assailants, few rapists were apprehended. The willingness of some communities to settle incidents of rape through material compensation rather than criminal prosecution made the crime difficult to combat. On August 15, a 20-year-old rape victim reportedly withdrew a case against four suspects. On August 13, the Supreme Court dismissed the appeal by former

Madang provincial governor James Yali of his 2006 conviction for raping his sister-in-law. At year's end he was serving his sentence.

Domestic violence was common and is a crime. However, since most communities viewed domestic violence as a private matter, few victims pressed charges, and prosecutions were rare. Widespread sexual violence committed by police and their unresponsiveness to complaints of sexual or domestic violence served as barriers to reporting by both women and men. Traditional village mores, which served as deterrents against violence, were weakening and were largely absent when youths moved from their villages to larger towns or to the capital.

Violence committed against women by other women frequently stemmed from domestic disputes. In areas where polygyny was customary, an increasing number of women were charged with murdering one of their husband's other wives. According to HRW, 65 percent of women in prison had been convicted for attacking or killing another woman.

Prostitution is illegal; however, the laws were not enforced, and the practice was widespread. There were no reports of sex tourism during the year. Sexual harassment is not illegal, and it was a widespread problem.

The laws have provisions for extensive rights for women dealing with family, marriage, and property disputes. Some women have achieved senior positions in business, the professions, and the civil service; however, traditional discrimination against women persisted. Many women, even in urban areas, were considered second-class citizens. Women continued to face severe inequalities in all spheres of life: social, cultural, economic, and political.

Village courts tended to impose jail terms on women found guilty of adultery while penalizing men lightly or not at all. By law a district court must endorse orders for imprisonment before the sentence is imposed, and circuit-riding National Court justices frequently annulled such village court sentences. Polygyny and the custom in many tribal cultures of paying a "bride price" tended to reinforce the view that women were property. In addition to the purchase of women as brides, women also sometimes were given as compensation to settle disputes between clans, although the courts have ruled that such settlements denied the women their constitutional rights.

According to statistics published in the 2006 U.N. Development Program's human development report, women continued to lag behind men in literacy and education due to discrimination; 51 percent of women were literate, compared with 63 percent of men. The Ministry of Community Development was responsible for women's issues and had considerable influence over the Government's policy toward women.

*Children.*—Independent observers generally agreed that the Government did not dedicate significant resources to protecting the rights and welfare of children. Religious and secular nongovernmental organizations (NGOs) operated programs to protect and develop youth and children. In the past children were well cared for within the family and under traditional clan and village controls; however, small-scale studies indicated that this situation has changed over the last decade, especially in areas where households have become isolated from the extended family support system and depend on the cash economy for a livelihood.

Primary education was not free, compulsory, or universal. Substantial fees were charged and posed a significant barrier to children's education. According to a U.N. Children's Fund report (based on 2000–2005 data), the gross primary school enrollment rate was 80 percent for boys and 70 percent for girls. Many children did not progress further than primary school. Government-provided free medical care for citizens, including children, was no longer available due to budget cuts and deteriorating infrastructure, particularly in rural areas. Boys and girls had equal access to medical care, but many children did not have effective care. Many villages were geographically isolated, and malnutrition and infant mortality rates were very high.

Sexual abuse of children was believed to be frequent. On September 18, a 4-year-old and a 13-year-old were allegedly raped in Madang. At year's end a police reserve officer was free on bail awaiting trial for allegedly assaulting a 6-year-old girl in Lae in 2006. On September 7, a man pleaded guilty to raping a 4-year-old child in 2005 in Lae and at year's end was awaiting sentencing. Incest is a crime and reportedly increased in frequency. On March 9, a man was convicted of incest and sentenced to 6 years' imprisonment. On September 21, a father of six received a 20-year sentence for incest. There were cases of commercial sexual exploitation of children in urban areas, including children working in bars and nightclubs. HRW documented numerous instances of police abuse of children. Some children were forced to work long hours as domestic servants in private homes, often to repay a family debt to the "host" family.

The legal age for marriage is 18 for boys and 16 for girls. There is a lower legal marriage age (16 for boys and 14 for girls) with parental and court consent. How-



ever, customary and traditional practices allow marriage of children as young as age 12, and child marriage was common in many traditional, isolated rural communities. Child brides frequently were taken as additional wives or given as brides to pay family debts and often were used as domestic servants. Child brides were particularly vulnerable to domestic abuse.

*Trafficking in Persons.*—The law does not prohibit all forms of trafficking in persons, although trafficking in children for sexual exploitation is a crime. There were reports of trafficking of women and girls within the country for sexual exploitation and domestic servitude. Custom requires the family of the groom to pay a “bride price” to the family of the bride. While marriages were usually consensual, women and girls were sometimes sold against their will. There were also reports of Asian women being trafficked into the country to work in the sex industry. Transactional sex was common and often involved the sexual exploitation of children.

The Government investigated allegations of corruption among officials dealing with passport issuance and immigration. The allegations primarily involved the illegal issuance of residence and work permits for Chinese or South Asian nationals migrating to the country. Nevertheless, there was concern that the country may have been used as a route for trafficking in persons to Australia.

There were no government programs to assist trafficking victims.

*Persons with Disabilities.*—The Constitution prohibits discrimination against persons with physical and mental disabilities; however, persons with disabilities faced discrimination in education, training, and employment. Through the National Board for the Disabled, the Government provided funds to a number of NGOs that provided services to persons with disabilities. The Government provided free medical consultations and treatment for persons with mental disabilities, but such services were rarely available outside major cities. In several provinces, apart from the traditional clan and family system, services and health care for persons with disabilities did not exist. No legislation mandates accessibility to buildings. Most persons with disabilities did not find training or work outside the family structure.

*National/Racial/Ethnic Minorities.*—Centuries-old animosities among isolated tribes, a persistent cultural tradition of revenge for perceived wrongs, and the lack of police enforcement sometimes resulted in violent tribal conflict in the highland areas. In the last few years, the number of deaths resulting from such conflicts continued to rise due to the availability of modern weapons. Election results triggered tribal conflicts in parts of Enga and Chimbu provinces, and tribal fighting continued in Western Highlands Province.

*Other Societal Abuses and Discrimination.*—Sodomy and acts of “gross indecency” between males are illegal, but there were no reports of prosecutions under this law during the year. There were no specific reports of societal violence or discrimination against homosexuals, but homosexuals were vulnerable to societal stigmatization.

There were no reports of government discrimination against persons with HIV/AIDS; however, there was a strong societal stigma attached to HIV/AIDS infection that prevented some individuals from seeking HIV/AIDS related services, and there were reports that companies have dismissed HIV-positive employees after learning of their condition.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law provides for the right to form and join labor unions, subject to registration by the Department of Labor and Industrial Relations. The Government did not use registration to control unions; however, an unregistered union has no legal standing and thus cannot operate effectively. An estimated half of the approximately 250,000 wage earners in the formal economy were members of approximately 50 trade unions. The Public Employees Association represented an estimated 18,000 persons employed by national, provincial, and municipal governments, or one-third of the public sector work force. The law prohibits antiunion discrimination by employers against union leaders, members, and organizers; however, it was enforced selectively. Unions were independent of the Government and of political parties.

*b. The Right to Organize and Bargain Collectively.*—The law provides for the right to organize and engage in collective bargaining, and workers exercised these rights in practice. Under the law the Government has discretionary power to cancel arbitration awards or declare wage agreements void when they are contrary to government policy. The International Labor Organization has criticized this law. The Department of Labor and Industrial Relations and the courts are involved in dispute settlement. Wages above the minimum wage were set through negotiations between employers and employees or their respective industrial organizations.

The law provides for the right to strike, although the Government can and often does intervene in labor disputes to require arbitration before workers can legally strike. The law prohibits retaliation against strikers, but it was not always enforced. Employees of some government-owned enterprises went on strike on several occasions during the year, primarily to protest against privatization policies or in pay disputes. In most cases these strikes were brief and ineffective.

At year's end no decision had been made regarding the legality of a December 2005 nurses' strike or the disciplinary actions taken against nurses who participated in the strike.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred in the formal economy. Some children were obliged to work long hours as domestic servants in private homes.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The law establishes the minimum working age as 16; for hazardous work, the minimum age is 18. However, children between the ages of 11 and 18 may be employed in a family business or enterprise provided they have parental permission, a medical clearance, and a work permit from a labor office. This type of employment was rare, except in subsistence agriculture. Work by children between the ages of 11 and 16 must not interfere with school attendance. Some children under 18 worked in bars and nightclubs and were vulnerable to commercial sexual exploitation.

*e. Acceptable Conditions of Work.*—The Minimum Wage Board, a quasi-governmental body with labor and employer representatives, sets minimum wages for the private sector. The national youth wage, for new entrants into the labor force between 16 and 21 years of age, was set at 75 percent of the adult minimum wage. The minimum wage was \$12.75 (37.50 kina) per week, and although it was above the national per capita income, it did not provide a decent standard of living for a worker and family who lived solely on the cash economy.

The law regulates minimum wage levels, allowances, rest periods, holiday leave, and overtime. Although the Department of Labor and Industrial Relations and the courts attempted to enforce the minimum wage law, enforcement was not effective. The law limits the workweek to 42 hours per week in urban areas and 44 hours per week in rural areas and provides for premium pay for overtime work. The law provides for at least one rest period of 24 consecutive hours every week; however, enforcement was lax. The Department of Labor and Industrial Relations is responsible for enforcing the Industrial Health and Safety Law and related regulations. The law requires inspection of work sites on a regular basis; however, due to a shortage of inspectors, inspections took place only when requested by workers or unions. In February, after receiving complaints, the labor secretary visited the Ramu nickel mine in Madang Province, operated by a Chinese Government-owned company, and concluded that conditions violated labor laws and regulations. Among the problems cited were extremely inadequate food, sanitary facilities, and housing. Reportedly the company subsequently made some improvements in workers' living conditions.

Workers' ability to remove themselves from hazardous working conditions varied by workplace. Unionized workers had some measure of protection in such situations. The law protects legal foreign workers. The few illegal foreign workers lacked full legal protection.

---

## PHILIPPINES

The Philippines, with a population of 89 million, is a multiparty republic with an elected president and bicameral legislature. On May 14, approximately 73 percent of registered citizens voted in mid-term elections for both houses of congress and provincial and local governments. The election was generally free and fair but was marred by violence and allegations of vote buying and electoral fraud. Civilian authorities generally maintained effective control of the security forces; however, there were some instances in which elements of the security forces acted independently.

Arbitrary, unlawful, and extrajudicial killings by elements of the security services and political killings, including killings of journalists, by a variety of actors continued to be a major problem. Despite intensified government efforts to investigate and prosecute these cases, many went unsolved and unpunished. Concerns about impunity persisted. Members of the security services committed acts of physical and psychological abuse on suspects and detainees, and there were instances of torture. Ar-

bitrary or warrantless arrests and detentions were common. Trials were delayed, and procedures were prolonged. Prisoners awaiting trial and those already convicted were often held under primitive conditions. Corruption was a problem in all the institutions making up the criminal justice system, including police, prosecutorial, and judicial organs. In addition to the killings mentioned above, leftwing and human rights activists were often subject to harassment by local security forces. Problems such as violence against women and abuse of children, child prostitution, trafficking in persons, child labor, and ineffective enforcement of worker rights were common.

In addition to killing soldiers and police officers in armed encounters, the New People's Army (NPA, the military wing of the Communist Party, CPP) killed local government officials and ordinary civilians, including through the use of landmines, and were suspected by the Government in many of the killings of leftwing activists. The NPA also used child soldiers in combat roles. Terrorist groups committed bombings that caused civilian casualties; these groups also used child soldiers.

The Government took steps to invigorate the investigation and prosecution of cases of arbitrary, unlawful, and extrajudicial killings: A command responsibility directive advised Armed Forces of the Philippines (AFP) officers that they would be held accountable for not taking preventive or corrective action when they have knowledge that crimes are committed by subordinates; the Supreme Court issued rules on "amparo," which provides citizens with the courts' protection; the Philippine national police (PNP) and the AFP created human rights offices to provide guidance and training to their personnel and to coordinate with other government human rights organizations; and President Arroyo ordered "cooperation and coordination" between prosecutors and police from the outset of a political or media killing "until the termination of cases in court." The full results of these reforms in terms of indictments and convictions were not yet visible, but government agencies, human rights nongovernmental organizations (NGOs), and even some of the Government's critics noted a significant decrease in the number of killings. Moreover, seven local police chiefs were relieved of their commands for suspected involvement or failure to pursue cases of unlawful killings.

#### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—Security forces and antigovernment insurgents committed a number of arbitrary and unlawful killings. The Commission on Human Rights (CHR) investigated 71 complaints of killings between January and June; 25 of these cases were classified as politically motivated. The CHR suspected personnel from the PNP and the AFP in a number of the killings of leftist activists operating in rural areas. Allegations of summary executions by government security forces were referred to the NGO Task Force Detainees of the Philippines (TFDP). The TFDP was unable to investigate all of these allegations, but it alleged the summary executions of 18 individuals by government forces through year's end.

In May 2006 the Government formed "Task Force Usig" within the PNP to investigate the killings of activists and journalists. By year's end the PNP Task Force Usig recorded 141 cases of killings since 2001, seven of which occurred during the year; 80 cases were filed in court, with four convictions in 2005–6, and the remainder still under investigation. At least one human rights organization, KARAPATAN, claimed that there have been more than 800 extrajudicial killings since 2001, and it asserted that 69 of these had occurred during the year, compared to its claimed 209 killings in 2006.

In August 2006 President Arroyo created an independent commission to investigate patterns in the killings of journalists and leftist activists and to make policy and legislative recommendations for dealing with the problem. In a January 22 report, the commission stated that there was no official or sanctioned policy on the part of the military or its civilian superiors to allow or condone unlawful killings. However, circumstantial evidence linked "rogue" elements of the military to the killings. The commission's recommendations included: Issuance of a military directive outlining command responsibility; strengthening the Department of Justice's (DOJ) witness protection program; designation of special courts to prosecute cases of extrajudicial killings; creation of a Human Rights Office in the AFP; revitalization of a Presidential Human Rights Committee; additional funding for the CHR; and a formal instruction to the DOJ and Department of National Defense to cooperate and coordinate with the CHR. During the year the Government adopted these recommendations, with the sole exception of the strengthened witness protection program, and legislation was under consideration to effectuate that recommendation.

Arbitrary and unlawful killings during the year included: The January 19 killing of university professor Jose Maria Cui in Catarman, Northern Samar, by two un-

identified persons. Cui was a member of Bayan Muna, a leftist organization, and a former secretary-general of the human rights group KARAPATAN (Rights) in Eastern Samar.

The February 15 killing of Farly Alcantara, a student at the Camarines Norte State College and member of the militant League of Filipino Students, in Daet, Camarines Norte, by an unidentified assailant.

The March 10 killing of Siche Gandinao, a member of the Misamis Oriental Farmers Association, an affiliate of the left-leaning Kilusang Magbubukid ng Pilipinas (Philippine Peasant Movement) in Salay, Misamis Oriental, by an unidentified assailant. Gandinao's husband and daughter, who witnessed the shooting, alleged that the assailant ran away in the direction of a nearby army detachment. Siche Gandinao had testified before the U.N. Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions Philip Alston regarding the February 8 killing of her father-in-law, Dalmacio Gandinao.

All of these killings were under investigation at year's end.

Investigations of cases from 2005 and 2006 were still ongoing.

On May 25, the police arrested and filed murder charges against two AFP officers and 10 other unidentified suspects for the August 2006 killing of United Methodist Church pastor Isaias Santa Rosa in Daraga, Albay. On June 8, however, the prosecutor dismissed the case for lack of evidence.

There were no reported developments in the May 2006 killing of Sotero Llamas and the July 2006 killing of Alice Claver. The alleged perpetrators in the killing of Llamas were at large, while the suspect police officer in the killing of Claver remained in police custody.

There were no developments in the cases of the 2005 killings of Bayan Muna leader Felidito Dacut and two pastors of the United Church of Christ in the Philippines. Two members of the army were charged with murder in a regional trial court for the 2005 killing of union leader Ricardo Ramos. At year's end the suspects remained at large. The prosecutor's office dismissed the cases of the 2005 killing of Bayan Muna councilor Abelardo Ladera and Aglipayan Church priest William Tadena for lack of probable cause.

On May 17, a Bureau of Immigration guard shot and killed a foreign detainee inside the immigration detention facility. The Immigration Commissioner ordered the guard's dismissal, as well as that of three other guards on duty at the time of the incident. The guard remained in police custody at year's end.

Although there were allegations that military hazing caused the May 8 death of a Philippine Military Academy cadet, medical records showed that the first-year student died of severe complications from pneumonia.

Government forces killed a number of civilians during clashes with antigovernment forces and with the terrorist Abu Sayyaf Group (ASG) and the NPA. Communist insurgents, mainly from the NPA, continued to kill political figures, military and police officers, and civilians, including suspected military and police informers. Extortion groups associated with the ASG killed persons in bombings.

The PNP recorded a total of 229 incidents of election-related violence during the official election period from January 14 to June 13, resulting in 121 deaths and 176 injuries. Most violent activity took place in connection with campaigns for local-level offices or stemmed from long-standing political or family rivalries. The PNP noted more incidents of violence in the Autonomous Region in Muslim Mindanao (ARMM) and more killings in the Bicol Region than in other regions of the country.

Vigilante groups were suspected of conducting summary killings of criminals in two major cities, and local officials appeared to condone and even encourage them. At year's end the TFDP recorded 58 apparent vigilante killings in Davao City, Mindanao. In Cebu City in the Central Visayan Region, the police recorded at least three killings during the year. The victims were suspected of involvement in criminal activities, and the killings appeared to have popular support. The authorities made no arrests in these cases.

*b. Disappearance.*—According to local human rights NGOs, government forces were responsible for disappearances. At year's end the domestic NGO Families of Victims of Involuntary Disappearances (FIND) documented 35 victims of involuntary disappearance: Five were found alive, two were found dead, and 28 remained missing. FIND suspected government forces in the majority of these cases, while unidentified armed men were suspected in the remaining cases. Task Force Usig documented five cases of forced disappearance of activists; no case had been filed and no arrests had been made at year's end.

On April 28, four men and a woman, alleged to be AFP personnel in Bulacan, abducted activist Jonas Burgos and two others in Quezon City, metro Manila. On July 24, the Supreme Court ordered the AFP to present Burgos before the court of appeals; however, the AFP denied that Burgos was in its custody. At year's end

Burgos and the two others remained missing, and the court of appeals had not concluded its hearings. The CHR also conducted a public inquiry into Burgos' whereabouts, which concluded on September 11, with no new findings.

On May 27, the court of appeals dismissed for lack of evidence a petition filed against the AFP to produce abducted University of the Philippines students Sherlyn Cadapan and Karen Empeno and local citizen Manuel Merino who had been missing since June 2006. The court referred the case to the PNP, the CHR, and the National Bureau of Investigation for further investigation. At year's end the three were still missing. Writ of amparo petitions (see Section 1.e.) were filed against the military in the cases of Cadapan, Empeno, Merino, and Jonas Burgos. The petitions were pending in court at year's end.

Some victims' families complained that the courts and police failed to address adequately their complaints concerning disappearances in which security forces were suspected. Evidence of a kidnapping or killing is required in order to file charges. FIND and Amnesty International's Manila office continued to support the efforts of victims' families to press charges. In most cases, evidence and documentation were unavailable, and convictions were rare. Out of 16 court cases related to disappearances of concern to FIND, none had been resolved as of year's end. Judicial inaction on the vast majority of disappearances contributed to a climate of impunity and undermined public confidence in the justice system.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits torture, and evidence obtained through its use is inadmissible in court; however, members of the security forces and police were alleged to have routinely abused and sometimes tortured suspects and detainees. The CHR provided the police with mandatory human rights training. The CHR noted that senior PNP officials appeared receptive to respecting the human rights of detainees, but rank-and-file awareness of the rights of detainees remained inadequate.

The TFDP asserted that torture remained an ingrained part of the arrest and detention process. Common forms of abuse during arrest and interrogation reportedly included striking detainees and threatening them with guns. The TFDP reported that arresting officers often carried out such beatings in the early stages of detention.

Another human rights NGO, the Philippine Alliance of Human Rights Advocates, also reported that police used excessive force in apprehending suspects.

Within the AFP, the CHR continued to observe greater sensitivity to the need to prevent human rights violations. The CHR is required to determine whether an officer being considered for promotion has a history of human rights violations; however, a negative CHR finding does not preclude promotion. The CHR also vets PNP officers at the senior superintendent level. Nevertheless abuses still occurred. Human rights activists complained of abuses by security forces against suspected ASG and NPA members in captivity. According to the Moro Human Rights Center, some members of the AFP continued to beat ASG suspects.

The TFDP documented 16 cases of torture involving 28 victims from January to December. The CHR investigated 18 cases of alleged torture during the year. The majority of suspects in both the TFDP and CHR cases were members of the PNP.

On January 3, the police arrested Ricardo Ayeras in Quezon Province for his alleged involvement in a 2005 bombing. Ayeras alleged that police interrogators in the PNP headquarters beat and used electric shock on him to force him to admit his involvement. On February 16, a local trial court judge ordered his release for lack of evidence.

There were reports that prison guards physically abused inmates. The CHR and TFDP reported that abuse by prison guards and other inmates was common, but prisoners, fearing retaliation, refused to lodge formal complaints. Women in police custody were particularly vulnerable to sexual and physical assault by police and prison officials.

*Prison and Detention Center Conditions.*—Prison conditions were rudimentary and sometimes harsh. Provincial jails and prisons were overcrowded, lacked basic infrastructure, and provided prisoners with an inadequate diet. Jails managed by the Bureau of Jail Management and Penology (BJMP) operated at an average of 260 percent of designed capacity. Prison administrators allotted a daily subsistence allowance of approximately \$0.86 (40 pesos) per prisoner. Lack of potable water and poor ventilation continued to cause health problems. The slow judicial process exacerbated overcrowding.

There were reports of widespread corruption among prison guards and, to some extent, at higher levels of authority within the prison system. Some detainees at immigration detention centers reportedly gained release by making cash payments to guards.

The February 2006 CHR report on the 2005 escape attempt at Camp Bagong Diwa, during which three guards and 22 inmates were killed, concluded that the authorities used excessive force and that inmates were mistreated or summarily executed. It recommended that the DOJ create a committee to investigate; however, by year's end, the DOJ had not yet investigated the case.

According to BJMP regulations, male and female inmates are to be held in separate facilities and, in national prisons, overseen by guards of the same sex. Anecdotal reports suggested that these regulations were not uniformly enforced. In provincial and municipal prisons, male guards sometimes supervised female prisoners directly or indirectly. Although prison authorities attempted to segregate children, in some instances children were held in facilities not fully segregated from adult male inmates. Only 292 out of 1,078 jails managed by the BJMP and PNP had separate cells for minors, while 410 jails had separate cells for adult females.

During the year the BJMP established two detention centers exclusively for women. More than 1,100 minor inmates were transferred to two BJMP youth centers, government social welfare centers, and nongovernmental shelters in compliance with the 2006 law on juvenile justice. On July 16, President Arroyo directed the immediate release of all minor prisoners age 15 years and below at the time they committed the crime; however, the BJMP had released only 30 minor inmates by year's end. The BJMP released minor inmates in response to a court order following a petition by the public attorney's office or by the inmate's private lawyer.

International monitoring groups, including the International Committee of the Red Cross, were allowed free access to jails and prisons.

*d. Arbitrary Arrest or Detention.*—The law requires a judicial determination of probable cause before issuance of an arrest warrant and prohibits holding prisoners incommunicado or in secret places of detention; however, in a number of cases, police arrested and detained citizens arbitrarily. At year's end the TFDP documented 42 cases of illegal arrest and detention involving 92 victims.

*Role of the Police and Security Apparatus.*—The Department of National Defense directs the AFP, which shares responsibility for counterterrorism and counterinsurgency operations with the PNP. The Department of Interior and Local Government directs the PNP, which is responsible for enforcement of law and order and urban counterterrorism; however, governors, mayors, and other local officials have considerable influence. The 115,000-member PNP has deep-rooted institutional deficiencies and suffered from a widely held and accurate public perception that corruption remained a problem. PNP's Internal Affairs Service remained largely ineffective. Members of the PNP were regularly accused of torture, of soliciting bribes, and of other illegal acts. Efforts were underway to reform the institution in part to counter a widespread impression of official impunity. From January to December, the PNP dismissed 107 policemen. Of the 1,608 administrative cases filed against PNP officers and personnel, 677 were resolved, 269 remained under preliminary investigation, and 662 underwent summary proceedings. During the year seven local police chiefs were relieved of their commands for suspected involvement or failure to pursue cases of unlawful killings in their areas of responsibility. On March 10, the PNP director general ordered the relief of the police chief of Salay City, Misamis Oriental, for his inaction in the killings of Bayan Muna member Dalmacio Gandinano and his daughter-in-law.

In January and April, the AFP and PNP, respectively, created human rights offices to monitor and investigate allegations of personnel involvement in human rights abuses. During the year the AFP Human Rights Office investigated 60 complaints of killings, forced disappearance, and torture, allegedly committed by members of the AFP. On August 8, the AFP created five general courts-martial to hear administrative cases of officers and soldiers accused of human rights violations. At year's end two members of the army were undergoing court-martial proceedings for their alleged involvement in killings. These two also were being investigated and prosecuted in the civilian courts. One was on trial for murder in a civilian criminal court, the other remained under investigation.

*Arrest and Detention.*—Detainees have the right to a judicial review of the legality of their detention and, except for offenses punishable by a life sentence, the right to bail; however, according to government figures, only 1,204 or 2 percent of detainees were able to post bail. The law provides that an accused or detained person has the right to a lawyer of his choice and that the state must provide one when the accused cannot afford one. Authorities are required to file charges within 12 to 36 hours of arrests made without warrants, with the time given to file charges increasing with the seriousness of the crime. Lengthy pretrial detention remained a problem. During the year the authorities released seven detainees who had been held

for periods equal to or longer than the maximum prison terms they would have served if convicted.

The NPA, as well as some Islamic separatist groups, were responsible for a number of arbitrary detentions.

*e. Denial of Fair Public Trial.*—The law provides for an independent judiciary; however, the judicial system suffered from corruption and inefficiency. Personal ties and sometimes bribery resulted in impunity for some wealthy and influential offenders and contributed to widespread skepticism that the judicial process could ensure due process and equal justice. The Supreme Court continued efforts to ensure speedier trials, sanction judicial malfeasance, increase judicial branch efficiency, and raise public confidence in the judiciary. After assuming office in December 2006, Chief Justice Reynato Puno declared that fighting corruption in the judiciary would be one of his top priorities, and during the year he initiated investigations that resulted in the firing of a court of appeals justice, four judges from the regional trial courts, and several court personnel charged with accepting bribes in exchange for the issuance of certain decisions. The chief justice also mobilized audit teams to perform financial and management audits on various courts.

The national court system consists of four levels: Local and regional trial courts; a national court of appeals divided into 17 divisions; a 15-member Supreme Court; and an informal local system for arbitrating or mediating certain disputes outside the formal court system. The Sandiganbayan, the Government's anticorruption court, hears criminal cases brought against senior officials. A Shari'a (Islamic law) court system, with jurisdiction over domestic and contractual relations among Muslim citizens, operates in some Mindanao provinces. The courts-martial, each composed of at least five active-duty military officers, hear cases against military personnel accused of violating the Philippine Articles of War. The president, the chief of staff of the armed forces, or a military unit commander may appoint the members of a court-martial.

There were two killings of judges during the year. On January 19, unidentified men shot and killed Quezon City Metropolitan Court Judge Nathaniel Pattugalan. Pattugalan had survived a 2005 attack. Security forces filed charges against a former town vice-mayor, an army corporal, and a policeman in the 2005 incident and, at year's end, were investigating their possible connection with the killing. On July 25, Regional Trial Court Judge Orlando Velasco was shot in Bayawan City, Negros Oriental; he died 2 days later. At year's end the police were investigating, and no one had been arrested in connection with the killing.

The trial for the 2005 killing of a Pasay City judge remained pending at year's end.

*Trial Procedures.*—The law provides that those accused of crimes be informed of the charges against them, have the right to counsel, and be provided a speedy and public trial before a judge. Defendants are presumed innocent and have the right to confront witnesses against them, to present evidence, and to appeal convictions. The authorities respected the right of defendants to be represented by a lawyer, but poverty often inhibited a defendant's access to effective legal representation. Skilled defense lawyers staffed the Public Attorney's Office (PAO), but their workload was large and resources were scarce. The PAO provides legal representation for all indigent litigants at trial; however, during arraignment, courts may at their option appoint any lawyer present in the courtroom to provide counsel to the accused.

The law provides that cases should be resolved within set time limits once submitted for decision: 24 months for the Supreme Court; 12 months for a court of appeals; and 3 months for lower courts. However, these time limits are not mandatory, and, in effect, there were no time limits for trials.

Lengthy pretrial detention remained a problem. A 2005 U.N. Development Program (UNDP) and a Supreme Court study found that the average trial takes more than 3 years. Trials take place in short sessions over time and as witnesses become available; these noncontinuous sessions created lengthy delays. Furthermore, there was a widely recognized need for more prosecutors, judges, and courtrooms. Judgeship vacancy rates were high; of the total 2,166 trial court judgeships (including Shari'a courts), 456 (21 percent) were vacant, a small decline from 2006. Courts in Mindanao and other poorer provinces had higher vacancy rates than the national average. Shari'a court positions were particularly difficult to fill because of the requirement that applicants be members of both the Shari'a Bar and the Integrated Bar. All five Shari'a district court judgeships and 37 percent of circuit court judgeships remained vacant. Shari'a courts do not have criminal jurisdiction.

The NPA continued to subject military personnel, police, local politicians, and other persons to its so-called courts for "crimes against the people." The NPA exe-

cuted some of these “defendants.” The Moro Islamic Liberation Front also maintained similar “people’s courts.”

*Political Prisoners and Detainees.*—Various human rights NGOs maintained lists of incarcerated persons they considered to be political prisoners. At year’s end the TFDP reported that there were 221 political prisoners. Typically, there was no distinction in these lists between detainees and prisoners, and the majority of persons listed have not been convicted. Some NGOs asserted that it was frequent practice to make politically motivated arrests of persons for common crimes and to continue to detain them after their sentences expired. The Government used NGO lists as one source of information in the conduct of its pardon, parole, and amnesty programs, but it did not consider the persons listed to be political detainees or prisoners. The CPP/NPA demanded that their members under detention by the PNP or AFP be treated as political prisoners as one of the preconditions for resuming peace talks with the Government.

During the year the Government released 85 persons whom NGOs claimed were political prisoners. The TFDP recorded 75 new “political prisoners” incarcerated during the year.

The Government permitted access to alleged political prisoners by international humanitarian organizations.

*Civil Judicial Procedures and Remedies.*—The judiciary is independent and impartial in civil matters. There are administrative remedies as well as judicial remedies for alleged wrongs; however, corruption is widespread in the judiciary, and cases were often dismissed. Complainants have access to local trial courts to seek damages for, or cessation of, human rights abuses. On October 24, the Supreme Court issued rules on the “writ of amparo,” a remedy available to victims of human rights abuses, particularly extrajudicial killings and enforced disappearances. The writ, which may be filed in any regional court against any public official or private individual, gives the respondent 5 working days to provide all relevant information regarding the case, including steps taken to investigate the fate or whereabouts of the victim. If the respondent is a public official there are additional requirements, including a statement that suspected offenders will be brought to court.

During the year human rights lawyers filed 15 writ of amparo petitions, against the military, of which seven were resolved and eight were pending hearings. Four of the resolved cases resulted in the releases of Ruel Munasque, Luisito Bustamante, Jeffrey Panganiban, and Edwin Malapote from military custody. The courts also granted protection orders to these four persons and their families. Of the other cases, one was dismissed and two were pending motions for reconsideration filed by the Government.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law provides that a judge may issue search warrants on a finding of probable cause; however, while the Government generally respected restrictions on search and seizure within private homes, searches without warrants occurred. Judges declared evidence obtained illegally to be inadmissible.

The Government generally respected the privacy of its citizens; however, leaders of communist organizations and rural-based NGOs complained of what they described as a pattern of surveillance and harassment. The Human Security Act of 2007 allows law enforcement authorities, with a written order from the Court of Appeals, to intercept and record conversations and any other form of communication between members of terrorist organizations or any person charged with or suspected of the crime of terrorism or conspiracy to commit terrorism.

Forced resettlement of urban squatters, who made up at least 30 percent of the urban population, continued during the year. The law provides certain protections for squatters; eviction was often difficult, especially because politicians recognized squatters’ voting power. Government relocation efforts were constrained by budget problems, and the issuance of land titles to squatters was limited. Through November the Government evicted and resettled 9,900 of the estimated 51,000 families in Manila and southern Luzon expected to relocate for the South Luzon railway project. The project continued at year’s end.

*g. Use of Excessive Force and Other Abuses in Internal Conflicts.*—The Government was engaged in combat with antigovernment forces and terrorists who actively sought to destabilize the country. Government forces killed a number of civilians during clashes with antigovernment forces and with the terrorist ASG and the NPA. Some citizen groups complained that the AFP, in confronting the terrorist ASG and NPA, illegally detained citizens, destroyed houses, displaced residents, and shelled villages.

*Killings.*—Communist insurgents, mainly from the NPA, continued to kill political figures, military and police officers, and civilians, including suspected military and



police informers. The NPA and other extortion groups also harassed businesses and burned buses and private communication facilities to enforce the collection of “revolutionary taxes.”

On January 20, suspected NPA rebels killed one person and wounded two others in a random shooting in Las Nieves, Agusan del Norte. On May 16, NPA rebels attacked and killed seven soldiers in Manabo, Abra Province, who were deployed to provide security for transfer of election results from polling precincts to the town center for canvassing. On June 10, armed men allegedly members of a breakaway faction of the Moro Islamic Liberation Front (MILF) abducted an Italian missionary priest in Payao, Zamboanga Sibugay. On July 10, ASG forces ambushed and killed 14 marines who were searching for the priest in Basilan. Ten of the marines were beheaded. On July 29, a clash between the AFP and NPA rebels in Juba, Sorsogon, killed two soldiers and two civilians. The AFP alleged that the NPA used landmines in the attack.

In July and August, the Philippine military lost more than 50 soldiers in clashes with terrorist and insurgent groups, including the 10 beheaded on July 10. An estimated 40 enemy combatants were killed during these clashes.

Extortion groups allegedly linked with the ASG and the Jemaah Islamiyah (JI) launched a series of bomb attacks against two bus companies in Mindanao. On May 18, a bomb inside a bus in Cotabato City killed three passengers and wounded at least 35. On June 15, bomb explosions onboard two buses in Bansalan, Davao del Sur, and in Cotabato City killed nine persons. On August 21, a bomb in a public square in Zamboanga City injured 16 persons.

On January 13, police authorities arrested a suspect in the October 2006 bombings in Makilala, North Cotabato, and in Tacurong, Sultan Kudarat. The DOJ filed charges of multiple murder and attempted murder against the suspect, allegedly a MILF commander. At year’s end the suspect remained in jail pending trial.

*Child Soldiers.*—During the year the NPA and the ASG targeted children for recruitment as combatants and noncombatants. The NPA claimed that it assigned persons 15 to 18 years of age to self-defense and noncombatant duties; however, there were reports that the NPA continued to use minors in combat. During the year the Philippine Interagency Committee on Children Involved in Armed Conflict reported nine child soldiers rescued by or surrendered to the Government. On March 1, seven NPA rebels surrendered to the military in Davao City; at least two were minors. One child claimed she and 13 other child soldiers in the NPA camp carried firearms. On August 9, a 16-year-old boy, who claimed to be a member of the NPA’s propaganda arm, surrendered to police authorities in Davao del Sur.

The ASG also recruited teenagers to fight and participate in its activities. There were reports that a significant number of ASG members staffing the groups’ camps were teenagers. The AFP stated that some Islamic schools in Mindanao served as fronts to indoctrinate children and that the ASG used children as couriers and spies.

Throughout the year, clashes between the AFP, JI, and the ASG, mostly in the Zamboanga Peninsula and Sulu Archipelago, contributed to the displacement of civilians. These terrorist groups killed and wounded civilians in a number of bombings.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

The Government owned several television and radio stations; however, most print and electronic media were privately owned. The media were active and expressed a wide variety of views without restriction. Broadcast and print media were free-wheeling and often criticized for lacking rigorous journalistic ethics. They tended to reflect the particular political or economic orientations of owners, publishers, or patrons, some of whom were close associates of present or past high-level officials. Special interests often used bribes and other inducements to solicit one-sided and erroneous reports and commentaries that supported their positions.

Journalists continued to be killed. The Center for Media Freedom and Responsibility (CMFR) reported six journalists killed during the year. The CMFR and Task Force Usig classified two of these cases as work-related killings.

On April 18, unidentified assailants killed Carmelo Palacios, a police reporter for a government-run radio station, in Santa Rosa, Nueva Ecija. Palacios reported on the alleged misuse of a congressman’s pork barrel funds and also helped solve several local crimes by providing leads to the police. At year’s end the case remained under investigation.

On December 24, unidentified assailants killed Fernando Lintuan, a radio broadcaster who was a vocal critic of local government corruption, in Davao City, Mindanao. The case remained under investigation at year’s end.

The trials in the May 2006 killing of Fernando Batul, a radio commentator in Puerto Princesa City, Palawan, and in the 2005 killing of Philip Agustin, a newspaper editor in Aurora Province, were ongoing at year's end.

In July 2006 suspects in the 2004 killing of Ilocos Norte radio commentator Roger Mariano were arraigned, and a trial was underway in a Manila trial court. The two suspects, including a police officer, were detained in the Manila City Jail.

Human rights NGOs frequently criticized the Government for failing to protect journalists. The National Union of Journalists of the Philippines accused the police and the Government of failing adequately to investigate these killings and of subjecting journalists to harassment and surveillance. In some situations, it was difficult to discern if violence against journalists was carried out in retribution for their profession or if these journalists were the victims of random crime. According to a CMFR study released in 2005, most slain journalists were not professionally trained as journalists or formally accredited to any national media organization.

On February 14, the DOJ charged the publisher and two columnists of the Daily Tribune with incitement to sedition based on articles the newspaper had published in 2005 and January 2006. The police occupied the premises of the Daily Tribune in February 2006 during the brief state of national emergency and confiscated copies of the mock-up copy of the newspaper's next issue and photographs. The newspaper's publisher and two columnists were subsequently charged with incitement to sedition. In May 2006 the Supreme Court upheld the validity of the imposition of a state of national emergency, but ruled the raid on the newspaper an attack on press freedoms and hence illegal.

On August 13, a court dismissed the libel cases against the publisher, eight editors, and a columnist of a major newspaper, which were filed by the president's husband Jose Miguel Arroyo, after Arroyo withdrew the charges. In December 2006 36 media members and three media organizations filed a class suit against Mr. Arroyo in retaliation for the libel cases filed against them. On September 24, the Court of Appeals granted Mr. Arroyo's petition for a temporary suspension of the hearings. The trial remained suspended at year's end.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chatrooms. Individuals and groups could engage in peaceful expressions of views via the Internet, including by e-mail. Internet access was widely available.

*Academic Freedom and Cultural Events.*—In 2005 the intelligence service of the AFP released a presentation, "Know Your Enemy," listing some press unions and student organizations as "enemies of the state" or communist fronts. There were no reports that the military used the presentation during the year. The Government did not otherwise interfere with academic freedom. There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The law provides for freedom of assembly, and the Government generally respected this right in practice. Although the law requires that groups request a permit to hold a rally, the Government at times followed an unwritten policy of allowing rallies to occur without the filing of a request.

During the year the TFDP recorded four instances of violent dispersal of rallies by police, in which 21 protesters were allegedly injured. On January 12, approximately 500 members of civil society groups staged a rally during the Association of Southeast Asian Nations (ASEAN) Summit in Cebu. Police blocked protesters from going near the venue of the summit. The protesters alleged that the police caused many injuries as they dispersed the crowds. Some protesters were arrested and charged with illegal assembly and public disturbance.

*Freedom of Association.*—The law provides for freedom of association, and the Government generally respected this right in practice.

*c. Freedom of Religion.*—The law provides for freedom of religion, and the Government generally respected this right in practice.

The Government's campaign against the terrorist groups ASG and the Rajah Solaiman Movement led some human rights NGOs to accuse the police and military of unfairly targeting Muslims for arrest and detention. However, most observers believed that discrimination against Muslims was grounded in cultural differences, not religious beliefs or practices.

Intermittent government efforts to integrate Muslims into political and economic society achieved only limited success. Many Muslims claimed that they continued to be underrepresented in senior civilian and military positions and cited the lack of proportional Muslim representation in National Government institutions. Predominantly Muslim provinces in Mindanao lagged far behind the rest of the country

in most aspects of socioeconomic development. The percentage of the population under the poverty level in the ARMM was almost twice as high as the national average, with per capita income of \$340 (15,760 pesos) per year.

The teaching of religious classes in public schools is permitted with the written consent of parents, provided that it is conducted at no cost to the Government.

*Societal Abuses and Discrimination.*—Historically, the Christian majority has marginalized Muslims. The national culture, with its emphasis on familial, tribal, and regional loyalties, created informal barriers whereby access to jobs or resources is provided first to those of one's own family or group network. Muslims reported difficulty renting rooms or being hired for retail work if they used their real names or wore distinctive Muslim dress. As a result, some Muslims used Christian pseudonyms and did not wear distinctive dress when applying for housing or jobs.

An estimated 400 to 1,000 Jews lived in the country. There were no reports of anti-Semitic acts.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Foreign travel was limited only in rare circumstances, such as when a citizen has a pending court case. Government authorities discouraged travel by vulnerable workers to areas in which they face personal risk.

The Government retained its formal albeit ineffective ban on travel to Iraq to work. The Philippine Overseas Employment Administration (POEA) sought to limit departures for work abroad to persons the POEA certified as qualified for the jobs. Millions of citizens worked overseas and remitted money home. Such remittances accounted for approximately 11 percent of the gross national product.

Forced exile is illegal, and the Government did not use it.

*Internally Displaced Persons (IDPs).*—Clashes between the AFP and elements of the MILF, the ASG, and the Moro National Liberation Front (MNLF) in Mindanao resulted in thousands of IDPs. At year's end according to the Department of Social Welfare and Development (DSWD), the total number of IDPs was 62,728 persons, including newly displaced IDPs in Sulu and Basilan. Other agencies, including UNDP, the Mindanao Emergency Relief Network, and the Red Cross provided food and essential items such as medicine, blankets, mosquito nets, and soap to IDPs.

From April to May, hostilities between government troops and a faction of MNLF rebels led by Habier Malik displaced thousands of persons in Sulu. Following the July 10 killing and beheading of 14 marines in Basilan, government forces launched limited offensive attacks against the ASG in July and August. Thousands of villagers were evacuated from Basilan as a result of the clashes.

*Protection of Refugees.*—The country is a party to the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol; however, there is no comprehensive legislation that provides for granting refugee status or asylum. In practice the Government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. The refugee unit in the DOJ determined which asylum seekers qualify as refugees; such determinations in practice implemented many of the basic provisions of the 1951 convention. The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention or its 1967 protocol. This was the case for some 2,000 Vietnamese who were found not to be refugees under the UNHCR-administered Comprehensive Plan of Action in the 1990s. Subsequently the Government allowed processing for resettlement of this group, approximately 1,500 of whom were resettled in the United States. An estimated 176 persons, most of whom married Philippine citizens, remained in legal limbo: Ineligible for resettlement in other countries and not granted permanent asylum.

The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees. The UNHCR recorded an estimated 100 refugees in 2006.

The UNHCR reported two stateless persons in the country, neither of whom had acquired Philippine nationality by year's end.

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

The law provides citizens with the right to change their government peacefully, and citizens exercised this right through periodic elections that largely were free and fair and held on the basis of universal suffrage.

*Elections and Political Participation.*—On May 14, midterm elections were held for senators, representatives, provincial governors, and local government officials. Voter turnout was high, with approximately 73 percent of eligible voters participating; however, incidents of violence and allegations of fraud in certain localities marred the generally free and fair conduct of elections. Vote buying in certain areas was common, and many residents accepted bribes to vote in a certain way or to act as “flying voters,” voting in several precincts. The Bantay Eleksyon (Election Watch), a coalition of local civil society election monitors, found the May mid-term elections “generally in consonance with international criteria for free and fair elections” but expressed concern regarding election administration, enforcement of election laws, prosecution of election offenders, and other related areas. There were reports that local politicians and their supporters engaged in vote buying and that conditions did not ensure that balloting was secret. Allegations of election fraud were particularly prevalent in the ARMM, where civil society groups and the media reported violence, intimidation of voters and poll workers, and other irregularities. The Commission on Elections (COMELEC) suspended the tabulation of votes in Maguindanao Province because of allegations of fraud and declared a failure of elections in 13 towns of Lanao del Sur because of the threat of violence. On May 26, the COMELEC, under tight security, supervised special elections in the 13 towns in Lanao del Sur. In June the COMELEC resumed tabulation of the Maguindanao vote. However, a senatorial candidate filed a protest alleging fraud, which remained pending at year’s end.

The NPA reportedly extorted money from candidates refusing permission to campaign in certain areas.

Approximately 81,700 of 504,000 registered overseas voters, or 16 percent, voted, a small portion of the millions of Filipinos working overseas. Election NGOs attributed the low rate of registration and turnout of overseas voters to lack of information about the procedures, inaccessible registration centers, strict employers who did not allow overseas workers to take a day off, and the requirement that voters execute an affidavit to return to the country to reside within 3 years.

There were no restrictions in law or practice on participation by women and members of minorities in politics. Many women, including the president, held positions of leadership and authority. There were four women in the 24-seat Senate and 26 women in the 240-seat House of Representatives. There were two women in the 23-member cabinet, five female associate justices on the 15-member Supreme Court, and 16 women among the 79 governors.

Along with many other citizens, Muslims argued that electing senators from a nationwide list favored established political figures from the Manila area, to the disadvantage of Muslims. Election of senators by region would require a constitutional amendment, which many Muslims and members of other groups underrepresented in the national legislature favored. There were no Muslim senators and one Muslim cabinet member. There were 11 Muslim members in the 240-seat House of Representatives, mostly elected from Muslim-majority provinces.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. Both the Government and the private sector have established a number of anticorruption bodies, including an ombudsman’s office and an anticorruption court. Government efforts to prosecute acts of corruption significantly improved during the year with the number of convictions in the antigraft court rising by 169 percent compared with 2006 (94 convictions in 2007 compared to 35 in 2006). Conviction rates for cases brought to trial or resolved through plea bargains increased to 55 percent (94 convictions out of 171 cases) from approximately 19 percent (35 out of 188). Cases were opened against mid-level officials in the Department of Public Works and Highways, the Bureau of Customs, and the Bureau of Internal Revenue. During the year the ombudsman ordered the dismissal and suspension of several elected officials, including the governors of Iloilo and Batangas, and the mayors of Pasay City and Jaen, Nueva Ecija, on corruption-related charges. On March 5, the antigraft court filed graft charges against the governor of Samar Province and several other officials of the provincial government. The governor posted bail and trial was pending at year’s end.

On September 12, the antigraft court found former President Joseph Estrada guilty of plunder for accepting millions of dollars in bribes while in office and sentenced him to up to 40 years in prison. On October 25, President Arroyo pardoned Estrada and restored his civil and political liberties. The forfeiture of assets in the court's decision remained in effect. Estrada accepted the pardon and was released from house arrest on October 26.

The law provides for the right to information on matters of public concern. However, denial of such information often occurred when the information related to an anomaly or irregularity in government transactions. Much government information was not available electronically and was difficult to retrieve.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views. The CHR and, to some extent, the PNP responded to and investigated cases of human rights abuses, as requested by NGOs. Human rights activists continued to encounter occasional harassment, mainly from security forces or local officials from the area in which incidents under investigation took place.

On August 5, immigration authorities prevented two foreign women's rights activists from boarding their international flight because they were on a "watch list" of foreign citizens suspected of planning violent demonstrations and barred from entering the country prior to and during the ASEAN Summit in February and the ASEAN Ministerial Meetings in August. On August 14, the Government lifted the entire watch list order and allowed the two activists to depart.

In February the Government invited the U.N. Human Rights Council special rapporteur on extrajudicial, summary or arbitrary executions to visit. The special rapporteur without restrictions met with government officials, human rights groups, and families of victims of unlawful killings.

The CHR is an independent agency mandated to protect and promote human rights. It is empowered to investigate all human rights violations and to monitor the Government's compliance with international human rights treaty obligations. The CHR has nonbinding authority to clear on military and higher-level police promotions. The commission has a chairperson and four members. CHR monitoring and investigating continued to be hamstrung by insufficient resources. Approximately one-third of the country's 42,000 barangays (villages) had human rights action centers, which coordinated with CHR regional offices; however, the CHR's regional and subregional offices remained understaffed and underfunded. The CHR nationwide budget for the year was \$4.56 million (216.49 million pesos).

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

The law prohibits discrimination against women, children, and minorities; however, vague regulations and budgetary constraints hindered implementation of these protections.

*Women.*—Rape continued to be a problem, with most cases unreported. During the year the PNP reported 879 rape cases. There were reports of rape and sexual abuse of women in police or protective custody—often women from marginalized groups, such as suspected prostitutes, drug users, and lower income individuals arrested for minor crimes.

Spousal rape and abuse are illegal, but enforcement was ineffective.

Violence against women remained a serious problem. The law criminalizes physical, sexual, and psychological harm or abuse to women and their children committed by their spouses or partners. During the year the PNP reported 3,892 cases of wife battering and physical injuries. This number likely underreported significantly the level of violence against women.

The PNP and DSWD both maintained help desks to assist victims of violence against women and to encourage the reporting of crimes. With the assistance of NGOs, officers received gender sensitivity training to deal with victims of sexual crimes and domestic violence. Approximately 9 percent of PNP officers were women. The PNP has a Women and Children's Unit to deal with these issues.

Prostitution is illegal but was a widespread problem. Many women suffered exposure to violence through their recruitment, often through deception, into prostitution. Penalties for prostitution are light, but detained prostitutes were sometimes subjected to administrative indignities and extortion. The DSWD continued to provide temporary shelter and counseling to women engaged in prostitution. From January to September, DSWD provided temporary shelter and counseling to 47 women who were victims of involuntary prostitution. Some local officials condoned a climate

of impunity for those who exploited prostitutes. There were no convictions under the provision of the law criminalizing the act of engaging the services of a prostitute.

Sex tourism and trafficking in persons for sexual exploitation and forced labor were serious problems. An antitrafficking law outlaws a number of activities specifically related to trafficking and provides stiff penalties for convicted offenders.

The law prohibits sexual harassment. However, sexual harassment in the workplace was thought to be widespread and underreported due to victims' fear of losing their jobs. Female employees in special economic zones (SEZs) were particularly at risk; most were economic migrants who had no independent workers' organization to assist with filing complaints. Women in the retail industry worked on 3- to 5-month contracts and were often reluctant to report sexual harassment for fear their contracts would not be renewed.

The law does not provide for divorce, although courts generally recognize the legality of divorces obtained in other countries if one of the parties is a foreign national. The Government recognizes religious annulment, but the process can be costly, which precludes annulment as an option for many women. Many lower-income couples simply separated informally without severing their marital ties. The family code provides that in child custody cases resulting from annulment, illegitimacy, or divorce in another country, children under the age of 7 are placed in the care of the mother unless there is a court order to the contrary. Children over the age of 7 normally also remained with the mother, although the father could dispute custody through the courts.

In law, but not always in practice, women have most of the rights and protections accorded to men. Although women continued to face workplace discrimination, there was improvement on the status of employment of women. In a 2006 labor force survey, 58 percent of government officials, corporate executives, managers and supervisors were women. There were fewer unemployed women than men; the unemployment rate for women was 6.9 percent, while the rate for men was 7.7 percent.

The National Commission on the Role of Filipino Women, composed of 10 government officials and 13 NGO leaders appointed by the president, acted as an oversight body whose goal is to press for effective implementation of programs benefiting women.

*Children.*—The Government devoted considerable resources to the education, welfare, and development of children. The Department of Education (DepEd) had the largest budget of any cabinet department: 12 percent of the national budget. Nevertheless, children faced serious problems.

Elementary and secondary education is free and compulsory through age 11, but the quality of education remained poor due in part to inadequate resources. During the year according to DepEd figures, the estimated annual per pupil expenditure for basic education was \$133 (6,331 pesos). The DepEd budget for this year was \$2.8 billion (135 billion pesos). The public school enrollment rate for 2006–7 was 76 percent, slightly up from 74 percent for the 2005–6 school year. According to U.N. Children's Fund (UNICEF) statistics, girls and boys attended school in approximately equal numbers.

Boys and girls had equal access to state provided medical care. According to government reports, 68.3 percent of children were well nourished, and 83 percent were fully immunized. The child mortality rate was 33 out of 1,000 children under age 5. Most of the malnourished children were in villages in the southern provinces of Maguindanao, Lanao del Sur, and Tawi-Tawi. According to UNICEF data from 1996 to 2005, 28 percent of children under age 5 were underweight.

Child abuse remained a problem. DSWD offices served 7,037 victims of child abuse from January to September, of whom 65 percent were girls. Approximately 53 percent of the girls were victims of sexual abuse, while 4 percent (184 girls) were victims of sexual exploitation. The majority of the boys had been abandoned or neglected. Several cities ran crisis centers for abused women and children. The problem of foreign pedophiles continued, and the Government continued to prosecute accused pedophiles vigorously. Some children also were victims of police abuse while in detention for committing minor crimes.

Child prostitution continued to be a serious problem. In 2006 the Department of Labor and Employment (DOLE) ordered the closure of four establishments for allegedly prostituting minors. The trials for the cases against two of the four establishments were on-going at year's end, while charges against the two other establishments were not pursued.

The NPA and ASG continued actively to recruit minors both as combatants and noncombatants (see Section 1.g.).

The Government estimated that there were at least 22,000 street children nationwide, while UNICEF estimated that there were approximately 250,000 street children. Welfare officials believed that the number increased as a result of widespread

unemployment in rural areas. Many street children appeared to be abandoned and engaged in scavenging or begging.

A variety of national executive orders and laws provide for the welfare and protection of children. Police stations have child and youth relations officers to ensure that child suspects are treated appropriately. However, procedural safeguards were often ignored in practice. The BJMP stated that 485 minors were held on "preventative detention" while their trials were ongoing, and only 12 of those were convicted and serving their sentences. Many child suspects were detained for extended periods without access to social workers and lawyers and were not segregated from adult criminals. NGOs believed that children held in integrated conditions with adults were highly vulnerable to sexual abuse, recruitment into gangs, forced labor, torture, and other ill treatment. There were also reports that many children detained in jails appeared to have been arrested without warrants.

In May 2006 President Arroyo signed the Juvenile Justice and Welfare Act, which, among other reforms, changes the age of criminal responsibility from 9 to 15 years of age. The law prohibits the detention of minors in jails while undergoing trial. During the year government agencies and NGOs worked to transfer minor prisoners to rehabilitation centers and to secure the release of minors wrongfully imprisoned and of those below 15 years of age. DSWD ran 11 regional youth rehabilitation centers for juvenile offenders. There were three detention centers for children in Manila.

*Trafficking in Persons.*—Trafficking in persons is prohibited under the law, which defines several activities related to trafficking in persons as illegal and imposes stiff penalties—up to life imprisonment—for convicted offenders. Nonetheless, trafficking remained a problem in the country. The country was a source, transit, and destination country for men, women, and children trafficked for the purposes of sexual exploitation and forced labor. A significant number of men and women who migrate abroad for work were subjected to conditions of involuntary servitude. Women and children were also trafficked within the country, primarily from rural areas to urban areas for forced labor as domestic workers and factory workers and for sexual exploitation. A smaller number of women were occasionally trafficked from China, South Korea, Japan, and Russia to the country for sexual exploitation.

Both adults and children were trafficked domestically from poor, rural, areas in the southern and central parts of the country to major urban centers, especially Metro Manila and Cebu, but also increasingly to cities in Mindanao. A significant percentage of the victims of internal trafficking were from Mindanao and were fleeing the poverty and violence in their home areas. Approximately 75 percent of the trafficking victims provided with temporary shelter and counseling by the NGO Visayan Forum Foundation were from Mindanao. The Visayan region was also a source of trafficking victims. Women and girls were far more at risk of becoming victims of trafficking than men and boys.

Traffickers targeted persons seeking overseas employment. An estimated 8 million Filipinos worked overseas, approximately 10 percent of the population and 20 percent of the workforce. Most recruits were females ages 13 to 30 from poor farming families. The traffickers generally were private employment recruiters and their partners in organized crime. Many recruiters targeted persons from their own hometowns, promising a respectable and lucrative job.

Although the Government pursued trafficking-related cases under the antitrafficking law as well as other related laws, its efforts were hampered by slowness of the courts, resource constraints within law enforcement agencies, and corruption. The DOJ assigned 17 prosecutors to handle the preliminary investigation and prosecution of trafficking cases at the national level, in addition to other prosecutors in the regional trial courts. The principal investigative agencies were the National Bureau of Investigation, the Bureau of Immigration, the Philippine Center for Transnational Crimes, and the PNP's Criminal Investigation and Detection Group. The Government cooperated with international investigations of trafficking.

During the year four persons were convicted and sentenced to life imprisonment under the antitrafficking law, bringing the number of convicted traffickers to eight since the law was enacted in 2003. During the year 59 new cases of trafficking were filed for prosecution, of which 29 were pending trial. As of December an estimated 161 trafficking in persons cases were pending or had trials underway; the DOJ was conducting preliminary investigations in another 123 cases.

In March five women, including one minor, filed complaints against a trafficker, who recruited them to work as entertainers in France. The women were trafficked to Abidjan, Cote d'Ivoire, where they were sexually exploited and were not paid the promised salary. On February 22, Interpol, in coordination with local and international NGOs, rescued the women and returned them to Manila. On July 13, the DOJ filed the case in court.

There were no developments in the July 2006 case of seven trafficked minors prostituted in Manila or in the 2005 trafficking charges against a Manila police officer and against the suspects in the trafficking of four victims to Malaysia.

Victims faced exposure to sexually transmitted or other infectious diseases, and were vulnerable to beatings, sexual abuse, and humiliation.

There was anecdotal evidence that some lower-level officials such as customs officers, border guards, immigration officials, local police, or others received bribes from traffickers or otherwise facilitated trafficking.

The Government increased efforts to protect victims of trafficking, although it continued to rely on NGOs and international organizations to provide services to victims. Victims were not penalized for any crimes committed as a direct result of their being trafficked. The government, in conjunction with NGO partners, assisted victims by providing temporary residency status and relief from deportation; shelter; and access to legal, medical, and psychological services. Through September DSWD provided temporary shelter and social services to 112 women and 217 juvenile victims of trafficking. Additional protective services included hot lines for reporting cases and the operation of 24-hour halfway houses in 13 regions of the country to assist victims.

The Government rarely deported or charged victims of trafficking with crimes; however, police sometimes charged alleged prostitutes with vagrancy. No reliable statistics indicating whether these individuals were victims of trafficking were available.

Victims may file civil suits or seek legal action against traffickers. Most victims who chose to do so filed charges of illegal recruitment. The Government actively encouraged victims to assist in the investigation and prosecution of trafficking and related crimes. The NGO International Justice Mission (IJM), employing private investigators and lawyers, coordinated with the Government in an effort to increase the number of pro bono prosecutions on behalf of victims of trafficking and commercial sexual exploitation. Cases were prosecuted in coordination with DOJ prosecutors. IJM initiated 32 cases under the antitrafficking in persons law, 20 of these cases were pending trial by year's end. On July 20, one of the IJM cases resulted in convictions, and two traffickers were sentenced to life imprisonment and fined \$63,023 (3 million pesos).

Numerous government agencies and officials, as well as NGOs and international organizations, continued to support public information campaigns against trafficking. The Government supported programs to prevent trafficking, such as the promotion of women's participation in economic decision making and efforts to keep children in school. The Government provided skills training to women, lessening the need for them to go to urban centers or overseas for employment. However, funding remained limited.

*Persons with Disabilities.*—The Constitution prohibits discrimination against persons with disabilities in employment, education, access to health care, and other social services. The law provides for equal physical access for persons with both physical and mental disabilities to all public buildings and establishments. The National Council for the Welfare of Disabled Persons formulates policies and coordinates the activities of all government agencies for the rehabilitation, self-development, and self-reliance of persons with disabilities and their integration into the mainstream of society. The DOLE's Bureau of Local Employment (BLE) maintained registers of persons with disabilities indicating their skills and abilities. BLE monitored private and public places of employment for violations of labor standards regarding persons with disabilities and also promoted the establishment of cooperatives and self-employment projects for persons with disabilities.

Assisted living centers were understaffed and underfunded. DSWD operated two assisted living centers in Metro Manila, and five community-based vocational centers for persons with disabilities nationwide. Through September the DSWD provided services to 2,693 persons with disabilities.

Advocates for persons with disabilities contended that equal-access laws were ineffective because implementing regulations were weak, funding was inadequate, and government programs were inadequately focused on integration. Many public buildings, particularly older ones, lacked functioning elevators. Many schools had architectural barriers that made attendance difficult for persons with disabilities.

Government efforts to improve access to transportation for persons with disabilities have been halting. Two of Manila's three light rail lines were wheelchair accessible; however, many stops had out-of-service elevators. Buses lacked wheelchair lifts, and there were reports of drivers who failed to stop for passengers in wheelchairs. A small number of sidewalks had wheelchair ramps, which were often blocked, crumbling, or too steep. The situation was worse in many smaller cities and towns.



The Constitution provides for the right of persons with physical disabilities to vote; however, persons with mental disabilities are disqualified from voting. Persons with physical disabilities are allowed to vote with the assistance of a person of their choice.

*Indigenous People.*—Indigenous people lived throughout the country but primarily in the mountainous areas of northern and central Luzon and in Mindanao. They accounted for approximately 14 percent of the national population, with over 60 percent of the total in Mindanao. Although no specific laws discriminate against indigenous people, the remoteness of the areas that many inhabit and cultural bias prevented their full integration into society. Indigenous children suffered from lack of health, education, and other basic services. NGOs estimated that up to 70 percent of indigenous youth left or never attended school because of the discrimination they experienced.

Indigenous people suffered disproportionately from armed conflict, including displacement from their homes, because they often inhabited mountainous areas favored by guerrillas. Their lands were often the sites of armed encounters, and various parties to the fighting recruited many indigenous people.

A National Commission on Indigenous People (NCIP), staffed by tribal members, implements constitutional provisions to protect indigenous people. During the year, NCIP had a budget of \$10.11 million (480 million pesos). At year's end the NCIP had awarded Certificates of Ancestral Land and Ancestral Domain Titles covering over 2.77 million acres of land claimed by indigenous people in the country. It awarded such "ancestral domain lands" on the basis of communal ownership, stopping sale of the lands by tribal leaders. The law requires a process of informed consultation and written consent by the indigenous group to allow mining on tribal lands and assigns indigenous groups the responsibility to preserve their domains from environmentally inappropriate development. The Government was slow to implement the legislation, primarily because of opposition from mining and agribusiness interests, but some limited progress was made.

*Other Societal Abuses and Discrimination.*—The law prohibits all forms of discrimination against persons with HIV/AIDS and provides basic health and social services for these persons. However, there was some evidence of discrimination against HIV/AIDS patients in the provision of health care, housing, and insurance services. The rate of HIV/AIDS remained low, although the rate of infection was believed to be underreported. Overseas workers are required to participate in an HIV/AIDS class as part of a pre-departure orientation seminar.

There was no widespread discrimination based on sexual orientation; however, there were anecdotal reports of abuse and discrimination against homosexuals. In April an organization of lesbian, gay, bisexual, and transgender persons applied for accreditation in the election of party-list representatives. The Commission on Elections denied their application.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law provides for the right of workers, including most public employees, with the exception of the military and the police, to form and join trade unions. Trade unions are independent of the Government. Unions have the right to form or join federations or other labor groups.

Through October the Bureau of Labor Relations reported 128 registered labor federations and 15,428 private sector unions, a slight increase from the number of unions registered in 2006. The 1.9 million union members represented approximately 5 percent of the total workforce of 35.9 million. The number of firms using contractual labor, primarily large employers, continued to grow. There were 1,555 public sector unions, with a total membership of 324,068 or approximately 20 percent of the total employed persons in the public sector.

In May a new labor law lowered the requirements for union registration. Under the new law, unions tied to federations are no longer required to maintain a minimum membership of 20 percent of the workers in a bargaining unit. However, independent unions are required to meet the 20 percent membership requirement. By year's end DOLE had not yet issued the implementing regulations for the new law to take effect.

The International Trade Union Confederation (ITUC) and other labor rights advocacy groups expressed concern at killings, abductions, and other attacks on labor leaders and supporters, and urged the Government to increase efforts in investigating these attacks. The Center for Trade Union and Human Rights claimed three cases of killings of labor leaders, union members, and supporters during the year, down from 33 in 2006. In October 2006 a labor federation filed a complaint with the International Labor Organization (ILO) Committee on Freedom of Association alleging labor rights violations, including abductions, illegal detentions, and

harassment. At year's end the ILO committee's review of the complaint was still ongoing.

*b. The Right to Organize and Bargain Collectively.*—The law provides for the right to organize and bargain collectively. The labor code provides for this right for employees both in the private sector and in government-owned or controlled corporations. A similar right is afforded to most government workers. Collective bargaining was practiced; however, it is subject to hindrance and union leaders may be subject to reprisal. International labor organizations noted that collective bargaining in the public sector is limited and that the right to strike is banned outright for public sector workers. Through October the number of workers covered by collective bargaining agreements declined to approximately 229,000 (approximately 12 percent of union members and less than 1 percent of the total workforce) from 252,000 in 2006. There are no special laws or exemptions from regular labor laws in SEZs.

Allegations of intimidation and discrimination in connection with union activities are grounds for review before the quasi-judicial National Labor Relations Commission (NLRC) as possible unfair labor practices. Before disputes reach the NLRC, the DOLE provides the services of a mediation board, which settles most of the unfair labor practice disputes raised as grounds for strikes before the strikes may be declared. The DOLE, through the mediation board, also worked to improve the functioning of labor-management councils in companies that already had unions.

Subject to procedural restrictions, strikes in the private sector are legal; however, unions are required to provide strike notice, respect mandatory cooling-off periods, and obtain majority member approval before calling a strike. By law, the reason for striking must be relevant to the labor contract or the law, and all means of reconciliation must have been exhausted. The DOLE secretary may intervene in some labor disputes by assuming jurisdiction and mandating a settlement if the secretary decides that the industry involved in the strike is vital to the national interest. Labor rights advocates criticized the Government for intervening in labor disputes in sectors that are not vital to the national economy. DOLE reported six strikes involving 915 workers during the year; in 2006 there were 12 strikes involving approximately 1,400 workers.

In June armed men allegedly attacked seven union members on strike in the Cavite Economic Zone and demolished their picket line. At least two of the union members were reportedly injured. The unions of two garment factories in the Cavite Economic Zone launched strikes in September 2006 after management refused to negotiate a collective bargaining agreement. The CHR investigated allegations of illegal dispersal, physical injuries, and food blockades against the economic zone authority and the local police; results of the investigation were pending at year's end.

Although the labor code provides that union officers who knowingly participate in an illegal strike may be dismissed and, if convicted, imprisoned for up to 3 years, there has never been a conviction under this provision.

Dismissal or threatened dismissal of union members was common. Labor groups alleged that companies in the SEZs used frivolous lawsuits as a means of harassing union leaders.

Labor law applies uniformly throughout the country, including the SEZs; however, local political leaders and officials who govern the SEZs attempted to frustrate union organizing efforts by maintaining union-free or strike-free policies. The ITUC in its 2007 Annual Survey maintained that the DOLE was unable or unwilling to enforce labor law in the SEZs. A conflict over interpretation of the SEZ law's provisions for labor inspection created further obstacles to the enforcement of workers' rights to organize. DOLE can conduct inspections of local SEZ establishments, although local SEZ directors claimed authority to conduct their own inspections as part of the zones' privileges intended by congress. Hiring often was controlled tightly through SEZ labor centers. Union successes in organizing in the SEZs have been few and marginal in part due to organizers' restricted access to the closely guarded zones and to the rapid turnover of the young, mainly female, staff who worked on short-term contracts in the zones' many electronics and garment factories.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced labor, including forced and compulsory labor by children; however, there were some reports of forced and compulsory labor, particularly by children, mainly in prostitution, drug trafficking, domestic service, and other areas of the informal sector (see Sections 5 and 6.d.).

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The law prohibits the employment of children under the age of 15, except under the direct and sole responsibility of parents or guardians or in cases in which employment in cinema, theater, radio, or television is essential to the integrity of the production. The law allows employment of those between the ages of 15 and 18 for such hours and

periods of the day as are determined by the DOLE secretary but forbids the employment of persons less than 18 years of age in hazardous or dangerous work. However, child labor remained a common problem, and a significant number of children were employed in the informal sector of the urban economy or as unpaid family workers in rural agricultural areas—some as bonded laborers. The Government estimated that there were approximately 4 million working children, an estimated half of whom were exposed to hazardous working environments, in industries such as quarrying, mining, deep sea fishing, pyrotechnic production, and agriculture. A survey of two municipalities in Bulacan Province found 1,084 children below 17 years of age working in pyrotechnic factories.

Most child labor occurred in the informal economy, often in family settings. The government, in coordination with a number of domestic NGOs and international organizations, implemented programs to develop safer options for children, return them to school, and offer families viable economic alternatives to child labor. Although the Government made attempts to devote more resources to child labor programs this year, government resources remained inadequate.

The Government and NGOs implemented programs to prevent the engagement of children in exploitative child labor; they educated communities on child labor and provided counseling and other activities for children. The DOLE and the DepEd worked with NGOs, UNICEF, and the ILO International Program on the Elimination of Child Labor to assist children to return to school. The Government also imposed fines and instituted criminal prosecutions for child labor violations in the formal sector, such as in manufacturing. In March the Government filed charges against a garment factory in metro Manila for employing 10 child laborers. At year's end the trial had not yet begun. During the year DOLE continued its efforts to remove child worker from hazardous situations, removing 144 minors in 57 operations, compared with 51 operations involving 218 minors in 2006.

*e. Acceptable Conditions of Work.*—The national minimum wage did not provide a decent standard of living for a worker and family. Tripartite regional wage boards set minimum wages, and the highest minimum wage rates were in the National Capital Region, where the minimum daily wage for nonagricultural workers was \$7.62 (362 pesos). The lowest minimum wages were in the ARMM, where the daily agricultural wage was \$4.20 (200 pesos). The regional wage board orders covered all private sector workers except domestic servants and others employed in the service of another person. Boards exempted some employers because of factors such as business size, industry sector, export intensity, financial distress, and level of capitalization. These exemptions excluded substantial numbers of workers from coverage under the law. During the year the regional wage boards granted minimum wage exemptions to 318 establishments out of 421 applications received. Unions have filed complaints about the minimum wage exemption policies.

Violation of minimum wage standards and the use of contract employees to avoid the payment of required benefits were common, including in the government-designated SEZs, where tax benefits were used to encourage the growth of export industries. Many firms hired employees for less than the minimum apprentice rates, even if there was no approved training in their production-line work. The DOLE inspects establishments that employ 10 to 199 workers to determine compliance with core labor standards. Establishments employing 200 or more persons and unionized establishments with collective bargaining agreements are subject to a self-assessment of compliance with labor standards. DOLE provides training and advisory services to enterprises with less than 10 workers to help them comply with core labor standards. During the year 18 percent (4,108 out of 23,313) of commercial establishments inspected by DOLE were not in compliance with the prevailing minimum wage. DOLE acknowledged that the shortage of inspectors made it difficult to enforce the law. In addition to fines, the Government also used administrative procedures and moral suasion to encourage employers to rectify violations voluntarily. Complaints about nonpayment of social security contributions, bonuses, and overtime were particularly common with regard to companies in SEZs.

By law the standard legal workweek is 48 hours for most categories of industrial workers and 40 hours for government workers, with an 8-hour-per-day limit. The Government mandates an overtime rate of 125 percent of the hourly rate on ordinary days and 130 percent on rest days and holidays. The law mandates 1 day of rest each week. However, there is no legal limit on the number of overtime hours that an employer may require. DOLE conducted only sporadic inspections to enforce limits on workweek hours. During the year DOLE's 208 labor inspectors made 23,313 inspections to check on companies' compliance with general labor and working standards. Labor groups maintained that forced overtime was common. DOLE employment data in 2006 showed that almost one-fourth of employees worked more than 48 hours per week.

The law provides for a comprehensive set of occupational safety and health standards. The DOLE has responsibility for policy formulation and review of these standards, but with too few inspectors nationwide, local authorities often must carry out enforcement. The DOLE continued a campaign to promote safer work environments in small enterprises. Statistics on actual work-related accidents and illnesses were incomplete, as incidents (especially in agriculture) were underreported. During the year DOLE conducted inspections of 3,456 establishments on occupational safety standards compliance. Workers do not have a legally protected right to remove themselves from dangerous work situations without risking loss of employment.

The Government and several NGOs worked to protect the rights of the country's overseas citizens, most of whom were temporary or contract workers. The Government placed financial sanctions on and criminal charges against domestic recruiting agencies found guilty of unfair labor practices. Although the Philippine Overseas Employment Administration registered and supervised domestic recruiters' practices successfully, the authorities sometimes lacked sufficient resources to ensure workers' protection overseas. It sought cooperation from receiving countries and proposed migrant worker rights conventions in international forums. The Government also provided assistance through its diplomatic missions in countries with substantial numbers of migrant workers.

The labor laws protect foreign workers in the country. Foreign workers must obtain work permits and may not engage in certain occupations. Typically their work conditions were better than those faced by citizens. They are not allowed to join or form unions.

---

## SAMOA

Samoa is a constitutional parliamentary democracy that incorporates traditional practices into its governmental system. Its population was approximately 187,000. Executive authority is vested in newly elected Head of State Tui Atua Tupua Tamasese Efi, who holds the position for 5 years. Parliament, elected by universal suffrage, is composed primarily of the heads of extended families, or matai. The most recent parliamentary elections, held in March 2006, were marred by charges of bribery. All 10 by-elections subsequently ordered by the Supreme Court were concluded by February; the Human Rights Protection Party (HRPP) increased its majority and continued to be the only officially recognized party in Parliament. The civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens. However, some problems remained, including poor prison conditions, local limitations on religious freedom, domestic violence, and discrimination against women and non-matai.

### RESPECT FOR HUMAN RIGHTS

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

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

The ombudsman's office continued investigating the 2005 case of police officer Tupou AINU'u, who was found not guilty of manslaughter in the death of a man in police custody. At year's end no final report had been issued.

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits such practices, and the Government generally observed these prohibitions in practice. However, a District Court investigation uncovered one cell (called "Cell Nine") at Tafaigata Prison in which inmates were kept naked for at least a week in total darkness with no bedding or sanitary facilities. In press accounts government sources did not deny the cell's existence, and the police commissioner later stated that it would no longer be used.

*Prison and Detention Center Conditions.*—Prison conditions remained poor, especially for male inmates. Some prison facilities were nearly a century old. Only basic provisions were made with respect to food, water, and sanitation. Diplomatic observers reported that each concrete cell held 10 to 15 inmates. Most cells had gravel floors, no toilets, poor ventilation, and almost no lighting. Some juveniles were held with adults. At year's end separate construction work continued on parts of a new separate facility for juveniles, the Oloamanu Juvenile Center, although the facility held a limited number of juveniles. Physical conditions at the juvenile center were generally better than those for adults, but there were unconfirmed reports of problems with food, clothing, and the water supply.

Inmates were employed in various activities outside prisons, including work in government officials' private residences and companies. Because the Government regarded this work as a form of rehabilitation and preferable for the inmates to confinement in prison, the prisoners were not always paid for this work. The assignments reportedly were voluntary and periodically inspected by prison staff.

The Government permitted visits by independent human rights observers; however, there were no known requests during the year. The Government permitted family members and church representatives to visit prisons every 2 weeks.

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

*Role of the Police and Security Apparatus.*—The country has a small national police force and no external defense force. Enforcement of rules and security within individual villages is vested in the fono (Council of Matai).

A commissioner for police and prisons administration is appointed to a 3-year term and reports to the minister of police. Corruption and impunity were not significant problems among the police, although there were credible reports of minor instances of bribery, such as bribes to avoid traffic citations. A lack of resources limited police effectiveness.

In October police arrested an assistant police commissioner on charges of indecent assault after two female police officers filed complaints against him alleging attempted rape. The case was pending at year's end.

*Arrest and Detention.*—The Supreme Court issues arrest warrants based on sufficient evidence. The law provides for the right to a prompt judicial determination regarding the legality of detention, and the authorities generally respected this right in practice. Detainees are informed within 24 hours of the charges against them, or they are released. There was a functioning system of bail. Detainees were allowed prompt access to family members and a lawyer of their choice. If the detainee is indigent, the Government provides a lawyer.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the Government generally respected judicial independence in practice.

The judiciary consists of the District Court, the Lands and Titles Court, the Supreme Court, and the Court of Appeal. The Court of Appeal, the highest court, has appellate jurisdiction only and can review the rulings of any other court. It is composed of a panel of retired New Zealand judges and sits once a year for several weeks.

*Trial Procedures.*—The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. A trial judge examines evidence and determines if there are grounds to proceed. Defendants have the presumption of innocence. Trials are public, and juries are used. Defendants have the right to be present and to timely consultation with an attorney, at public expense if required. Defendants may confront witnesses and present witnesses and evidence on their own behalf. Defendants and their attorneys have access to government-held evidence, and defendants have the right to appeal a verdict.

Many civil and criminal matters were handled by village fono, which varied considerably in their decision-making styles and the number of matai involved in the decisions. The Village Fono Act recognizes the decisions of the fono and provides for limited appeal to the Lands and Titles Court and the Supreme Court. The nature and severity of the dispute determines which court receives an appeal. A further appeal may be made to the Court of Appeal if necessary. According to a 2000 Supreme Court ruling, fono may not infringe upon villagers' freedom of religion, speech, assembly, or association.

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

*Civil Judicial Procedures and Remedies.*—The Lands and Titles Court is an independent and impartial court that deals with civil matters, including human rights violations. It hears disputes concerning the use or ownership of land and of matai titles. Within their jurisdictions, other courts can also provide independent and impartial means to redress human rights violations.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The laws prohibit such actions, and the Government generally respected these prohibitions in practice. However, there is little or no privacy in villages, where there can be substantial societal pressure on residents to grant village officials access without a warrant.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice. The independent media were generally active and expressed a wide variety of views without restriction. The law stipulates imprisonment for any journalist who, despite a court order, refuses to reveal a confidential source upon request from a member of the public. However, there has been no court case invoking this law.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Although for financial reasons private ownership of computers was relatively uncommon, access to the Internet through Internet cafes was generally available and widely used.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The Constitution acknowledges an “independent state based on Christian principles and Samoan custom and traditions”; however, there is no official or state denomination. The law grants each person the right to change religion or belief and to worship or teach religion alone or with others, but in practice the matai often choose the religious denomination of their extended family.

In February a village forbade a Seventh-day Adventist man from conducting religious services in his home. The man appealed to the Lands and Titles Court. The court ruled that he could conduct evening family devotional services, but could not hold weekly Saturday church services unless he obtained consensual agreement from his extended family, which also had traditionally recognized rights to the property. No such consensus had emerged by year’s end and weekly services were not conducted.

Also in February, the Ministry of Education ruled that a public high school student who was a member of Jehovah’s Witnesses was required to attend school assemblies but was not required to sing the national anthem or otherwise participate. A teacher had rebuked the student for not singing the national anthem during the assemblies.

*Societal Abuses and Discrimination.*—There were no significant reports of societal religious discrimination. There was no organized Jewish community in the country, and there were no reports of anti-Semitic acts.

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

*d. Freedom of Movement, Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. However, traditional law governs villages, and village fono regularly banned citizens from village activities or banished citizens from the village for failing to conform to village laws or obey fono rulings. Cases of village banishment are rarely made public. Of those cases that became known during the year, reasons for banishment included murder, rape, adultery, and unauthorized claims to land and matai title. In some cases civil courts have overruled banishment orders. Some banished persons were accepted back into the village after performing a traditional apology ceremony called “ifoga.”

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

*Protection of Refugees.*—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, but the Government has not established a system for providing protection to refugees. The Government received no requests during the year for refugee status, asylum, or protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution.

The Government cooperated with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers, but the need did not arise during the year.

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

The Constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

*Elections and Political Participation.*—The most recent elections were in March 2006, but they were marred by charges of bribery. As a result of election challenges filed by losing candidates, the Supreme Court ordered 10 by-elections. All the mandated by-elections were conducted and generally considered free and fair. In May Head of State Malietoa Tanumafili II died, and in June Parliament elected Tui Atua Tamasese Efi as the new head of state.

The law does not prohibit the formation of opposition parties, but there were no officially recognized opposition parties. In November 2006 after internal conflicts and a change of leadership in the Samoa Democratic United Party (SDUP), some SDUP members of Parliament (MPs) left the party, leaving it with fewer than the eight members required for recognition in Parliament. In March the courts refused to overturn the November 2006 decision of the speaker of Parliament to suspend the SDUP's recognition. At year's end the HRPP held 37 seats; independents, including those affiliated with the SDUP, held 12 seats.

While the Constitution gives all citizens above age 21 the right to vote and run for office, by social custom candidates for 47 of the 49 seats in Parliament are drawn from the approximately 30,000 matai. Matai are selected by family agreement; there is no age qualification. Although both men and women are permitted to become matai, only 8 percent were women. Matai controlled local government through the village fono, which were open to them alone.

There were four women in the 49-member Parliament. There were three women in the cabinet. Two women served as heads of constitutional offices, four women as chief executive officers (CEOs) of government ministries, and three women as general managers of government corporations.

The political rights of citizens who are not of ethnic Samoan heritage are addressed by the reservation of two parliamentary seats for "at-large" MPs. One at-large cabinet minister and MP was of mixed European-Samoan heritage. Citizens of mixed European-Samoan or Chinese-Samoan heritage were well represented in the civil service.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption, and the Government generally implemented the law effectively. Penalties ranged from several months to several years of imprisonment if convicted. There were isolated reports of government corruption during the year.

Public officials were not subject to financial disclosure laws; however, such disclosure was encouraged by codes of ethics applicable to boards of directors of government-owned corporations. The law provides for an ombudsman to investigate complaints against government agencies, officials, or employees, including allegations of corruption. The ombudsman may require the Government to provide information relating to a complaint.

In June charges were brought against the dismissed financial controller of the Samoa Kidney Foundation (a branch of the Ministry of Health) for embezzling foundation funds. The case was ongoing at year's end. The ombudsman also reported that the Government acted wrongly in 2004 in forcing the resignation of the CEO of the Ministry of Health for corruption, because the factual record revealed no wrongdoing by the CEO.

Under the law government information is subject to disclosure in civil proceedings involving the government, unless the information is considered privileged or its disclosure would harm the public interest.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

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

The Constitution prohibits discrimination based on race, sex, disability, language, or social status, and the Government generally respected this in practice. However, politics and culture reflected a heritage of matai privilege and power, and members of certain families of high traditional status had some advantages.

*Women.*—The Constitution prohibits abuse of women, but common societal attitudes tolerated their physical abuse within the home, and such abuse was common.

Rape is illegal, but there is no legal provision against spousal rape. Many cases of rape went unreported because common societal attitudes discouraged such reporting. In recent years authorities noted a rise in the number of reported cases of rape, as women slowly became more forthcoming with police. Rape cases that reached the courts were treated seriously. The penalties for rape ranged from a minimum of 2 years' to a maximum of life imprisonment, but a life sentence has never been imposed.

Domestic abuses typically went unreported due to social pressure and fear of reprisal. Village fono typically punished domestic violence offenders, but only if the abuse was considered extreme (i.e., visible signs of physical abuse). Village religious leaders were also permitted to intervene in domestic disputes. When police received complaints from abused women, the Government punished the offender, including by imprisonment. Domestic violence is charged as common criminal assault, with terms of imprisonment ranging from several months to 1 year. The Government did not keep statistics on domestic abuse cases specifically but acknowledged the problem to be one of considerable concern.

The Ministry of Police established a 10-person Domestic Violence Unit, which received reports of domestic abuse and worked in collaboration with nongovernmental organizations (NGOs) that combated domestic abuse. NGO services for abused women included confidential hot lines, in-person counseling, victim support, and shelters.

Prostitution is illegal but was not a major problem. The law does not address sex tourism specifically; however, it was not a problem. The law prohibits sexual harassment; it was not a widespread problem but was believed to be underreported. In June an ombudsman's report found that the general manager of the Samoa Tourism Authority had sexually harassed subordinates; he was later forced to resign.

Women have equal rights under the Constitution and statutory law, and the traditional subordinate role of women was changing, albeit slowly, particularly in the more conservative parts of society. The Ministry of Women, Community, and Social Development oversees and helps secure the rights of women. To integrate women into the economic mainstream, the Government sponsored numerous programs, including literacy programs and training programs for those who did not complete high school.

A provision of labor law prohibits employment of women between midnight and 6:00 a.m. This regulation was generally observed.

*Children.*—The Government made a strong commitment to the welfare of children through the implementation of various youth programs by the Ministry of Women, Community, and Social Development in collaboration with the Ministries of Education and Health. Education is compulsory through age 14; however, the Government did not enforce this law. Public education was not free; students were required to pay some school fees. Boys and girls were treated equally and attended school in approximately equal proportions. According to a U.N. Children's Fund report (based on 2000–2005 data), the net primary school enrollment rate was 90 percent for boys and 91 percent for girls. Most children attended school through junior high school.

Boys and girls had equal access to government-provided medical care. The Government provided health care for children at public hospitals for minimal charge. The Ministry of Health and the Samoa Family Health Association both undertook efforts to improve access to medical services by women and children.

Law and tradition prohibit severe abuse of children, but both tolerate corporal punishment. A recent rise in reported cases of child abuse appeared to be due to citizens' increased awareness of the need to report physical, emotional, and sexual abuse of children. The Government aggressively prosecuted such cases.

The Ministry of Justice and Courts Administration and the Ministry of Education, in collaboration with NGOs, carried out educational activities to address domestic violence and inappropriate behavior between adults and children and to promote human rights awareness.

*Trafficking in Persons.*—The law does not specifically prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the country.

A transnational crimes unit monitors crimes related to trafficking in persons.

*Persons with Disabilities.*—There is no law pertaining specifically to the status of persons with disabilities or regarding accessibility for them. Tradition dictates that families care for persons with disabilities, and this custom was observed widely in practice. There were no reports of discrimination against persons with disabilities



in the areas of employment, education, access to health care, or the provision of other state services. Many public buildings were old, and only a few were accessible to persons with disabilities. Most new buildings provided better access, including ramps and elevators in most multistory buildings.

The Ministry of Women, Community, and Social Development has responsibility for protecting the rights of persons with disabilities.

*Other Societal Abuses and Discrimination.*—Sodomy and “indecency between males” are illegal. The Government actively enforced the law with regard to such acts involving exploitation of minors, with punishment of up to 14 years in prison if the minor is under 16 years of age. However, these provisions were not actively enforced with regard to consensual homosexual acts between adults. There were no reports of societal violence or discrimination against homosexuals or persons with HIV/AIDS.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—Workers legally have unrestricted rights to establish and join organizations of their own choosing. There were no practical limitations to union membership, and approximately 20 percent of the private sector workforce was unionized. The Public Service Association (PSA) functioned as a union for all government workers, who comprised approximately 80 percent of the paid workforce, excluding the self-employed.

*b. The Right to Organize and Bargain Collectively.*—The law provides workers with the right to organize and bargain collectively, and workers exercised this right in practice. The PSA engages in collective bargaining on behalf of government workers, including bargaining on wages. Arbitration and mediation procedures are in place to resolve labor disputes, although such disputes rarely arose.

The Supreme Court has upheld the right of government workers to strike, subject to certain restrictions imposed principally for reasons of public safety, and workers have exercised this right.

Workers in the private sector have the right to strike, but there were no private sector strikes during the year. Most issues related to a 2005 doctors’ strike were resolved, with some doctors returning to work and others leaving the country for employment elsewhere. There are no special laws or exemptions from regular labor laws in the sole export processing zone.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children, but matai frequently called upon persons, including minors, to work for their villages. Most persons did so willingly; however, the matai may compel those who do not.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—It is illegal to employ children under the age of 15 except in “safe and light work.” The Ministry of Labor refers complaints of illegal child labor to the attorney general for enforcement; however, no cases were prosecuted during the year. The law does not apply to service rendered to family members or the matai, some of whom required children to work for the village, primarily on village farms. The extent of this practice varied by village, but it generally did not significantly disrupt children’s education.

Children frequently were seen vending goods and food on Apia street corners. The Government has not made a definitive determination as to whether this practice violates the country’s labor laws, which cover only persons who have a place of employment. Although the practice may constitute a violation of the law, local officials mostly tolerated it.

*e. Acceptable Conditions of Work.*—An advisory commission to the minister of labor sets minimum wages. There were two minimum wages: \$0.80 (WST\$2.00) per hour for the private sector, and \$0.96 (WST\$2.40) for the public sector. Neither provided a decent standard of living for a worker and family unless supplemented by other activities, such as subsistence farming and fishing. Wages in the private sector are determined by competitive demand for the required skills but should not be less than the minimum private-sector wage.

The provisions of the Labor Act cover only the private sector; a separate law, the Public Service Act, covers public-sector workers. Labor laws stipulate a standard workweek of no more than 40 hours, or 8 hours per day (excluding meal times). For the private sector, overtime pay is specified at time-and-a-half, with double time for work on Sundays and public holidays and triple time for overtime on such days. For the public sector, there is no paid overtime, but compensatory time off is given for overtime work.

The Occupational Safety Hazard Act establishes certain rudimentary safety and health standards for workplaces, which the Ministry of Commerce, Industry, and Labor is responsible for enforcing. The law also covers persons who are not workers

but who are lawfully on the premises or within the workplace during work hours. However, independent observers reported that safety laws were not enforced strictly, except when accidents highlighted noncompliance. Work accidents were investigated when reports were received. Many agricultural workers, among others, were inadequately protected from pesticides and other dangers to health. Government education and awareness programs addressed these concerns by providing appropriate training and equipment to agricultural workers for adequate protection from pesticides and other dangers to health. Safety laws do not apply to agricultural service rendered to the matai. While the law does not address specifically the right of workers to remove themselves from dangerous work situations, the commissioner of labor investigates such cases, without jeopardy to continued employment. Government employees are covered under different and more stringent regulations, which were enforced adequately by the Public Service Commission.

## SINGAPORE

Singapore is a parliamentary republic in which the People's Action Party (PAP), in power since 1959, overwhelmingly dominates politics. The population was approximately 4.6 million, with foreign workers accounting for nearly one-fifth of the total. Opposition parties exist, parliamentary elections take place at regular, constitutionally mandated intervals (most recently in May 2006), and the voting and vote-counting systems are fair and free from tampering; however, the PAP placed formidable obstacles in the path of political opponents. The PAP held 82 of 84 elected parliamentary seats and all ministerial positions. The civilian authorities generally maintained effective control of the security forces.

The Government has broad powers to limit citizens' rights and to handicap political opposition, which it used. Caning is an allowable punishment for numerous offenses. The following human rights problems were reported: Preventive detention, executive influence over the judiciary, infringement of citizens' privacy rights, restriction of speech and press freedom and the practice of self-censorship by journalists, restriction of freedom of assembly and association, limited restriction of freedom of religion, and some trafficking in persons.

### RESPECT FOR HUMAN RIGHTS

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

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

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits such practices, and the Government generally respected these prohibitions.

The penal code mandates caning, in addition to imprisonment, as punishment for approximately 30 offenses involving violence, such as rape and robbery, and for non-violent offenses such as vandalism, drug trafficking, and violation of immigration laws. Caning is discretionary for convictions on other charges involving the use of force, such as kidnapping or voluntarily causing grievous hurt. All women, men over age 50 or under age 16, and anyone determined medically unfit are exempt from punishment by caning. During the year 6,404 convicted persons were sentenced to caning. Approximately 95 percent of caning sentences were carried out.

*Prison and Detention Center Conditions.*—Prison conditions, while Spartan, generally met international standards.

The Government did not allow human rights monitors to visit prisons; however, diplomatic representatives were given consular access to citizens of their countries.

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

*Role of the Police and Security Apparatus.*—Civilian authorities maintained effective control over the police force and the armed forces, and the Government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

*Arrest and Detention.*—The law provides that, in most instances, arrests are to be carried out after issuance of an authorized warrant; however, some laws, such as the Internal Security Act (ISA), provide for arrests without warrants. Those arrested under warrants must be charged before a magistrate within 48 hours. The majority of those arrested were charged expeditiously and brought to trial. A func-

tioning bail system exists. Those who face criminal charges are allowed counsel; however, there was no access to counsel during an initial arrest and investigation before charges were filed. The Law Society administered a legal aid plan for those who could not afford to hire an attorney.

Some laws—the ISA, the Criminal Law (Temporary Provisions) Act (CLA), the Misuse of Drugs Act (the drug act), and the Undesirable Publications Act (UPA)—have provisions for arrest and detention without a warrant or judicial review. The ISA has been employed primarily against suspected security threats. In the past these threats were Communist related; however, in recent years the ISA has been employed against suspected terrorists. The CLA has been employed primarily against suspected organized crime and drug trafficking.

The ISA and the CLA permit preventive detention without trial for the protection of public security, safety, or the maintenance of public order. The ISA gives broad discretion to the minister for home affairs, at the direction of the president, to order detention without filing charges if it is determined that a person poses a threat to national security. The initial detention may be for up to 2 years and may be renewed without limitation for additional periods of up to 2 years at a time. Detainees have a right to be informed of the grounds for their detention and are entitled to counsel. However, they have no right to challenge the substantive basis for their detention through the courts. The ISA specifically excludes recourse to the normal judicial system for review of a detention order made under its authority. Instead, detainees may make representations to an advisory board, headed by a supreme court justice, which reviews each detainee's case periodically and must make a recommendation to the president within 3 months of the initial detention. The president may concur with the advisory board's recommendation that a detainee be released prior to the expiration of the detention order, but he is not obligated to do so.

At year's end 34 detainees were being held under the ISA as suspected terrorists. Of these detainees, 31 were suspected of belonging to the terrorist group Jemaah Islamiyah (JI), and three were suspected of membership in the Philippines-based Moro Islamic Liberation Front. Between November 2006 and April 2007, four citizens alleged to be JI members were detained under the ISA: Ishak bin Mohamed Noohu (detained in November 2006), Mohamed Hussain bin Saynudin (arrested and detained in February 2007), Mohamed Yassin bin O. P. Mohamed Nooh (arrested and detained in February 2007), and Ibrahim bin Mohamed Noor (arrested and detained in April 2007). On June 8, the Government announced that Abdul Basheer Abdul Kader was being detained under the ISA for "plans to pursue militant jihad in Afghanistan." He reportedly became "self-radicalized" by reading jihadist materials on the Internet.

A "religious rehabilitation" program designed to wean detained terrorists from extremist ideologies is in effect, and on June 1, five detainees were released under the program: Mohamed Noor bin Sulaimi, Naharudin bin Sabtu, Nordin bin Parman, and Syed Ibrahim, all held since 2002, and Mohamed Yassin bin O. P. Mohamed Noor, held since February 2007.

In March Jamil bin Ansani, an alleged member of the JI network, was arrested and issued with a restriction order (RO).

At year's end 27 others were on ROs. This number included both released detainees and suspected terrorists who were never arrested. A person subject to an RO must seek official approval for a change of address or occupation, for overseas travel, or for participation in any public organization or activity.

The CLA comes up for renewal every 5 years. When renewing the CLA in 2004, Parliament amended it to allow taking DNA samples. Under the CLA, the minister for home affairs may order preventive detention, with the concurrence of the public prosecutor, for an initial period of 1 year, and the president may extend detention for additional periods of up to 1 year at a time. The minister must provide a written statement of the grounds for detention to the Criminal Law Advisory Committee (CLAC) within 28 days of the order. The CLAC then reviews the case at a private hearing. CLAC rules require that detainees be notified of the grounds of their detention at least 10 days prior to this hearing, in which a detainee may represent himself or be represented by a lawyer. After the hearing the committee makes a written recommendation to the president, who may cancel, confirm, or amend the detention order. However, persons detained under the CLA have recourse to the courts via an application for a writ of habeas corpus. Persons detained without trial under the CLA are entitled to counsel, but they may challenge the substantive basis for their detention only to the CLAC. The CLA was used almost exclusively in cases involving narcotics or criminal organizations and has not been used for political purposes. At the end of the year, 211 persons were detained under the provisions of the CLA.

Persons who allege mistreatment while in detention may bring criminal charges against government officials alleged to have committed such acts.

Both the ISA and the CLA contain provisions that allow for modified forms of detention such as curfews, residence limitations, requirements to report regularly to the authorities, limitations on travel, and, in the case of the ISA, restrictions on political activities and association.

The drug act permits detention without trial. Under the drug act, the director of the Central Narcotics Bureau (CNB) also may commit—without trial—suspected drug abusers to a drug rehabilitation center for a 6-month period, which is extendable by a review committee of the institution for up to a maximum of 3 years. More than 640 persons were held in drug rehabilitation centers. Under the Intoxicating Substances Act, the CNB director may order the treatment of a person believed to be an inhalant drug abuser for up to 6 months. Other sections of the drug act allow for capital punishment or incarceration of persons found guilty of narcotics trafficking offenses.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the Government generally respected judicial independence; however, in practice laws that limit judicial review permit restrictions on constitutional rights. Some judicial officials, especially supreme court judges, have ties to the ruling party and its leaders. The president appoints judges to the Supreme Court on the recommendation of the prime minister and in consultation with the chief justice. The president also appoints subordinate court judges on the recommendation of the chief justice. The term of appointment is determined by the Legal Service Commission, of which the chief justice is the chairman. Under the ISA and the CLA, the president and the minister for home affairs have substantial de facto judicial power, which explicitly (in the case of the ISA) or implicitly (in the case of the CLA) exclude normal judicial review. These laws provide the Government with the power to limit, on vaguely defined national security grounds, the scope of certain fundamental liberties that otherwise are provided for in the Constitution.

Government leaders historically have used court proceedings, in particular defamation suits, against political opponents and critics. Both this practice and consistent awards in favor of government plaintiffs raised questions about the relationship between the Government and the judiciary and led to a perception that the judiciary reflected the views of the ruling party in politically sensitive cases. On August 17, the High Court declared Chee Siok Chin and two other opposition party members bankrupt for failing to pay legal costs of \$15,700 (S\$24,000) stemming from a 2005 case in which they filed suit asking that the High Court find unconstitutional a police action dispersing a protest they had conducted.

The judicial system has two levels of courts: The Supreme Court, which includes the High Court and the Court of Appeal, and the subordinate courts. Subordinate court judges and magistrates as well as public prosecutors are civil servants whose specific assignments are determined by the Legal Service Commission, which can decide on job transfers to any of several legal service departments. The subordinate courts handle the great majority of civil and criminal cases in the first instance. The High Court may hear any civil or criminal case, although it generally limited itself to civil matters involving substantial claims and criminal matters carrying the death penalty or imprisonment of more than 10 years. The Court of Appeal is the highest and final court of review for matters decided in the subordinate courts or the High Court. Supreme court justices may remain in office until the mandatory retirement age of 65, after which they may continue to serve at the Government's discretion for brief, renewable terms at full salary. In addition the law provides for Islamic courts whose authority is limited to Islamic family law, which is applicable only to Muslims.

A two-tier military court system has jurisdiction over all military personnel, civilians in the service of the armed forces, and volunteers when they are ordered to report for service. The system handled approximately 450 cases each year. The Military Court of Appeal has jurisdiction to examine an appeal from a person convicted by a subordinate military court. Trials are public, and defendants have the right to be present. An accused individual also has the right to defense representation.

*Trial Procedures.*—The judicial system provides citizens with an efficient judicial process. In normal cases the criminal procedures code provides that a charge against a defendant must be read and explained to him as soon as it is framed by the prosecution or the magistrate. Trials are public and heard by a judge; there are no jury trials. Defendants have the right to be present at their trials and to be represented by an attorney; the Law Society administers a criminal legal aid plan for those who cannot afford to hire an attorney. In death penalty cases, the Supreme Court appoints two attorneys for defendants who are unable to afford their own

counsel. Defendants also have the right to question opposing witnesses, to provide witnesses and evidence on their own behalf, and to review government-held evidence relevant to their cases. Defendants enjoy a presumption of innocence and the right of appeal in most cases. Despite the general presumption of innocence, the drug act stipulates that a person who the prosecution proves has illegal narcotics in his possession, custody, or control shall be assumed to be aware of the substance and places the burden on the defendant to prove otherwise. The same law also stipulates that, if the amount of the narcotic is above set low limits, it is the defendant's burden to prove he did not have the drug for the purpose of trafficking. Convictions for narcotics trafficking offenses carry lengthy jail sentences or the death penalty, depending on the type and amount of the illegal substance.

Persons detained under the ISA or CLA are not entitled to a public trial. In addition, proceedings of the advisory board under the ISA and CLA are not public.

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

*Civil Judicial Procedures and Remedies.*—There is no differentiation between civil and criminal judicial procedures. The subordinate courts handled the majority of civil cases. Access to the courts is open, and citizens and residents have the right to sue for infringement of human rights. However, there were no known successful attempts to use legal action against the Government for human rights violations. In fact, despite its sometimes heavy-handed tactics against the opposition, the Government was careful to ensure that its actions were within the Constitution and the law.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution does not address privacy rights; remedies for infringement of some aspects of privacy rights are available under statutory or common law. The Government generally respected the privacy of homes and families; however, it had a pervasive influence over civic and economic life and sometimes used its broad discretionary powers to infringe on these rights. To prevent housing segregation, the Government enforced ethnic ratios in publicly subsidized housing where the majority of citizens lived. Normally the police must have a warrant issued by a court to conduct a search; however, they may search a person, home, or a property without a warrant if they decide that such a search is necessary to preserve evidence. The Government has wide-ranging discretionary powers under the ISA, CLA, the drug act, and UPA to conduct searches without a warrant if it determines that national security, public safety and order, or the public interest is at risk. Defendants may request judicial review of such searches.

Law enforcement agencies, including the Internal Security Department and the Corrupt Practices Investigation Board, have extensive networks for gathering information and conducting surveillance and highly sophisticated capabilities to monitor telephone and other private conversations. No court warrants are required for such operations. It was believed that the authorities routinely monitored telephone conversations and the use of the Internet. It was widely believed that the authorities routinely conducted surveillance of some opposition politicians and other government critics.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and freedom of expression but permits official restrictions on these rights, and in practice the Government significantly restricted freedom of speech and freedom of the press. Government intimidation and pressure to conform resulted in self-censorship among journalists; however, there was a moderate level of debate in newspapers and on the Internet on some public issues such as rising income inequality and the role of foreign workers in the country.

Under the ISA the Government may restrict or place conditions on publications that incite violence, counsel disobedience to the law, have the potential to arouse tensions in the country's diverse population, or might threaten national interests, national security, or public order. While the ISA has not been invoked in recent years against political opponents of the government, political opposition and criticism remained restricted by the Government's authority to define these powers broadly.

Government leaders urged that news media support the goals of the elected leadership and help maintain social and religious harmony. In addition strict defamation and press laws and the Government's demonstrated willingness to respond vigorously to what it considered personal attacks on officials sometimes led journalists and editors to moderate or limit what was published.

Citizens do not need a permit to speak at indoor public gatherings outside the hearing or view of nonparticipants, unless the topic refers to race or religion.

On April 13, seven members of the European Union Parliament were refused permission to speak at a democracy forum organized by the Singapore Democratic Party (SDP). On August 3, the Ministry of Home Affairs banned as contrary to the "public interest" a previously approved Institute of Southeast Asian Studies public forum on "Society and Sexual Diversity" that included a foreign speaker. The Ministry of Home Affairs stated that "foreigners should refrain from interfering in (the country's) internal affairs."

Government restrictions limit the ability to speak freely at the speakers' corner in a public park. Prospective speakers must be citizens, must show their identification cards, and must register in advance with the police. While it was not necessary to declare speech topics in advance, regulations governing the speakers' corner state that "the speech should not be religious in nature and should not have the potential to cause feelings of enmity, ill will, or hostility between different racial or religious groups."

The Government strongly influenced both the print and electronic media. Two companies, Singapore Press Holdings Limited (SPH) and MediaCorp, own all general circulation newspapers in the four official languages—English, Chinese, Malay, and Tamil. MediaCorp is wholly owned by the Government investment company. SPH is a private holding company with close ties to the government; the Government must approve (and can remove) the holders of SPH management shares, who have the power to appoint or dismiss all directors or staff. As a result, while newspapers printed a large and diverse selection of articles from domestic and foreign sources, their editorials, coverage of domestic events, and reporting of sensitive foreign relations issues usually closely reflected government policies and the opinions of government leaders.

Columnists' opinions and letters to the editor expressed a moderate range of opinions on public issues.

Government-linked companies and organizations operated all domestic broadcast television channels and almost all radio stations. Only one radio station, the BBC World Service, was completely independent of the Government. Some Malaysian and Indonesian television and radio programming could be received, but satellite dishes were banned, with few exceptions. Cable subscribers had access to seven foreign television news channels and many entertainment channels, including some with news programs; these were not censored.

The Media Development Authority (MDA), a statutory board under the Ministry of Information, Communications, and the Arts (MICA), continued to censor broadcast media, Internet sites, and all other media, including movies, video materials, computer games, and music. Banned publications consisted primarily of sexually oriented materials but also included some religious and political publications. Both MDA and MICA developed censorship standards with the help of a citizen advisory panel. The ISA, the UPA, and the Films Act allow the banning, seizure, censorship, or restriction of written, visual, or musical materials by these agencies if they determine that such materials threaten the stability of the state, contravene moral norms, are pornographic, show excessive or gratuitous sex and violence, glamorize or promote drug use, or incite racial, religious, or linguistic animosities. The MDA has the power to sanction broadcasters for airing what it believes to be inappropriate content. All content airing between 6 a.m. and 10 p.m. must be suitable for viewers of all ages.

A substantial number of foreign media operations were located within the country, and a wide range of international magazines and newspapers can be purchased uncensored. However, under the Newspaper and Printing Press Act (NPPA), the Government may limit the circulation of foreign publications that it determines interfere with domestic politics. The NPPA requires foreign publications that report on politics and current events in Southeast Asia, with circulation of 300 or more copies per issue, to register, post a \$126,582 (S\$200,000) bond, and name a person in the country to accept legal service. The Government has granted exemptions to 19 of the 24 publications to which these requirements could apply. In September 2006 the Government banned the Far Eastern Economic Review (FEER) for failing to comply with the NPPA. Importation or possession of FEER for sale or distribution was an offense. The ban continued in effect through 2007. Readers could access FEER through the Internet. Newspapers printed in Malaysia cannot be imported.

The Government may limit (or "gazette") the circulation of publications. The Government also may ban the circulation of domestic and foreign publications under provisions of the ISA and the UPA. The Broadcasting Act empowers the minister for information, communication, and the arts to gazette or place formal restrictions on any foreign broadcaster deemed to be engaging in domestic politics. Once

gazetted, a broadcaster can be required to obtain express permission from the minister to continue broadcasting in the country. The Government may impose restrictions on the number of households receiving a broadcaster's programming, and a broadcaster can be fined up to \$63,291 (S\$100,000) for failing to comply.

Under the country's defamation laws, some plaintiffs can easily win substantial judgments for damages and legal costs. Conviction on criminal defamation charges can result in a prison sentence of up to 2 years, a fine, or both. Threats of defamation actions often persuaded newspapers and others to apologize and pay damages for perceived slights. On October 17, the Financial Times apologized on its Web site for a September 29 article that allegedly defamed Prime Minister Lee Hsien Loong, Minister Mentor Lee Kuan Yew, and Temasek Holdings (Private) Limited Chief Executive Officer Ho Ching and agreed to pay (undisclosed) damages. In August 2006 Prime Minister Lee Hsien Loon and Minister Mentor Lee Kuan Yew initiated a defamation suit against the editor and publisher of FEER for an article published in July 2006. In October the Court of Appeal rejected a bid by FEER to be represented by a queen's counsel in the case. The suit continued at year's end.

Critics charged that government leaders used defamation lawsuits or threats of such actions to discourage public criticism and intimidate opposition politicians and the press. The unbroken success of government leaders' suits in the last decade fostered public caution about political speech, prompted a culture of self-censorship within the news media, and inhibited opposition politics. During the last decade, ruling party leaders won suits against opposition politicians for defamation of individual government leaders on several occasions.

*Internet Freedom.*—Although residents generally have unrestricted access to the Internet, the Government subjected all Internet content to the same rules and standards as traditional media. Internet service providers (ISPs) are required to ensure that content complies with the MDA's Internet code of practice. The MDA also regulates Internet material by licensing the ISPs through which local users are required to route their Internet connections. The law permits government monitoring of Internet use, and the Government closely monitored Internet activities such as blogs and podcasts. The MDA was empowered to direct service providers to block access to Web sites that, in the Government's view, undermined public security, national defense, racial and religious harmony, or public morals. Although the MDA ordered ISPs to block 100 specific Web sites that the Government considered pornographic, in general the Government actually focused on blocking only a small number of sites.

Political and religious Web sites must register with the MDA. In the past the Government prosecuted persons for making allegedly racist remarks on the Internet.

*Academic Freedom and Cultural Events.*—All public institutions of higher education and political research have limited autonomy from the Government. Although faculty members are not technically government employees, in practice they were subject to potential government influence. Academics spoke and published widely and engaged in debate on social and political issues. However, they were aware that any public comments outside the classroom or in academic publications that ventured into prohibited areas—criticism of political leaders or sensitive social and economic policies or comments that could disturb ethnic or religious harmony or appeared to advocate partisan political views—could subject them to sanctions. Publications by local academics and members of research institutions rarely deviated substantially from government views.

The Films Act bans political advertising using films or videos as well as films directed towards any political purpose. The act does not apply to any film sponsored by the government, and the act allows the MICA minister to exempt any film from the act. On April 10, MICA banned independent filmmaker Martyn See's film Zahari's 17 Years, a documentary about political activist Said Zahari who was detained under the ISA for 17 years. MICA declared it to be an illegal political film.

A list of banned films was available on the MDA Web site. Certain films that were barred from general release may be allowed limited showings, either censored or uncensored, with a special rating. In practice censorship standards were significantly relaxed in recent years for live theater performances. Plays with overtly sexual or anti-ruling-party themes have been permitted.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The Constitution provides citizens the right to peaceful assembly but permits Parliament to impose restrictions "it considers necessary or expedient" in the interest of security, public order, or morality; in practice the Government restricted this right. Public assemblies of five or more persons, including political meetings and rallies, require police permission; however, citizens do not require

permits for some indoor speaking events. Spontaneous public gatherings or demonstrations were virtually unknown.

The Government closely monitored political gatherings regardless of the number of persons present. Plain-clothes police officers often monitored political gatherings. On February 13, the High Court ruled that groups of less than five could constitute an assembly—lawful or otherwise—through association. Six Falun Gong practitioners had been distributing pamphlets in two separate groups in front of adjacent shopping centers. The court ruled that as long as there is a “common object,” a collective entity can be identified. The six practitioners were fined \$666 (S\$1,000) each for assembling without a permit.

On July 12, the Workers’ Party (WP) was refused a permit to hold a public cycling event. The Government defended the ban arguing that outdoor gatherings by political parties have the potential to cause public disturbance. Subsequently the Young PAP claimed that its cancellation of two planned outdoor public events was unrelated to the WP ban.

On September 30, a crowd of approximately 150 Burmese nationals and sympathizers protested outside the Burmese Embassy. Police advised the protesters that theirs was an illegal public assembly and told them to disperse, but did not otherwise interfere with the protest. On October 8, SDP chief Chee Soon Juan and four others were arrested outside the Presidential Palace after attempting to deliver a petition concerning the Government’s relationship with the Burmese authorities. In a statement the police distinguished between Chee’s willful civil disobedience and the activities of Singaporean and Burmese nationals in Singapore concerned about the situation in Burma who organized to express their sympathies lawfully.

*Freedom of Association.*—Most associations, societies, clubs, religious groups, and other organizations with more than 10 members are required to register with the Government under the Societies Act. The Government denied registration to groups that it believed were likely to have been formed for unlawful purposes or for purposes prejudicial to public peace, welfare, or public order. The Government has absolute discretion in applying criteria to register or dissolve societies. During the year the Registry of Societies received 284 registration applications of which four were denied.

The Government prohibits organized political activities except by groups registered as political parties or political organizations. This prohibition limits opposition activities disproportionately and contributes to restricting the scope of unofficial political expression and action. The PAP was able to use nonpolitical organizations, such as residential committees and neighborhood groups, for political purposes far more extensively than opposition parties. Political parties and organizations are subject to strict financial regulations, including a ban on receiving foreign donations. Due to laws regulating the formation of publicly active organizations, there were few nongovernmental organizations (NGOs) apart from nonpolitical organizations such as religious groups, ethnically oriented organizations, and providers of welfare services.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion; however, the Government restricted this right in some circumstances. The Constitution provides that every citizen or person in the country has the right to profess, practice, or propagate his religious belief so long as such activities do not breach any other laws relating to public order, public health, or morality.

All religious groups were subject to government scrutiny. These groups must be registered under the Societies Act. The Maintenance of Religious Harmony Act (MRHA) gives the Government the power to restrain leaders and members of religious groups and institutions from carrying out political activities, “exciting disaffection against” the government, creating “ill will” between religious groups, or carrying out subversive activities. Violation of a restraining order issued under the MRHA is a criminal offense. The act also prohibits judicial review of its enforcement or of any possible denial of rights arising from its implementation.

The Government played an active but limited role in religious affairs. It did not tolerate speech or actions, including those of a religious nature, that it interpreted as adversely affecting racial and religious harmony. The Government may issue restraining orders barring participation in activities adversely affecting religious harmony. The Presidential Council for Religious Harmony reviews such orders and makes recommendations to the president on whether to confirm, cancel, or alter a restraining order. The Presidential Council for Minority Rights examines all pending legislation to ensure it is not disadvantageous to a particular group, reports to the Government on matters that affect any racial or religious community, and investigates complaints. The Government maintains a relationship with the Muslim community through the Islamic Religious Council (MUIS), which was established under



the Administration of Muslim Law Act. The MUIS advises the Government on the Muslim community's concerns, drafts a weekly approved sermon, maintains regulatory authority over Muslim religious matters, and oversees a fund financed by voluntary payroll deductions and used for mosque-building and social and educational purposes.

Under the Societies Act, the Government deregistered and banned meetings of Jehovah's Witnesses in 1972 and in 1982 dissolved the Unification Church. While the Government did not outlaw the profession or propagation of the beliefs of Jehovah's Witnesses and does not arrest members merely for being believers, the result of deregistration was to make meetings of Jehovah's Witnesses illegal. The community numbered approximately 2,000, and members of Jehovah's Witnesses continued to refuse to perform national military service. The Government also banned all written materials published by the Jehovah's Witnesses' publishing affiliates, the International Bible Students Association and the Watch Tower Bible and Tract Society. A person in possession of banned literature can be fined up to \$1,333 (S\$2,000); for holding a meeting, the fine can be as high as \$2,667 (S\$4,000). Unlike in previous years, there were no arrests of Jehovah's Witnesses reported during the year.

Missionaries, with the exception of members of Jehovah's Witnesses and representatives of the Unification Church, were permitted to work, publish, and distribute religious texts. However, while the Government did not prohibit evangelical activities, in practice it discouraged activities that could upset intercommunal relations, such as unsolicited public proselytizing.

*Societal Abuses and Discrimination.*—There were no significant reports of societal religious discrimination or of anti-Semitic acts.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution and the law provide for freedom of movement within the country, foreign travel, emigration, and repatriation; and the Government generally respected these rights in practice; however, it limited them in a few respects. For example, citizens' choice of where to live sometimes was limited by the Government's legal requirement for ethnic balance in publicly subsidized housing, in which the majority of citizens lived. The Government required all citizens and permanent residents over the age of 15 to register and to carry identification cards. The Government may refuse to issue a passport and did so in the case of former ISA detainees. Under the ISA a person's movement may be restricted. According to official press releases, at year's end there were 27 suspected terrorists subject to such restrictions.

The law prohibits forced exile, and the Government did not employ it.

The right of voluntary repatriation was extended to holders of national passports. The Government actively encouraged citizens living overseas to return home or at least to maintain active ties with the country. A provision of the law allows for the loss of citizenship by citizens who resided outside the country for more than 10 consecutive years, but it was not known to have been used.

On April 1, immigration authorities prevented SDP Secretary General Chee Soon Juan from leaving the country. Chee had been declared bankrupt in February 2006 for failing to pay \$333,333 (S\$500,000) in libel damages to Minister Mentor Lee Kuan Yew and Senior Minister Goh Chok Tong. On February 26, the High Court found Chee guilty of attempting to leave the country without permission while in bankruptcy and fined him \$2,667 (S\$4,000). Chee did not pay the fine and served 3 weeks in jail.

Men are required to serve 24 months of national service upon turning 18 years of age. They also are required to undergo reserve training up to the age of 40 (for enlisted men) or 50 (for officers). Male citizens with national service reserve obligations are required to advise the Ministry of Defense if they plan to travel abroad. Boys age 13 to 16½ years are issued passports that are valid for 5 years but are required to obtain exit permits for trips longer than 3 months. From the age of 16½ until the age of enlistment, male citizens are granted 1-year passports and are required to apply for exit permits for travel that exceeds 3 months. A bond of \$47,468 (S\$75,000) is needed for exit permits of 2 years or more for both age groups.

The law stipulates that former members of the Communist Party of Malaya (CPM) residing outside the country must apply to the Government to be allowed to return. They must renounce communism, sever all organizational ties with the CPM, and pledge not to engage in activities prejudicial to the country's internal security. In addition the law requires them to submit to an interview by the Internal Security Department and to accept any restrictive conditions imposed on them.

*Protection of Refugees.*—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, to which Singapore is not a party. The Government has established a system for providing protection to refugees on a case-by-case basis. In practice, the Government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. The Government cooperated with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

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

The Constitution provides citizens the right to change their government peacefully. Opposition parties can contest elections, and the voting and vote-counting systems are fair and free from tampering; however, the PAP, which has held power continuously and overwhelmingly for more than four decades, has used the Government's extensive powers to place formidable obstacles in the path of political opponents.

*Elections and Political Participation.*—Following the May 2006 elections, the PAP (having captured 66.6 percent of the vote) held 82 of 84 elected seats; the opposition Singapore Democratic Alliance (13.1 percent) and the Workers' Party (16.3 percent) each held one seat. The opposition continued to criticize what it described as PAP abuse of its incumbency advantages to handicap opposition parties. The PAP maintained its political dominance in part by developing voter support through effective administration and its record in bringing economic prosperity to the country, and in part by manipulating the electoral framework, intimidating organized political opposition, and circumscribing political discourse and action. The belief that the Government might directly or indirectly harm the employment prospects of opposition supporters inhibited opposition political activity; however, there were no confirmed cases of such retaliation. As a result of these and other factors, opposition parties were unable to seriously challenge the ruling party. The PAP claimed that the lack of an effective opposition was due to disorganization, weak leadership, and absence of persuasive alternative policies.

The country has a parliamentary system in which the majority party in Parliament has the authority to constitute the government, which is headed by a prime minister. The parliamentary term is for no more than 5 years after the first sitting of Parliament following a general election. Parliament may be dissolved early by presidential proclamation. Elections must be held within 3 months of Parliament's dissolution. The Constitution allows a parliamentary committee to select and the president to appoint nominated members of Parliament (MPs) to serve 2½-year terms without facing election. The Constitution requires at least three opposition MPs. If fewer than three are elected, the Government will appoint a "nonconstituency" MP, who is the opposition candidate who obtains the highest share of the vote without winning a seat. Nonconstituency MPs and nominated MPs can participate in parliamentary debate and can vote on some, but not all, types of legislation.

The PAP has an extensive grassroots system and a carefully selected, highly disciplined membership. The establishment of government-organized and predominantly publicly funded Community Development Councils (CDCs) further strengthened the PAP's position. The CDCs promote community development and cohesion and provide welfare and other assistance services. The PAP dominates the CDCs even in opposition-held constituencies and has threatened to withdraw publicly funded benefits.

The PAP completely controlled key positions in and out of government, influenced the press and courts, and limited opposition political activities. Often the means were fully consistent with the law and the normal prerogatives of a parliamentary government, but the overall effect (and many argued the ultimate purpose) was to disadvantage and weaken political opposition. Since 1988 the PAP changed all but nine single-seat constituencies into group representational constituencies (GRCs) of five to six parliamentary seats, in which the party with a plurality wins all of the seats. According to the Constitution, such changes are permitted to ensure ethnic minority representation in Parliament; each GRC candidate list must contain at least one Malay, Indian, or other ethnic minority candidate. These changes made it more difficult for opposition parties, all of which had very limited memberships, to fill multimember candidate lists.

Although political parties legally were free to organize, they operated under the same limitations that applied to all organizations, and the authorities imposed strict regulations on their constitutions, fundraising, and accountability. There were 24

registered political parties in the country; however, only six of these were active. Political parties and organizations were subject to strict financial regulations, including a ban on receiving foreign donations. Government regulations hindered attempts by opposition parties to rent office space in government housing blocks or to establish community foundations. In addition government influence extended in varying degrees to academic, community service, and other NGOs.

The duties of the president are largely ceremonial. Nonetheless, the president has significant budget oversight powers, as well as some powers over civil service appointments and internal security affairs. The law provides for a popularly elected president to be elected for a 6-year term from among candidates who are approved by a constitutionally prescribed committee selected by the Government. In 2005 the committee decided that the PAP-endorsed incumbent, President S.R. Nathan, was the only qualified candidate out of four applicants. The election was cancelled, and Nathan was inaugurated for a second term. The Government placed significant obstacles in the way of opposition political figures' presidential candidacies. For example, opposition members were much less likely to satisfy the requirement that candidates have experience in managing the financial affairs of a large institution, since many of the country's large institutions were government run or linked to the Government.

Voting is compulsory, and 95 percent of eligible voters voted. There is no legal bar to the participation of women in political life; women held 17 of the 84 elected parliamentary seats. There were three female ministers of state, although none of cabinet rank. Three of the 14 supreme court justices were women.

There are no restrictions in law or practice against minorities voting or participating in politics; they actively participated in the political process and were well represented throughout the government, except in some sensitive military positions. Malays made up approximately 15 percent of the general population and held approximately the same percentage of elected seats in Parliament. Indians made up approximately 9 percent of the general population and held approximately 11 percent of the elected seats in Parliament. There were three ethnic Indian ministers and one ethnic Malay minister. Three of the 14 members of the Supreme Court were ethnic Indian; there were no Malays on the court.

*Government Corruption and Transparency.*—There were no reports of government corruption during the year, and the Government actively prosecuted officials involved in corruption. During the year, the Government raised salaries of ministers, MPs, and senior civil servants. The prime minister receives \$2,575,342 (S\$3,760,000) per year, the most junior minister in the cabinet earns \$1,328,767 (S\$1,940,500), and an MP is paid \$154,110 (S\$225,000).

There are no laws that specifically provide for public access to government information; however, significant amounts of information were available on government Web sites.

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

Efforts by independent organizations to investigate and evaluate government human rights policies faced the same obstacles as those faced by opposition political parties. NGOs were subject to registration under the Societies Act. Some domestic NGOs criticized restrictions on human rights or suggested changes that would relax or remove restrictions. NGOs working in the area of trafficking in persons described cooperation from the authorities as "excellent."

There is a Presidential Council on Minority Rights that monitors pending legislation for anything possibly disadvantageous to minorities.

The Government permitted international human rights organizations to observe human rights-related court cases.

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

The Constitution states that all persons are equal before the law and entitled to the equal protection of the law, and the Government generally respected these provisions in practice; there is no explicit provision granting equal rights for women and minorities. Mindful of the country's history of intercommunal tension, the Government took measures to ensure racial, ethnic, religious, and cultural non-discrimination. Social, economic, and cultural benefits and facilities were available to all citizens regardless of race, religion, or gender.

*Women.*—The Government enforced the law against rape, which provides for imprisonment of up to 20 years and caning for offenders. Under the law rape can be committed only by a man, and spousal rape is not a crime; however, husbands who force their wives to have intercourse can be prosecuted for other offenses, such as assault. During the year nine persons were prosecuted for rape; there was one con-

viction and eight persons were awaiting trial. The Ministry of Education and the police both carried out programs aimed at preventing rape.

The law criminalizes domestic violence and intentional harassment; however, violence or abuse against women occurred. A victim of domestic violence can obtain court orders barring the spouse from the home until the court is satisfied that the spouse ceased aggressive behavior. The number of court orders for protection against violent family members increased in recent years, in part because the definition of violence includes intimidation, continual harassment, or restraint against one's will. The law prescribes mandatory caning and a minimum imprisonment of 2 years for conviction on any charge of "outraging modesty" that caused the victim fear of death or injury. The press gave prominent coverage to instances of abuse or violence against women. There were several organizations that provided assistance to abused women. The Association of Women for Action and Research operated a hot line that offered counseling and legal advice. The Family Protection and Welfare Service, an office of the Ministry of Community Development, Youth, and Sports, documented physical and psychological abuse and provided counseling and other support services to abused women. The Star Shelter accepted children, women, and men and can accommodate up to 30 persons. In 2006 there were more than 2,600 applications for Personal Protection Orders, 70 percent of which were filed by wives for protection against their husbands.

Prostitution itself is not illegal; however, public solicitation, living on the earnings of a prostitute, and maintaining a brothel are illegal. The authorities periodically carried out crackdowns on solicitation for prostitution and arrested and deported foreign prostitutes, particularly when their activities took place outside informally designated red-light areas. In practice police unofficially tolerated and monitored a limited number of brothels; prostitutes (the great majority of whom were foreign and working illegally) in such establishments were required to undergo periodic health checks and carry a health card.

There are no specific laws prohibiting stalking or sexual harassment; however, the Miscellaneous Offenses Act and laws prohibiting insults to modesty were used successfully to prosecute these offenses. Sexual harassment was not considered a significant problem.

Women accounted for 54 percent of civil service employees. They enjoyed the same legal rights as men, including civil liberties, employment, commercial activity, and education. The Women's Charter gives women, among other rights, the right to own property, conduct trade, and receive divorce settlements. Muslim women enjoyed most of the rights and protections of the Women's Charter. For the most part, Muslim marriage falls under the administration of the Muslim Law Act, which empowers the Shari'a (Islamic law) court to oversee such matters. The laws allow Muslim men to practice polygyny, although requests to take additional spouses may be refused by the Registry of Muslim Marriages, which solicits the views of an existing wife or wives and reviews the financial capability of the husband. During the year there were 54 applications for polygynous marriage, and 18 applications were approved, constituting just 0.44 percent of Muslim marriages.

Both men and women have the right to initiate divorce proceedings; however, in practice women faced significant difficulties that often prevented them from pursuing proceedings. This included the lack of financial resources to obtain legal counsel. Men do not have the right to seek alimony from their wives in cases of divorce or separation.

During the year women constituted 54.3 percent of the labor force and were well represented in many professions. The percentage of women between ages of 30 and 54 in the workforce increased from 60.3 percent in 2000 to 68.3 percent in 2006, with 44.7 percent of women 55 and over employed. However, women held few leadership positions in the private sector and no ministerial positions in the Government. Women were overrepresented in low-wage jobs such as clerks and secretaries. Salaries for women ranged upwards from 66 percent of men's salaries depending on the occupational grouping. In some occupations women earned more than their male counterparts. Observers noted that the wage differential was smaller in professional jobs and that wage disparities could be attributed in part to differences in average educational levels and work experience.

*Children.*—The Government demonstrated a strong commitment to children's rights and welfare through well-funded systems of public education and medical care, and access was equal for all children. Six years of public (or government-recognized private) education is compulsory for all children. Virtually 100 percent of children were enrolled through grade six, and the dropout rate for secondary school was low. The Children and Young Persons Act created a juvenile court system and established protective services for orphaned, abused, and "troubled" children, and those with disabilities. The Ministry of Community Development, Youth, and Sports

(MCYS) worked closely with the National Council for Social Services to oversee children's welfare cases. Voluntary organizations operated most of the homes for children, while the Government funded from 50 to 100 percent of living expenses and overhead, as well as expenses for special schooling, health care, and supervisory needs.

Some child prostitution occurred. During the year authorities arrested 60 female prostitutes under the age of 18, the same number as in 2006. There is no legal prohibition on commercial sex with "consenting" partners ages 16 and 17. The law criminalizes consensual sex between a minor female (under 16) and a male and prescribes punishment for the male participant of up to 5 years in prison and a fine of up to \$6,667 (S\$10,000). The authorities have the power to detain persons under age 21 who are believed to be engaged in prostitution, as well as to prosecute those who organize or profit from prostitution, who bring women or girls to the country for prostitution, or who coerce or deceive women or girls into prostitution.

The MCYS sponsored activities promoting children's causes, including family stability. The ministry and several NGOs focused on keeping fathers involved in their children's lives and on preventing child abuse.

*Trafficking in Persons.*—The law prohibits trafficking in persons; however, the country was a destination for women and girls trafficked from Southeast Asia and from China for prostitution. A small number of foreign domestic workers faced seriously abusive labor conditions that amounted to involuntary servitude. Some women from Thailand, the Philippines, China, and Indonesia who traveled to the country voluntarily for prostitution or other work were deceived or coerced into sexual servitude.

Three major laws govern trafficking and prostitution: The Women's Charter, the Children and Young Persons' Act, and the penal code. Trafficking in women and children, regardless of whether it is related to prostitution, is punishable by up to 5 years' imprisonment, a \$6,667 (S\$10,000) fine, and caning. Traffickers could be prosecuted under provisions governing kidnapping, abduction, slavery, and forced labor, which carry maximum punishments of 10 years' imprisonment and a fine. Convicted traffickers could be found guilty of violating more than one law. There was no specific campaign to combat or prevent the use of fraud or coercion to recruit foreign women as prostitutes, although some persons were prosecuted and punished for crimes involving such acts.

There were no reports of any official involvement in trafficking in persons.

In practice successful investigation and prosecution of trafficking in persons required that victims remain in or return to the country to testify. Police urged victims to remain in the country until a case was prosecuted, and generally they did; some abused domestics who left were brought back to testify. Victims did not receive government assistance during this period or at other times and sometimes were not granted permission for alternative employment and were dependent on support from their Embassy. Laws prohibiting the harboring, aiding, or abetting of illegal immigrants could hamper assistance to trafficking victims by putting NGOs in the position of harboring a victim who has no legal status; however, the authorities did not appear to investigate or prosecute such assistance.

The authorities notified Embassies of the arrest of nationals, including for prostitution-related offenses, and allowed consular access. Prostitutes rarely contacted Embassies voluntarily, unless detained for solicitation or immigration offenses during police sweeps. However, victims of crimes, including domestics alleging abuse, sometimes requested and received assistance from their Embassies.

*Persons with Disabilities.*—The Government maintained a comprehensive code on barrier-free accessibility; this established standards for facilities for persons with physical disabilities in all new buildings and mandated the progressive upgrading of older structures. There was no legislation addressing equal opportunities for persons with disabilities in education or employment; however, the National Council of Social Services, in conjunction with various voluntary associations, provided an extensive job training and placement program for persons with disabilities. The Government also ran vigorous campaigns to raise public awareness of issues confronting persons with disabilities and the services available to them. A tax deduction of up to \$66,667 (S\$100,000) was available to employers to defray building modifications to benefit employees with disabilities. The first wheelchair accessible buses were introduced in 2006.

Informal provisions in education permitted university matriculation for the visually impaired, the hearing impaired, and for students with other physical disabilities. There were 21 special education schools that enrolled more than 4,340 students. One out of every six primary schools and one out of every 7 secondary schools

was equipped with full-handicap facilities. The Government provided funds for six childcare centers to take in 60 children with special needs.

The Government allowed a tax deduction of up to \$2,333 (S\$3,500) per individual for families caring for a sibling, spouse, or child with a disability. Mental and physical disabilities were treated in the same way. Press coverage of the activities and achievements of persons with disabilities was extensive, and discrimination or abuse of persons with disabilities did not appear to be a problem.

*National/Racial/Ethnic Minorities.*—Ethnic Malays constituted approximately 15 percent of the population. The Constitution acknowledges them as the indigenous people of the country and charges the Government to support and to promote their political, educational, religious, economic, social, cultural, and language interests. The Government took steps to encourage greater educational achievement among Malay students as a key to economic advancement. However, ethnic Malays have not yet reached the educational or socioeconomic levels achieved by the ethnic Chinese majority, the ethnic Indian minority, or the Eurasian community. Malays remained underrepresented at senior corporate levels and, some asserted, in certain sectors of the Government and the military. This reflected their historically lower educational and economic levels, but some argued that it also was a result of employment discrimination. The Government issued guidelines that call for eliminating language referring to age, gender, or ethnicity in employment advertisements; restrictive language pertinent to job requirements, such as “Chinese speaker” remains acceptable. These guidelines were generally followed.

The Presidential Council on Minority Rights examined all pending bills to ensure that they were not disadvantageous to a particular group. It also reported to the Government on matters that affected any racial or religious community and investigated complaints.

Government policy enforced ethnic ratios for publicly subsidized housing to prevent ethnic or racial ghettos.

*Other Societal Abuses and Discrimination.*—Some individuals with HIV/AIDS claimed that they were socially marginalized and faced employment discrimination if they revealed they were suffering from the disease. The Government discouraged discrimination, supported initiatives that countered misperceptions about HIV/AIDS, and praised employers that welcomed workers with HIV/AIDS. Consensual homosexual sex is illegal but in practice was not prosecuted.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution provides all citizens the right to form associations, including trade unions; however, Parliament may impose restrictions based on security, public order, or morality grounds. The right of association was restricted by the Societies Act and by labor and education laws and regulations. Under these laws any group of 10 or more persons is required to register with the Government. The Trade Unions Act authorizes the formation of unions with broad rights, albeit with some narrow restrictions such as prohibitions on the unionization of uniformed personnel or government employees. The Amalgamated Union of Public Employees was declared exempt from these provisions, and its scope of representation expanded over the years to cover all public sector employees except the most senior civil servants.

The Trade Unions Act restricts the right of trade unions to elect their officers and whom they may employ. Foreigners and those with criminal convictions may not hold union office or become employees of unions. However, the minister of manpower could grant exemptions. The Trade Unions Act limits the objectives for which unions can spend their funds and prohibits payments to political parties or the use of funds for political purposes. In 2006 the national labor force consisted of approximately 2.59 million workers, nearly 500,000 of whom were represented by 69 unions. Almost all of the unions (which represented virtually all of the union members) were affiliated with the National Trade Union Congress (NTUC), an umbrella organization with a close relationship with the Government.

The NTUC acknowledged that its interests were linked closely with those of the ruling PAP, a relationship often described by both as symbiotic. The NTUC’s secretary general, Lim Swee Say, a PAP MP, was a member of the cabinet as minister in the Prime Minister’s Office. Young PAP MPs with no union experience were often elected to leadership positions in the NTUC or a member union. NTUC policy prohibited union members who supported opposition parties from holding office in affiliated unions. While the NTUC is financially independent of the PAP, the two shared a common ideology and worked closely with management in support of nonconfrontational labor relations. The NTUC is free to associate regionally and internationally.

*b. The Right to Organize and Bargain Collectively.*—Collective bargaining was a normal part of labor-management relations in the industrial sector. The tripartite Industrial Arbitration Court (IAC) must certify collective agreements before they go into effect. The IAC could refuse certification at its discretion on the ground of public interest. Union members cannot reject collective agreements negotiated between their union representatives and the employer. Transfers and layoffs were excluded from the scope of collective bargaining. However, in practice employers consulted with unions on both issues, and the Tripartite Panel on Retrenched Workers issued guidelines calling for early notification to unions of layoffs.

Workers in “essential services” are required to give 14 days’ notice to an employer before striking, and there is a prohibition on strikes by workers in the water, gas, and electricity sectors. Other workers have the legal right to strike but rarely did so. No specific laws prohibit retaliation against strikers. The law provides that before striking, 51 percent of unionized workers must vote in favor of the strike by secret ballot, as opposed to the more common practice of 51 percent of those participating in the vote.

Most disagreements were resolved through informal consultations with the Ministry of Manpower. If conciliation fails, the disputing parties usually submit their case to the IAC, which is composed of representatives from labor and management and chaired by a judge. In limited situations the law provides for compulsory arbitration, which has not been used since 1980. Besides these labor dispute mechanisms and the close working relationship and shared views among labor, management, and the government, the maintenance of labor peace has been a product of high economic growth rates, regular wage increases, and a high degree of job mobility in a virtual full-employment economy.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The Government enforced the Employment Act, which prohibits employment of children under the age of 12. Restrictions on the employment of children between the ages of 12 and 16 are rigorous and fully enforced. Children under the age of 14 generally are prohibited from employment in the industrial sector. Exceptions include family enterprises; children may work in a business in which only members of the same family are employed. A child age 12 or older may be employed in light work, subject to medical clearance. Employers must notify the commissioner of labor within 30 days of hiring a child between the ages of 14 and 16 and attach a medical certification of the child’s fitness for employment. The incidence of children in permanent employment was low, and abuses were almost nonexistent. The exploitation of 16- and 17-year-old children in prostitution was not criminalized.

Ministry of Manpower regulations prohibit night employment of children and restrict industrial work for children between the ages of 14 and 16 to no more than 7 hours a day, including the hours spent in school. Children may not work on commercial vessels, with moving machinery, on live electrical apparatus lacking effective insulation, or in any underground job. The minister of manpower effectively enforced these laws and regulations.

*e. Acceptable Conditions of Work.*—There are no laws or regulations on minimum wages or unemployment compensation. Agreements between management and labor were renewed every 2 to 3 years, although wage increases were negotiated annually. The National Wages Council, a group composed of labor, management, and government representatives, issued yearly guidelines on raises and bonus pay that serve as the starting point for bargaining agreements. Subject to negotiation in each enterprise, up to 10 percent of salaries were considered “variable” each month, allowing companies to eliminate that portion of pay if there were financial problems. The labor market generally offered good working conditions and relatively high wages, which provided a decent standard of living for a worker and family.

The Employment Act sets the standard legal workweek at 44 hours and provides for one rest day each week.

The Ministry of Manpower effectively enforced laws and regulations establishing working conditions and comprehensive occupational safety and health laws. Enforcement procedures, coupled with the promotion of educational and training programs, were implemented to reduce the frequency of job-related accidents. While workers have the right under the Employment Act to remove themselves from a dangerous work situation, their right to continued employment depended upon an investigation of the circumstances by the Ministry of Manpower.

Because of a domestic labor shortage, approximately 600,000 foreign workers were employed legally, constituting approximately 30 percent of the total work force. There were no reliable estimates of the number of foreigners working illegally. Most foreign workers were unskilled laborers and household servants from other Asian countries. Foreign workers faced no legal wage discrimination; however, they were concentrated in low-wage, low-skill jobs and were often required to work long hours. Most foreign construction workers live on worksites in substandard conditions.

Although the great majority of the approximately 150,000 maids (mainly from the Philippines, Indonesia, and Sri Lanka) worked under clearly outlined contracts, their low wages, dependence on their employers for food and lodging, and relative isolation made them vulnerable to mistreatment, abuse, and labor conditions that amounted to involuntary servitude. The authorities fined or imprisoned employers who abused maids. On August 17, a housewife was convicted of slapping her maid and was fined \$2,000 (S\$3,000). In May a woman pleaded guilty to three counts of maid abuse and was sentenced to 3 weeks in jail. On April 18, a woman employer who abused her maid was sentenced to 10 weeks in jail.

Debates continued about how to prevent abuse of maids. In February 2006 the Ministry of Manpower launched a demerit points system that penalizes employment agencies for violating government regulations. The accumulated points are shown on the ministry's Web site to help potential employers identify errant agencies. Agencies with too many demerits face license suspension. The Ministry of Manpower sets the minimum age for maids at 23 and requires all maids to show that they had 8 years of formal education before allowing them to enter the country. All new maids and new employers of maids must undergo mandatory training on maids' rights and responsibilities. Maids must take a written entrance exam that covers topics such as safety and English comprehension.

Most maids worked 6 days per week from early morning until late in the evening. Effective November 2006 the Ministry of Manpower requires an employer to deposit a maid's salary directly into her bank account if she requests it. The ministry also regularly distributed pamphlets in four different languages alerting maids to their rights. In September 2006 Employment Agencies Singapore, a nongovernment agency that accredits the country's approximately 500 maid agencies, implemented a new standard employment contract for maids that provides a compulsory day off each month or cash compensation.

Maids often had to set aside most or all of their wages for the first several months of employment to reimburse their placement agents. Work permits for low-wage foreign workers could be cancelled if a worker applied to marry or married a citizen or permanent resident.

The Employment Act protects foreign workers such as the many employed in the construction industry; however, domestic servants are not covered by the act and are not eligible for limited free legal assistance from the Government. However, the Ministry of Manpower offered conciliation services for all employees, foreign or local. The Foreign Workers Unit of the ministry provided free advisory and mediation services to foreign workers experiencing problems with employers. The Government allowed complainants to seek legal redress and operated a hot line for maids. In December 2006 a migrant workers advocacy group and a telephone company established a help line to advise migrant workers in distress. In the first year the hot line received 2,800 calls, 95.5 percent of which were general inquiries.

---

## SOLOMON ISLANDS

The Solomon Islands is a constitutional multiparty parliamentary democracy with a population of approximately 566,000. Parliamentary elections held in April 2006 were considered generally free and fair, although there were incidents of vote buying. On December 13, Prime Minister Manasseh Sogavare's coalition government lost a parliamentary vote of no confidence, and on December 20, Parliament elected Derek Sikua as prime minister. The Regional Assistance Mission to the Solomon Islands (RAMSI), a multinational police-centered force organized by Australia, arrived in the country in 2003 at the Government's invitation to assist in restoring law and order and rebuilding the country's institutions following a period of violent conflict between the Malaitan and Guadalcanalese ethnic groups from 1998 to 2003. RAMSI continued its assistance during the year. The civilian authorities generally maintained effective control of the security forces; however, relations between RAMSI and the Sogavare government were increasingly strained after the controversial July appointment of Julian Moti, wanted by Australia on child sex offense charges,



as attorney general. In December the Sikua government dismissed Moti and deported him to Australia.

The Government generally respected the human rights of its citizens, but there were problems in some areas. Human rights problems included lengthy pretrial detention, government corruption, and violence and discrimination against women and minorities.

#### RESPECT FOR HUMAN RIGHTS

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

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

During the year a former cabinet minister was released from custody due to lack of evidence related to his alleged participation in rioting in Honiara following the April 2006 elections. Earlier in 2006 he had been released on bail after being charged with, among other things, being an accomplice to murder; those charges also were dropped.

On May 10, the High Court acquitted two men charged with the 2004 murder of Adam Dunning, an Australian Federal Police officer attached to RAMSI who was shot and killed while on patrol in Honiara. In the same proceeding, two other defendants were acquitted of the 2004 attempted murder of two additional RAMSI police officers, from Tonga and Nauru, respectively. The judge cited lack of sufficient evidence in both cases.

On August 24, former Guadalcanal Liberation Front leader Harold Ke'ke was convicted of murder for ordering the killings of seven men in 2002 and sentenced to an additional life term, to be served concurrently with a 2005 life sentence imposed for the killing of Father Augustine Geve in 2002.

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits such practices, and there were no confirmed reports of such practices by the police during the year. There were a few allegations by detainees that they were mistreated by police during questioning, but they often lacked substantiating evidence.

Since its arrival in 2003, RAMSI apprehended and charged persons allegedly responsible for human rights abuses and other criminal acts. More than 240 persons, including approximately 40 police officers, Ke'ke, and other militants, were arrested. Most of those arrested had been tried by year's end, although some cases were still pending.

*Prison and Detention Center Conditions.*—Prison conditions generally met international standards, and the Government permitted visits by independent human rights observers, including the International Committee of the Red Cross (ICRC). The ICRC also facilitated visits by family members of some prisoners.

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

*Role of the Police and Security Apparatus.*—A commissioner who reports to the minister of police heads the Royal Solomon Islands Police (RSIP) force of approximately 1,050 members. This force was supported by 250 RAMSI officers, who served in line positions and in logistical and finance support. In February Fijian national Mohammed Jahir Khan was appointed as the new police commissioner.

While the police were more effective under RAMSI, the RSIP continued to be weak in investigation and reporting. The police service has an inspection unit to monitor police discipline and performance. Police corruption and impunity were not serious problems during the year. In July a commission of inquiry reported its findings concerning the April 2006 post-election riot. The commission concluded that the police were not adequately prepared and that a police riot squad should have been on standby to deal with possible civil unrest.

*Arrest and Detention.*—The law provides for a judicial determination of the legality of arrests. Detainees generally were informed promptly of the charges against them and have the right to counsel. The Public Solicitor's Office provided legal assistance to indigent defendants. Detainees had prompt access to family members and to counsel. Officials found to have violated civil liberties were subject to fines and jail sentences. There was a functioning system of bail. However, delays in adjudication of the large number of cases before the courts resulted in lengthy pretrial detention for some detainees. During the year the authorities appointed more magistrates and High Court judges and completed two new High Court buildings. These developments assisted in reducing the number of backlogged cases.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the Government generally respected judicial independence in practice. However, the July appointment of controversial Attorney General Julian Moti, who was wanted in Australia on child molestation charges, raised concerns on the part of NGOs, the bar association, and the public about the independence of the judiciary, until the new government removed him from office in December.

The judicial system consists of the High Court, the Court of Appeals, and magistrates' courts. RAMSI expanded the public solicitor's staff to 27, of whom 13 were foreign nationals. The number of public prosecutors increased to 13, including nine foreign nationals.

*Trial Procedures.*—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right.

Trial procedures normally operated in accordance with British common law, with a presumption of innocence, access to attorneys, and the right to access government-held evidence, confront witnesses, and appeal convictions. Judges conduct trials and render verdicts; there are no juries. Accused persons are entitled to counsel, and an attorney was provided at public expense for indigent defendants facing serious criminal charges.

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

*Civil Judicial Procedures and Remedies.*—There is an independent and impartial judiciary in civil matters; local courts and magistrates' courts have civil jurisdiction. In addition the Constitution provides that any person whose rights or freedoms have been contravened may apply directly to the High Court for redress.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

Individuals were allowed to criticize the Government publicly and privately without reprisal. The Government did not attempt to impede criticism. However, there were reports of intimidation and evidence of threats from criminal elements against individuals who criticized the Government.

The independent media were active and expressed a wide variety of views without restriction.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. In practice cost factors and lack of infrastructure limited public access to the Internet.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

#### *b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The Constitution provides for freedom of assembly, and the Government generally respected this right in practice. Demonstrators must obtain permits, which the Government generally granted.

*Freedom of Association.*—The Constitution provides for freedom of association, but at times the Government restricted this right. The Government has outlawed the principal militant groups. Other groups associated freely, and a good governance oversight group, the Civil Society Network, continued to raise issues of concern with the Government.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

*Societal Abuses and Discrimination.*—There were no reports of societal abuses or discrimination, including anti-Semitic acts. The Jewish community was very small.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

The law prohibits forced exile, and the Government did not use it. Native-born citizens may not be deprived of citizenship on any grounds.

*Protection of Refugees.*—Although party to the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, the Government has not established a system for providing protection to refugees. The Government did not grant refugee status or asylum during the year. In practice the Government provided protection against refoulement, the return of persons to a country where there was reason to believe they feared persecution. The Government cooperated with the Office of the U.N. High Commissioner for Refugees in assisting refugees and asylum seekers.

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

The Constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

*Elections and Political Participation.*—The April 2006 national parliamentary elections were regarded as generally free and fair, although there was evidence of vote buying. In April 2006 rioting broke out in Honiara immediately following the election of Snyder Rini as prime minister. Rini resigned, and in May 2006 Parliament elected Manasseh Sogavare as prime minister. On December 13, Sogavare's government lost a vote of no confidence, and on December 20, Parliament elected former education minister and opposition candidate Derek Sikua as prime minister.

Political parties could operate without restriction, but they were institutionally weak, with frequent shifts in political coalitions and unstable parliamentary majorities.

Male dominance in government limited the role of women. There were no women in the 50-member Parliament. Five women served as permanent secretaries in the Sogavare government.

There were two minority (non-Melanesian) members in Parliament.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. Government corruption and impunity in both the executive and legislative branches continued to be serious problems. In May 2006 Prime Minister Sogavare appointed Charles Dausabea and Nelson Ne'e to the cabinet, although they had been arrested for their roles in the April 2006 riot. Both were reportedly released on medical grounds, and on October 11, a court dismissed their criminal case due to insufficient evidence.

On July 10, Prime Minister Sogavare appointed Julian Moti as attorney general. The Australian Government sought Moti, an Australian national, on child sex offense charges. The then Solomon Islands police commissioner arrested Moti in October 2006 for illegally entering the country; however, a court subsequently dismissed those charges. The political opposition and NGOs strongly criticized the appointment, and the opposition leader asserted that the Government had manipulated the justice system to obtain dismissal of the immigration charges against Moti. The Government denied the allegation. On September 5, the Government announced its rejection of an Australian request for Moti's extradition, which it characterized as politically motivated. In December the new Sikua government removed Moti from his post and deported him to Australia.

In July Ezekiel Alebua, a former Guadalcanal premier and former prime minister, was convicted of embezzlement of provincial government funds and sentenced to 42 months in prison. On September 24, the High Court overturned the July conviction of former finance minister Francis Zama on corruption charges. Zama was appointed minister of justice and legal affairs. In November Sogavare announced the intention to switch ministerial positions between Zama and Treasury Minister Darcy Lilo. Lilo and several additional ministers and other Members of Parliament (MPs) resigned from the Government in protest and called for Sogavare's resignation, leading to Parliament's December 13 ouster of Sogavare as prime minister.

At year's end a government appeal was still pending before the High Court in the cases of a former East Honiara MP and a former cabinet minister charged in 2004 and 2005, respectively, with official corruption involving the granting of certificates of naturalization to Chinese nationals. A court acquitted both on the basis of insufficient evidence, and the Government appealed the verdicts.

In November a magistrate's court found MP and former prime minister Allan Kemakeza guilty of intimidation, larceny, and demanding money with menace in connection with a 2002 attack by a group of men on a Honiara law firm that owned shares in the country's national bank. Kemakeza was accused of ordering the attack to intimidate Australian partners of the firm into leaving the country. On December 6, the court fined Kemakeza \$1,072 (SI\$7,500) and sentenced him to 5 months' imprisonment, reduced to 2 months. At year's end Kemakeza was appealing the prison sentence.

Public officials were subject to financial disclosure laws under the leadership code of conduct. The Ombudsman Commission was responsible for combating government corruption.

No law provides for public access to government information. In practice the Government generally was responsive to inquiries from the media during the year.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

The Constitution provides for an ombudsman, with the power to subpoena and to investigate complaints of official abuse, mistreatment, or unfair treatment. While the ombudsman's office has potentially far-ranging powers, it was limited by a shortage of resources. Appointment of a new ombudsman was nullified due to complaints from the Governor General's Office, and a court appeal by the ombudsman designate was pending at year's end.

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

The Constitution provides that no person—regardless of race, place of origin, color, or disability—shall be treated in a discriminatory manner with respect to access to public places. The Constitution further prohibits any laws that would have discriminatory effects and provides that no person should be treated in a discriminatory manner by anyone acting in an official capacity. Despite constitutional and legal protections, women remained the victims of discrimination in the male-dominated society. Unemployment was high, and there were limited job opportunities for persons with disabilities.

*Women.*—The law does not specifically address domestic violence; however, there are provisions against common assault and rape. Violence against women, including rape and domestic abuse, remained a serious problem. Among the reasons cited for the failure to report many incidents of abuse were pressure from male relatives, fear of reprisals, feelings of shame, and cultural taboos on discussion of such matters.

The maximum penalty for forced rape is life imprisonment. Spousal rape is not a crime. Following RAMSI's arrival, rape charges were brought against a number of persons. As part of a new police curriculum, officers received specialized training on how to work with rape victims. The police have a sexual assault unit, staffed mostly by female officers, to combat the problem. The unit was well received by the public; women felt more comfortable reporting abuses.

Although statistics were unavailable, incidents of domestic violence appeared to be common. In the rare cases of domestic abuse that were reported, victims often dropped charges before the court appearance, or the case was settled out of court. The magistrates' courts dealt with physical abuse of women as with any other assault, although prosecutions were rare. On August 24, the Solomon Islands National Council of Women (NCW) reportedly appealed to the Government to introduce tougher laws against domestic violence. NGOs conducted awareness campaigns on family violence during the year. There were two church-run facilities for abused women and an NGO-supported family center that provided counseling, legal assistance, and other support services for women.

Prostitution is illegal, but the statutes were not enforced. There is no law specifically against sex tourism, although such offenses could be prosecuted under laws against prostitution. There were some press reports of sex tourism during the year.

Sexual harassment is not illegal and was a problem.

The law accords women equal legal rights, including the right to own property. However, women were limited to customary family roles, and this situation prevented women from taking more active roles in economic and political life. A shortage of jobs also inhibited the entry of women into the work force. The majority of women were illiterate; this was attributed in large part to cultural barriers. The NCW and other NGOs attempted to make women more aware of their legal rights, including voting rights, through seminars, workshops, and other activities. The Government's Women's Development Division also addressed women's issues.

*Children.*—Within the limits of its resources, the Government was committed to the welfare and protection of children. During the year major foreign assistance continued to bolster the educational system, but education was not compulsory, and the high cost of school fees severely limited attendance at secondary and higher institutions. A higher percentage of boys than girls attended school, particularly at the higher grade levels. According to a U.N. Children's Fund report (based on 2000–2005 data), net primary school enrollment rates were 80 percent for boys and 79

percent for girls. All medical care for children was free, and boys and girls had equal access to government-provided care; however, a lack of resources seriously limited its quality and availability.

The law grants children the same general rights and protections as adults, and there are laws designed to protect children from sexual abuse, child labor, and neglect. Children generally were respected and protected within the traditional extended family system, in accordance with a family's financial resources and access to services, although some cases of child abuse were reported. Virtually no children were homeless or abandoned. However, there was an increase in reported cases of incest.

Both boys and girls may legally marry at age 15, and the law permits marriage at age 14 with parental and village consent, but marriage at such young ages did not appear to be common.

*Trafficking in Persons.*—The law prohibits trafficking in persons for labor or sexual exploitation. There were no confirmed reports that persons were trafficked to, from, or within the country, but there were anecdotal reports that young women were trafficked internally, and from China and several Southeast Asian countries, for the purpose of sexual exploitation on foreign ships and in logging camps.

*Persons with Disabilities.*—There is no law or national policy on persons with disabilities, and no legislation mandates access to buildings for such individuals. Their protection and care is left to the extended family and NGOs. A disability center in Honiara assisted persons with disabilities in finding employment; however, with high unemployment countrywide and few jobs available in the formal sector, most persons with disabilities, particularly those in rural areas, did not find work outside of the family structure.

The Ministry of Home Affairs is responsible for protecting the rights of persons with disabilities.

The country had one educational facility for children with disabilities, which was supported almost entirely by the Red Cross. An education unit at the College of Higher Education, staffed by Australian volunteers, trained teachers in the education of persons with disabilities. Such training was compulsory for all student teachers at the college. Persons with mental disabilities were cared for within the family structure; there were very limited government facilities for such persons. The Kilufi Hospital in Malaita operated a 10-bed ward for the treatment of psychiatric patients.

*National/Racial/Ethnic Minorities.*—The country comprises more than 27 islands with approximately 70 language groups. Many islanders see themselves first as members of a clan, next as inhabitants of their natal island, and only third as citizens of their nation. Tensions and resentment between the Guadalcanalese and the Malaitans on Guadalcanal culminated in violence beginning in 1998. The presence of RAMSI greatly reduced ethnic tension between the two groups, and the Peace and Reconciliation Ministry organized reconciliation ceremonies. However, underlying problems between the two groups remained, including issues related to jobs and land rights.

There was societal discrimination against ethnic Chinese. The April 2006 riots were directed almost exclusively against Chinese business interests. Australians were also targets of discrimination and threats of violence.

*Other Societal Abuses and Discrimination.*—Same-sex relationships are illegal, and persons engaged in same-sex relationships were often the subject of societal discrimination. While there were fewer than 200 confirmed HIV/AIDS cases, there were reports that HIV-positive individuals were often disowned by their families.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution implicitly recognizes the right of workers to form or join unions, to choose their own representatives, to determine and pursue their own views and policies, and to engage in political activities. The courts have confirmed these rights, and workers exercised them in practice. Only an estimated 10 percent of the population participated in the formal sector of the economy. According to the chief of trade unions, approximately 55 percent of employees in the public sector and 25 percent of those in the private sector were organized.

*b. The Right to Organize and Bargain Collectively.*—The law provides for the right to organize and to bargain collectively, and unions exercised these rights. Wages and conditions of employment were determined by collective bargaining, usually at the level of individual firms. Disputes between labor and management that cannot be settled between the two sides are referred to the Trade Disputes Panel (TDP) for arbitration. The three-member TDP, composed of a chairman appointed by the

judiciary, a labor representative, and a business representative, is independent and neutral.

The law permits strikes. Private-sector disputes usually were referred quickly to the TDP for arbitration, either before or during a strike. In practice the small percentage of the work force in formal employment meant that employers had ample replacement workers if disputes were not resolved quickly. However, employees are protected from arbitrary dismissal or lockout while the TDP is deliberating.

In July teachers went on strike to protest the Government's failure to implement certain pay and other benefits agreed upon in January. In August the strike was settled after the Treasury Department cleared all payments to the teachers. At year's end a standoff continued between the National Union of Workers and the Russell Islands Plantation Estate, and estate workers were still on strike.

The law protects workers against antiunion activity, and there were no areas where union activity was officially discouraged.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced or compulsory labor, including by children, except as part of a court sentence or order; however, there were some reports of internal trafficking in young women for purposes of sexual exploitation.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The law forbids labor by children under the age of 12, except light agricultural or domestic work performed in the company of parents. Children under age 15 are barred from work in industry or on ships; those under age 18 may not work underground or in mines. The commissioner of labor is responsible for enforcing child labor laws, but few resources were devoted to investigating child labor cases. Given low wages and high unemployment, there was little incentive to employ child labor.

*e. Acceptable Conditions of Work.*—The minimum wage rate is \$0.20 (SI\$1.50) per hour for all workers except those in the fishing and agricultural sectors, who receive \$0.17 (SI\$1.25). The legal minimum wage did not provide a decent standard of living for an urban family living entirely on the cash economy. However, most families were not dependent solely on wages for their livelihoods.

The law regulates premium pay, sick leave, the right to paid vacations, and other conditions of service. The standard workweek is 45 hours and is limited to 6 days per week. There are provisions for maternity leave and for premium pay for overtime and holiday work.

Both an active labor movement and an independent judiciary provided enforcement of labor laws in major state and private enterprises. The commissioner of labor, the public prosecutor, and the police are responsible for enforcing labor laws; however, they usually reacted to complaints rather than routinely monitoring adherence to the law. The extent to which the law was enforced in smaller establishments and in the subsistence sector was unclear. Safety and health laws appeared to be adequate. The Safety at Work Act requires employers to provide a safe working environment and forbids retribution against an employee who seeks protection under labor regulations or removes himself from a hazardous job site. Laws on working conditions and safety standards apply equally to foreign workers and citizens.

## THAILAND

Thailand is a constitutional monarchy with a population of more than 65 million. The king is revered and exerts strong informal influence. The interim prime minister, appointed by military leaders of the September 2006 coup, who called themselves the Council for National Security (CNS), continued to govern together with a cabinet consisting mostly of technocrats. A royal command on January 1 convened a Constitutional Drafting Assembly, whose members were chosen by the CNS, to draft a new Constitution. On August 19, a majority of voters approved the new Constitution in a referendum that observers generally considered free and fair. On December 23, the interim government held multiparty elections for the lower house of Parliament in which the People's Power Party, led by Samak Sundaravej, won a plurality of seats. The election process was generally viewed as free and fair, but there were widespread allegations of vote buying. The interim civilian authorities appointed by the September 2006 coup leaders generally maintained effective control of the security forces, although the military continued to play a role in maintaining internal security.

The interim Constitution in force until August 24 did not provide citizens the right to change their government; however, it established a process to draft a new

Constitution that restored this right. Security forces continued at times to use excessive force against criminal suspects and also committed or were connected to extrajudicial, arbitrary, and unlawful killings. There were reports that police tortured, beat, and otherwise abused detainees and prisoners, many of whom were held in overcrowded and unsanitary conditions. The interim government maintained some limits on freedom of speech, freedom of the press, and freedom of assembly that were imposed following the coup. The longstanding practice of bringing defamation suits encouraged self-censorship by the media and nongovernmental organizations (NGOs). Human rights workers, particularly those focusing on the violence in the south, reported harassment and intimidation. The country remained a source, transit, and destination for trafficking in persons for a variety of purposes, including indentured servitude, forced labor, and prostitution. Members of hill tribes without proper documentation continued to face restrictions on their movement, could not own land, and were not protected by labor laws.

Violence by ethnic Malay separatist insurgents in the southern part of the country against symbols and representatives of government authority as well as against civilians resulted in hundreds of killings in the provinces of Narathiwat, Yala, Pattani, and Songkhla. There were also reports of abuses by security forces. The Government maintained the 2005 emergency decree for these provinces, giving police and civilian authorities significant powers to restrict certain basic rights, delegating certain internal security powers to the armed forces, and providing security forces broad immunity from prosecution. A separate martial law, which the military declared in September 2006 following the coup and which provided a broader range of powers to the military alone, also remained in effect throughout the country until January 26, when it was lifted in 41 provinces; however, martial law remained in force in 20 of the country's 76 provinces and portions of 15 other provinces.

#### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—There were no confirmed reports that the Government or its agents committed any politically motivated killings; however, security forces continued to use excessive, lethal force against criminal suspects and committed or were connected to numerous extrajudicial, arbitrary, and unlawful killings, including killings by security force personnel acting in a private capacity.

According to the Ministry of Interior's Investigation and Legal Affairs Bureau, during the year 751 persons died in prison or police custody, 52 due to the actions of police officers. Authorities attributed most of the deaths to natural causes.

On March 22, four unidentified men killed Nopphon Chaiwichit and injured his daughter in Nakhon Si Thammarat Province after Nopphon accused Michai Nokkaew, a police officer in the province, of involvement in the disappearance of his wife's son-in-law and her daughter in 2003 and 2006, respectively. At year's end an investigation was ongoing, but no individuals had been arrested. According to the police, Michai remained on active duty in the police force.

Villagers in Phang Na Province alleged that on April 20, a police lieutenant colonel shot and killed Thinnawut Phumuda and Phatphong Sisamut after a disagreement at an entertainment complex. At year's end prosecutors had not filed charges.

On December 15, an Interior Ministry security official in Mae Hong Son Province reportedly shot and killed Aie Oo, a Karenni refugee, following heightened tensions between refugees and government officials at the Ban Nai Soi refugee camp. At year's end an investigation was ongoing, but no one had been arrested.

In January public prosecutors declared there was insufficient evidence to prosecute Napintorn Srisunpang, a former senator charged with planning the May 2006 shooting of former member of Parliament Kopkul Nopamornbodee. At year's end court proceedings against the five accused gunmen were ongoing.

There were no developments in the Justice Ministry's investigations regarding the extrajudicial killings of at least 1,300 persons in the 3-month "War on Drugs" campaign in 2003 conducted during the Thaksin government (2001–06). In March the Royal Thai Police (RTP) established a committee to review the killings. In May the committee publicly stated that it had identified 1,541 cases to investigate. In August the Justice Ministry established an independent commission chaired by a former attorney general to investigate the killings.

There were no developments in the cases of the March 2006 killing of land rights activist Saharat Suramit, the August 2006 killing of Democrat Party activist Charan Iamphaibun, or the October 2006 killing of Narathiwat village headman and human rights activist Muhammad Danai Tanyeenoo.

No progress was reported in the investigations of the December 2006 bomb attacks in Bangkok and Nonthaburi, in which three persons were killed and 32 injured.

In February a provincial court acquitted the alleged planner of the 2005 killing of Worayut Wutthaphanit, a candidate for the Nong-ri Tambon Administration Organization chairmanship, while sentencing the gunmen, who had pleaded guilty, to life imprisonment. On March 20, two of the five persons accused of killing Thiwa Phakpuppha, a Thai Rak Thai Party activist in Ayutthaya Province, were convicted of murder and sentenced to life imprisonment; the other three were acquitted. The two convicted individuals appealed the verdict, and the case was pending at year's end. There were no developments with regard to other 2005 campaign period killings.

According to the Thailand Mine Action Center, there were no reported landmine casualties during the year.

*b. Disappearance.*—There were no reports of politically motivated disappearances. In contrast with 2006, there were no confirmed reports that individuals disappeared after being questioned by security officials in the southern provinces.

On July 24, unknown individuals abducted Anukorn Waithanomsak, an assistant to a leader of the United Front of Democracy Against Dictatorship (UDD), a group that led rallies in opposition to the September 2006 coup and the new Constitution. He was reportedly kidnapped at gunpoint, beaten, threatened, and restrained overnight in an abandoned building before freeing himself. The UDD alleged that members of the military were involved in the abduction.

The Government continued to investigate cases in which the Thaksin government was suspected in the disappearance of alleged southern insurgents from previous years; however, at year's end no individuals were charged in connection with reported disappearances of suspected insurgents.

Human rights organizations and legal advocacy groups noted some progress in the investigation of the 2004 robbery and abduction of Muslim attorney and human rights activist Somchai Neelaphajit, but they complained of the slow pace of the Government investigation into his disappearance. In early January the National Counter-Corruption Commission (NCCC) established a subcommittee to investigate a 2004 police torture case that NGOs hoped would reveal additional evidence regarding the disappearance of Somchai, who had represented the alleged victims in the case. At year's end the appeal of police Major Ngern Thongsuk, convicted on January 12 of coercion for his role in forcing Somchai into a car, was pending in court. Human rights NGOs alleged that Ngern remained on duty, but the police stated that Ngern had been terminated. The Ministry of Justice's Department of Special Investigations continued to investigate Somchai's disappearance. The Supreme Administrative Court dismissed a March complaint against the RTP filed by Somchai's wife, accusing the police of failing to take disciplinary action against the officers accused of involvement in Somchai's disappearance.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution specifically prohibits such practices. Nevertheless, NGOs and legal organizations continued to report that members of the police occasionally tortured and beat suspects to obtain confessions. There were newspaper reports of numerous cases in which citizens accused police of using brutality. Investigations were undertaken in many of the cases, including several in which the accused police officers were suspended pending the results of internal investigations.

The media reported that a noncommissioned military officer received medical attention for injuries that he sustained on January 23 while being interrogated by the police in Lop Buri Province. Police suspected the officer of involvement in the December 2006 Bangkok bombings.

There were no developments in an April 2006 suit filed by Sakhon Khamto against police who allegedly beat her to force a confession while in police custody.

The National Human Rights Commission (NHRC) closed an investigation into the complaint that in 2005 a police officer in Tak Province forced his way into a home, threatened and beat an older woman, and tried to rape an 18-year-old Burmese migrant worker. The NHRC stated that the victims could not identify their attacker from pictures of police working in the area.

*Prison and Detention Center Conditions.*—Prison conditions were poor. Prisons and detention centers were overcrowded, with a population of approximately 167,000 inmates in facilities designed for 112,000 prisoners. Sleeping accommodations were insufficient, medical care was inadequate, and communicable diseases were widespread in some prisons. The corrections department employed 21 full-time doctors, 347 full-time nurses, and eight full-time dentists. There were also 23 part-



time doctors to supplement the permanent medical staff in 19 prisons. Seriously ill prisoners at times were transferred to provincial or state hospitals.

Prison authorities sometimes used solitary confinement of not more than 3 months to punish male prisoners who consistently violated prison rules or regulations, although the Department of Corrections maintained that the average confinement did not exceed 1 month. They also used heavy leg irons to control prisoners who were deemed escape risks and for prisoners serving life sentences or facing the death penalty.

On April 23, approximately 500 juvenile detainees rioted, reportedly due to rivalries between two gangs at a Nakhon Sawan juvenile detention facility that held approximately 1,200 detainees but was designed to hold only 500. Officials stated that overcrowding could have been a factor in the rioting, which led to the death of one juvenile detainee. In addition, one juvenile detainee and at least five guards were injured, and the facility was partially damaged. An investigation into the incident resulted in the transfer of 200 detainees to other detention facilities, which prison officials declared was intended to separate the rival groups.

Approximately 25 percent of the prison population consisted of pretrial detainees, who were not segregated from the general prison population. Men, women, and children often were held together in police station cells pending indictment. Separate facilities for juvenile offenders were available in all provinces, but in some locations juveniles were detained with adults.

Conditions in immigration detention centers (IDCs) remained poor. Immigration detention facilities were administered by the Immigration Police Bureau, which reported to the Office of the Prime Minister, and were not subject to many of the regulations that governed the regular prison system. There were credible reports that guards physically abused detainees in some IDCs. Overcrowding and a lack of basic medical care continued to be serious problems.

International observers reported deteriorated conditions for detainees in Bangkok's Suan Phlu IDC. Observers alleged that detainees had been sexually and physically abused while in detention. There were reports that detainees, including children, were not permitted to exercise at some facilities. Provincial authorities also admitted that overcrowding existed at the Mae Sai IDC in Chiang Rai.

Access to prisons was not restricted, and the Government permitted visits by independent human rights observers and the International Committee of the Red Cross (ICRC). ICRC representatives were allowed to meet prisoners without third parties present and could make repeated visits. However, at year's end the military had not replied to ICRC requests to visit military detention facilities in the four southernmost provinces, where detainees had allegedly been mistreated. In addition, on April 20, the Government announced that the Office of the U.N. High Commissioner for Refugees (UNHCR) would no longer be given access to detainees at the Suan Phlu IDC or the Suvarnabhumi Airport Detention Center in Bangkok.

*d. Arbitrary Arrest or Detention.*—The Constitution specifically prohibits arbitrary arrest and detention; however, government forces occasionally arrested and detained persons arbitrarily. In September 2006 the coup leaders decreed martial law, which gave the military authority to detain persons without charge for a maximum of 7 days. Martial law was in effect throughout the country until January 26, when it was lifted in 41 provinces, but it remained in force in all of 20 and portions of 15 of the country's 76 provinces.

The 2005 emergency decree covering the southern provinces grants authorities the power to detain suspects for up to 30 days without charge and make searches and arrests without warrants.

*Role of the Police and Security Apparatus.*—The RTP is under the direct supervision of the prime minister and a 20-member police commission. The RTP consisted of approximately 215,000 officers in 10 geographic regions. The police commissioner general is appointed by the prime minister and subject to cabinet and royal approval. The border patrol police have special authority and responsibility in border areas to combat insurgent or separatist movements. The interim civilian authorities maintained authority over the police and other security forces.

Corruption remained widespread among police officers. Police officials suggested that low pay made them susceptible to bribes. There were reports that police tortured, beat, and otherwise abused detainees and prisoners, generally with impunity. There were also reports that some police officers were involved in facilitating prostitution and trafficking in women and children, in particular by facilitating the passage of victims through police checkpoints on the border with Burma in the northern provinces.

Complaints of police abuse can be filed directly with the superior of the accused police officer, the Office of Inspector General, or the police commissioner general.

The NHRC, Law Society of Thailand, NCCC, and Office of the Prime Minister also accept complaints of police abuse and corruption, as does the Office of the Ombudsman.

When the police department receives a petition, an internal investigation committee first takes up the matter and may temporarily suspend the officer during the investigation. Various administrative penalties exist, and serious cases can be referred to the criminal court. The police department reported that 255 officers were charged with criminal offenses between January and August 2006. Of these, 97 were charged with murder or attempted murder. During the year the NHRC received approximately 100 complaints of police abuse.

Procedures for investigating suspicious deaths, including deaths occurring in police custody, require that the prosecutor, a forensic pathologist, and a local administrator participate in the investigation and that in most cases family members have legal representation at the inquests. However, these procedures often were not followed. Families rarely took advantage of a provision in the law that allows them to bring personal lawsuits against police officers for criminal action during arrests.

*Arrest and Detention.*—With few exceptions, the law requires police to obtain a warrant from a judge prior to making an arrest. In practice the system for issuing arrest warrants was subject to misuse by police officers who provided false evidence to courts to obtain arrest warrants. By law persons must be informed of likely charges against them immediately after arrest and must be allowed to inform someone of their arrest. The law provides for access to counsel for criminal detainees; however, lawyers and human rights groups claimed that local police often conducted interrogations without providing access to an attorney. Lawyers working in the southern provinces reported that under the emergency decree they were denied adequate access to detained clients, and some individuals in the southern provinces reported they were denied permission to visit detained family members. Foreign detainees sometimes were pressured to sign confessions without the benefit of a competent translator. The Ministry of Justice provided an attorney to indigent detainees at public expense.

Under normal conditions the law requires police to submit criminal cases to prosecutors for the filing of court charges within 48 hours of arrest, with extensions of up to 3 days permitted. Prosecutors may seek court permission to extend detentions for additional periods (up to a maximum of 84 days for the most serious offenses) to conduct investigations. Laws and regulations place offenses for which the maximum penalty is less than 3 years under the jurisdiction of the district courts, which have different procedures. In these cases police are required to submit cases to public prosecutors within 72 hours of arrest. Lawyers reported that police rarely brought cases to court within the 48-hour period. According to the Law Society of Thailand, pretrial detention of criminal suspects for up to 60 days was common. Unlike in 2006, there were no reports that Burmese activists were arrested and held on immigration violation charges.

The law provides defendants the right to bail, and the Government generally respected this right. However, some human rights groups reported that police frequently either did not inform detained suspects of their right to bail or refused to recommend bail after a request was submitted.

Under martial law the military had the authority to detain persons without charge for a maximum of 7 days. On January 20, a joint military and police force, citing martial law, arrested and detained 18 persons in connection with the December 2006 Bangkok bombings. An additional suspect was arrested on January 23. The suspects were released on January 26, but police charged one of them with offenses unconnected with the bombings.

On several occasions authorities detained individuals protesting the September 2006 coup. On March 15, police detained five anticoup protesters and charged them with obstructing officials in their duties and refusing to obey officials' orders. They were subsequently released on bail. At year's end the case was under review at the criminal court. On July 7, a joint police-military force in Chiang Rai arrested anticoup activist Sombat Boonngarmanong after he spoke at a public event, charged him with violating martial law and agitating for public disorder, and detained him for 24 hours at the Mengrai Maharaj military base before dropping the charges against him. On July 26, police arrested nine UDD leaders, charging them with instigating unrest and resisting orders from authorities in connection with a protest in front of the residence of Privy Councilor Prem Tinsulanonda on July 22 that subsequently turned violent. Police used tear gas to disperse the protest, in which approximately 200 persons, including 77 police officers, reportedly were injured. The detained leaders were released on bail. According to the UDD, at year's end prosecutors had not filed charges.

*Amnesty.*—On April 12, the king pardoned Oliver Jufer, a foreign citizen sentenced to 10 years' imprisonment on lese majeste charges. Jufer confessed to having sprayed black paint on photographs of the king on March 30 in Chiang Mai. On December 10, the king pardoned or reduced the sentences of approximately 25,000 prisoners as part of a royal amnesty marking his 80th birthday.

*e. Denial of Fair Public Trial.*—The new Constitution provides for an independent judiciary. Although the judiciary generally was regarded as independent, it was subject to corruption and outside influences. According to human rights groups, the lack of progress in several high-profile cases involving alleged abuse by the police and military diminished the public's trust in the justice system and discouraged some victims of human rights abuses (or their families) from seeking justice.

The civilian judicial system has three levels of courts: Courts of first instance, courts of appeal, and a supreme court. The new Constitution reestablished an independent constitutional court that, under the provisions of the interim Constitution, had been replaced by a constitutional tribunal composed of justices from the Supreme Administrative Court and the Supreme Court of Justice. A separate military court hears criminal and civil cases pertaining to military personnel as well as those brought during periods of martial law. Islamic (Shari'a) courts hear only civil cases concerning Muslims.

*Trial Procedures.*—There is no trial by jury. A single judge decides trials for misdemeanors; two or more judges are required for more serious cases. The new Constitution provides for a prompt trial, although a large backlog of cases remained in the court system. While most trials are public, the court may order a closed trial, particularly in cases involving national security, the royal family, children, or sexual abuse. Under the new Constitution, justices nominated to the Supreme Administrative Court are confirmed by the Senate and a judicial commission consisting of 10 court judges and three officials appointed by the Senate and the Council of Ministers; procedures were undefined under the interim Constitution. All other judges are career civil servants whose appointments are not subject to parliamentary review.

The law provides for the presumption of innocence. In ordinary criminal courts, defendants enjoy a broad range of legal rights, including access to a lawyer of their choosing. A government program provided free legal advice to the poor, but indigent defendants were not provided with counsel at public expense automatically. The court is required to appoint an attorney in cases where the defendant disputes the charges, is indigent, or is a minor, as well as in cases where the possible punishment is more than 5 years' imprisonment or death. Most free legal aid came from private groups, including the Law Society of Thailand and the Thai Women Lawyers Association. There is no discovery process, so lawyers and defendants do not have access to evidence prior to the trial. The law provides for access to courts or administrative bodies to seek redress, and the Government generally respected this right.

Several NGOs expressed concern over the lack of adequate protection for witnesses, particularly in cases involving alleged wrongdoing by the police. The Office of Witness Protection in the Ministry of Justice had limited resources and primarily played a coordinating role. In most cases witness protection was provided by the police. Witnesses, lawyers, and activists involved in cases of alleged police abuse reported that protection was inadequate and that they were intimidated by the police sent to provide protection.

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

*Civil Judicial Procedures and Remedies.*—The law provides for access to courts and administrative bodies to seek redress in civil matters, and the Government generally respected this right.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The interim Constitution, by reference, prohibited such actions with some exceptions. The new Constitution specifically prohibits such actions, and the Government generally respected these prohibitions in practice. With a few exceptions, including crimes in progress, police are required to obtain a warrant from a court prior to conducting a search. The law provides standardized procedures for issuing warrants. Martial law gives military forces the authority to conduct searches without a warrant, and this authority was used on some occasions during the year.

The emergency decree covering the southern provinces also allows authorities to make searches and arrests without warrants. The Law Society of Thailand received multiple complaints from persons in the south claiming that security forces abused this authority; however, the decree provides security forces broad immunity from prosecution. At year's end both the emergency decree and martial law were in force in the southernmost provinces.

There were reports that police conducted warrantless searches for narcotics in villages in the northern provinces, although officials sometimes cited martial law as a pretext for the search. Warrantless searches are permitted in cases in which there is reasonable suspicion and an urgent search is deemed necessary.

Security services monitored persons, including foreign visitors, who espoused extremist or highly controversial views.

Citing martial law, in early January military and police officials searched 18 locations in Bangkok and surrounding provinces for evidence relating to the December 2006 Bangkok bombings.

In Bangkok on July 18, police and military officials without warrant confiscated posters in front of former senator Prathip Ungsongtham Hata's residence; the posters, which belonged to Hata, contained messages critical of the new Constitution. Eyewitnesses reported that the soldiers destroyed some posters during the process and entered Prathip's residence for an additional search, also without a warrant. On July 30, Prathip filed a complaint, which was pending at year's end.

On July 27, former Thai Rak Thai member of Parliament Waiphot Aphonrat claimed that military officials raided his residence in Kamphaengphet Province and, citing martial law, confiscated anticonstitution leaflets, banners, and T-shirts.

During the year Angkhana Neelaphajit, the wife of Somchai Neelaphajit, a plaintiff in a case against police for the abduction of her husband and an outspoken critic of forced disappearances, was placed under a Ministry of Justice protection program as a result of threats to her safety, particularly as police officers acquitted of the robbery and abduction of Somchai Neelaphajit remained on active duty in the police force. Angkhana was reportedly labeled an "instigator" after her involvement in October and November court proceedings challenging the detention of individuals suspected by the authorities of involvement in southern violence. She allegedly also received threatening telephone calls from individuals she believed to be high-ranking military officials.

Members of indigenous hill tribes continued to face forced evictions and relocation. Due to lack of proof of citizenship and land ownership, they were forced to move from areas they had cultivated for decades.

A land committee was established under the National Poverty Reduction Program to deal with land disputes in areas affected by the 2004 tsunami. According to the Thai Communities Foundation, 13 communities had resolved conflicts and received long-term land tenure. An additional 224 communities continued efforts to resolve land disputes.

*g. Use of Excessive Force and Other Abuses in Internal Conflict.*—The internal conflict in the ethnic Malay, Muslim-majority southernmost provinces (Narathiwat, Pattani, Yala, and portions of Songkhla) continued throughout the year. Insurgents carried out almost daily bombings and attacks that caused death and injuries. An emergency decree in effect for the four provinces gives police and civilian authorities significant powers to restrict certain basic rights and delegates certain internal security powers to the armed forces. The decree also provides security forces broad immunity from prosecution. The September 2006 martial law, which remained in effect in the four provinces throughout the year, gives a broader range of power to the military.

The interim government continued making conciliatory gestures towards southern ethnic Malay Muslims, including repeated statements that it intended to resolve the conflict peacefully. However, government forces were accused of extrajudicial killings, arbitrary arrests, and torture of individuals suspected of involvement with separatists. As a result of a series of increasingly provocative attacks, tension between the local ethnic Malay Muslim and ethnic Thai Buddhist communities continued to grow.

*Killings.*—According to Issara News Institute statistics, during the year separatist violence resulted in the deaths of 867 individuals in 2,025 separate incidents. However, other sources believed the death toll was higher. As in previous years, the separatists frequently targeted government and religious representatives, including teachers, monks, and district and municipal officials. On March 14, gunmen ambushed a van in Yala and killed eight Buddhist passengers, including two teenage girls. On March 21, one soldier was killed and three injured in a firefight with militants in Narathiwat. On May 9, seven soldiers in Narathiwat were found dead with gunshot wounds in the head.

Human rights NGOs alleged that during the year the security forces extrajudicially killed at least a dozen individuals suspected of involvement with the insurgency, although army officials denied these allegations.

While insurgents typically targeted "figures of authority," NGOs monitoring the situation observed that instances of attacks on civilians appeared to increase. Bomb-

ings and targeted killings, sometimes in public areas, resulted in death and injury on an almost daily basis. According to police statistics, at least 869 civilians reportedly were killed and 1,254 were injured as a result of separatist violence during the year. On February 18 and 19, militants staged a series of shootings, arson attacks, and bombings in Narathiwat, Pattani, Yala, and Songkhla that killed nine and injured approximately 70 persons. On May 27, seven coordinated explosions in Hat Yai City in Songkhla Province injured 13 persons, while a bomb in Songkhla's Saba Yoi District market killed four and injured 26.

Some government-backed civilian defense volunteers, most of them ethnic Thai Buddhists from villages in the south, continued to receive basic training and weapons. Human rights organizations expressed concerns about vigilantism against ethnic Malay Muslims by these defense volunteers and other civilians. On March 14, three ethnic Malay Muslims were killed and 20 injured in a Yala mosque and tea-shop following the deaths of eight ethnic Thai Buddhists in a van ambush on the same day. On April 9, four ethnic Malay Muslim youths were killed in Yala by what the press reported were government-backed ethnic Thai Buddhist village defense volunteers.

On April 13, soldiers shot and killed two teenagers in Pattani, reportedly mistaking them for militants. The army agreed to pay approximately \$25,500 (850,000 baht) in compensation to the families of the victims.

In mid-May in Yala, security forces allegedly killed four persons in two separate incidents. From May 31 to June 4, several thousand ethnic Malay Muslims protested in Pattani's Central Mosque, leading to the establishment of an independent commission designed to serve as a focal point for complaints against the Government in Pattani, Songkhla, Yala, and Narathiwat. The commission alleged that the Government had not provided operational funding for the commission's activities.

On September 5, Wae-asae Madeng, an imam in Narathiwat Province, was reportedly shot and killed while riding his motorcycle to a local market. An investigation into the killing was ongoing at year's end; no individuals had been arrested in the case. On October 10, Asae Dengsa, also an imam in Narathiwat, was reportedly killed by alleged separatists. On November 28, suspected insurgents reportedly shot, hacked, and crucified a Muslim man, allegedly for cooperating with security officials.

In contrast with 2006, there were no reports that Buddhist monks were killed as a result of southern violence, although monks were attacked and injured in Pattani on August 25.

Authorities arrested and charged 11 ethnic Malay Muslim villagers in connection with the 2005 killing of two marines in Narathiwat. At year's end the case remained in court. There were no developments in the 2005 killing of Satopa Yushoh, an imam in Narathiwat.

The Government completed the restoration of the Krue Se Mosque, which government soldiers damaged during fighting in 2004, and allocated an additional \$45,900 (1.53 million baht) for supplementary improvements; however, at year's end none of the officials named by government reports as being responsible for the killings had been arrested or tried.

In April the Songkhla Provincial Court convened a post-mortem inquest into the deaths of 78 ethnic Malay Muslim detainees at Tak Bai in 2004. NGOs alleged that local military officials threatened witnesses in the inquest to prevent them from testifying. On October 10, unidentified gunmen in Narathiwat shot Ma-usoh Malong, the husband of Yaena Solaemae. Some individuals believed the killing could have been intended to intimidate Yaena, a well-known human rights defender who was involved in the Tak Bai inquest. At year's end no individuals had been arrested in connection with the killing, and a police investigation was ongoing.

*Abductions.*—In March Human Rights Watch released a report documenting 22 cases of disappearances in the southern provinces between 2002 and October 2006 under the Thaksin and interim governments. In many cases the missing persons allegedly disappeared after being questioned by security forces. The RTP announced it would investigate the reported disappearances, but at year's end no individuals had been brought to trial or convicted.

At year's end the Central Institute of Forensic Science had yet to proceed with a project to exhume approximately 400 unidentified bodies from cemeteries in the south. The institute received court authority to proceed, and the Government collected DNA samples from members of the families who had filed complaints that members of their family had been abducted. However, due to budgetary constraints, the reported reluctance of provincial governors to allow remains to be transported across provincial borders, and alleged opposition from some law enforcement agencies, the work of identifying the bodies had not begun. The NHRC and other human

rights organizations believed that if this effort proceeded, more families in the south would report disappearances.

There were no developments in the May 2006 abduction of Wae-halem Kuwaekama from Joh Airong District in Narathiwat.

*Physical Abuse, Punishment, and Torture.*—The army was accused of torturing some suspected militants, mostly at the Royal Thai Army's Region Four Ingkayut Borihan military camp in Pattani and at other detention facilities in the region. The NHRC and the army investigated complaints by Sukri Ar-dam that military personnel at Ingkayut Borihan tortured him and five other suspected militants after their arrest on April 11 in connection with the February 8 beheading of an ethnic Thai Buddhist. The NHRC also investigated the July 22 death of Ashari Sama-ae, whom security forces allegedly beat while he was in custody prior to being transported to the Ingkayut Borihan camp and who later died while undergoing medical treatment at Yala Hospital.

Human rights organizations alleged abuse in the reported death of Sakareeya Pah Mani, who died on June 28 in Yala. Authorities reportedly explained that he was shot in an attack by unidentified persons while being transported from military to police custody that injured none of the military officers transporting him. However, an autopsy reportedly identified the cause of death as severe physical abuse.

On February 12, Royal Thai Army Chief and CNS Chairman Sonthi Boonyaratkalin ordered an investigation into the alleged November 2006 torture of Muhammad Ari Yusoh, a farmer from Narathiwat who claimed that soldiers tortured him while he was detained in a southern detention facility. At year's end the investigation reportedly was ongoing.

During the year the Justice Ministry and the NCCC opened investigations into the complaint that police beat four ethnic Malay Muslim men while they were in custody in 2004.

During the year the Government arrested hundreds of suspected militants, some of them juveniles, and in some cases held them for a month or more under provisions of the emergency decree and martial law. Human rights organizations considered the arrests arbitrary, excessive, and needlessly lengthy, and they expressed concerns about detention facility overcrowding. The media documented occasions in which security forces arrested all male occupants of a village or detained the elderly or infirm.

The emergency decree in effect in Yala, Narathiwat, and Pattani provinces plus parts of Songkhla, allows authorities to arrest and detain suspects for up to 30 days without charge. After the expiration of this period, authorities can begin holding suspects under normal criminal law. Unlike under martial law, these detentions require the consent of a court of law, although human rights NGOs complained that courts did not always exercise their right to review these detentions. Government statistics were not available, but at year's end police officials stated that thousands of persons had been arrested under these provisions and that approximately 10 percent of those arrested had been prosecuted. It was unclear whether any persons were detained in the south under the auspices of martial law alone during the year.

On September 7, the NHRC released the result of an investigation into the detention of 348 individuals detained by security forces in July under the emergency decree. The NHRC concluded that the basis for these arrests was unclear, that they were carried out at random, and that the arrest and detention of children contravened criminal laws because interrogation of children took place without the presence of an individual trained in child care. The NHRC noted that facilities in at least three military detention centers were inadequate and unsanitary and that the presence of visible wounds on the bodies of detainees indicated evidence of mistreatment while in government detention.

No members of the security forces accused of abusing detainees were criminally prosecuted, although some were reassigned internally.

Human rights organizations also expressed concerns over a government program to transfer approximately 400 detainees whom authorities declined to prosecute criminally to military camps in Chumporn, Ranong, and Surat Thani provinces. Military officials stated that detainees at these camps participated in a 4-month, government-run vocational training program. While government officials insisted that participation in the training program was voluntary, there were reports that military officials threatened some detainees with prosecution for aiding the insurgency or blacklisting if they declined to participate. The military did not provide international organizations, such as the ICRC, access to these military facilities. There were also reports that the Government denied some detainees access to their family members while in government custody and that individuals were often detained in remote facilities that made family visitation difficult and costly.

On October 30, Surat Thani, Ranong, and Chumporn provincial courts ruled that the army could not compel participation in the vocation training program. However, the army prevented many detainees from returning to their homes until November 17 and 18, when the army lifted a July 22 order that prohibited many former detainees from traveling to or residing in Pattani, Yala, and Narathiwat for 6 months. In mid-November courts ordered the release of three detainees whom officials re-arrested on November 3–4, ruling that officials failed to present justifiable grounds for a new arrest.

*Child Soldiers.*—There were reports that separatist groups recruited teenagers under the age of 18 to carry out attacks.

*Other Conflict-Related Abuses.*—There were reports that separatists used women and children as human shields to confront or provoke security forces and restrict their operations. In response, on January 18, the police and military announced that they would start enforcing a provision of martial law that prohibits the gathering of more than 10 persons.

Insurgents burned more than 100 schools in the south. The Government periodically closed schools throughout the region in response to attacks against teachers and educational facilities. The Government frequently armed ethnic Thai Buddhist and some ethnic Malay Muslim civilians, fortified schools and temples, and provided military escorts to monks and teachers.

Separatist violence included attacks on medical facilities, such as the destruction of two government health centers in Yala on April 4. In August Human Rights Watch reported that the violence led many community health centers to reduce their working hours and that some doctors were less willing to visit patients outside of hospitals. According to the Public Health Ministry, 49 public health volunteers had been killed, 33 health volunteers had been injured, and 21 community health centers had been burned or bombed in the south since January 2004.

While official government statistics were not available, there were reports that a significant number of ethnic Thai Buddhists were fleeing violence-affected areas for other provinces in the country.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The new Constitution specifically provides for freedom of speech and of the press with some exceptions, as did the interim Constitution, although the Government continued to limit many rights during the year.

Prior to the September 2006 coup, freedom of speech and the press were often curtailed by government interference and the use of libel suits directed against journalists. In the immediate aftermath of the September 2006 coup, the broadcast media, particularly television and radio, were closely monitored and on occasion censored by the military government. In the days after the coup, there was also an increase in censorship online. The Government blocked numerous Web sites critical of the coup leaders, as well as those that expressed pro-Thaksin views, although most were accessible again by the end of 2006. In the months following the coup, the Government continued to pressure the media, particularly broadcast media, to cooperate on disseminating factual and constructive news and information; however, government interference on the media subsequently lessened. Print and broadcast media reported news critical of the interim government and the CNS, as well as statements and activities of the former prime minister.

On July 3, the cabinet lifted a decree issued by military coup leaders calling for the Ministry of Information and Communication Technology (MICT) to “censor, prevent, block, and destroy dissemination” of information carried on the telecommunications networks that contained “articles, messages, verbal speech, or any other discourse” that could undermine the coup leaders.

On August 29, the National Legislative Assembly passed the Printing Act, nullifying the 1941 Printing Act that required newspaper publishers to be licensed and granted authorities the power to shut down newspapers. The new law, which went into effect on December 19, also abolished amendments to the 1941 Printing Act and three past Revolutionary Announcements that further inhibited press freedom. Print journalists and media activists welcomed the legislation and viewed it as a positive step toward advancing press freedom.

By law the Government may restrict freedom of speech and freedom of the press to preserve national security, maintain public order, preserve the rights of others, protect public morals, and prevent insults to Buddhism. Lese majeste laws also make it a criminal offense to criticize the monarchy and some members of the royal family. The law permits police to close newspapers or printing presses in times of war or national emergency, but only with a court order. The law allows police under a court order to restrict or confiscate publications and other materials for disturbing the peace, interfering with public safety, or offending public morals. The Govern-

ment could restrict print or broadcast media through the Emergency Decree imposed in July 2005. The decree empowers the Government “to prohibit publication and distribution of news and information that may cause the people to panic or with an intention to distort information.” The Emergency Decree also authorizes the Government to censor newspapers and ban publications. None of these powers was used during the year.

The Government and large media conglomerates, some close to the deposed Thaksin government, retained ownership of large stakes in many prominent newspapers.

Government entities retained ownership and control of all radio and television stations, including the 524 officially registered “regular” AM and FM stations. The military and police services also retained ownership of another 244 radio stations, ostensibly for national security purposes. Other owners of national broadcast media included the Government’s Public Relations Department (PRD) and the Mass Communication Organization of Thailand, a former state enterprise of which the Government still owned a majority share. Almost all of the stations were leased to commercial companies.

At year’s end the case of the June 2006 shooting of journalist Manop Ratanajaroongporn in Phang Nga Province was pending. There was no resolution of the November 2006 killing of Santi Lammaneeenil, owner of the Pattaya Post and freelance reporter. There were no developments in the 2005 killings in Pattani Province of Phruttiphong Marohabut, an iTV cameraman, and Pongkiat Saetang, editor of the Hat Yai Post. Most were believed to have been targeted for their politically sensitive reporting.

Print media criticism of political parties, public figures, and the Government was common. Journalists generally were free to comment on government activities and institutions without fear of official reprisal; however, they routinely practiced self-censorship, particularly with regard to the monarchy and national security.

The Government both directly and indirectly censored broadcast media, and self-censorship was also evident. Broadcast media nevertheless reported criticism of the Government but were severely constrained in transmitting reports in support of Thaksin.

On January 10, the CNS secretary general summoned several dozen editors and media executives to army headquarters and warned that strict measures would be taken against those who ignored a CNS request to present only “constructive” news. Despite the warning, broadcast media continued to report criticism of the Government.

In general, international media were allowed to operate freely, although with some exceptions. On January 15, the Government blocked a CNN broadcast of an interview with Thaksin.

On March 18, government authorities interrupted the signal of People’s Television (PTV) 10 hours into its first broadcast. The newly established satellite-based station, owned by members of the former ruling Thai Rak Thai party, was originally scheduled to begin broadcasting on March 1, but it was delayed allegedly due to the refusal by the state-run Communications Authority of Thailand and the Telephone Organization of Thailand to connect PTV’s signal to a satellite transponder. The station reportedly began broadcasting on March 17, and at year’s end it operated both online and via satellite.

On February 27, the cabinet decided to revoke the license of iTV, the television station sold by Thaksin to Temasek Holdings of Singapore in January 2006, if it could not pay fines and back-concessions fees totaling approximately \$3.07 billion (102.2 billion baht) within 1 week. On March 6, iTV went off the air and reopened 2 days later as Thailand Independent Television (TITV), operated by the PRD. On June 24, TITV employees lodged a complaint against government authorities with the Thai Broadcast Journalists Association (TBJA), claiming the authorities ordered them not to broadcast reports criticizing government policies. The case remained under investigation by the association at year’s end. On December 21, the PRD ordered the transfer of 16 TITV news editors and directors to inactive posts. On December 22, the TBJA called for an explanation of the abrupt transfers, suggesting they could affect the station’s reporting of the December 23 election. The media reported that the PRD allegedly pressured TITV officials not to broadcast an interview with Thaksin that was originally scheduled for December 25.

Three popular television talk show hosts, one of them People’s Power Party (PPP) leader Samak Sundaravej, were each given 2-year jail sentences on defamation charges stemming from statements made in 2005 and 2006 against government officials. The Committee to Protect Journalists denounced the sentencing, claiming that such decisions would lead to more self-censorship among journalists. At year’s end the three were free on bail, and their cases awaited appeal.



During the year there were no reports that journalists were jailed for reporting on politically sensitive issues.

On December 18, a criminal court reportedly fined the Manager Media Group \$3,000 (100,000 baht) and sentenced an editor at the Manager newspaper to 6 months' imprisonment for the libel of the director of the National Park, Wildlife, and Plant Conservation Department. On December 25, a court ruled on charges filed during the Thaksin government and sentenced Sondhi Limthongkul, the owner of the Manager and an outspoken critic of Thaksin's government, to 3 years' imprisonment for libeling Thaksin during antigovernment rallies in March 2006. Sondhi was released on bail and vowed to appeal the ruling. Nevertheless, there were no reports that the interim government used libel laws to suppress criticism of political or other leaders.

Contrary to past years, newspaper editors made no reports that state-owned companies threatened to withdraw advertising contracts due to a particular newspaper's editorial tone. Likewise, there were no reports that the Government tried to discredit the conventional media by presenting government public relations tools as neutral media outlets.

Radio stations must renew their licenses every year, and radio signals are broadcast via government transmitters. Stations are required by law to broadcast 30-minute government-produced newscasts twice daily. The country's estimated 2,000 to 3,000 community radio stations operated under somewhat different regulations. Because broadcast regulations restrict radio frequencies to government entities, these stations technically operated outside the law, but most were allowed to continue broadcasting provided they registered with the Government. During the year the PRD shut down more than 20 community radio stations for allegedly using illegal frequencies and interfering with aviation communication. On May 17, the PRD ordered Confidante Radio FM 87.75 in Nonthaburi Province off the air following a telephone interview with Thaksin. At year's end the station was broadcasting content over the Internet. The Committee to Protect Journalists condemned the Government's actions against radio stations that broadcast content considered pro-Thaksin.

Following the September 2006 coup, no progress was made on the appointment of a National Broadcast Commission tasked with reallocating all broadcast frequencies and regulating the broadcast media. Provisions in the new Constitution call for the commission's establishment once a new government is seated.

In October government censors reportedly prohibited the PPP and the Motherland Party from broadcasting portions of political campaign advertisements deemed "divisive." The advertisements were reportedly permitted to be broadcast after the parties removed the offending portions.

The Government continued to prohibit the import and sale of *The King Never Smiles*, written by Paul Handley and published overseas.

On September 28, the Government prohibited the sale and distribution of *A Quarter-Century on Democracy's Thorny Path*, written by Sulak Sivaraksa. Authorities reportedly claimed that the book "undermined social order and public morals." Police reportedly confiscated copies of the book already on sale.

*Internet Freedom.*—Individuals and groups could generally engage in the peaceful expression of views via the Internet, including by e-mail; however, there were some limitations. There were some government restrictions on access to the Internet and reports that the Government monitored and blocked Internet chat rooms.

On July 24, the interim government enacted the 2007 Computer Crime Act, which creates new computer crime offenses, establishes procedures for the search and seizure of computers and computer data in certain criminal investigations, and gives the MICT authority to request and enforce the suspension of information disseminated via computer. Under the act a maximum 5-year jail sentence and a \$3,000 (100,000 baht) fine can be imposed for posting false content on the Internet that undermines public security, causes public panic, or hurts others. A maximum 20-year sentence and \$9,000 (300,000 baht) fine can be imposed if an offense results in the death of an individual. In addition, any service provider who intentionally consents to or supports the publishing of illegal content is also liable. It also obliges Internet service providers to preserve all user records for 90 days, in the event that officials wish to access them. Media activists criticized the law, stating that the offenses are defined too broadly and some penalties are too harsh.

In August, in two separate incidents, a well-known Web administrator and an Internet blogger were arrested and charged under the Computer Crime Act for allegedly posting comments considered critical of the monarchy. They were both released on bail, and at year's end prosecutors had not filed criminal charges in the case. There were unconfirmed reports by civil rights NGOs that these individuals

were arrested without a warrant and held for several days without access to legal representation.

On February 9, the advocacy group Freedom Against Censorship Thailand, claiming that more than 11,000 Internet sites were blocked, formally requested the MICT to disclose details of its list of blocked Web sites. The MICT reportedly denied the request. The MICT stated that approximately 200 sites, most of which were pornographic in nature, were blocked in the first 6 months of the year.

On April 3, the MICT banned the Web site YouTube in response to videos posted that were considered in violation of a law prohibiting criticism of the monarchy. The MICT lifted the ban on August 30 after YouTube agreed to block access to some content deemed illegal by the Government.

Several political Internet Web boards and discussion forums chose to self-censor and closely monitored discussions to avoid being blocked. On April 8, the Government shut down the political chat room Rajdamnoen temporarily, citing national security concerns. Posting later resumed under reportedly strict self-monitoring by Web site administrators and users. The Government intermittently blocked access to two pro-Thaksin Web sites during the year, although official explanations justifying the blockages were often not readily available. Access to the sites was generally restored within days. At year's end both sites were accessible from within the country.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom, either before or after the coup. Nakhon Pathom provincial police reportedly investigated Boonsong Chaisinghanon, a Silpakorn University philosophy professor, and threatened to charge him with lese majeste for asking students in an exam whether the monarchy was necessary for Thai society. However, at year's end the professor had not been charged.

During the year Chulalongkorn University political science professor Giles Ungpakorn reported that the university bookstore refused to sell his book *A Coup for the Rich*. The book was available for sale elsewhere.

Cultural events may be censored, usually for reasons of public decency. On December 20, the National Legislative Assembly amended the 1930 Film Act. The new law retains provisions of the original Film Act, under which theater owners and broadcasters must submit films they plan to show to the film censorship board for review. The board may ban a film if offending portions are not deleted. Reasons for censoring films include violating moral or cultural norms and disturbing the public order or national security. Theater owners and broadcasters frequently censored films themselves before submitting them to the board. According to the board, no films have been banned since 2003. During the year film director Apichatpong Weerasethakul reported that police refused to release a print of his film *Syndromes and a Century* until he agreed to censorship board demands to remove several scenes.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—While the interim Constitution did not specifically provide for freedom of assembly, the Government generally respected this right with some exceptions. The new Constitution specifically provides for freedom of assembly, although exceptions are made for martial law and states of emergency. Martial law, which gives the military authority to restrict freedom of assembly, was in effect in all of 20 provinces and portions of 15 others. A September 2006 decree prohibiting all political gatherings or political activities by political parties remained in effect until July 18, when the National Legislative Assembly voted to lift restrictions on political gatherings and party registration; the restrictions were lifted on August 18.

The emergency decree for the southern provinces allows the Government to limit freedom of assembly, but this provision was not used during the year.

Government officials in the provinces of Surat Thani and Rayong prohibited migrant workers—specifically those from Cambodia, Burma, and Laos—from forming gatherings, among other restrictions, while Phuket, Ranong, and Phang Nga provinces prohibited gatherings of more than five persons. Employers could request permission from authorities for migrant workers to hold cultural gatherings.

Through September anticoup groups, including the PTV, UDD, Saturday People's Movement Against Dictatorship, Confederation for Democracy, and September 19 Network Against the Coup d'Etat, among other organizations, staged a series of mostly peaceful protests in Bangkok and other areas against the coup leaders and the new Constitution, prior to its approval in August. The demonstrations drew as many as 30,000 participants. There were reports that police and military taskforces established roadblocks and questioned vehicle, bus, and train passengers to prevent persons from the north and northeast from traveling to Bangkok to participate in

the protests. Although demonstrators in Bangkok did not always possess the proper permits, the authorities allowed most demonstrations to proceed without incident.

On July 22, clashes between approximately 2,000 police and at least 3,000 UDD anticoup protesters resulted in the reported injury of approximately 200 protesters and 77 police in front of the home of Privy Council President Prem Tinsulanonda. According to eyewitness and media accounts, protesters initiated an unauthorized march to Prem's home and forced their way past police barricades. Police used tear gas and pepper spray to disperse the protesters, stating they decided to do so after attempts to negotiate a peaceful dispersal failed. On July 26, police detained nine protest leaders and charged them under the criminal code with holding an illegal assembly that caused unrest. The leaders were subsequently released on bail. According to the UDD, at year's end prosecutors had not filed charges. On September 26, the National Legislative Assembly voted to expel NHRC Commissioner Jaran Ditapichai from the NHRC as a result of his participation in the protest.

*Freedom of Association.*—While the interim Constitution did not specifically provide for freedom of association, the Government generally respected this right with some exceptions. The new Constitution specifically provides for freedom of association, although exceptions are made “to protect public interests, to maintain public peace and order or good morals, or to prevent economic monopoly.” On August 18, restrictions were lifted on the registration and formation of new political parties. Coup leaders had suspended such actions following the September 2006 takeover.

The Government prohibited individuals who were candidates in local elections from identifying with a political party under the provisions of the September 2006 decree prohibiting such activities. Officials indicated that until the decree was lifted on August 18, authorities prohibited political parties from campaigning on behalf of local candidates in 293 local elections held between September 2006 and August 17. The Government also prohibited candidates from distributing printed materials carrying the name of a political party or publicly identifying a political party as a candidate's sponsor.

On July 26, the National Legislative Assembly amended a law on political parties to prohibit the registration of parties with the same name or emblem as that of a dissolved political party. Legal experts maintained that the amended law was designed to inhibit the reregistration of the banned Thai Rak Thai party. The law took effect on August 18.

*c. Freedom of Religion.*—The interim Constitution, by reference, provided for freedom of religion, and the Government generally respected this right in practice; however, it restricted the activities of some groups. The new Constitution specifically provides for freedom of religion, provided that the religion is not contrary to a person's “civic duties, public order, or good morals.”

The Constitution requires that the monarch be a Buddhist. The state religion in effect is Theravada Buddhism, although it is not designated as such. Some Buddhist organizations called for the designation of Buddhism as the state religion in the new Constitution, but such a provision was not included.

Under the Religious Organizations Act, a new religion can be registered if a national census shows that it has at least 5,000 adherents, represents a recognizably unique theology, and is not politically active. A religious organization must also be accepted into one of the five officially recognized ecclesiastical groups: Buddhist, Muslim, Catholic (which includes four Protestant subgroups), Brahmin-Hindu, and Sikh. Since 1984 the Government has not recognized any new religious groups. Government registration confers some benefits, including access to state subsidies, tax-exempt status, and preferential allocation of resident visas for organization officials. Unregistered religious organizations did not receive these benefits but operated freely in practice.

The Constitution requires the Government “to patronize and protect Buddhism and other religions.” The Government subsidized activities of the three largest religious communities.

The 1962 Sangha Act specifically prohibits the defamation or insult of Buddhism and the sangha (Buddhist clergy). The penal code prohibits the insult or disturbance of religious places or services of all recognized religions in the country. Followers of the Santi Asoke sect of Buddhism were unable legally to refer to themselves as Buddhists because of theological disagreements with the Sangha Council, but they were able to practice their faith without restriction.

The Government stationed troops to protect religious practitioners and structures in communities where the potential for violence existed and provided armed escort for Buddhist monks where necessary.

Religious instruction is required in public schools at both the primary and secondary education levels. The Ministry of Education has formulated a course that contains information about all recognized religions in the country.

In the past “pondok” (traditional Islamic) schools were not required to register with the Government and had no government oversight or funding. Following the outbreak of violence in the southern provinces in 2004, registration with the Government was made mandatory. By year’s end the Government had registered 344 pondok schools in Yala, Pattani, and Narathiwat and 59 pondok schools in other provinces. Observers estimated that as many as 1,000 pondok schools operated in the south.

Muslims, who represent between 5 and 10 percent of the population nationwide and constitute the majority in four of the five southernmost provinces, experienced some economic discrimination. The Government attempted to address the problem by maintaining longstanding policies designed to integrate Muslim communities into society through developmental efforts and expanded educational opportunities. However, these efforts were often resisted amid charges of forced assimilation. Muslims outside of the southern provinces were much better integrated into society.

Government officials reportedly continued to monitor Falun Gong members and restrict their activities. The Falun Gong complained that immigration police prohibited refugee or exiled members of the group from leaving the country. The group also alleged that police forced the cancellation of an August 12 event at the royal grounds due to officials’ fears that the event would damage bilateral relations with China. The group indicated that police intermittently refused to grant permission to publish some literature about the Falun Gong movement. On September 18, police reportedly banned the distribution of the Falun Gong publication *Nine Articles Criticizing the Communist Party*, claiming the publication threatened public safety and morals. The Falun Gong abandoned a petition challenging the Government’s 2005 denial of their application to register as an association with the Office of the National Cultural Commission.

*Societal Abuses and Discrimination.*—Violence committed by suspected separatist militants in Narathiwat, Pattani, Songkhla, and Yala affected the ability of some ethnic Thai Buddhists in this predominantly ethnic Malay Muslim region to undertake the full range of their traditional religious practices. Buddhist monks and temples were targeted. A number of monks reported that they no longer were able to travel freely through southern communities. Monks also claimed that, due to fear of being targeted by militants, laypersons sometimes declined to assist them in their daily activities. During the year at least five Buddhist laypersons were reportedly beheaded, compared with one in 2006. According to media and academic sources, suspected insurgents beheaded at least three Muslims during the year.

As a result of a series of increasingly provocative attacks, tension between the local ethnic Malay Muslim and ethnic Thai Buddhist communities in the south continued to grow. Many persons presumed that the killing of Buddhist civilians was intended to increase interfaith tensions. Government officials and observers expressed concern that the violence could result in open communal conflict. However, there were no outbreaks of communal violence between the Buddhist and Muslim communities. Many Muslims complained of societal discrimination both by Buddhist citizens and by the central government. Many Muslims complained that Thai-language newspapers presented a negative image of Muslims and their communities, associating them with terrorists.

Insurgent groups in the south spread propaganda against Buddhists in the form of threatening pamphlets and flyers. There were allegations that some religious school teachers in the south preached hatred for Buddhists as well as for Muslims who cooperated with the Government and security forces.

There were no developments regarding the Hmong remains disinterred at the Wat Tham Krabok monastery in 2005. A Buddhist organization contracted by the monastery retained the remains pending relocation to another site.

The indigenous Jewish community is small, and there were no reports of anti-Semitic incidents.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The interim Constitution, by reference, provided for freedom of movement within the country, foreign travel, and emigration, and the Government generally respected these rights in practice; however, there were some exceptions. The new Constitution specifically provides for these rights but makes exceptions for “maintaining the security of the State, public peace and order or public welfare, town and country planning, or youth welfare.” The Government generally cooper-

ated with humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, asylum seekers, stateless persons, and other persons of concern, although with many restrictions.

Members of hill tribes who have not been granted citizenship were issued color-coded identity cards that reflected restrictions on their freedom of movement. Holders of such cards often were prohibited from traveling outside their province or district without permission from the district head. Offenders were subject to heavy fines and jail terms. Persons with no card could not travel at all.

Other longtime noncitizen residents, including hundreds of thousands of ethnic Shan and tens of thousands of members of other tribes, were required to seek permission from local authorities or the army for foreign and domestic travel.

Migrant workers may work only in certain provinces. The Government continued to offer illegal migrants the opportunity to be legally registered. Registration must be renewed each year. According to the Ministry of Labor, 558,269 migrants registered during the year, 507,774 of whom were from Burma. Migrants from Burma may apply for temporary passports at select Burmese border crossings. Burmese migrants possessing these temporary passports are able to legally reenter Thailand and work. The travel document is not valid for travel to third countries. Similar agreements are in place with the Governments of Laos and Cambodia. Under the law unregistered children of illegal migrants face arrest and deportation.

The law prohibits forced exile, and the Government did not practice it. Former prime minister Thaksin, who was not in the country during the September 2006 coup d'état, remained abroad at year's end. The Government stated Thaksin was free to return, but Thaksin stated he would not do so, citing safety concerns. On January 10, the Ministry of Foreign Affairs announced that it would revoke Thaksin's diplomatic passport, which former prime ministers had been able to retain, in response to Thaksin's political activities overseas. The Foreign Affairs Ministry added that Thaksin would remain entitled to hold an ordinary passport. In August and September, the Government issued arrest warrants against Thaksin and his wife in connection with corruption allegations.

*Internally Displaced Persons (IDPs).*—During the year the Government provided assistance to encourage 55 Buddhist families who had sought shelter at a Buddhist temple as a result of insurgent violence in November 2006 to return to their homes in Yala. By year's end all of the displaced families had returned home.

*Protection of Refugees.*—The country is not a signatory to the 1951 U.N. Convention relating to the Status of Refugees or its 1967 protocol, and the law does not provide for granting asylum or refugee status. The Government had reestablished a screening process for Burmese entering the official refugee camps, but the process stalled in most provinces during the year. While the Government generally cooperated with humanitarian organizations in assisting refugees, cooperation with the UNHCR deteriorated during the year as authorities detained increasing numbers of Hmong, North Korean, and Burmese Rohingya asylum seekers and refugees. The UNHCR was forbidden to conduct refugee status determinations or provide its protection mandate to these groups. However, the Government permitted a UNHCR monitoring presence at the main immigration detention center in Bangkok, where many of the new arrivals were imprisoned.

The Government continued to allow the UNHCR to monitor the conditions of the approximately 140,000 Burmese refugees living in nine camps along the Burmese border but prohibited the UNHCR from maintaining a permanent presence in the border camps. NGOs provided basic needs assistance in the camps. Authorities permitted the UNHCR to provide identification cards to registered refugees living in the camps.

During the year provincial admission boards (PABs) formally admitted 2,499 refugees into camps. Many of the refugees previously lived in the camps without formal permission. The Government agreed to permit third-country resettlement of camp refugees, and at year's end 14,636 persons were resettled from the camps. In April the UNHCR was prohibited from making refugee status determinations for Lao Hmong, North Koreans, and other vulnerable groups arriving in Thailand.

IDCs in several provinces and Bangkok were designated to house asylum seekers. Conditions in all IDCs were poor, with mental and physical health problems among the asylum seekers stemming from overcrowding and poor ventilation. In August an asylum seeker died in Bangkok's main IDC. A foreign observer reported that the man had received insufficient medical care to treat a chronic health condition.

The Government allowed NGOs to provide food, medical services, housing, and other services to Burmese who may have valid refugee claims but who resided outside the camps. Government officials periodically arrested Burmese outside designated camps as illegal aliens. Those arrested generally were taken to the border

and released without being turned over to Burmese authorities. Many returned to Thailand shortly thereafter.

In addition to the urban Burmese refugees, the UNHCR reported that after the September crackdown on prodemocracy protesters in Burma, 218 related new arrivals contacted the UNHCR and were provided temporary UNHCR identification documents. In November the Government announced a "fast track" PAB screening process for these cases. However, by year's end only a single case had been reviewed in this special process. The Government announced at year's end that several "pilot PABs" would convene in early 2008 to screen some of the new arrivals in the camps.

Approximately 200 to 300 Burmese asylum seekers were refused entry by border guards in separate instances in March and April. However, thousands of other asylum seekers were able to enter the country and gain entry into the refugee camps during the year. According to an NGO consortium long active on the border, there were approximately 20,000 unregistered asylum seekers in the nine camps. The Government did not deport any refugees who fled the September crackdown in Burma.

During the year the Government permitted NGOs to expand occupational training, legal assistance, and income generation programs in the camps.

From late 2006 to mid-year, several groups of Hmong asylum seekers were deported to Laos. The UNHCR was not permitted to review the refugee claims of these groups, nor were their refugee claims reviewed by government screening boards.

In practice the Government provided some protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution, although the Government adopted a tougher approach to resolve the situation of the approximately 7,800 Hmong who congregated in Huay Nam Khao, Phetchabun Province, some of whom appeared to have valid refugee claims. The Government reserved the right to repatriate the population at Phetchabun to Laos and has not granted the UNHCR permission to interview them to determine their refugee status. However, an internal screening system was reportedly put in place to identify those who might face harm if returned to Laos, and by year's end no forced repatriations had taken place. In June the Government relocated the population to a new army-managed camp with better living conditions. Food and basic health care were provided by an international NGO.

There were reports that local officials in Mae Hong Son Province prevented the departure of ethnic Karenni Paduang refugees that had been accepted by third countries for resettlement, presumably because the group's traditional practices were used to attract tourists to the area.

In November 2006 authorities in Bangkok detained 156 Hmong asylum seekers from Laos, including 90 children. In December 2006 authorities moved the group to the Nong Khai IDC, near the border with Laos. All individuals in this group had UNHCR "person of concern" status. In January the Government attempted to deport the group to Laos but aborted the effort following protests from the international community and resistance from the refugees themselves. After the Government deported a separate group of 161 Hmong to Laos in June, seven refugees escaped from the Nong Khai IDC. Following this incident, authorities confined the remaining 149 Hmong to their cells until September, when small groups were allowed out of their cells for medical care. The Government permitted the UNHCR to conduct weekly visits and a local NGO to provide supplementary food and toiletries. Several countries sought to consider the group detained at Nong Khai for refugee resettlement. However, at year's end authorities had not permitted resettlement processing to continue or release of the refugees from detention.

Human rights organizations called for the Government to provide education to children of illegal migrants.

*Stateless Persons.*—A significant but indeterminate number of stateless persons resided in the country. According to the Ministry of Interior, an estimated 220,000 individuals were deemed not to have "legal personal status" to be in the country and were not eligible to apply for citizenship. According to local NGOs, 337,000 individuals were without legal status in the country, although some were eligible to apply for citizenship. These stateless persons, most of whom are known as highlanders or hill tribes, were concentrated in the northern region. Many lived in poverty and as noncitizens did not have access to a variety of government services, such as health care, although an estimated 60,000 stateless children were reportedly registered in schools. The law prohibits many highlanders from traveling out of northern districts where they reside. The law also prohibits highlanders from participating in occupations reserved for citizens, most notably farming, although in practice officials permitted highlanders to undertake small-scale subsistence activities. NGOs speculated that the restrictions led to a greater likelihood of individuals engaging in illegal ac-

tivities such as drug production and trafficking, which historically has been prevalent among highlanders.

A cabinet resolution prohibits stateless persons from having equal legal access to citizenship. According to NGOs, legislation states that any person who entered the country illegally after October 1985 is ineligible for citizenship. Because the law considers that citizenship is passed from one's parents, the children of these stateless persons would not automatically be considered citizens and must provide evidence of having been born in the country to receive citizenship. However, because of poverty and restricted mobility of highlanders, documentation and evidence of birth was usually difficult to provide. In addition, those stateless persons who were born in the country and who may be able to prove citizenship eligibility often waived that privilege to classify themselves as "migrants" and gain access to certain jobs unavailable to stateless persons. In doing so, however, these individuals lost any basis for citizenship eligibility that they previously held.

In 2002 in Chiang Mai Province, the Ministry of Interior revoked the citizenship of 1,243 previously stateless persons on the basis of alleged corruption among government officials during their application for citizenship. These persons won a 2005 court case against the government, which has since restored citizenship to most of them. Nevertheless, 33 children born to these persons during the legal proceedings had not been granted citizenship by district officials.

Gender is a factor in the law for stateless persons. Children born to a Thai father and a noncitizen mother must apply for citizenship on the grounds of being born in the country, which can be difficult to prove for rural highlanders without access to hospitals. For children born out of wedlock, citizenship is automatically passed only by the mother.

In 2005 the Government passed a cabinet resolution permitting the estimated 377,000 individuals without legal status to remain in the country temporarily. This legally allowed for certain privileges, such as increased mobility between districts. However, district-level officials did not fully enforce this resolution, and police at inland checkpoints reportedly asked for bribes in exchange for allowing stateless persons to move from one district to another.

In 2005 the National Security Council adopted a policy that allows for individuals who reside in the country for 10 years to be eligible to apply for conditional citizenship, although the Government retains the authority to revoke their citizenship at any time. NGOs believed this strategy could help solve many of the citizenship problems of stateless persons; however, it does not have the force of law and was not enforced by district-level officials.

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

Following the September 2006 takeover, coup leaders repealed the Constitution, abolished both houses of Parliament, deposed the prime minister and his cabinet, cancelled national elections scheduled for October 2006, and promulgated an interim Constitution. The interim Constitution did not provide citizens the right to change their government peacefully; however, it established a process by which a new Constitution would be drafted and submitted to a referendum. The new Constitution, which voters approved in a national referendum on August 19, provides citizens the right to change their government peacefully through periodic, free, and fair elections based on universal, compulsory suffrage. The new Constitution provides for the election of all members of the 480-seat lower house of Parliament and 76 members of the 150-seat Senate. It also provides for the appointment of 74 additional members of the Senate by members of the judiciary and other regulatory bodies.

*Elections and Political Participation.*—A national election for the lower house of Parliament was held on December 23 and was generally considered free and fair; however, there were allegations of widespread vote buying, minor procedural irregularities, and scattered but unconfirmed reports of intimidation by local military and government officials. International observers stated that the state of martial law in effect in parts of the country during the election was inconsistent with international norms. On December 25, the Election Commission of Thailand (ECT) released unofficial results indicating that the PPP, led by Samak Sundaravej, won a plurality of 233 seats in the 480-seat lower house. On December 30, the ECT disqualified three PPP candidates for alleged vote buying. By year's end the ECT called for a revote in two parliamentary constituencies involving six parliamentary seats while continuing to investigate campaign-related violations possibly leading to further disqualifications. At least five political canvassers and local government officials reportedly were killed or injured during the election campaign; there was speculation that some of the killings may have been politically motivated. At year's end

the final composition of Parliament remained unclear, and the ECT had not officially endorsed the election results.

Following the September 2006 coup, the coup leaders appointed retired general Surayud Chulanont to serve as prime minister of an interim government and promulgated an interim Constitution that established an appointed 250-seat National Legislative Assembly (NLA), which formally convened in October 2006, in lieu of Parliament. The NLA functioned as the legislature through the end of the year. The new Constitution calls for the disbandment of the NLA when a new Parliament is formally convened.

In the August 19 constitutional referendum, 57 percent of voters approved the new Constitution, which was promulgated on August 24. The referendum was viewed as generally free and fair, although there were limited reports of vote buying and voter intimidation in some provinces. A bomb reportedly injured two persons near a referendum voting station in Narathiwat. Some groups reported that the Government restricted their ability to campaign against the Constitution. There were also reports that representatives of the military compensated local officials for mobilizing citizens to vote in favor of the Constitution.

On May 30, the Constitutional Tribunal ruled that the former ruling Thai Rak Thai (TRT) party violated the law by paying non-TRT politicians to create stand-in competitors to contest the April 2006 election, which was boycotted by opposition parties. The tribunal ordered the dissolution of TRT, Thai Ground Party, and Develop the Thai Nation Party and revoked the political rights of 111 TRT executive board members for 5 years, a restriction that prevents them from voting, holding elective office, or contesting elections. The party dissolution case, which had begun prior to the September 2006 coup, was prosecuted based on laws associated with the repealed 1997 Constitution. The penalty imposed was based on a September 2006 decree issued by the coup leaders and was significantly more severe than provided for by the laws in effect when the offenses occurred.

Although political parties refrained from most formal activities through August 18, when the Government lifted restrictions on political gatherings and party registration, politicians were active on an individual basis, participating in seminars and conferences and making statements to the press during this period. The Government also did not detain or arrest political party leaders for carrying out political activities during this period.

PPP officials alleged that the security forces conducted raids in Chiang Rai in October and November designed to intimidate PPP candidates, allegations that the military denied. Citing election laws, on November 16 the ECT publicly advised the 111 former TRT executive board members whose political rights had been revoked that they could not publicly campaign for, be photographed with, or provide advice to candidates competing in the December 23 elections. On November 28, an investigative subcommittee reporting to the ECT found that the CNS was acting with bias when it allegedly drafted documents that purportedly indicated the CNS planned to subvert the PPP. On December 12, the ECT ruled that the CNS had not acted improperly because the Constitution granted the CNS legal immunity and there was no evidence the CNS had implemented the plan.

There were 21 women in the 250-seat appointed National Legislative Assembly. Women held two cabinet positions in the interim government.

Few members of ethnic minorities held positions of authority in national politics. Muslims from the south held significant elected positions, although they continued to be underrepresented in appointed local and provincial government positions. There were 10 Muslim and eight Christian appointed members of the National Legislative Assembly. General Sonthi Boonyaratkalin, the chairman of the Council for National Security until his October 1 retirement from the army and appointment as deputy prime minister for security affairs, is a Muslim, as is former interior minister Aree Wongarya, who resigned from the Government on September 26.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption, although government implementation of these laws was weak and officials sometimes engaged in corrupt practices with impunity. The World Bank's worldwide governance indicators reflected that corruption was a problem.

On August 8, the criminal court issued an arrest warrant for a retired police officer in connection with the alleged bribery of two judges on the constitutional tribunal prior to its May 30 ruling dissolving the former ruling Thai Rak Thai Party. At year's end the case had not gone to trial.

In September and October, Information and Communication Technology Minister Sithichai Pokai-udom, Deputy Commerce Minister Oranut Osathananda, Interior Minister Aree Wongarya, Natural Resource and Environment Minister Kasem Sanitwong Na Ayuthaya, and Deputy Foreign Affairs Minister Sawanit Kongsiri resigned from the cabinet amid allegations by the NCCC that the ministers held



shares in private companies above the legal limit. Education Minister Wichit Srisarn, Public Health Minister Mongkol Na Songkhla, and Deputy Finance Minister Sommai Phasee did not resign amid allegations by the NCCC that they too held shares above the legal limit.

On December 11, the NCCC determined that 13 former constitutional court judges, four former members of the Election Commission, and three former ombudsmen had illegally approved pay increases for themselves. At year's end prosecutors had not prosecuted the individuals named in the NCCC determination.

On December 13, Deputy Finance Minister Sommai Phasee resigned from the cabinet after a criminal court sentenced him to 2 years' imprisonment for the 2004 defamation of an official at Thai Maritime Navigation Limited.

During the year the NCCC, the Assets Examination Committee (AEC), and the Office of the Auditor-General investigated allegations of corruption committed by the Thaksin government. On March 26, prosecutors filed charges against Thaksin in connection with the controversial \$2.1 billion (approximately 70 billion baht) sale of Shin Corporation in 2006. On June 21, prosecutors filed charges in connection with an allegedly improper land purchase in Bangkok. A criminal court issued an arrest warrant against Thaksin and his wife on September 3 when he failed to present himself at investigative proceedings concerning asset concealment allegations. Thaksin vowed to fight the charges in court, although at year's end court proceedings were pending Thaksin's return to the country.

On June 11, the AEC froze \$1.59 billion (52.9 billion baht) in assets belonging to Thaksin and his family, pending further investigations of Thaksin's wealth and court rulings on alleged corruption. In 12 additional actions between June 18 and November 19, the AEC froze an additional \$843 million (28.1 billion baht) in assets belonging to Thaksin and family.

In addition, the NCCC brought several other cases to court and reported that at the conclusion of its fiscal year in October, there were 5,619 cases pending investigation.

Public officials were subject to financial disclosure laws. Aside from the NCCC, AEC, and Office of the Auditor-General, the Anti-Money Laundering Office, Supreme Court, Ombudsman's Office, Administrative Court, and Ministry of Justice played a role in combating corruption.

Following the September 2006 coup, laws providing access to public information remained in force. There were no reports of government agencies denying citizens' requests for information. The new Constitution provides access to public information. If a government agency denies a citizen's request for information, a petition may be made to the Official Information Commission, and petitioners may appeal the commission's preliminary ruling to a commission appellate panel. According to the commission, the vast majority of petitions were approved. Requests for public information may be denied for reasons of national security and public safety.

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

A wide variety of domestic and international human rights organizations generally operated without government restriction, investigating and publishing their findings on human rights cases. However, NGOs that dealt with sensitive political issues, such as opposition to government-sponsored development projects, faced periodic harassment. Human rights workers focusing on the violence in the southern provinces were particularly vulnerable to harassment and intimidation by government agents and militant groups. Very few NGOs were accorded tax-exempt status, which sometimes hampered the ability of domestic human rights organizations to secure adequate funding. In early May the Government permitted the International Commission of Jurists (ICJ) to register an office, the first international human rights NGO reportedly permitted to do so.

On March 21, three unidentified gunmen reportedly shot and injured Sot Sutnak, an environmental activist in Surat Thani Province. According to police, Sot subsequently fled the province, fearing for his safety. At year's end no individuals had been arrested in connection with the shooting, and the police had suspended the investigation pending the victim's return to the province.

In mid-July military personnel reportedly intimidated human rights attorneys traveling with local and international journalists by searching their vehicle and attempting to confiscate documents and photographic equipment in Yala Province's Banang Sata District, where security forces earlier had detained villagers. Several days later authorities reportedly prohibited employees from the Working Group on Justice for Peace, a local human rights organization, from entering the village without a military escort.

In October an ICJ official was allegedly threatened in a Ranong court by an NHRC employee who was a witness in a case involving the detention of individuals suspected by the authorities of involvement in southern violence. Local military officials in the south also allegedly denounced human rights defenders and lawyers following these highly publicized October and November court proceedings, which led to the release of the detained individuals.

Officials from the Center for Redressing Problems for Highlanders alleged that military officials obstructed efforts to assist hill tribe villages in Chiang Mai and Chiang Rai by barring center representatives from entering hill tribe villages.

Some members of the domestic NGO Assembly of the Poor reported that the Government threatened to file various criminal charges and otherwise intimidated them because of their activities.

Government officials met and cooperated with visitors from the ICRC and the Office of the U.N. High Commissioner for Human Rights throughout the year. There were several visits by international Muslim leaders, including Organization of the Islamic Conference officials, to the southern provinces, some at the invitation of the Government.

The NHRC was active during the year. As an independent government entity, it submitted an annual evaluation of the human rights situation, proposed policies and recommendations for amending laws to the National Assembly, promoted measures to educate citizens on human rights, and investigated human rights abuses. The lack of power to prosecute or to punish violators prior to the promulgation of the new Constitution, which provides for the NHRC to file suits on behalf of victims of human rights abuses in the courts, hindered the NHRC's ability to carry out its mandate. Modest staffing and resources also hampered NHRC progress. Unlike in 2006, NHRC commissioners reported that the Government responded to most NHRC proposals or recommendations.

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

The Constitution provides for equal treatment without respect to race, gender, religion, disability, language, or social status; however, in practice some discrimination existed, and government enforcement of equal protection statutes was uneven.

*Women.*—Rape is illegal, although the Government did not always enforce the law effectively. The National Legislative Assembly passed criminal code amendments that went into effect on September 21 permitting authorities to prosecute spousal rape. Between October 2006 and September, the police stated that 5,269 rape cases had been reported, including six cases where the victim was killed. Suspects were arrested in 2,411 of these cases, including two of the cases resulting in the victim's death. During this period the police arrested 1,587 suspects for alleged rapes in previous years, including four cases resulting in the victim's death.

NGOs believed rape to be a serious problem. According to academics and women's rights activists, rapes and domestic assaults were underreported, in part because state agencies tasked with addressing the problem were not adequately funded, and law enforcement agencies were perceived to be incapable of bringing perpetrators to justice. Police sought to change this perception and encouraged women to report sexual crimes through the use of female police officers in metropolitan Bangkok and in three other provinces.

The law specifies a range of penalties for rape or forcible sexual assault, depending on the age of the victim, the degree of assault, and the physical and mental condition of the victim after the assault; penalties range from 4 years' imprisonment to life as well as fines. The law also provides that any individual convicted for a second time for the same criminal rape offense within 2 years is liable to increased penalties for recidivism. Victims of sexual abuse were eligible to receive state financial aid of up to \$900 (30,000 baht).

Domestic violence against women was a significant problem. The National Legislative Assembly passed a law aimed at addressing domestic violence, which went into force on November 12. The law imposes a fine of up to \$180 (6,000 baht) or as much as 6 months' imprisonment for violators and provides authorities, with court approval, the power to prohibit offenders from remaining in their homes or contacting family members during trial. The law implements measures designed to facilitate the reporting of domestic violence complaints and reconciliation between the victim and the perpetrator. Additionally, the law restricts the media's reporting on domestic violence cases in the judicial system.

A few domestic violence crimes were prosecuted under provisions for assault or violence against a person. Domestic violence frequently went unreported, and police often were reluctant to pursue reports of domestic violence. NGO-supported programs included emergency hot lines, temporary shelters, counseling services, and a television program to increase awareness of domestic violence, HIV/AIDS, and other

issues involving women. The Government's "one-stop" crisis centers, located in some state-run hospitals, continued to care for abused women and children, although several centers faced budget difficulties. State-run hospitals referred victims to external organizations when services at a hospital were not available.

Prostitution is illegal, although it is practiced openly throughout the country. Local officials with commercial interest in prostitution often protected the practice. Trafficking in women and children for prostitution was a serious problem. Government and NGO estimates of the number of women and children engaged in prostitution varied widely. A government survey during the year found that there were 54,719 adult prostitutes in registered entertainment establishments. However, NGOs believed there were between 200,000 and 300,000 prostitutes. The illegal nature of the work and the high incidence of part-time prostitutes made precise numbers difficult to assess.

There were reports that women were forced into prostitution in border areas, but the number of such cases was difficult to determine. Most prostitutes were not kept under physical constraint, but a large number worked under debt bondage. The law forbids child prostitution and subjects customers who patronize child prostitutes to criminal sanctions. NGOs and government agencies provided shelter, rehabilitation, and reintegration programs for children and women involved in the sex industry.

Sex tourism was a problem. According to the Ministry of Social Development and Human Security, there were no laws to specifically address sex tourism. Rather, the criminal code, laws on prostitution, and laws combating trafficking in persons contain provisions designed to combat sex tourism.

The law makes sexual harassment illegal but covers only persons working in the formal sector. The law specifies fines of not more than \$600 (20,000 baht) for individuals convicted of sexually harassing female or minor employees. State employees are not covered by the law but may request a disciplinary investigation. NGOs claimed that the legal definition of harassment was vague and prosecution of harassment claims difficult. Since 2005 the civil service commission's sexual harassment and bullying hot line reported recording 27 sexual harassment complaints, although none were received during the year. Fourteen complaints were investigated, but prosecution or disciplinary action was rarely sought, because most callers wanted only to seek consultations or did not provide enough information to permit an investigation to be pursued. Some complaints may have been settled out of court.

The Constitution provides for the equality of all citizens; however, some inequalities in the law remained. For example, a man may sue for divorce on the grounds that his wife committed adultery, but a woman faces the additional legal burden of proving that her husband has publicly acknowledged another woman as his wife. According to the Ministry of Social Development and Human Security, a foreign wife of a Thai man is eligible to apply for citizenship, while a foreign husband of a Thai woman is not eligible.

Police and military academies (except for the nursing academy) did not accept female students, although a significant number of instructors at the military academies were women. According to the Ministry of Social Development and Human Security, in 2006 women constituted 45 percent of the nonagricultural labor force. Women held 22 percent of managerial positions in publicly listed companies and 22 percent of high-level administrative positions in the Government sector. Women were able to own and manage businesses freely. Government regulations require employers to pay equal wages and benefits for equal work, regardless of gender. Nonetheless, discrimination in hiring was common, and women were concentrated in lower-paying jobs. In practice women received lower pay for equal work in virtually all sectors of the economy.

We Move, a league of more than 50 women's organizations, advocated legal reforms to address inequities in the treatment of women. The organization actively campaigned for gender-equality clauses in legislation and the new Constitution and encouraged women to seek elected positions on provincial government bodies.

*Children.*—The Constitution provides children equal protection.

According to NGOs, highlanders and other stateless individuals on occasion did not register births with the authorities because poverty and restricted mobility made it difficult to do so. These children would not automatically be considered citizens and must provide evidence of having been born in the country to receive citizenship. As noncitizens these unregistered children did not have access to a variety of government services, such as health care, and were prohibited from accessing professions reserved for citizens.

Education is compulsory for 9 years, and school tuition is free for 12 years. In general girls and boys attended primary and secondary schools in equal numbers. According to the Ministry of Education, during the year an estimated 91 percent of children completed grade six, 93 percent of children who entered grade seven in

2004 completed grade nine, and 85 percent of children who entered grade 10 in 2004 completed grade 12. Girls are prohibited by religious practice from enrolling in religious schools restricted to Buddhist monks or novices. Violence in the southern provinces, and particularly violence aimed at public school teachers, sporadically forced the temporary closure of public schools and disrupted the educational process in those areas.

Boys and girls had equal access to state-provided medical care.

The law provides for the protection of children from abuse, and laws on rape and abandonment carry harsher penalties if the victim is a child. During the year the law was amended to impose a jail term of 7 years' to life imprisonment for the statutory rape of children under the age of 15. In 2006 a nationwide, government-sponsored poll of high school students found that 5 percent of boys and 3 percent of girls had encountered sexual harassment. Police were reluctant to investigate abuse cases, and rules of evidence made prosecution of child abuse difficult. The law is designed to protect witnesses, victims, and offenders under the age of 18, and procedures with a judge's consent allow children to testify on videotape in private surroundings in the presence of a psychologist, psychiatrist, or other social worker. However, many judges declined to use videotaped testimony, citing technical problems and the inability to question accusers and defendants directly in court. Persons charged with pedophilia are charged under appropriate age of consent and prostitution laws. Victims' testimony is handled under the provisions of the Child Friendly Procedure Act.

Trafficking in children, including for commercial sexual exploitation, remained a serious problem. Pedophilia continued, both by citizens and by foreign sex tourists. In 2006 the government, university researchers, and NGOs estimated that there were as many as 30,000 to 40,000 prostitutes under age 18, not including foreign migrants. The Prostitution Prevention and Suppression Act makes child prostitution illegal and provides for criminal punishment for those who use prostitutes under age 18. Parents who allow a child to enter into prostitution also are punishable. According to government officials, during the year there were no arrests or prosecutions of parents who allowed a child to enter into prostitution. Custom and tradition made it rare for children to accuse their parents in court proceedings.

On November 13, the Supreme Court upheld a 36-year prison sentence for former deputy Senate speaker Chalerm Promlert, who was convicted in January of the statutory rape of four girls ages 13 to 16 who had been trafficked in Pathum Thani.

On November 20, a criminal court sentenced two Bangkok primary school teachers to 50 years' imprisonment for sexually abusing at least five children ages six to eight between June and August 2006.

A 2005 study widely cited by NGOs and state agencies estimated that there were approximately 20,000 street children in major urban centers. The children were referred to government-provided shelters, but many, especially foreign migrants, reportedly avoided the shelters due to fear of being detained and expelled from the country. According to the government, citizen street children were sent to their home provinces and placed in occupational training centers.

Street children were often left out of national reports on child labor issues, and national statistics on street children often included only citizens.

Organized gangs frequently exploited street children as beggars or to sell flowers or other items. Many of these children were forced to turn over their daily earnings to the gang and were paid extremely low wages, often less than \$1 (34 baht) a day. There were reports of street children who were bought, rented, or forcibly "borrowed" from their parents or guardians to beg alongside women on sidewalks and overpasses. This was particularly true in areas of the capital frequented by tourists. Working conditions for these children were poor, leaving them exposed to the elements for long periods of time and vulnerable to further exploitation.

Children were tried in the same courts as adults and detained with adults in some regions of the country. There were 95 Juvenile Observation and Protection Centers for underage offenders, with at least one such facility located in each province.

There were many local NGOs that promoted children's rights. Employer organizations, such as the Employers' Confederation of Thailand, also were involved in child labor issues and received good support from the Government.

*Trafficking in Persons.*—The existing law prohibits some forms of trafficking in persons related to sexual exploitation. However, a new comprehensive antitrafficking law approved by Parliament on November 28 extends the definition of trafficking in persons to include trafficking for the purpose of labor exploitation. The new law was scheduled to go into effect in mid-2008 and for the first time would allow men above the age of 18 to be classified as trafficking victims. Under existing law, men above the age of 18 cannot be considered victims of trafficking.

There were reports throughout the year that persons were trafficked to, from, or within the country for a variety of purposes. Women and children (particularly girls) tended to be the most frequent trafficking victims for sexual exploitation. However, credible studies and evidence accumulated from a number of cases suggested that the trafficking of men for labor exploitation, especially migrant workers, was also prevalent, although to a lesser extent than for women. The trafficking of men, women, and children into such fields as commercial fisheries and seafood processing was significant in the Samut Sakhon region. Some portion (thought by the U.N., NGOs, and the Government to be a minority) of the estimated 200,000 to 300,000 sex industry workers in the country were either underage or in involuntary servitude or debt bondage. Young migrant women and girls, particularly from Laos, were found employed in indentured servitude.

Within the country women were trafficked from the impoverished northeast and the north to Bangkok for sexual exploitation. However, internal trafficking of women appeared to be on the decline, due to prevention programs and better economic opportunities. Women also were trafficked to Japan, Malaysia, Singapore, Bahrain, Australia, South Africa, Europe, and the United States, chiefly for sexual exploitation but also to some destinations for sweatshop labor. Men, especially migrant workers from Burma, were trafficked into the country for commercial fisheries; seafood processing; and farm, industrial, and construction labor. Prosecution of traffickers of men was complicated by the lack of coverage in the law.

Women and men were trafficked from Burma, Cambodia, the People's Republic of China (PRC), Laos, Russia, Uzbekistan, and eastern European nations for labor and sexual exploitation.

Entire families occasionally were trafficked for labor in sweatshops. Boys and girls were trafficked chiefly from Burma and Cambodia primarily for sexual exploitation and to work in begging gangs. Underage boys reportedly were brought into the country for specialized work in which small size was an advantage. According to domestic NGOs, girls between the ages of 12 and 18 continued to be trafficked from Burma, southern PRC, and Laos to work in the commercial sex industry. Social workers noted that young girls were prized because clients believed that they were free of sexually transmitted diseases. Persons trafficked from the PRC often were in transit to other countries, although women and girls from Yunnan Province generally were destined for brothels in the north. Victims of trafficking were often lured into the country or for transit to other countries with promises of restaurant or household work and then were pressured or physically forced into prostitution.

The lack of citizenship status for some hill tribe women and children was a strong risk factor for becoming victims of trafficking. Although members of this group were not a large percentage of trafficking victims, they continued to be found in disproportionately large numbers in situations entailing severe forms of trafficking.

Trafficking within the country and from neighboring countries into the country tended to be carried out by loosely organized small groups that often had close ties in the source communities. Burmese, Laotian, Cambodian, and Thai individuals were involved in labor trafficking along the border. Informal chains of acquaintance often were used to recruit victims. In some cases the traffickers themselves were former victims, particularly where the sex industry was the destination.

Most prostitutes were not kept under physical constraint, but a large number worked in debt bondage. Brothel procurers reportedly advanced parents a substantial sum against their child's future earnings. The child was then obligated to work in a brothel to repay the loan.

Because foreign women frequently were unable to speak the language and were considered illegal immigrants, they were particularly vulnerable to physical abuse and exploitation. Reports of labor trafficking also were received from Burmese migrant workers, who were ostensibly offered jobs in the food processing industry but were later induced or forcibly transported to work on fishing vessels. A September 2006 police raid on a shrimp processing factory in Samut Sakhon found hundreds of Burmese workers being held on the premises against their will. At year's end criminal charges had not been filed in this case, although a civil suit in November was decided in favor of 66 female Burmese classified by the Government as trafficking victims. The victims received a one-time payment amounting to 9 months' salary in penalties, back wages, and lost overtime pay. Male victims were returned to Burma or continued to work at the factory.

Penalties vary according to the age of the victim and the method of trafficking. In general the law provides for imprisonment of 1 year to life and fines of \$60 to \$1,200 (2,000 to 40,000 baht) for trafficking offenses committed against women and children. For offenses against children between 15 and 18 years of age, the potential punishment is 3 to 15 years' imprisonment and a fine of \$180 to \$1,200 (6,000 to 40,000 baht). For offenses against children under 15, the penalty ranges from 5 to

20 years' imprisonment and a fine of \$300 to \$1,200 (10,000 to 40,000 baht). If the offense is committed with deceit, threat, physical assault, immoral influence, or other mental coercion, the sentences and fines may be increased by one-third.

The RTP's Children and Women Welfare and Protection Division is charged with implementing the antitrafficking law, while the Ministry of Social Development and Human Security is charged with providing assistance and shelter to trafficking victims. Police reported that 152 trafficking-in-persons cases were filed in the judicial system during 2006, representing an increase from 146 cases in 2005. NGOs assisted some victims to obtain back wages from abusive employers; however, criminal prosecutions were scarce. In mid-2006 the 1951 antislavery law resulted in a conviction for the first time when the employer of an abused domestic servant was found guilty of enslavement. The verdict continued under appeal at year's end.

Illegal immigrants had no rights to legal counsel or health care if arrested. Memorandums of understanding (MOUs) among government agencies and between the Government and domestic NGOs provided some detailed police procedures to assist with the problem of trafficked persons being detained by the authorities. The MOUs stated that the training of police officers would include instructions to treat such persons as victims of human trafficking rather than as illegal immigrant workers. Instead of being deported, they would become the responsibility of the public welfare department. However, implementation of the MOUs was erratic, due to insufficient training of law enforcement officials and their unfamiliarity with the law.

In general the Government cooperated with governments of other countries in the investigation of transnational crimes, including trafficking. The country had bilateral antitrafficking MOUs with Cambodia and Laos. Receiving countries generally initiated trafficking case investigations. The Government continued to investigate rings associated with smuggling female citizens abroad. The Ministry of Foreign Affairs assisted 258 Thai women and girls, most victims of sexual exploitation, to return from abroad in 2006 (down from 270 in 2005).

The law allows for extradition of citizens; however, no citizens were extradited for trafficking-related offenses. Requesting-country nationals charged with trafficking-related crimes, including pedophilia, were extradited to Japan, Australia, Germany, and the United States.

There were reports of bribe taking by some low- or mid-level police officers facilitating the most severe forms of trafficking in persons. There was no evidence that high-level officials benefited from or protected the practice. Compromised local police protected brothels and other sex venues from surprise raids. Officials found complicit in any part of the illegal economy rarely were prosecuted but instead were moved to positions thought to limit opportunities for future corruption.

Several NGOs, both local and international, and government agencies worked with trafficking victims. The Government worked with the International Labor Organization's International Program on the Elimination of Child Labor to implement projects to reduce the incidence of trafficking of children for labor and sexual exploitation. However, funds for fighting trafficking or aiding its victims were limited.

In general victims awaiting repatriation were brought to government-run shelters or, in the case of noncitizens, to NGO-run shelters. The repatriation process took up to 6 months. Between October 2006 and December 2007, the main government shelter in Bangkok received 476 women and children from neighboring countries and 205 citizens, including women found in voluntary prostitution and domestic abuse cases. There were no reliable statistics on how many of these persons were victims of trafficking. The Government provided food, medical care, and limited psychological counseling.

The Government screened trafficking victims from Cambodia and Burma through cooperation between the police and the International Organization for Migration. Law enforcement officials identified victims of trafficking and referred them to one of six regional government shelters.

Trafficking victims received some legal assistance from NGOs and Department of Welfare officials, and they generally were informed of the option of pursuing legal action against the trafficking perpetrators. Relatively few opted to do so; language barriers, illiteracy, distrust of government officials, the lengthy legal processes, and fear of the traffickers played a role. Trafficked victims residing illegally in the country were not allowed to obtain employment while awaiting repatriation, even if they were involved in legal proceedings against the trafficker.

The Government continued cooperative arrangements with NGOs and local industries, especially the hotel industry, to encourage youths (particularly girls) to find employment outside the sex industry and other exploitative work. Vocational training programs aimed at high school students also received funding. Although the vocational training was not intended explicitly for trafficking prevention, the practical effect was to increase the range of choices for recent school graduates.

*Persons with Disabilities.*—The interim Constitution incorporated by reference laws that provided for newly constructed buildings to have facilities for persons with disabilities, although these laws were not uniformly enforced. The new Constitution prohibits discrimination against persons with physical and mental disabilities in education and provides for access to health care and other state services. Activists continued to work to amend laws that allow employment discrimination against persons with disabilities.

In August the legislature amended a series of laws that prohibited employment discrimination based on disabilities in the public sector. On September 28, a new law went into effect that expands the types of disabilities covered by the law and facilitates legal recourses to seek redress for discrimination based on disability status. The law also elevates the status of a division in the Ministry of Social Development and Human Security tasked with protecting the rights of persons with disabilities. During the year the Government launched a public awareness campaign to encourage such persons to vote in the December 23 elections and provided funding to NGOs working to address disability discrimination.

Persons with disabilities who register with the Government are entitled to free medical examinations, wheelchairs, and crutches. The Government provided 5-year, interest-free small business loans for persons with disabilities.

The Government maintained 43 special schools for students with disabilities. The Ministry of Education reported that there were 76 centers nationwide offering special education programs for preschool-age children. There also were nine government-operated and 15 NGO-operated training centers for persons with disabilities. In addition, there were eight private associations providing occasional trainings for persons with disabilities. There were reports of schools turning away students with disabilities, although the Government indicated such incidents occurred because schools did not have appropriate facilities to accommodate such students.

Many persons with disabilities who found employment were subjected to wage discrimination. According to NGOs, government regulations require private firms either to hire one person with a disability for every 200 other workers or contribute to a fund that benefits persons with disabilities, but this provision was not enforced. Government officials estimated that as many as 40 percent of firms disregarded the law, but NGOs believed the number to be as high as 70 percent. Some state enterprises had discriminatory hiring policies.

*National/Racial/Ethnic Minorities.*—Two groups—former belligerents in the Chinese civil war and their descendants living in the country since the end of the civil war and children of Vietnamese immigrants who resided in five northeastern provinces—lived under laws and regulations that could restrict their movement, residence, education, and occupation. According to the Ministry of Interior, during the year approximately 300 Chinese and some of their descendants and 30 of the Vietnamese and their descendants were granted full citizenship.

*Indigenous People.*—Members of hill tribes without proper documentation continued to face restrictions on their movement, could not own land, and were not protected by labor laws, including minimum wage requirements.

In recent years regulations eased the requirements to establish citizenship by allowing a wider range of evidence, including testimony from references, and empowering local officials to decide cases. According to statistics from the Ministry of Interior, at least 82 percent of potentially eligible candidates received citizenship under the regulations. Although the Government was supportive of efforts to register citizens and educate eligible hill tribe persons about their rights, activists reported that widespread corruption and inefficiency at all levels, including among highland village headmen and government officials, contributed to a backlog of pending citizenship applications.

Hill tribe members continued to face societal discrimination arising in part from the belief that they were involved in drug trafficking and environmental degradation.

*Other Societal Abuses and Discrimination.*—Societal discrimination against persons with AIDS existed, most often in the form of a psychological stigma associated with rejection by family, friends, and the community, although intensive educational outreach efforts may have reduced this stigma in some communities. There were reports that some employers refused to hire persons who tested HIV-positive following employer-mandated blood screening.

NGOs complained that employers discriminated against male homosexuals after reviewing military documents that permanently labeled these individuals as having a mental disorder. According to the military, as many as 500 individuals every year were affected by the practice, which reportedly stopped in April. NGOs estimated that at least 10,000 individuals had been affected by the army regulations nation-

wide. The law did not permit transgendered individuals from changing their gender on identification documents.

*Section 6. Worker Rights*

*a. The Right of Association.*—All private sector workers are allowed to form and join trade unions of their choosing without prior authorization; however, the Labor Relations Act and Labor Protection Act provide inadequate protection to workers who participate in union activities. There were several reported cases of workers being dismissed from their jobs for engaging in union activities. In some of the cases, the court ordered workers reinstated if grounds for their dismissal were proven inaccurate.

Civil servants, including public school teachers, are prohibited from forming or registering a union. They are allowed to form and register only as associations, which have no right to bargain collectively. Noncitizen migrant workers, whether registered or illegally present, do not have the right to form unions or serve as union officials; however, registered migrants may be members of unions organized and led by citizens. The Ministry of Labor requires foreign workers to renew their temporary work status annually. Few, if any, registered migrants joined unions. A substantial number of migrant workers worked in factories near border-crossing points, where labor laws were routinely violated and few inspections were carried out to verify compliance with the law.

Less than 4 percent of the total work force but nearly 11 percent of industrial workers and more than 50 percent of state enterprise workers were unionized. In 2006 there were 45 state enterprise unions with 180,500 members and 1,313 private unions with 335,600 members. Cultural traditions, unfamiliarity with the concept of industrial relations, efforts by the Government and the private sector to diminish union cohesiveness, and the sizeable agricultural and informal sectors (where unions are not permitted) were cited as reasons for low rates of labor organization.

Union leaders and academic observers reported that employers often discriminated against workers seeking to organize unions. The law does not protect workers from employer reprisal for union activities prior to the registration of the union, and employers could exploit this loophole to defeat efforts at union organization. Employers used loopholes in the Labor Relations Act to fire union leaders prior to government certification of unions.

The State Enterprises Labor Relations Act (SELRA) restricts affiliations between state enterprise unions and private sector unions; however, union confederations can affiliate. The restriction against union affiliation effectively divided the trade union movement along state enterprise and private sector lines. However, unofficial contacts at the union level between public and private sector workers continued, and the Government did not interfere with these relationships. Unions in state-owned enterprises generally operated independently of the Government and other organizations. Internal conflicts, corruption, and a lack of leadership weakened the labor movement.

The law prohibits antiunion actions by employers; however, it also requires that union officials be full-time employees of the company or state enterprise, which makes them vulnerable to employers seeking to discipline workers who serve as union officials or who attempt to form unions. It also serves as a prohibition against permanent union staff, thus limiting the ability of unions to organize and be politically active. The Labor Relations Act allows only two outside government-licensed advisors to a union, and the Ministry of Labor often blocked the registration of labor advisors whom it deemed too activist. Union leaders and outside observers complained that this interfered with the ability to train union members and develop expertise in collective bargaining, leading to rapid turnover in union leaders.

Trade union leaders can be dismissed for any reason, provided severance payment is made. In such circumstances the law does not provide for reinstatement, and the requirement for severance pay was not always respected. The labor court reinstated employees in some cases where dismissal resulted from union activity and was illegal. However, because the reinstatement process was lengthy and costly for the employee, most cases were settled out of court through severance payments to the employee, and there were no punitive sanctions for employers.

On July 12, 18 workers were dismissed the day before the general meeting of the union they had organized in a company. In August the dismissed workers filed a petition before the Department of Labor and in September to the company, calling for reinstatement of the dismissed union leaders. The workers were reinstated on October 8.

*b. The Right to Organize and Bargain Collectively.*—The law provides for the right of citizen private-sector workers to organize and bargain collectively; however, the Government's efforts to protect this right were weak. The law defines the mecha-



nisms for collective bargaining and for government-assisted conciliation and arbitration in cases under dispute. In practice genuine collective bargaining occurred only in a small fraction of workplaces, and in most instances it continued to be characterized by a lack of sophistication on the part of worker groups and autocratic attitudes on the part of employers. Wage increases for most workers came as a result of increases in the minimum wage rather than as a result of collective bargaining. The process of setting minimum wages locally through provincial tripartite wage committees may further limit union influence; many of these provincial committees excluded labor representatives and placed factory managers on the wage committees to represent worker interests. The minimum wage increase in the year again did not keep pace with inflation. The Government sets wages for state enterprise employees under SELRA. Wages for civil servants are determined by the Ministry of Finance.

The Government has the authority to restrict private sector strikes that would affect national security or cause severe negative repercussions for the population at large; however, it seldom invoked this provision and did not do so during the year. Labor law also forbids strikes in "essential services," which are defined much more broadly than in the International Labor Organization (ILO) criteria and include sectors such as telecommunications, electricity, water supply, and public transportation as essential services. The law also prohibits termination of employment of legal strikers; however, some employers used unfavorable work assignments and reductions in work hours and bonuses to punish strikers. Employers are legally permitted to hire workers to replace strikers. SELRA provides public sector employees in state enterprises the same rights to organize as exist in the private sector. SELRA prohibits lockouts by employers and strikes by state enterprise workers. Strike action in the private sector was constrained by the legal requirement to call a general meeting of trade union members and to have a strike approved by 50 percent of unionists.

During the year there were two legal strikes involving more than 900 workers, and there were no lockouts reported. There were protests against mass layoffs without proper severance pay and the closure of factories, particularly garment factories. On July 11, approximately 4,000 laid-off workers at an import-export factory in Samut Prakarn protested the company's sudden closure. After a tripartite negotiation, the factory reopened and workers were reinstated. In August the factory was reportedly closed indefinitely. The laid-off workers received 61 percent of their entitled compensation from the sale of the factory's assets. Workers filed petitions with the Department of Labor Protection and Welfare for the balance of the compensation, which were under consideration by the court. The Department of Labor Protection and Welfare drew upon a welfare fund to pay \$630,000 (21 million baht) to partially compensate the workers during court proceedings.

In September 300 laid-off garment workers gathered in front of the Government House to protest the Government's failure to settle labor disputes over compensation after the factory closures. In October the State Railways of Thailand (SRT) labor union staged a 2-day nationwide strike to protest the Government's controversial leases of SRT property to the private sector and SRT privatization schemes. The strike ended when the SRT committed to review the leases in question. At year's end the Council of State, Land Department, and Office of the Attorney-General were also reviewing the leases for final consideration by the cabinet.

A system of labor courts exercises judicial review over most aspects of labor law for the private sector; however, there was documented abuse in the system, including evidence that awards to workers were ignored or not paid in full. Issues of collective labor relations are adjudicated through the Tripartite Labor Relations Committee and are subject to review by the labor courts. Workers may also seek redress through the NHRC. The law authorizes the Ministry of Labor to refer any private sector labor dispute for voluntary arbitration by a government-appointed group other than the Labor Relations Committee. Although the legal authority seldom was used, the ILO viewed this provision as acceptable only in defined essential services. Redress of grievances for state enterprise workers is handled by the State Enterprise Relations Committee. Labor leaders generally were satisfied with the treatment that their concerns received in these forums, although they complained that union leaders unjustly dismissed were awarded only back wages with no punitive sanctions against the employer. This limited any disincentive for employers to fire union organizers and activists.

There are no special laws or exemptions from regular labor laws in export processing zones (EPZs), in which wages and working conditions often were better than national norms. However, union leaders alleged that employers' associations were organized to cooperate in discouraging union organization. Unions existed in the automobile and petroleum production facilities located in EPZs.

Labor brokerage firms used a “contract labor system” under which workers sign an annual contract. Contract laborers are not covered under the Labor Relations Act or the Labor Protection Act. These workers lacked the ability to bargain collectively over wage and benefit issues. Although they may perform the same work as direct-hire workers, they were paid less and received fewer, or no, benefits.

The Labor Relations Act prohibits noncitizens from participating in efforts to organize or register a union. The Labor Relations Act also prohibits any noncitizen from being an elected leader of a union committee. Therefore, as many as 700,000 legally registered migrant workers (in a total migrant worker population of more than 2 million) were effectively denied the right to form a trade union. Attempts by registered migrant workers to carry out work stoppages to demand minimum and back wages, along with better working conditions, often led to deportations, resulting from apparent collusion between factory owners and local government immigration officials.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced or compulsory labor, including by children, except in the case of national emergency, war, or martial law; however, the Government was unable to enforce these provisions effectively in the large informal sector.

Employers routinely kept possession of migrant workers’ registration and travel documents, which restricted their travel outside of the work premises. There were no estimates of the number of such factories or sweatshops, but the large number of migrants from Burma, Cambodia, and Laos created opportunities for such abuse.

Despite the publication of ILO findings about migrant abusive labor conditions and the international pressure for progress on a high-profile shrimp processing factory case in Samut Sakhon, there continued to be reports of sweatshops or abusive treatment in livestock farms, seagoing trawlers, animal feed factories, and seafood processing factories in which employers prevented workers, primarily foreign migrants, from leaving the premises. On June 8, a Karen migrant worker was reportedly killed after attempting to flee an animal feed factory in Supanburi Province, where he allegedly had been subjected to forced labor and severe physical abuse by his employer in June. Four individuals were arrested, and at year’s end public prosecutors were reportedly pursuing an investigation into the case.

Problems encountered by Thai citizens working overseas highlighted the problem of exploitative labor supply agencies that charged heavy and illegal recruitment fees often equal to all of a worker’s first and second year earnings. In many cases recruited workers did not receive the terms they were promised and incurred significant debt. Local banks contributed to this practice by offering exorbitant loans to allow workers to pay for recruitment fees, which ranged from \$9,000 to \$30,000 (300,000 to 1 million baht) for workers traveling abroad.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—In general sufficient legal protections exist for children in the formal economic sector. The Labor Protection Act is the primary law regulating employment of children under the age of 18. Employment of children under 15 is prohibited. Children under 18 may not be employed in hazardous work, which includes any activity involving metalwork, hazardous chemicals, poisonous materials, radiation, and harmful temperatures or noise levels; exposure to toxic micro-organisms; operation of heavy equipment; work underground or underwater; and work in places where alcohol is sold or in hotels or massage parlors. The maximum penalty for violating these prohibitions is 1 year in prison. The law does not cover the agricultural and informal sectors, including domestic work, which employ the majority of persons in the workforce, including many child workers. The law allows for issuance of ministerial regulations to address sectors not covered in the law, and since 2004 regulations have increased protections for child workers in domestic and agricultural sector work. The minimum working age is coordinated with the mandatory national educational requirement.

Child labor remained a problem, particularly in agriculture, fishing, domestic work, and entertainment industries as well as street begging. Contradictory surveys by various government agencies, which largely ignored foreign children and those in illegal industries, made estimating the scope of the phenomenon difficult. According to a study funded by the Ministry of Labor and the ILO, child labor abuse of citizens was declining and citizen children made up less than 1 percent of the workforce. However, abuse of underage migrant workers, especially from Burma, was widespread and continued to increase.

NGOs reported that 2 to 4 percent of children between the ages of 6 and 14 worked illegally in urban areas; such children were at risk of becoming victims of other abuses of labor laws. Most underage workers in urban areas worked in the service sector, primarily in gasoline stations, small-scale industry, and restaurants. Child labor was less evident in larger, export-oriented factories. NGOs also reported

extensive child labor in garment factories along the Burmese border, in Mae Sot Province. However, there was no comprehensive survey of child labor throughout the country, since NGOs often did not have access to shophouse factories. NGOs reported child domestic workers were predominantly migrants from Burma, Cambodia, and Laos. Most were in the country illegally, increasing their vulnerability to exploitation. Minimum wage and age provisions of the Labor Protection Act do not apply to domestic workers, some of whom were believed to be less than 15 years of age; however, recently issued regulations extended protections to children in the domestic and agricultural sectors. Thus far any effects of these regulations have not been measured.

The worst forms of child labor occurred in the country. Children (usually foreign) were exploited in street selling, begging, and prostitution in urban areas, sometimes in a system of debt bondage. Some were sold or otherwise trafficked by parents or other relatives. The Government implemented guidelines in cooperation with the International Organization for Migration to improve the screening of trafficking victims among child beggars and street vendors from Cambodia or Burma. A 2004 ILO study noted that drug merchants in Bangkok used male children as delivery boys. Narcotics sellers preferred children because they were undemanding and were not charged as adults if arrested. Instead they were sent to police-run correctional homes.

The Ministry of Labor is the primary agency charged with enforcing child labor laws and policies. In 2006 there were 22,111 occupational health and safety inspections at 20,026 establishments. Of these, 2,681 establishments were found to be not complying with the law. Also in 2006 the Ministry of Labor inspected 656 establishments employing 8,806 child workers (under age 18), with seven establishments found to be using 558 underage workers (in most cases, under 15). Inspectors usually responded only to specific public complaints, reports of absences by teachers, or reports in newspapers. Their inclination when dealing with violators was to negotiate promises of better future behavior rather than seek prosecution and punishment. The legal requirement for a warrant hampered inspection of private homes to monitor the welfare of child domestic workers. In 2006 child labor inspections and investigations were performed in 482 firms; nine of the workplaces inspected revealed serious violations, such as employing underage workers.

*e. Acceptable Conditions of Work.*—The minimum wage ranged from \$4.29 to \$5.73 (143 baht to 191 baht) per day, depending on the cost of living in various provinces. The minimum wage was set by provincial wage committees that sometimes included only employer representatives. This wage was not adequate to provide a decent standard of living for a worker and family. The official poverty rate was 94 cents (31 baht) per day, which permitted survival only in areas where subsistence agriculture was possible. The Ministry of Labor is responsible for ensuring that employers adhere to minimum wage requirements (applicable to the formal sector); however, academics estimated that one-third of formal sector workers nationwide received less than the minimum wage, especially those in rural provinces. Despite encouragement of employees to report violations to labor inspectors, the enforcement of minimum wage laws was mixed. Many labor laws, including the minimum wage law, do not apply to undocumented workers, primarily hill tribe members and illegal aliens. An estimated 1 to 2 million unskilled and semiskilled migrant workers worked for wages that were approximately one-half the minimum wage.

The Government mandated a uniform workweek of 48 hours, with a limit on overtime of 35 hours per week. Employees engaged in “dangerous” work, such as in the chemical, mining, or other industries involving heavy machinery, legally may work a maximum of 35 hours per week and are not permitted overtime. The petrochemical industry is excluded from these regulations. There were reported incidents of employees forced to work overtime, with punishments and dismissals for workers who refused. Typically, migrant workers worked 12 hours per day, with 1 day off a month.

Working conditions varied widely. In 2006 the official rate of injury or disease from industrial accidents was 25.5 per 1,000 employees. This included 18.5 per 1,000 in minor disabilities (resulting in no more than 3 days of missed work) and seven per 1,000 with disabilities resulting in more than 3 days lost work (including permanent disabilities and deaths). There were 808 reported industrial deaths out of 204,257 reported incidents involving injury or worse. However, these rates applied only to industrial sector workers; the rate of incidents occurring in the larger informal and agricultural sectors and among migrant workers was thought to be higher. Occupational diseases rarely were diagnosed or compensated, and few doctors or clinics specialized in them. The approximately 50,000 young migrant women employed in textile factories along the Burma border in Mae Sot in Tak Province alone had limited and substandard medical options, and many suffered from stress-

related disorders and complications from abortions. In medium-sized and large factories, government health and safety standards often were applied, but enforcement of safety standards was lax. In the large informal sector, health and safety protections were substandard.

Provisions of the Labor Protection Act include expanded protection for pregnant workers, which prohibit them from working on night shifts, overtime, and holidays, or working with dangerous machinery or on boats. Despite the act's prohibition on dismissing pregnant workers regardless of their nationalities, there were reports of employers of migrant women firing those who became pregnant.

The Ministry of Labor promulgates health and safety regulations regarding conditions of work; however, the inspection department enforced these standards ineffectively, due to a lack of human and financial resources. There is no law affording job protection to employees who remove themselves from dangerous work situations. According to the Ministry of Labor's Department of Labor Protection and Welfare, mining, consumer goods production, and the construction industry violated the most laws regarding workers' safety.

Redress for workers injured in industrial accidents was rarely timely or sufficient. Few court decisions were handed down against management or owners involved in workplace disasters.

Despite the new registration process, migrant workers, especially from Burma, remained particularly vulnerable to poor working conditions due to a lack of labor rights. According to Amnesty International, they were routinely paid well below the minimum wage, worked long hours in unhealthy conditions, and were at risk of arbitrary arrest and deportation. In addition, improper wage deductions for registration, health care, sick days, and employee errors were widespread.

The ability of migrant workers to register complaints about abusive labor practices was restricted in four provinces by a June Ministry of Interior decree that prohibited migrant workers from owning mobile telephones or riding motorcycles, leaving a worksite at night between the hours of 8 p.m. and 6 a.m., or gathering in assemblies of more than five persons, although the regulations were not rigorously enforced. There were many reports of migrant workers being detained by police officers and asked for bribes to avoid deportation. There continued to be credible reports of NGO personnel being assaulted or threatened while trying to assist migrant workers.

Enforcement of workplace laws and regulations is the responsibility of the Ministry of Labor's Department of Labor Protection and Welfare, which had fewer than 700 full-time inspectors to monitor more than 350,000 workplaces. Although the department had 1,336 officers legally defined as labor inspectors, the majority of them were in executive or administrative positions. The ministry reported that only 650 of them routinely performed inspection duties. Although the department undertook initiatives to hire additional inspectors and deputize local government officials, the shortage of human and other resources significantly impeded effective enforcement of labor laws.

---

## TIMOR-LESTE

Timor-Leste is a multiparty parliamentary republic with a population of approximately 1.1 million. The country conducted two rounds of presidential voting in April and May and parliamentary elections in June. Voter participation was high, and the elections were considered generally free and fair. Former prime minister Jose Ramos-Horta was elected president; former President Xanana Gusmao, as head of a four-party coalition, became prime minister. The security forces included the U.N. Police (UNPOL) within the U.N. Integrated Mission in Timor-Leste (UNMIT) and the International Stabilization Force (ISF), neither of which were under the direct control of the Government. While the civilian authorities generally maintained effective control of the national police (PNTL) and the armed forces (F-FDTL), there were some instances in which elements of the security forces acted independently of government authority.

The Government generally respected the human rights of its citizens; however, some human rights abuses persisted. Serious problems included: Politically motivated and extrajudicial killings; police use of excessive force and abuse of authority; arbitrary arrest and detention; inefficient and understaffed courts that deprived citizens of due process and an expeditious and fair trial; and conditions in camps for internally displaced persons (IDPs) that endangered health, security, education, and women's and children's rights. Domestic violence, rape, and sexual abuse were also problems. Societal divisions based on political affiliation and regional origin contin-

ued to cause widespread discrimination, segregation, and violence, particularly in the capital.

RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—During the year security forces and other actors committed approximately nine killings, a decrease from 29 in 2006. Many of these killings were politically motivated.

On March 22, during a gang fight in Dili two off-duty PNTL officers fired into the air and into the crowd, killing one person and wounding another. The PNTL officers were detained but subsequently released by a judge who concluded that they acted in self-defense.

On June 3, an off-duty PNTL officer, Luis da Silva, shot and killed a civilian, Afonso Kudalai, involved in providing security for former President Gusmao who was campaigning in Viqueque, a stronghold of the longtime ruling party FRETILIN. Later that day a PNTL unit fired on a crowd agitated by Kudalai's death and killed two persons and wounded a third. The authorities suspended the PNTL Viqueque commander and opened a disciplinary investigation in relation to the violence. On August 17, the Baucau District Court sentenced da Silva to 4½ years' imprisonment. Citing procedural issues, the Appeals Court overturned the decision, and at year's end da Silva was in detention awaiting a new trial.

On February 23, ISF forces shot and killed two persons at an IDP camp near the Dili airport. On March 4, ISF forces shot and killed five persons during an armed confrontation with a group of military police deserters. Following inquiries into both incidents, authorities determined that ISF actions were justified and in accordance with the established rules of engagement.

On November 29, a court found four F-FDTL soldiers guilty in the May 2006 killing of eight unarmed PNTL personnel who were under a flag of truce and U.N. escort. One of the four was sentenced to 12 years, one to 11 years, and two others to 10 years. At year's end the four were free pending the outcome of their appeals. The courts acquitted eight other F-FDTL personnel due to insufficient evidence.

In January the Dili District Court granted conditional release to the former independence fighter who killed a man at a roadblock in May 2006. By year's end there were no further developments in this case.

There were no developments in the following 2006 cases: The January killing of three men by Border Patrol Unit personnel; the May mob-killing of a police officer in Ermera District; and the May killing of six persons in a house set on fire by a mob. Investigations into other cases stemming from the April-May 2006 violence continued, notably the Major Alfredo Reinado case.

There were no developments in the case of the Colimau 2000 member killed in Bobonaro District in 2005.

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits such practices, and the Government generally respected the prohibition against torture; however, there were incidents of cruel or degrading treatment by police and armed forces personnel, abuses against civilians during internal conflict; and abuses by vigilante and other societal groups.

During the year the majority of human rights abuse complaints submitted to the Office of the Provedor (ombudsman) involved the police, and the most common complaint was of use of violence or excessive force. During the year the ombudsman's office received 97 allegations of human rights violations. Of these, 23 were closed for reasons such as lack of jurisdiction; 28 were transferred to other organizations for further investigation; 15 were investigated and recommendations were submitted to the appropriate authorities; and investigations continued in 31 cases.

Human rights monitoring organizations and members of Parliament noted some cases of excessive use of force by international forces and police, and referred several such cases to the ombudsman. No charges had been substantiated by year's end.

Delay or refusal by police to investigate allegations of rape or domestic violence was a common problem.

On March 11, an armed group wearing F-FDTL uniforms attacked the houses of six families in Dili, fired warning shots, and burned the homes, according to an UNPOL report. By year's end investigators had not determined whether the attack was carried out by civilians wearing F-FDTL uniforms to discredit the force, or by F-FDTL personnel.

On March 13, 6 to 10 F-FDTL uniformed persons attacked several homes near the national hospital. Again it was not determined whether the attack was carried out by civilians wearing F-FDTL uniforms or by military personnel.

On March 16, F-FDTL members detained approximately 10 persons for disorderly conduct. When they were turned over to UNPOL, five appeared to have been beaten. At year's end there were no further developments in this case.

On April 7, PNTL officers in Covalima District shot and beat a civilian.

On May 25, UNMIT personnel in Bacau found a severely beaten and unconscious person in police detention. The victim was transported to a hospital.

In August approximately 200 homes were burned in Baucau and Viqueque. Non-governmental organizations (NGOs) and international observers alleged that the violence appeared to be directed at opponents of FRETILIN.

Other abuses included illegal checkpoints set up to target persons based on geographic origin or membership in specific groups; intimidation of IDP camp residents by groups operating both in and outside of the camps; and attacks and intimidation of communities or individuals.

There were no known judicial or administrative actions in the following 2005 cases: The border police beating of an Indonesian citizen for illegally crossing the border; the police beating of two men and one woman arrested without warrant in Cailaco; the police beating and threatening of a man accused of assaulting the wife of a PNTL officer; the allegations of police abuse during an operation against the *Comite Popular de Defesa-Republica Democratica*; or the case of an F-FDTL captain and members of the military police detaining and beating a man involved in an alleged assault on the captain.

*Prison and Detention Center Conditions.*—There were three government-run prisons, located in Dili, Baucau, and Gleno. During the year international forces maintained additional detention facilities in Dili. Prison conditions generally met international standards; however, government-run prison facilities were not well maintained.

UNMIT personnel noted allegations of mistreatment of detainees by prison guards during the first 72 hours of imprisonment, a lack of special facilities for the mentally ill who consequently were detained along with other prisoners, and police station detention cells not in compliance with international standards, which lacked access to water, sanitation facilities, bedding, and food.

The Government and international forces permitted prison visits by the International Committee of the Red Cross and independent human rights observers. The ombudsman was able to conduct almost daily detainee monitoring in Dili and observed that “international forces are cooperating extremely well . . . allowing confidential access to detainees and providing regular information.”

*d. Arbitrary Arrest or Detention.*—The law prohibits arbitrary arrest and detention; however, there were many instances in which these provisions were violated. A number of persons were arrested and detained but ultimately not charged with crimes. In many cases this was explained by misunderstandings because an investigation exculpated the suspect or because no judge was available to conduct the required detention review. However, the circumstances of other cases suggested that law enforcement officers may have held detainees as punishment.

*Role of the Police and Security Apparatus.*—The Dili-based police, which made up more than one-third of PNTL's total complement, disintegrated during the 2006 crisis. UNMIT and the Government undertook to reform, restructure, and rebuild the PNTL. A central element was a “screening” to ensure that each of the approximately 3,000 PNTL officers was checked for integrity and any past crimes or misbehavior. Following screening, officers were to go through renewed training and a 6-month UNPOL mentoring program. By year's end 1,250 officers had completed the UNPOL program.

Each of the country's 13 districts has a district PNTL commander who normally reports to the PNTL general commander. In spite of improvements due to the UNPOL training, the PNTL as an institution remained poorly equipped and under-trained, subject to numerous credible allegations of abuse of authority, mishandling of firearms, and corruption.

A number of police officers did not pass the vetting process and were on suspension pending further investigation. Outside Dili, 1,804 of 1,949 PNTL officers registered for and were undergoing screening. On April 22, UNMIT facilitated a human rights training session for senior PNTL commanders focused on strengthening accountability within the PNTL. The PNTL remained fragile and in need of UNMIT mentorship.

More than 1,000 ISF personnel from Australia and New Zealand supported the police and security forces.

The F-FDTL helped provide security at key Dili installations and escorted humanitarian convoys. On some occasions, in violation of clear rules of engagement requiring that the police (international or domestic) be called first in the event of any security threat, the F-FDTL resorted to firing warning shots as an initial response.

*Arrest and Detention.*—The law requires judicial warrants prior to arrests or searches, except in exceptional circumstances; however, this provision was often violated. A chronic and extreme shortage of prosecutors and judges outside of the capital, further exacerbated by the crisis, contributed to police inability to obtain required warrants.

Government regulations require a hearing within 72 hours of arrest to review the lawfulness of an arrest or detention and also to provide the right to a trial without undue delay. During these hearings, the judge may also determine whether the suspect should be released because evidence is lacking or the suspect is not considered a flight risk. Because of a shortage of magistrates, exacerbated during the year as many international judges departed before replacements arrived, some suspects were forced to wait longer than 72 hours for a hearing. However, according to human rights observers, police often simply released suspects after 72 hours in the absence of a judge to review the detention. In areas that did not have a local magistrate or where authorities lacked means to transport suspects to a hearing, this situation was particularly acute and contributed to an atmosphere of lawlessness and impunity.

The law provides for access to legal representation at all stages of the proceedings, and provisions exist for providing public defenders to indigent defendants. However, there was an extreme shortage of qualified public defenders, and many indigent defendants relied on lawyers provided by legal aid organizations. A number of defendants who were assigned public defenders reported that they had never seen their lawyer, and there were concerns that some low priority cases were being delayed indefinitely while suspects remained in pretrial detention.

In 2003 the Court of Appeals ruled that the pretrial detention limit of 6 months and the requirement that such detentions be reviewed every 30 days need not apply in cases involving certain serious crimes; however, the 30-day review deadline was missed in a large number of cases involving less serious crimes, and a majority of the prison population consisted of pretrial detainees.

*e. Denial of Fair Public Trial.*—The law provides that judges shall perform their duties “independently and impartially” without “improper influence” and requires public prosecutors to discharge their duties impartially. However, the country’s judicial system faced a wide array of challenges including concerns about the impartiality of some judicial organs, a severe shortage of qualified personnel, a complex and multi-sourced legal regime, and the fact that the majority of the population does not speak Portuguese, the language in which the laws are written and the courts operate. Access to justice was notably constrained.

In 2006 two separate U.N. commissions concluded that the prosecutor general was insufficiently independent and viewed his constitutional accountability to the president as requiring that he “follow the policy of the latter in relation to prosecutions.” During the year political and other extraneous considerations appeared to influence the proceedings and decisions of both the public prosecutor and the Court of Appeals.

The court system includes four district courts (Dili, Baucau, Suai, and Oecussi) and a national Court of Appeals in Dili. The Ministry of Justice is responsible for administration of the courts and prisons and also provides defense representation. The prosecutor general—independent of the Ministry of Justice—is responsible for initiating indictments and prosecutions. Until a supreme court is established, the Court of Appeals remains the country’s highest tribunal.

Establishing justice sector institutions and recruiting and training qualified judges, prosecutors, and defense attorneys proved difficult, and the judicial system remained heavily dependent on international personnel. Although 11 or 12 probationary judge positions were filled by nationals during the year, international judges continued to serve as the primary judges in all cases involving potential sentences of 5 or more years. The public defender’s office was staffed by seven national probationary defenders and six international public defenders. Private lawyers continued to represent the majority of defendants in the district courts.

In July, 27 national judges, prosecutors, and public defenders graduated from 18 months’ training at the Legal Training Center supported by the U.N. Development Program (UNDP) and were sworn in. They will continue to work with 14 UNDP advisers. Another group of 15 professionals entered the Legal Training Center in January for 1 year of training. UNDP plans to provide advanced training for judges, updates on new legislation for magistrates, and training for court clerks.

Personnel shortages and administrative issues disproportionately affected operations of the Oecussi and Suai district courts, which operated at irregular intervals throughout the year. The trial process often was hindered by nonattendance of witnesses due to lack of proper notification or lack of transportation.

Proceedings in the Baucau District Court were suspended in September after a mob burned one of the court buildings.

The shortage of qualified prosecutors and technical staff in the office of the prosecutor general hampered its work and resulted in a large case backlog. International prosecutors continued to handle sensitive cases related to the 2006 crisis. There were three international prosecutors and nine national prosecutors, including the prosecutor general. At year's end there was a nationwide backlog of 4,000 cases. The Bacau and Dili district courts made progress in reducing their backlogs during the year; Oecussi and Suai did not. The length of time for cases to come to trial varied significantly, with some delayed for years and others tried within months of accusations.

*Trial Procedures.*—The law provides for the right to a fair trial; however, the severe shortages of qualified personnel throughout the system led to some trials that did not fulfill prescribed legal procedures. Trials are before judges. Except in sensitive cases, such as crimes involving sexual assault, trials are public; however, this principle was inconsistently applied. Defendants have the right to be present at trials and to consult with an attorney in a timely manner. Attorneys are provided to indigent defendants. Defendants can confront hostile witnesses and present other witnesses and evidence. Defendants and their attorneys have access to government-held evidence. Defendants enjoy a presumption of innocence and have a right of appeal to higher courts.

The legal regime is complex and was inconsistently applied. Pending development of a complete set of national laws, Indonesian laws and the U.N.'s transitional regulations remained in effect. The Constitution stipulates that U.N. regulations supersede Indonesian laws; however, this was inconsistently applied. For example, in a 2004 decision the Court of Appeals declared that a U.N. executive order decriminalizing defamation did not effectively overrule an Indonesian law under which defamation is criminalized. There was concern that this decision could undermine the precedence of laws stipulated within the Constitution. Also of concern was confusion regarding how to apply different sources of law, particularly in criminal cases where the Indonesian penal code remained in effect, but procedure was governed by a national criminal procedure code.

The Court of Appeals operated primarily in Portuguese. The U.N. regulations, many of which remained in force, were available in English, Portuguese, Indonesian, and Tetum (the language most widely spoken in the country). Laws enacted by Parliament, intended to supplant Indonesian laws and U.N. regulations, were published in Portuguese but were seldom available in Tetum. Litigants, witnesses, and criminal defendants often were unable to read the new laws. Trials are required to be conducted in Portuguese and Tetum. However, the quality of translation provided in court varied widely, and translations to Tetum were often incomplete summaries.

As in previous years, concerns arose over the lack of witness-protection arrangements. In many violent crimes, witnesses were unwilling to testify because of the high potential for retribution against themselves or their families. Reports of witness intimidation and nonappearance of witnesses were widespread. Court personnel also reported increased concern regarding their own safety. This contributed to a widespread public perception that crimes could be committed with impunity, and that vigilantism or personal revenge were the only avenues available to address criminal accountability.

The 2006 U.N. Commission of Inquiry (COI) report recommended prosecution of over 60 individuals for criminal culpability in the April and May 2006 crisis, including: Police officers who allegedly took part in deadly incidents; the former minister of interior, Rogerio Lobato; six F-FDTL officers; and one PNTL officer alleged to have been involved in the shooting of unarmed police in Dili; the top leadership of the F-FDTL; and the former minister of defense. In addition, it recommended investigation of more than 60 others for possible involvement in these crimes. The COI recommended prosecution of several civilians alleged to have received illegal weapons transfers or to have been involved in deadly incidents. The commission also recommended that dissident military police commander Major Alfredo Reinado be prosecuted for initiating deadly clashes with the F-FDTL. The COI recommended further investigation of several persons, including former prime minister, Mari Alkatiri, for alleged complicity in illegal arms transfers.

On March 7, a court convicted Lobato on charges including conspiracy, murder, misappropriation of public property, and the unauthorized importation or use of firearms. It sentenced him to 7½ years in prison. In August, however, he was allowed



to leave the country to obtain medical treatment in Malaysia, and, at year's end, he remained in Malaysia.

Despite COI recommendations, the Government had not brought charges against the F-FDTL commander or the former minister of defense. An investigation found that there was insufficient evidence to bring charges against Mari Alkatiri.

The Dili District Court tried three individuals alleged to have been involved in illegal weapons transfers. The court cleared one person of all charges, and released the two others conditionally.

The Serious Crimes Unit (SCU)—part of the Prosecutor General's Office—is responsible for investigations and indictments concerning crimes that occurred in 1999, particularly genocide, war crimes, crimes against humanity, murder, sexual offenses, and torture. In 2004 the SCU virtually ceased all operations. In 2000 the Special Panels on Serious Crimes were established to try those charged with the mass killings and other gross human rights violations committed in 1999. The Special Panels were adjourned in 2005; however, the Government can reconstitute them whenever needed. Several serious crimes suspects arrested in 2005 remained in pretrial detention.

The SCU worked closely with the Truth and Reconciliation Commission of Timor-Leste (CAVR), which presented its final report in 2005. The CAVR investigated less egregious human rights violations that occurred between April 1974 and October 1999. The CAVR also facilitated reconciliation between victims and perpetrators of these violations.

In 2004 the Governments of Indonesia and Timor-Leste agreed to form a bilateral Truth and Friendship Commission to address human rights violations committed in Timor-Leste in 1999. Although the commissioners continued to meet throughout the year, little evident progress was made.

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

*Civil Judicial Procedures and Remedies.*—Civil judicial procedures were beset by the same problems encountered by the judicial system as a whole, including huge backlogs, a complex and inconsistently applied legal regime, and concerns about the impartiality of some judicial organs. Political influence has been brought to bear on civil cases involving business or property disputes. Court orders in some of these latter cases were not enforced. Alleged human rights abuses have been presented to the ombudsman. The ombudsman can sue government agencies/agents for alleged human rights abuses, however, there were no reports of such litigation.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law prohibits such actions, and the Government generally respected these prohibitions in practice; however, there were a few reports of arbitrary interference with privacy and home.

There were cases of authorities entering homes without judicial authorization. For example, during an intensive effort by the international forces to recover illegal weapons, there were several reports that international military officers entered homes without securing warrants. Officers maintained that in some of these cases, warrants could not be obtained because the courts were not operating and in others they had to act expeditiously.

A 2003 land law broadly defines what property belongs to the Government and has been criticized as disregarding many private claims.

A large number of Dili residents arrived as internal migrants after 1999 and occupied empty houses or built houses on empty lots. The majority of properties in Dili are deemed state property, and in previous years the Government evicted persons from land identified as state property at times with little notice and with no due process.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice. Individuals generally could criticize the Government without reprisal, and a U.N. executive order decriminalized defamation. Unlike in past years, there were no reported violations of these rights.

There were three daily newspapers, three weeklies, and several newspapers that appeared sporadically. All frequently criticized the Government and other political entities editorially.

Broadcast news, especially radio, was the most widely accessible news medium in the country, but its reach was limited. Few people outside of the capital regularly had access to any form of news. The Public Broadcast Service (PBS) owned and operated a radio station and a television station. The PBS radio service was available

in all 13 districts but on a fluctuating and uncertain basis. The PBS television broadcast was available only in Dili and district capitals. In addition to the PBS radio station, there were 18 community radio stations, including at least one in each district. However, only a few operated dependably (in Los Palos, Baucau, and Dili), while many were frequently inoperative due to technical or resource problems, and most operated only a few hours a day. Few community radio stations provided any news content.

An UNMIT report noted that with regard to the elections, “media coverage, although generally limited in its outreach, was balanced.”

*Internet Freedom.*—Although Internet access in the country was limited, there were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in peaceful expression of views via the Internet, including by e-mail.

*Academic Freedom and Cultural Events.*—The Government generally did not restrict academic freedom; however, a 2004 law requires that academic research on Tetum and other indigenous languages be approved by the National Language Institute. There were no reports during the year that this law had been applied to prevent academic research or to punish researchers. Nor were there any reports of interference with cultural events.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The law on assembly and demonstrations establishes guidelines to obtain permits to hold demonstrations and requires police be notified 4 days in advance of any demonstration or strike. The law also stipulates that demonstrations cannot take place within 100 yards of government buildings or facilities, diplomatic facilities, or political party headquarters. In practice demonstrations were allowed to take place without the requisite advance notification, and the 100-yard regulation was rarely observed.

During the campaign periods, there were reports of parties being prevented from conducting election rallies or raising their party flag in opponents’ strongholds. Such incidents sometimes took place with the involvement of local government officials or police.

*Freedom of Association.*—The Constitution provides for freedom of association, and the Government generally respected this right in practice.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. An overwhelming majority of the population was Roman Catholic, and the Catholic Church was the dominant religious institution. There were small Protestant and Muslim minorities who were generally well integrated into society.

*Societal Abuses and Discrimination.*—Outside of the capital, non-Catholic religious groups were at times regarded with suspicion.

There was no indigenous Jewish population, and there were no reports of anti-Semitic acts.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

Throughout the year, but especially during the February–March ISF search for the dissident former military police commander, Major Alfredo Reinado, and during the April–June presidential and parliamentary elections period, there were numerous incidents of dissident groups, gangs, and other groups preventing freedom of movement. As a result of the 2006 crisis, many Dili neighborhoods became associated with persons from eastern Timor-Leste or western Timor-Leste, with members of one group feeling threatened in the other group’s areas.

Travel to the western enclave of Oecussi required not only visas but lengthy stops at various Indonesian military, police, immigration, and customs checkpoints.

The law prohibits forced exile, and the Government did not employ it.

*Internally Displaced Persons (IDPs).*—At year’s end approximately 70,000 residents remained displaced from their homes as a result of the 2006 crisis. International donors worked with the Government to make monthly food distributions in the camps. The Ministry of Health, with the support of international donors, set up mobile clinics to provide basic health care. In preparation for the rainy season, the International Organization for Migration provided 1,500 new tents to the camps, while the Government distributed 2,000 new tents and 4,500 tarpaulins. By year’s

end the Government's efforts to induce IDPs to leave the camps had extremely limited success.

Returning the IDPs to their homes and ensuring their health, education, and welfare remained one of the country's greatest challenges. Lack of land laws that safeguard property ownership, the absence of effective policing and security in many neighborhoods, and the large number of homes (more than 2,000) that were destroyed and remain abandoned were among the obstacles to resettling the IDP population.

*Protection of Refugees.*—The laws provide for the granting of asylum or refugee status to persons in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government established a system for providing protection to refugees. The Government granted refugee status or asylum in the past; however, there were concerns that the country's regulations governing asylum and refugee status may preclude genuine refugees from proving their eligibility for such status. For example, persons who wish to apply for asylum have only 72 hours to do so after entry into the country. Foreign nationals already present in the country have only 72 hours to initiate the process after the situation in their home country becomes too dangerous for them to return safely. A number of human rights and refugee advocates maintained that this time limit contravenes the 1951 convention. These advocates also expressed concern that no written explanation is required when an asylum application is denied. In practice the Government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution.

According to Office of the U.N. High Commissioner for Refugees (UNHCR), at year's end there were four pending asylum cases (one from Congo, one from Nigeria, and two from Vietnam). After promulgation of the 2003 Immigration and Asylum Act, the Government assumed responsibility from the UNHCR for adjudicating asylum claims. Throughout the year UNHCR continued to mentor immigration officials to ensure that asylum applications were processed according to treaty guidelines. The Government instituted a process whereby all asylum applications must be approved by the minister of the interior, which led to delays.

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

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

*Elections and Political Participation.*—There were two rounds of presidential voting and a parliamentary election in April, May, and June respectively. Former prime minister Jose Ramos-Horta, who finished second in the first round of voting, was elected president with approximately 69 percent of the vote in the second round. The June parliamentary elections resulted in a government formed by the Alliance with a Parliamentary Majority (AMP), a coalition of four parties headed by former President Xanana Gusmao as prime minister, that collectively holds 37 seats in the 65-seat legislature. UNMIT and other international observers concluded that the elections enjoyed broad participation and were fair, and largely free from violence and intimidation.

FRETILIN emerged from the elections as the largest party in the legislature with 21 seats and maintained that it should therefore be permitted to form a government. When the president instead invited a coalition of smaller parties to form a government in early August, FRETILIN denounced the move as unconstitutional. Violence then erupted in Dili and other districts. By the following month, the political situation had stabilized, and FRETILIN returned to full participation as the opposition in Parliament after a nearly month-long boycott.

There are 19 women in the 65-seat assembly. Women hold three senior ministerial positions—finance, justice, and social solidarity—one vice minister position, and one secretary of state position.

The country's small ethnic minority groups were well integrated into society. The number of members of these groups in Parliament and other government positions was uncertain.

*Government Corruption and Transparency.*—During the year there were credible reports of corruption in government institutions. The World Bank's 2006 worldwide governance indicators reflect that corruption was a serious problem. The law provides for criminal penalties in cases of official corruption. The ombudsman's office by law is the institution charged with leading national anticorruption activities and has the authority to refer cases for prosecution. During the year the ombudsman investigated the Government procurement process. Most of the allegations of corrup-

tion investigated by the anticorruption division of the ombudsman's office involved mid-level officials but some were directed against senior officials. There continued to be credible reports of petty corruption at the nation's port. In addition customs and border officials were suspected of facilitating the smuggling of gasoline, tobacco, and alcohol across the border from Indonesia.

In 2006 the Office of the Inspector General, the Government's internal oversight office, carried out investigations into eight cases of alleged maladministration or corruption and conducted two audits. At year's end these cases were still pending.

The country does not have financial disclosure laws. Prime Minister Gusmao promised that all cabinet officials in his government would complete financial disclosure documents, but by year's end none had done so.

The law stipulates that all legislation, supreme court decisions (when the court is established), and decisions made by government bodies must be published in the official gazette. If not published they are null and void. Regulations also provide for public access to court proceedings and decisions and the national budget and accounts. In practice there were concerns that public access to information was constrained. For example, the official gazette was published only in Portuguese, although by law it is to be published in Tetum as well. Moreover, its irregular publishing schedule and varying cost meant that few journalists, public servants, or others had regular access to it or knew how to access it.

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

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. In past years there were frictions between the Government and human rights NGOs, but during the year government officials often were cooperative and responsive to their views.

NGOs played an active role in assisting and advising in the development of the country. National and international NGOs, in coordination with the ombudsman, monitored human rights issues in IDP camps.

The controversial 2003 Immigration and Asylum Act, which prohibits foreigners from taking part in political activities, could be interpreted to preclude foreigners and international NGOs from assisting labor unions or projects to promote the development of civil society, and it also could allow the Government to restrict noncitizens' monitoring of the criminal or judicial systems. However, to date the act's provisions have not been applied this way.

In March 2006 the Office of the Ombudsman for Human Rights and Justice officially began its work. The ombudsman is responsible for the promotion of human rights, anticorruption, and good governance, and he has the power to investigate cases, monitor the observance of human rights, anticorruption, and good governance standards and make recommendations to the relevant authorities. The ombudsman's offices were located in Dili and had limited ability to conduct outreach or other activities in the districts. The Human Rights Monitoring Network, made up of 10 NGOs, closely cooperated with the ombudsman.

The Governments of Indonesia and East Timor bilateral Truth and Friendship Commission, inaugurated in 2005, addressed human rights violations committed in East Timor in 1999; it is scheduled to issue its final report in 2008. The U.N.-appointed Commission of Experts' report criticized its terms of reference for contradicting international standards that prohibit impunity for crimes against humanity.

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

Government regulations prohibit all forms of discrimination. Nonetheless, violence against women was a problem, and discrimination against women, persons with disabilities, and members of minority groups occurred.

*Women.*—Although rape is a crime, failures to investigate or prosecute cases of alleged rape and sexual abuse were common as were long delays. For example, in July 2006 police in Suai relayed an investigation report to prosecutors for a sexual assault that had occurred earlier that month; there were no developments in this case since that initial report. An UNMIT report noted that the definition of rape may be too narrow to protect women's rights to personal integrity; spousal rape, for example, under applicable Indonesian law is not a crime.

Domestic violence against women was a significant problem and often was exacerbated by the reluctance of authorities to respond aggressively. Many authorities regarded it as a family issue rather than a criminal matter, and victims, under pressure to resolve cases within the family, were frequently reluctant to report abuse. In many cases a lack of resources was an element affecting official inaction and failure to investigate or prosecute cases involving violence against women. The police

were particularly slow to pursue cases where the accused occupied a position of power. Police also at times came under pressure from community members to ignore cases of domestic violence or sexual abuse.

Cases of domestic violence and sexual crimes were generally handled by the PNTL's Vulnerable Persons Units (VPUs). Women's organizations assessed VPU performance as variable, with some officials actively pursuing cases while others preferred to handle them through mediation or as private family matters. During the year the Dili VPU resumed operations as a part of the Criminal Investigation Unit. Other districts' VPUs continued to operate but were severely constrained by lack of support and resources. UNMIT reported that women increasingly reported abuses to the police. In an August report the NGO Fokupers assessed 114 cases of domestic violence and 48 cases of sexual violence and noted that the formal justice system did not deal effectively with many of these cases.

Government regulations prohibit persons from organizing prostitution; however, under the Court of Appeals' interpretation of Indonesian laws, prostitution is not illegal. Nonetheless, in past years there were reports of women being arrested for prostitution.

There was no law prohibiting sexual harassment, and sexual harassment was reportedly widespread, particularly within some government ministries and the police.

There were no reports of gender-based employment discrimination; however, women usually deferred to men when job opportunities arose at the village level.

Some customary practices discriminate against women. For example, in some regions or villages where traditional practices hold sway, women may not inherit or own property.

In August the Government created the position of secretary of state for gender issues in the prime minister's office to assume the responsibilities of the Office for the Promotion of Equality. A woman was appointed the first secretary of state. UNMIT's Gender Affairs Unit also monitors discrimination against women.

Women's organizations offered some assistance to female victims of violence, including: Shelters for victims of domestic violence and incest; a safe room at the national hospital for victims of domestic violence and sexual assault; and escorts to judicial proceedings. Women's and human rights monitoring organizations formed a committee to monitor violence against women in the IDP camps and to train the camp managers to identify and pursue such cases.

*Children.*—The Constitution stipulates that primary education shall be compulsory and free; however, no legislation has been adopted establishing the minimum level of education to be provided, nor has a system been established to ensure provision of free education. According to U.N. statistics, approximately 20 percent of primary school-age children nationwide were not enrolled in school; the figures for rural areas were substantially worse than those for urban areas. Boys and girls had equal educational opportunity.

Many students living in IDP camps enrolled in schools near their camp. However, camp-based education was not provided at several IDP camps.

Boys and girls were afforded equal access to health care.

Violence against children and child sexual assault was a significant problem. Some commercial sexual exploitation of minors occurred. The Indonesian penal code, which remains in effect pending the promulgation of a national penal code, is ambiguous regarding statutory rape, specifying only that it is a crime to have intercourse with someone who has not reached the age of consent for marriage. This age is specified as 15 in the Indonesian civil code.

Thousands of children were exposed to risks as a result of their continued displacement. The capacity of the state, communities, and families to protect children was seriously challenged. According to the U.N. Children's Fund, many children showed signs of stress, including increased aggressive behavior, withdrawal, and difficulty sleeping.

Incidents of child abuse, including sexual abuse, were reported both inside and outside the IDP camps. The absence of the Dili police VPU during part of the year contributed to this problem. Underreporting of child abuse was a problem prior to the crisis, and with the breakdown in referral and reporting systems it is likely that the actual number of cases was far greater than those reported. Since the 2006 crisis there has been a significant drop in the number of reported cases.

*Trafficking in Persons.*—The Immigration and Asylum Act prohibits trafficking in women and children, whether for prostitution or for forced labor; however, in recent years there were reports of women and girls trafficked into the country for prostitution. In addition, during the year there was increased concern that growing poverty created conditions conducive to domestic trafficking.

In 2004 a local NGO estimated that as many as 115 foreign prostitutes in the capital might be victims of trafficking. Several establishments in the capital were known commercial sex operations and were suspected of being involved in trafficking. Although there was no recent study, reliable sources estimated that the number of foreign trafficking victims remained approximately the same. Trafficking victims in the country were almost exclusively forced to work in the sex industry. Reports of trafficking for forced labor have not been verified.

There was widespread ignorance about the trafficking issue. Trafficking victims did not understand their rights or know who to contact for assistance. Police were uninformed about the nature of trafficking, how to recognize it, and how to handle cases. Potential trafficking victims in country were unaware of the risks of accepting overseas employment.

Although the country was not previously a source for trafficking victims, there was evidence during the year that it was being targeted. In January a Syrian and a Nigerian were arrested at the Indonesian border for attempting to traffic several Timorese women believed to be destined for Syria. It was generally thought that this scheme was intended to force the women into prostitution overseas. The suspects were released shortly after their arrest, but the victims were able to return to their villages.

While the police conducted raids on brothels and massage parlors in Dili during the year, credible reports indicated that some police and customs officials colluded with such establishments or with those who trafficked foreign women into the country to work in them.

During the year the prosecutor general's office began an antitrafficking education campaign, and the Government financially supported other antitrafficking programs with assistance from local NGOs. The Government cooperated with various international and NGO programs. The Alola Foundation, an NGO headed by the prime minister's wife, Kirsty Sword Gusmao, provided assistance to female victims of trafficking and advised the Government on trafficking-related issues.

*Persons with Disabilities.*—Although the Constitution protects the rights of persons with disabilities, the Government had not enacted legislation or otherwise mandated accessibility to buildings for persons with disabilities, nor does the law prohibit discrimination against persons with disabilities. There were no reports of discrimination against persons with disabilities in employment, education, or the provision of other state services; however, in many districts children with disabilities were unable to attend school due to accessibility problems. Training and vocational initiatives did not address the needs of persons with disabilities. During the year some persons with mental disabilities faced discriminatory or degrading treatment due in part to a lack of appropriate treatment resources or lack of referral to existing resources. Mentally ill persons were imprisoned with the general prison population and denied needed psychiatric care. UNMIT noted that hospital patients were unable to participate in the two rounds of presidential voting, but the electoral administration provided mobile polling stations so that they could vote in the parliamentary elections. An office in the Ministry of Social Solidarity is responsible for protecting the rights of persons with disabilities.

*National/Racial/Ethnic Minorities.*—Tensions between persons from the eastern districts (Lorosae) and persons from the western districts (Loromonu) continued, although not at the heightened levels witnessed during the April and May 2006 national crisis.

Relations were generally good between the ethnic majority and members of several small ethnic minority groups; however, there were occasional reports of discrimination against ethnic Chinese (who constitute less than 1 percent of the population) and ethnic-Malay Muslims.

*Other Societal Abuses and Discrimination.*—There were no reported cases of discrimination against persons with HIV/AIDS. The law makes no reference to homosexual activity. Gays and lesbians were not highly visible in the country, which was predominantly rural, traditional, and religious. There were no reports or documented instances of discrimination.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The country has a labor code based on the International Labor Organization's standards. The law permits workers to form and join worker organizations without prior authorization. Unions may draft their own constitutions and rules and elect their representatives; however, attempts to organize workers generally were slowed by inexperience, a lack of organizational skills, and the fact that more than 80 percent of the workforce was in the informal sector. In

2004 the Government established official registration procedures for trade unions and employer organizations.

The Immigration and Asylum Act prohibits foreigners from participating in the administration of trade unions.

*b. The Right to Organize and Bargain Collectively.*—While collective bargaining is permitted, workers generally had little experience negotiating contracts, promoting worker rights, or engaging in collective bargaining and negotiations.

The law provides for the right to strike, but few workers exercised this right during the year. The law on assembly and demonstrations could be used to inhibit strikes but has not been used in this way.

The Government began a dialogue with dissident former military police commander Major Alfredo Reinado and the 600 F-FDTL personnel who went on strike from early February until March 2006 over working conditions and alleged discrimination. In March 2006 they were discharged from the F-FDTL for being chronically absent without leave after they refused orders to end the strike and return to their barracks. The underlying grievances and the subsequent activities of this group were important elements of the 2006 crisis.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—Government regulations prohibit forced and compulsory labor, including by children, and such practices were not known to occur.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The labor code largely prohibits children under 18 from working; however, there are circumstances under which children between the ages of 15 and 18 can work, and there are even exceptional exemptions for children under 15. The minimum age did not apply to family-owned businesses, and many children worked in the agricultural sector. Child labor in the informal sector was a major problem. In practice enforcement of the labor code outside of Dili was limited.

*e. Acceptable Conditions of Work.*—The labor code does not stipulate a minimum wage; however, employers generally used and employees expected a wage of \$85 (the U.S. dollar is the country's official currency) per month as a minimum standard. This amount provided a basic standard of living for a worker and family. The labor code provides for a standard workweek of 40 hours, and standard benefits such as overtime and leave, and minimum standards of worker health and safety. A National Labor Board and a Labor Relations Board exist, and there are no restrictions on the rights of workers to file complaints and seek redress. Workers have the right to remove themselves from hazardous conditions without jeopardizing employment; however, it was not clear that they could avail themselves of this right in practice.

## TONGA

The Kingdom of Tonga is a constitutional monarchy with a population of approximately 110,000. Political life is dominated by King Siaosi Tupou V, the nobility, and a few prominent commoners. The most recent election for “people’s representative” seats in Parliament, held in 2005, was deemed generally free and fair. There were several nascent political parties. A state of emergency declared following a November 2006 riot in the capital of Nuku’alofa remained in effect, but its scope was significantly reduced by year’s end. The civilian authorities generally maintained effective control of the security forces.

Citizens lacked the ability to change their government. In May a nongovernmental organization (NGO) released a report documenting cases of physical abuse of detainees by security forces in the weeks following the November 2006 riot. Five members of Parliament (MPs) were charged with sedition related to public speeches they made at political rallies in November 2006. The Government at times restricted the freedom of the media to cover political topics. Government corruption was a problem, and discrimination against women continued.

### RESPECT FOR HUMAN RIGHTS

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

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

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits such practices, but in May the Community Para-Legal Taskforce,

a local NGO, issued a report concerning abuse by the Tonga Defense Services (TDS) and police of some persons arrested following rioting in Nuku'alofa in November 2006. The report documented and illustrated cases of physical abuse of some detainees while in the custody of the security forces. Although the Government stated it would investigate the charges, it did not conduct a public inquiry. Both the police and the TDS reported conducting internal inquiries, but no results were made public.

*Prison and Detention Center Conditions.*—Prison conditions generally met international standards.

The Tonga Red Cross (TRC) monitored prison conditions through quarterly visits to the main prison. The TRC reported that the problem of temporary overcrowding that resulted from the arrest of a large number of persons following the November 2006 riot was resolved; most of those arrested and initially detained were released on bail.

Church representatives and family members were permitted to visit prisoners.

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

*Role of the Police and Security Apparatus.*—The security apparatus consists of the TDS and a police force. The minister of defense controls the TDS, which is responsible for external security and under the state of emergency shared domestic security duties with the police.

The minister of police and prisons directs the police force of approximately 470 persons. Incidents of bribe taking and other forms of corruption in the police force reportedly occurred. Reports of corruption and other public complaints are referred to a specific police office that conducts internal investigations and, if necessary, convenes a police tribunal. In March a police officer accused of brutality was convicted and dismissed from the force. Entry-level police training included training on corruption and transparency.

Powers under the state of emergency were gradually reduced during the year and at year's end were limited to police and military powers to "maintain public order" on the main island of Tongatapu. Somewhat more stringent public order provisions applied to a "proclaimed area" covering most of the business and governmental district of Nuku'alofa.

*Arrest and Detention.*—The law provides for the right to judicial determination of the legality of arrest, and this was observed in practice during the year. Under normal circumstances police have the right to arrest detainees without a warrant, but detainees must be brought before a local magistrate within 24 hours. Under the Emergency Powers Regulation (EPR) introduced in November 2006, this period was temporarily extended to 48 hours. In May the extension was dropped with the introduction of a new, revised EPR. In most cases magistrates set bail. The law permits unlimited access by counsel and family members to detained persons. Indigent persons could obtain legal assistance from a donor-funded law center.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the Government generally respected judicial independence in practice. The highest-ranking judges historically have been foreign nationals. Judges hold office "during good behavior" and otherwise cannot be dismissed during their terms.

The court system consists of the Court of Appeal, the Supreme Court (which has original jurisdiction over all major cases), the police magistrate's court, a general court, and a court of review for the Inland Revenue Department. The Court of Appeal is the highest court. The king's Privy Council presides over cases relating to disputes regarding titles of nobility and estate boundaries.

The TDS and the police force both have tribunals, which cannot try civilians.

*Trial Procedures.*—The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. The law applies to all citizens without exception. A court may not summon anyone without providing a written indictment stating the charges. Trials are public, and defendants have the option to request a seven-member jury. Defendants are presumed innocent, may question witnesses against them, and have access to government-held evidence. Lawyers have free access to defendants. Defendants have the right to be present at their trials and to consult with an attorney in a timely manner. Public defenders are not provided, but a donor-funded law center provides free legal advice and representation in court. Local lawyers occasionally take pro bono cases. Defendants have the right of appeal.

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



*Civil Judicial Procedures and Remedies.*—There is an independent and impartial judiciary in civil matters. Any violation of a human right provided for in the law can be addressed in the courts. There are no nonjudicial administrative remedies in such matters.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice. However, in the months following the November 2006 riot, police and TDS personnel were repeatedly accused of entering homes and occasionally seizing property without warrants in the course of investigations into looting.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, but the Government did not always respect these rights in practice. In January and February, five MPs were charged with sedition in relation to speeches they made at political rallies held just prior to the November 2006 riot. A court was scheduled to hear the cases in 2008.

In July a jury acquitted prodemocracy activist Sione Halafuka Ve'a, who had been charged with sedition for remarks he made at a political demonstration in November 2006.

There were no further developments in the 2005 case of former monopoly electric company employee Piveni Piukala, who was charged with illegally retrieving information from the company's computers after he publicly alleged excessively high salaries and other problems at the company. He remained free on bail and was residing outside the country at year's end.

The independent media were active and expressed a wide variety of views. In February TDS personnel, citing a legal prohibition on Sunday work for most businesses, instructed the staff of Kele'a, a newspaper owned by prodemocracy MP 'Akilisi Pohiva, to refrain from working on Sunday evenings. The editor and members of the prodemocracy movement interpreted this as intimidation by the TDS. The newspaper nevertheless continued to print articles characterized as "seditious" by the Government. In March Tavake Fusimalohi, Kele'a's editor, was arrested and charged with sedition for publishing a weekly column that criticized the king; however, Fusimalohi died on December 3, before the case came to trial.

The Oceania Broadcasting Network, a television station operated by a prodemocracy activist, remained off the air during the year. The Government ordered its shutdown in late 2006, ostensibly over a lease dispute.

Government-controlled media outlets were criticized for exercising self-censorship. In June, under government pressure, the Tonga Broadcasting Commission (TBC) imposed a ban on all reports on political topics and suspended coverage of parliamentary debates. TBC management stated it had received complaints from government ministers claiming bias in the TBC's Radio Tonga and TV Tonga reports. Despite TBC claims that the ban was officially lifted in July, restrictions remained effectively in place, with the TBC stating that, in light of political sensibilities since the riot, it refused to permit the airing of programs that might incite the population. Critics asserted that only prodemocracy material was banned, while progovernment material was freely permitted. In November the minister of the newly created Ministry of Information announced that the Government was drawing up reporting guidelines for government-owned and TBC-controlled Radio Tonga and TV Tonga, ostensibly to assure balanced reporting. No guidelines were issued by year's end.

While there was little editorializing in the government-owned media, opposition opinion in the form of letters to the editor, along with government statements and letters, appeared regularly. From time to time, the national media carried comments, including some by prominent citizens, critical of government practices and policies.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Lack of infrastructure limited access to a certain extent, but there were Internet cafes available in the larger towns in all three of the country's main island groups.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The Constitution provides for freedom of assembly; however, through May 16, pursuant to the state of emergency, meetings of five or more persons were prohibited. Thereafter, the EPR was changed, and such gatherings were no longer explicitly prohibited. In practice police tolerated a peaceful dem-

onstration that took place in October during an international conference, but a planned march into the capital's central district was prohibited.

In April and May, court hearings took place for 32 protesters charged with various offenses during a June 2006 protest march in Nuku'alofa. Most of the defendants were found guilty of obstructing police and were fined. Several defendants were acquitted.

Approximately 800 persons were arrested and more than 500 persons were charged with offenses relating to the November 2006 riot. Trials were ongoing during the year, and by year's end, 91 persons had been convicted and 15 acquitted.

*Freedom of Association.*—The Constitution provides for freedom of association, and the Government generally respected this right in practice.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. However, the dominant Christian religion shows its influence in a constitutional provision that Sunday, the Sabbath, is to be “kept holy” and that no business can be conducted “except according to law.” Although an exception was made for bakeries, hotels, resorts, and restaurants that are part of the tourism industry, the Sabbath day prohibition was otherwise enforced strictly for all businesses, regardless of the business owner's religion.

TBC guidelines require that religious programming on Radio Tonga be confined “within the limits of the mainstream Christian tradition.” Although the TBC allowed the Church of Jesus Christ of Latter-day Saints and the Baha'i Faith to broadcast their programs on TV Tonga and Radio Tonga, it prohibited discussion of their founders and the basic tenets of their faiths. A government-owned newspaper occasionally carried news articles about Baha'i activities or events, as well as those of other faiths.

*Societal Abuses and Discrimination.*—There were no reports of societal abuses or discrimination against religious groups, including anti-Semitic acts. There was no known resident Jewish community.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and prior to the declaration of a state of emergency in November 2006, the Government generally respected these rights in practice. Under the ongoing state of emergency, the Government restricted free movement in and around the Government buildings and central business district in the capital. In December 2006 the Government lifted injunctions placed on three persons, out of a list of 81, whose movements were restricted by the TDS for their alleged involvement in the November riot. By March the restrictions on the remaining 78 also had been removed.

The law does not prohibit forced exile, but the Government did not employ it in practice.

*Protection of Refugees.*—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has not established a system for providing protection to refugees. The Government provided protection against refoulement, the return of persons to a country where there is reason to believe they fear persecution. No persons were known to have applied for refugee status or temporary protection.

The Government was not approached during the year by the Office of the U.N. High Commissioner for Refugees or other humanitarian organizations to assist with refugees or asylum seekers.

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

Citizens do not have the ability to change their leaders or system of government. The king and 33 hereditary nobles dominated government. The king appoints the prime minister. He also appoints and presides over the Privy Council (called the cabinet when the king or regent is not presiding), which makes major policy decisions. The council is composed of as many as 14 ministers and two regional governors; it includes nobles and commoners, all serving at the king's pleasure.

The unicameral Parliament consists of the cabinet members, nine nobles elected by their peers, and nine representatives elected by the general population. The king appoints the speaker from among the representatives of the nobles. Cabinet members and nobles often voted as a bloc.

Following the November 2006 riot, the king reaffirmed his support for political reforms. In August a tripartite committee of cabinet, nobles', and people's representatives issued a report to Parliament recommending major changes to the political system that would result in a sizable majority of people's representatives in Parliament, with Parliament choosing the prime minister from among its members. The prime minister would choose the cabinet, also from among the MPs. Before adjourning in October, Parliament endorsed the committee's report in general but put off implementation of recommended reforms until 2010.

*Elections and Political Participation.*—Only citizens 21 years or older and resident in the country may vote. The 2005 elections for Parliament's nine people's representatives were deemed generally free and fair and resulted in a strong showing for pro-democracy candidates. Subsequent by-elections also resulted in the election of pro-democracy candidates.

Nobles and cabinet members associated with the royal family have traditionally dominated the Parliament and government. For several decades a democracy movement has been building, and since 2005 three proreform political parties have been registered.

There was one popularly elected woman in the 34-member Parliament. A woman may become queen, but the Constitution forbids a woman to inherit hereditary noble titles or become a chief. There was one female government minister.

A single cabinet minister constituted the only minority participation in government.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption. The Government generally implemented the law, but officials sometimes engaged in corrupt practices with impunity. In July Parliament enacted legislation establishing a commissioner charged with investigating official corruption.

There were some reports of government corruption during the year. Government preferences appeared to unfairly benefit businesses associated with members of the royal family. In August, during parliamentary debates, it was revealed that royalties due to the Government from a business associated with a member of the royal family had gone unpaid for a number of years. Lawyers assigned to the case by the attorney general, working together with the Department of Communications, were still investigating at year's end.

There is no law requiring financial disclosure for public officials.

The law does not specifically allow for public access to government information, and such access was a problem, especially when the Government deemed the information sensitive.

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

There are no legal barriers to the formation of domestic human rights NGOs. Some domestic NGOs dealt with human rights issues. Government officials were somewhat cooperative and responsive to their views. Claims of mistreatment of detainees in the wake of the November 2006 riot led to ad hoc investigations by several domestic NGOs. There were no restrictions on operations by international human rights groups.

Government offices include a commission on public relations that investigates and seeks to resolve complaints about the Government.

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

The law confirms the special status of members of the royal family and the nobility. While social, cultural, and economic facilities were available to all citizens regardless of race and religion, members of the hereditary nobility had substantial advantages, including control over most land and a generally privileged status.

*Women.*—Rape is punishable by up to 15 years' imprisonment. The law does not recognize spousal rape. The incidence of rape appeared to be infrequent but increasing, although there were no reliable statistics. Rape cases were investigated by the police and prosecuted under the penal code. There were seven rape convictions during the year.

Domestic violence against women seldom was publicized; however, according to local women's groups, it was very common. Domestic violence can be prosecuted under laws against physical assault, but in practice prosecutions were very rare. When abuse was reported to the police, victims were often encouraged to return to their homes. In August the police department established a Domestic Violence Unit. There were shelters for abused and troubled women, and the Free Wesleyan Church operated a hot line for women in trouble.

Under a Ministry of Health policy, a woman is not permitted to undergo a tubal ligation at a public hospital without the consent of her husband or, in his absence, her male next of kin.

Prostitution is not illegal, but activities such as soliciting in a public place, procuring, operating a brothel, and trading in women are criminal offenses. There were reports of women and underage girls engaging in commercial sexual activities. Sexual harassment is not a crime, but physical sexual assault could be prosecuted as indecent assault. Sexual harassment sometimes occurred, but it was not a major problem.

Inheritance laws, especially those concerned with land, discriminate against women. Women can lease land, but inheritance rights pass through the male heirs. Under the inheritance laws, the claim to a father's estate by a male child born out of wedlock takes precedence over the claim of the deceased's widow or daughter. If there are no male relatives, a widow is entitled to remain on her husband's land as long as she does not remarry or engage in sexual intercourse. During the year there were no further developments regarding proposals to amend the land laws to allow women to inherit registered land allotments in the absence of a male heir.

The Office of Women within the Ministry of Education, Women, and Culture is responsible for facilitation of development projects for women. During the year the office assisted women's groups in setting up work programs.

Women who rose to positions of leadership often had links with the nobility. Some female commoners held senior leadership positions in business and government, including those of governor of the Reserve Bank, permanent representative to the U.N., and ambassador to the People's Republic of China (PRC).

The National Center for Women and Children, an NGO, focused on domestic abuse and improving the economic and social conditions of women and offered counseling to women in crisis. It also operated a safehouse for women and children. Several religiously affiliated women's groups also advocated for women's legal rights.

*Children.*—The Government was committed to children's rights and welfare, and it provided some funding for children's welfare. Education is compulsory from ages 6 to 14. Education was available for all children through high school, and most children attended school. According to a U.N. Children's Fund report (based on 2000–2005 data), net primary school enrollment rates were 92 percent for boys and 89 percent for girls. Education was free at the primary level, but students were required to pay school fees at the secondary level.

The Government provided free basic medical care to children, and boys and girls had equal access to this care.

There were some reports of child abuse. During the year there were seven convictions for indecent assault of a minor and one conviction for battery of a minor. A public health facility identified 14 underage girls engaged in commercial sexual activities during the year.

*Trafficking in Persons.*—While the law does not specifically address trafficking in persons, violators could be prosecuted under antislavery statutes. There were no confirmed reports that persons were trafficked to, from, or within the country. There were unsubstantiated reports of employers holding the passports of Philippine nationals working in Tonga to prevent them from traveling. There also were unconfirmed reports that some nationals of the PRC working legally and illegally in the country may have been coerced into prostitution or other forced labor. The Government did not investigate these reports.

*Persons with Disabilities.*—There are no mandated provisions for services for persons with disabilities. The TRC operated a school for children with disabilities and conducted occasional home visits. There were complaints of discrimination in employment, education, and provision of other government services.

In March the Ministry of Education began a pilot program to assimilate children with disabilities into primary schools together with other children. The queen mother ran a center providing accommodation and meals for adults with disabilities. There were no programs to ensure access to buildings for persons with disabilities. An NGO advocating on behalf of persons with disabilities was very active.

There was no specific government agency with responsibility for protecting the rights of persons with disabilities.

*National/Racial/Ethnic Minorities.*—According to the Ministry of Labor, Commerce, and Industries, ownership and operation of food retail stores in the country has been legally restricted to citizens since 1978. Despite this policy the retail sector in many towns was increasingly dominated by foreigners, particularly Chinese nationals. The Immigration Department of the Ministry of Foreign Affairs attempted to enforce the restrictions in an effort to curb growing illegal immigration. Although some foreigners left as a result of the policy, others moved to nonrestricted sectors

of the economy. There were reports of crime and societal discrimination targeted at members of the Chinese minority.

*Other Societal Abuses and Discrimination.*—Sodomy is illegal, but there were no reports of prosecutions under this provision. Persons who engaged in openly homosexual behavior faced societal discrimination. There were no reports of discrimination against persons with HIV/AIDS.

*Section 6. Worker Rights*

*a. The Right of Association.*—Workers gained the right to form unions under the 1964 Trade Union Act, but regulations on the formation of unions were never promulgated, and there were no official unions. The Friendly Islands Teachers Association and the Tonga Nurses Association were incorporated under the Incorporated Societies Act; however, they have no formal bargaining rights under the act. The Public Servants Association (PSA) acted as a de facto union representing all government employees.

In July the acting PSA president was placed on leave from the Education Ministry for political activities in the workplace in violation of the civil service code of conduct. He had written a letter demanding the resignations of the Public Service Commission board for alleged bias against the PSA. In August the PSA's general secretary was dismissed from her position at the Department of Agriculture, also for allegedly breaching civil service code of conduct bans on political activity. The general secretary asserted her dismissal was politically motivated.

*b. The Right to Organize and Bargain Collectively.*—The law permits collective bargaining, but there were no implementing regulations.

The Trade Unions Act provides workers with the right to strike, but implementing regulations were never formulated. There have been strikes but none took place during the year.

Labor laws apply in all sectors of the economy, including the two small export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred among citizens. There were a few unconfirmed reports that some foreign workers may have been coerced into prostitution or other forced labor.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—Although there is no legislation prohibiting child labor, the practice did not exist in the wage economy. A public health facility identified 14 underage girls involved in commercial sexual activities during the year.

*e. Acceptable Conditions of Work.*—There is no minimum wage law, although there are government guidelines for wage levels. According to the Asian Development Bank, 23 percent of 16 communities surveyed in 2005 earned less than \$14 (T\$29) per person per week, which did not provide a decent standard of living for a worker and family. After a lengthy 2005 public service workers' strike, members of the large civil service received salary increases of 60 to 80 percent implemented in two phases, the first in late 2005 and the second in mid-2006, backdated to July 2005.

Labor laws and regulations, enforced by the Ministry of Labor, Commerce, and Industries, limited the workweek to 40 hours. The ministry enforced laws and regulations in the wage sector of the economy, particularly on the main island of Tongatapu, but enforcement in the agricultural sector and on the outer islands was less consistent.

Few industries exposed workers to significant danger, and industrial accidents were rare. The Government seldom addressed industrial safety standards, including the right of workers to remove themselves from dangerous work situations.

## TUVALU

Tuvalu is a parliamentary democracy with a population of approximately 11,000. In August 2006 citizens elected a 15-member unicameral Parliament in generally free and fair elections. There were no formal political parties. Following the elections a loose coalition of eight members of Parliament formed a new government and selected Apisai Ielemia as prime minister. The civilian authorities generally maintained effective control of the security force.

The Government generally respected the human rights of its citizens, and the law and judiciary generally provide effective means of addressing individual instances of abuse. However, there were a few areas of concern. Traditional customs and so-

cial patterns led to and perpetuated religious and social discrimination, including discrimination against women. The Government passed legislation in December that reasserted government administrative control over the national broadcasting authority.

RESPECT FOR HUMAN RIGHTS

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

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

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits such practices, and there were no reports that government officials employed them.

Local hereditary elders exercise discretionary traditional punishment and disciplinary authority. This includes the right to inflict corporal punishment for infringement of customary rules, which can be at odds with the national law. However, during the year there were no reports of such corporal punishment.

*Prison and Detention Center Conditions.*—Prison and detention center conditions generally met international standards, and the Government permitted visits by local church representatives.

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

*Role of the Police and Security Apparatus.*—Civilian authorities maintained effective control over the national police service, and the Government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year. Some women's rights advocates criticized police for failing to take domestic violence seriously.

*Arrest and Detention.*—The law permits arrests without warrants if a police officer witnesses the commission of an unlawful act or has "reasonable suspicion" that an offense is about to be committed. Police estimated that the majority of arrests were of this type. The police may hold a person arrested without a warrant for no more than 24 hours without a hearing before a magistrate. When a court issues an arrest warrant, the maximum permissible detention time before a hearing must be held is stated on the warrant and normally is 1 to 2 weeks.

There was a functioning system of bail. Arrested persons generally were promptly informed of the charges against them, although bureaucratic delays sometimes occurred because persons charged with serious offenses to be tried in the High Court must wait for its semiannual meeting. Detainees had prompt access to family members. The people's lawyer (public defender) was only available after the position was filled in September after an 11-month vacancy. Prior to that, those needing legal assistance were directed to the Office of the Attorney General. The country had no attorneys in private practice.

*e. Denial of Fair Public Trial.*—The law provides for an independent judiciary, and the Government generally respected judicial independence in practice.

There is a two-tier judicial system. Higher courts include the High Court, the Court of Appeal (which has never met), and the Sovereign in Council (Privy Council) in the United Kingdom. Lower courts consist of senior and resident magistrates, the island courts, and the land court. A nonresident expatriate chief justice appointed by the governor general presides over the High Court. Separate security, military or other parallel court systems do not exist in the country.

*Trial Procedures.*—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. However, the lack of a public defender precluded High Court sessions during most of the year.

Procedural safeguards are based on British common law. The law provides for a presumption of innocence. Judges conduct trials and render verdicts; there are no juries. Trials are public and defendants have the right to be present. Although defendants have the right to consult with an attorney in a timely manner, access to an independent public defender, and be informed of the nature of the offenses with which they are charged, these rights could not be consistently exercised in the absence of a public defender for the first 9 months of the year. Defendants have the right to confront witnesses, present evidence, and appeal convictions. The High Court met once during the year, resulting in significant delays in trials. The courts continued to have a large backlog of cases waiting to be heard.

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

*Civil Judicial Procedures and Remedies.*—There is an independent and impartial judiciary in civil matters. Individuals may bring lawsuits seeking damages for, or cessation of, human rights violations.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law prohibits such actions, and the Government generally respected these prohibitions in practice.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The law provides for freedom of speech and of the press, but the Government occasionally limited these rights in practice.

Citizens were free to criticize the Government publicly or privately without reprisal, and there were no reports that the Government sought to impede such criticism.

There were no private, independent media. The Tuvalu Media Corporation (TMC), a public corporation, controlled the country's sole radio station. During the year there were claims that the Government tried to influence TMC reporting. After disagreements over TMC's administration and editorial independence, the Government decorporatized TMC in December, which made it a governmental department within the Prime Minister's Office, effective January 1, 2008.

TMC's monthly newsletter ceased publication during the year due to lack of funding. Local radio news, information, and music were broadcast 7 hours per day. The remaining radio programming consisted of rebroadcasts of BBC programs. There was no television broadcast. Those few who can afford it received international satellite television broadcasts. DVDs and videotapes circulated freely and were widely available. Pornography is illegal. International media were allowed to operate freely.

*Internet Freedom.*—There were no government restrictions on access to the Internet and no reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. However, the relative lack of telecommunications infrastructure, especially beyond the capital island of Funafuti, and relatively high costs restricted public access to and use of the Internet.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*—The law provides for freedom of assembly and association, and the Government generally respected these rights in practice.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, the High Court has held that traditional village authorities may restrict this right in certain circumstances.

The Constitution also states that the laws are to be based on Christian principles. Despite official tolerance, religious homogeneity (more than 90 percent of citizens are members of the Church of Tuvalu, a Congregationalist denomination) and traditional structures of communal life posed practical barriers to the introduction and spread of other religious beliefs. The law requires churches to register, and they must have a minimum of 50 members to do so.

At year's end the Court of Appeal had not met to review the Brethren Church's appeal of the High Court's 2005 ruling permitting local traditional authorities to restrict the constitutional right to religious freedom in defense of traditional mores.

The High Court did not meet during the year to consider the 2006 decision by the council of elders on one island prohibiting the establishment or practice of "any new religion" not already established on the island and efforts to influence landowners to hinder the construction of a Brethren church. No new restrictions on the Brethren church were reported during the year.

*Societal Abuses and Discrimination.*—There was a degree of societal intolerance toward religions other than established Christian denominations, particularly on the outer islands. There was no known Jewish community, and there were no reports of anti-Semitic acts.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

The Constitution prohibits forced exile, and the Government did not practice it.

*Protection of Refugees.*—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, but the Government has not established a system for providing protection to refugees. The Government did not grant refugee status or asylum. The Government cooperated with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations, but the issue of assisting refugees and asylum seekers did not arise during the year.

During the year there were no applications for refugee resettlement, asylum, or protection from refoulement, the return of persons to a country where there is reason to believe they feared persecution.

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

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

*Elections and Political Participation.*—Citizens freely and directly elect a 15-member unicameral Parliament with 4-year terms. The country's eight main islands are each administered by a six-person council, also elected by universal suffrage to 4-year terms. The minimum voting age is 18 years.

The August 2006 general elections were generally free and fair. An eight-member majority of the newly elected Parliament selected Apisai Ielemia as prime minister.

There were no formal political parties; instead, Parliament tended to divide between an ad hoc faction with at least the necessary eight votes to form a government and an informal opposition faction.

Participation by women in government and politics was limited, largely due to traditional perceptions of women's role in society. There were no female members of Parliament or cabinet ministers. There were no members of minorities in the legislature or the cabinet.

*Government Corruption and Transparency.*—The law provides criminal penalties for some forms of official corruption, such as theft; however laws against corruption are weak. There was widespread public perception that government transparency and accountability needed further improvement. During the year the Government enacted a "leadership code" that outlines standards to which government officials are expected to adhere. Concerns remained that public funds sometimes were mismanaged and that government officials sometimes benefited unfairly from their positions, particularly in regard to overseas travel and related payments and benefits. During the year the Government continued to ban most overseas travel by officials unless funded from abroad.

The law provides for annual, public ministerial reports, but publication was spotty and often nonexistent. The Auditor General's Office, responsible for providing government oversight, was underfunded and lacked serious parliamentary support. Consequently it had inadequate staff and resources. Public officials were not subject to financial disclosure laws.

There is no law providing for public access to government information. In practice the Government was somewhat cooperative in responding to individual requests for such information.

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

There were no local NGOs focused entirely on human rights, although there were no known barriers to their establishment. Some human rights advocates, such as the Tuvalu National Council of Women, operated under the auspices of the Tuvalu Association of Nongovernmental Organizations, which was composed primarily of religious organizations. The people's lawyer monitored sentencing, equality before the law, and human rights issues in general. This institution, which at times was critical of the government, nonetheless was supported by the government, which frequently sought its advice. The few other local organizations involved in human rights issues generally operated without government restriction, investigating and publishing their findings on human rights cases. However, opportunities to publicize such information locally were severely limited due to the lack of local print and electronic media. Government officials were somewhat cooperative and responsive to local organizations' views.

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

The law prohibits discrimination on the basis of race, color, and place of origin, and the Government generally enforced these prohibitions. In 2005 the High Court stated that the omission of gender as a ground of discrimination in the Constitution



was deliberate, and there is no constitutional protection against gender discrimination. The Tuvalu National Council of Women urged the Government to amend the law to specifically prohibit discrimination on the basis of gender, but no action was taken on this proposal during the year.

*Women.*—Reports of violence against women were rare. However, women's rights observers reported that it was not possible to estimate accurately the incidence of rape and domestic violence, due to a lack of data. Law enforcement authorities reported a single arrest for rape; there were no trials for rape during the year. Rape is a crime punishable by a minimum sentence of 5 years' imprisonment, but spousal rape is not included in the legal definition of this offense.

The law does not specifically address domestic violence, and the issue was not a source of broad societal debate. Acts of domestic violence were prosecuted under the assault provisions of the penal code. The maximum penalty for common assault is 6 months' imprisonment, and for assault with actual bodily harm, it is 5 years. The police continued to practice an unofficial "no-drop" policy under which they do not drop charges in cases of domestic violence. Women's rights observers criticized the police for seeking to address violence against women using traditional and customary methods of reconciliation rather than criminal prosecution. There were no shelters or hot lines for abused women.

Prostitution and sex tourism are illegal and were not problems. The law does not specifically prohibit sexual harassment but prohibits indecent behavior, which includes lewd touching. Sexual harassment was not a significant problem.

There remained some areas in which the law contributes to an unequal status for women. For example, the land inheritance rights of the Tuvalu Lands Code are based in part on customary practices. If survivors cannot agree on the settlement of an estate, the law specifically provides for sons to inherit a greater share of property than daughters, although the law allows appeal of such property distributions. In addition the Native Lands Ordinance states that after the age of 2 any illegitimate child, if accepted by the father, shall reside with him or his relations.

In practice women held a subordinate societal position, constrained both by law in some areas and by traditional customary practices. Nonetheless, women increasingly held positions in the health and education sectors and were more active politically. In the wage economy, men held most higher-paying positions, while women held the clear majority of lower-paying clerical and retail positions.

*Children.*—Government funding for children's welfare was reasonable within the context of its total available resources. Education was free, compulsory, and universal for children through age 13. Primary school enrollment rates were 87 percent for boys and 88 percent for girls, according to 2006 Asian Development Bank figures. However, only about one-third of secondary-school-age children (ages 15 to 19) attended school. The attendance rate for girls at the secondary school level was approximately 10 percent higher than that for boys and approximately 40 percent higher in the last 2 years of secondary school. Students competed for academic scholarships to attend universities overseas or participated in vocational training focusing on subsistence farming and maritime training for men, and computer or other business training for women. The Government provided free medical care for children through age 18. Boys and girls had equal access to state-provided medical care.

The Government did not compile child abuse statistics, and there were no reported cases of child abuse or child prostitution during the year. However, anecdotal evidence indicated that child abuse occurred. Corporal punishment, in the form of strokes of a cane or paddle, was common in schools.

*Trafficking in Persons.*—The law does not prohibit all forms of trafficking in persons, but there were no reports that persons were trafficked to, from, or within the country. However, the law specifically prohibits procurement of persons within and across borders for purposes of prostitution.

*Persons with Disabilities.*—The law does not prohibit discrimination on the basis of physical or mental disability. There were no known reports of discrimination against persons with disabilities in employment, education, or the provision of other state services, nor were there restrictions on the right of persons with disabilities to vote or participate in civic affairs. However, supplementary state services to address the special needs of persons with disabilities were very limited. There are no mandated accessibility provisions for persons with disabilities. There was no government agency with specific responsibility for protecting the rights of persons with disabilities.

*Other Societal Abuses and Discrimination.*—Societal discrimination against persons based on sexual orientation was not common and there were no reports of such discrimination. Persons with HIV/AIDS faced some societal discrimination. Local

agents of foreign companies that hired seafarers from Tuvalu to work abroad barred persons with HIV/AIDS from employment. The Government and NGOs cooperated to inform the public about HIV/AIDS and to counter discrimination.

*Section 6. Worker Rights*

*a. The Right of Association.*—The law provides for the right of association. Workers were free to organize unions and choose their own labor representatives, but most of the population lacked permanent employment and was engaged in subsistence activity.

Public sector employees such as civil servants, teachers, and nurses were members of professional associations that did not have union status. The only registered trade union, the Tuvalu Seamen's Union, had approximately 1,200 members, some 400 of whom worked on foreign merchant vessels.

*b. The Right to Organize and Bargain Collectively.*—The law provides for conciliation, arbitration, and settlement procedures in cases of labor disputes. Although there are provisions for collective bargaining, in practice the few individual private sector employers set their own wage scales. Both the private and public sectors generally used nonconfrontational deliberations to resolve labor disputes.

The law provides for the right to strike, but no strike has ever taken place.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The law prohibits children under age 14 from working in the formal labor market. The law also prohibits children under age 15 from industrial employment or work on any ship and stipulates that children under age 18 are not allowed to enter into formal contracts, including work contracts. The Government effectively enforced these prohibitions. Children rarely were employed outside the traditional economy of subsistence farming and fishing.

*e. Acceptable Conditions of Work.*—The minimum wage, set by the government, was barely sufficient to allow a worker and family in the wage economy to maintain a decent standard of living. The biweekly minimum wage in the public sector was \$114 (A\$130). Private sector wages were typically somewhat lower than the Government's minimum wage rate.

The Ministry of Labor may specify the days and hours of work for workers in various industries. The law sets the workday at 8 hours. However, very few persons worked in the formal economy, which was primarily on the main island; thus, the Government did not have the occasion to enforce the law.

The law provides for rudimentary health and safety standards. It requires employers to provide an adequate potable water supply, basic sanitary facilities, and medical care. The Ministry of Labor is responsible for the enforcement of these regulations, but in practice it provided minimum enforcement. Workers can remove themselves from work situations that endanger health or safety without jeopardy to their jobs; the law also protects legal foreign workers.

---

## VANUATU

Vanuatu is a multiparty parliamentary democracy with a population of approximately 218,000. The Constitution provides for parliamentary elections based on universal suffrage every 4 years. Parliament elects the prime minister as the head of government. An electoral college comprising the members of Parliament (MPs) and the chairmen of the country's six provincial government councils elects the president, whose powers are largely ceremonial, as the head of state for a 5-year term. The most recent elections, held in July 2004, were considered generally free and fair. Prime Minister Han Lini's government, a seven-party coalition, enjoyed relative political stability, surviving a vote of no confidence in June. The civilian authorities generally maintained effective control of the security forces; however, police officials on occasion have acted peremptorily or at the direction of senior politicians.

The Government generally respected the human rights of its citizens, but there were problems in some areas. These included poor prison conditions, arrests without warrants, an extremely slow judicial process, government corruption, and violence and discrimination against women.

## RESPECT FOR HUMAN RIGHTS

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

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

On March 3, three persons were killed and 20 injured after violence erupted in the Blacksands and Anabrou squatter settlements in Port Vila between rival groups from Tanna and Ambrym islands. The violence broke out when Tanna Islanders armed with clubs and machetes attacked a group of Ambrym Islanders; the Tannese suspected members of the Ambrym group of causing the death of a Tannese woman through use of black magic. Police arrested 144 persons in connection with the violence. Of those arrested, 88 were released due to lack of evidence; 56 were charged in the incident and at year's end were released on bail awaiting a scheduled February 2008 court hearing. The same day the Government declared a state of emergency in Port Vila, which remained in effect until March 18.

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits such practices, and there were no reports that government officials employed torture; however, there were some reports of police abuse of criminal suspects.

*Prison and Detention Center Conditions.*—Conditions at the three prisons in Port Vila improved slightly during the year with foreign donor funding but remained below international standards. Security at all facilities was poor, and there were frequent prisoner escapes. Male inmates were incarcerated in overcrowded facilities. Pretrial detainees usually were held in the police jail rather than the prisons. In March police approved the use of the police paramilitary gymnasium as a short-term detention center to relieve overcrowding in the jail. Local and international human rights groups were allowed to visit the center. Persons deemed mentally unfit to stand trial were held with the general prison population. Juveniles were held together with adults.

The Government permitted prison visits by independent human rights observers, although there were no requests for visits during the year.

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

*Role of the Police and Security Apparatus.*—The commissioner of police heads the police force of approximately 500 officers, including a police maritime wing and the paramilitary Vanuatu Mobile Force. Police effectiveness was hampered by a lack of resources and by internal rivalries. During the year foreign assistance was provided through the Police Force Capacity Building Project to address some of the problems confronting the force. Actions taken under the project included recruitment of new officers, establishment of additional police posts on outer islands and in rural areas, and police building repairs and maintenance. Corruption and impunity were not major problems; however, there were some instances of corruption, and there have been some instances in which police have acted without proper authorization at the behest of politicians. During the year four police officers implicated in a fraud case involving high-level government employees and Indo-Fijians were suspended, and the case remained under investigation at year's end.

*Arrest and Detention.*—A warrant issued by a court is required for an arrest; however, police made a small number of arrests without warrants during the year. The constitutional provision that suspects must be informed of the charges against them generally was observed in practice.

A system of bail operated effectively; however, some persons not granted bail spent lengthy periods in pretrial detention due to judicial inefficiency. The ratio of pretrial detainees to the total prison population was relatively high. Judges, prosecutors, and police complained about large case backlogs due to a lack of resources and limited numbers of qualified judges and prosecutors. Years could pass before a case is brought to trial. Detainees were allowed prompt access to counsel and family members. A public defender's office provides counsel to indigent defendants.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the Government generally respected judicial independence in practice.

Magistrates' courts deal with most routine legal matters. Island courts are present at the local level, with limited jurisdiction in civil and criminal matters. The Supreme Court, an intermediate-level court, has unlimited jurisdiction over criminal and civil matters and considers appeals from the magistrates' courts. The Appeals Court is the highest appellate court. Judges cannot be removed without cause.

*Trial Procedures.*—The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. However, the judiciary was relatively weak and inefficient, and some defendants spent extended periods in pretrial detention as a result. The judicial system is derived from British common law. Judges conduct trials and render verdicts; there are no juries. The courts uphold constitutional provisions for a fair public trial, a presumption of innocence until guilt is proven, a prohibition against double jeopardy, a right to counsel, a right to judicial determination of the validity of arrest or detention, a right to question witnesses and access government-held evidence, and a right of appeal. The public defender's office provides free legal counsel to indigent defendants.

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

*Civil Judicial Procedures and Remedies.*—There is an independent and impartial judiciary for civil matters; however, police were reluctant to enforce domestic court orders.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

During the year most international correspondents, government-owned media, and the independent press reported criticisms of political leaders freely and apparently without hindrance. However, at times some individual politicians and their supporters have attempted to intimidate the media, although with no apparent effect.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail; however, cost and lack of infrastructure limited public access to the Internet.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

During a 2-week state of emergency declared March 3 after violence broke out between groups of rival islanders in Port Vila, public meetings of three or more persons were prohibited.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The Government provided some financial assistance for the construction of churches affiliated with member denominations of the Vanuatu Christian Council, provided grants to church-operated schools, and paid teachers' salaries at church-operated schools in existence since the country's independence. These benefits were not available to non-Christian religious organizations. Government schools also scheduled weekly religious education classes conducted by representatives of Council churches. Students whose parents did not wish them to attend the classes were excused. Non-Christian religions were not permitted to give religious instruction in public schools.

*Societal Abuses and Discrimination.*—There were no reports of societal abuses or discrimination against religious groups, although some churches and individuals objected to missionary activities of nontraditional religious groups. The country's Jewish community was limited to a few expatriates, and there were no reports of anti-Semitic acts.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

The law does not address forced exile, but the Government did not employ it.

*Protection of Refugees.*—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has not established a system for providing protection to refugees. The Government did not grant refugee status

or asylum. In practice the Government did not provide protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. The Government had no association with the Office of the U.N. High Commissioner for Refugees.

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

The Constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

*Elections and Political Participation.*—National parliamentary elections were last held in July 2004 and were considered generally free and fair. Due to insufficient evidence, no further action was taken against alleged participants in the burning of several ballot boxes on the island of Tanna during the elections. Parliamentary majorities have been unstable, with frequent motions for votes of no confidence in the Government.

Traditional attitudes regarding male dominance and customary familial roles hampered women's participation in economic and political life. There were two women in the 52-member Parliament. There was one woman in the cabinet.

There were at least two members of minorities (non-Melanesians) in Parliament, one of whom was in the cabinet.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials often engaged in corrupt practices with impunity.

There were reports of government corruption during the year. The law provides for the appointment of public servants on the basis of merit; however, in practice political interference at times has hampered the effective operation of the civil service.

During the year three People's Progressive Party (PPP) MPs and a former senior official in the Ministry of Foreign Affairs were charged with forgery and theft in connection with a large-scale fraud scheme involving electoral development funds. The cases were adjourned for hearing in 2008. The case also resulted in the removal from office of Foreign Minister and Deputy Prime Minister Sao Kilman. In July, following disclosure of the alleged PPP involvement in the fraud scheme, the PPP was removed from the coalition government.

Public officials are subject to a leadership code of conduct, which includes financial disclosure requirements. The ombudsman's office is responsible for combating government corruption.

No law provides for public access to government information. In practice governmental response to requests for information from the media was inconsistent.

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

A number of domestic and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive to their views.

The president appoints a government ombudsman to a 5-year term in consultation with other political leaders. Since its establishment, the ombudsman's office has issued a number of reports critical of government institutions and officials. However, it did not have adequate resources or independent power to prosecute, and the results of its investigations may not be used as evidence in court proceedings.

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

The law prohibits discrimination on the basis of race, place of origin, language, or sex; however, women remained victims of discrimination in the tradition-based society.

*Women.*—Violence against women, particularly domestic violence, was common, although no accurate statistics existed. Although rape is a crime, with a maximum penalty of life imprisonment, spousal rape is not cited specifically in the law, and police frequently were reluctant to intervene in what were considered domestic matters.

There are no specific laws against domestic violence; courts occasionally prosecuted offenders using common-law assault as a basis for prosecution. Magistrates have authority to issue domestic violence protection orders, but most cases of violence against women, including rape, went unreported because women, particularly in rural areas, were ignorant of their rights or feared further abuse. There were no government programs to address domestic violence, and media attention to the abuse was limited. Churches and other nongovernmental organizations (NGOs) ran

facilities for abused women. NGOs such as the National Council of Women and the Vanuatu Women's Center also played an important role in educating the public about domestic violence but did not have sufficient funding to fully implement their programs.

Prostitution is illegal and was not regarded as a serious problem. Although there is no law against sex tourism, no incidents were reported. Sexual harassment is not illegal and was a problem.

While women have equal rights under the law, they were only slowly emerging from a traditional culture characterized by male dominance, a general reluctance to educate women, and a widespread belief that women should devote themselves primarily to childbearing. The majority of women entered into marriage through "bride-price payment," a practice that encouraged men to view women as property. Women also were barred by tradition from land ownership. Many female leaders viewed village chiefs as major obstacles to social, political, and economic rights for women. Women interested in running for public office received encouragement and help from the NGO Vanuatu Women in Politics.

*Children.*—Access to education was limited, and school attendance was not compulsory. Less than 35 percent of all children advanced beyond elementary school due to a shortage of schools and teachers beyond grade six. Boys tended to receive more education than girls. Although attendance rates were similar in the early primary grades (approximately 79 percent for boys and 78 percent for girls), fewer girls advanced to the higher grades. A significant portion of the population, perhaps as high as 50 percent, was functionally illiterate. Medical services were free, and there was an immunization program; boys and girls had equal access. However, the Government had few resources for medical care, particularly in outlying provinces where there were no hospitals.

Child abuse was not believed to be extensive; however, the Government did little to combat the problem. NGOs and law enforcement agencies reported increased complaints of incest and rape of children in recent years, but no statistics were available. Children generally were protected within the traditional extended family system. Members of the extended family played an active role in a child's development. Virtually no children were homeless or abandoned.

The legal age for marriage is 21, although boys between 18 and 21 and girls between 16 and 21 may marry with parental permission. In practice, in rural areas and some outer islands, some children married at younger ages.

*Trafficking in Persons.*—The law does not specifically prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the country.

*Persons with Disabilities.*—There is no law specifically prohibiting discrimination against persons with physical or mental disabilities. There was a national policy designed to protect the rights of persons with disabilities, but the Government did not implement it effectively. There were no special programs to assist persons with disabilities and no legislation mandating access to buildings for them. Their protection and care was left to the traditional extended family and to NGOs. Due to high rates of unemployment, there were few jobs available for persons with disabilities. Persons with mental illness generally did not receive specialized care; they usually were attended by members of their extended families.

*National/Racial/Ethnic Minorities.*—Most of the population is Melanesian. Small minorities of Chinese, Fijians, Vietnamese, Tongans, and Europeans generally were concentrated in two towns and on a few plantations. Most of the land belongs to indigenous tribes and cannot be sold, although prime real estate was increasingly leased to others. Within the limits of this system of land tenure, there generally were no reports of discrimination against ethnic minorities; however, only indigenous farmers can legally grow kava, a native herb, for export.

*Other Societal Abuses and Discrimination.*—There were no reports of societal violence or discrimination against homosexuals or persons with HIV/AIDS.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law provides all workers with the right to organize and join unions, and workers exercised this right in practice. Approximately 14,300 persons participated in the formal economy as wage earners. Combined union membership in the private and public sectors was approximately 1,900. The two existing trade unions, the Vanuatu Teacher's Union and the Vanuatu National Worker's Union, were independent of the Government and grouped under an umbrella organization, the Vanuatu Council of Trade Unions. The high percentage of the population still engaged in subsistence agriculture and fishing (approximately 70 percent) precluded extensive union activity. Unions require government permis-

sion to affiliate with international labor federations, but the Government has not denied any union such permission.

While the law does not require union recognition, it prohibits antiunion discrimination once a union is recognized. Complaints of antiunion discrimination are referred to the Department of Labor. In 2006 there were reports by unionists of employer violations of ratified International Labor Organization conventions; although all investigations of these reports were ongoing, as of year's end no further action was taken.

*b. The Right to Organize and Bargain Collectively.*—Unions exercised the right to organize and bargain collectively. They negotiated wages and conditions directly with management. If the two sides cannot agree, the matter is referred to a three-member arbitration board appointed by the minister of home affairs. The board consists of one representative from organized labor, one from management, and the senior magistrate of the magistrates' courts. While a dispute is before the board, labor may not strike and management may not dismiss union employees. However, unions and management generally reached agreement on wages without arbitration. There have been strikes in the past, but there were none during the year.

The law prohibits retaliation for legal strikes. In the case of private sector employees, complaints of violations are referred to the Department of Labor for conciliation and arbitration. In the public sector, the Public Service Commission handles complaints of violations. Unions are required by law to give 30 days' notice of intent to strike and to provide a list of the names of potential strikers.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The law prohibits children under age 12 from working outside family-owned agricultural production, where many children assisted their parents. The employment of children from 12 to 18 years of age was restricted by occupational category and conditions of labor, including employment in the shipping industry and nighttime employment. The Department of Labor effectively enforced these laws.

*e. Acceptable Conditions of Work.*—The Department of Labor effectively enforced a legislated minimum wage of approximately \$212 (20,000 vatu) per month. The minimum wage did not provide a decent standard of living for an urban worker and family. However, most families were not dependent solely on wages for their livelihood, supplementing their incomes through subsistence farming. Various laws regulated benefits such as sick leave, annual vacations, and other conditions of employment, such as a 44-hour maximum workweek that included at least one 24-hour rest period. The Employment Act provides for 1½ to 1¾ times the normal rate of pay for overtime work.

The Employment Act, enforced by the Department of Labor, includes provisions for safety standards. Workers have the right to remove themselves from dangerous work situations without jeopardy to their continued employment. However, the safety and health law was inadequate to protect workers engaged in logging, agriculture, construction, and manufacturing, and the single inspector attached to the Department of Labor could not enforce the law fully. Laws on working conditions and safety standards apply equally to foreign workers and citizens.

## VIETNAM

The Socialist Republic of Vietnam, with a population of approximately 84 million, is an authoritarian state ruled by the Communist Party of Vietnam (CPV). The CPV's constitutionally mandated primacy and the continued occupancy of all key government positions by party members allows it to set national policy. However, the CPV continued to reduce its formal involvement in government operations and allowed the Government to exercise discretion in implementing policy. There were no other legal political parties. The most recent National Assembly elections, held in May, were neither free nor fair, since all candidates were vetted by the CPV's Vietnam Fatherland Front (VFF), an umbrella group that monitored the country's popular organizations. The civilian authorities generally maintained effective control of the security forces.

The Government's human rights record remained unsatisfactory. Citizens could not change their government, and political opposition movements were prohibited. The Government continued its crackdown on dissent, arresting a number of political

activists and disrupting nascent opposition organizations, causing several political dissidents to flee the country. Police sometimes abused suspects during arrest, detention, and interrogation. Prison conditions were often severe. Individuals were arbitrarily detained for political activities and were denied the right to fair and expeditious trials. The Government reinforced its controls over the press and the Internet and continued to limit citizens' privacy rights and freedom of speech, assembly, movement, and association. Overall respect for religious freedom improved during the year, but the Government persisted in placing restrictions on the political activities of religious groups. The Government maintained its prohibition of independent human rights organizations. Violence and discrimination against women remained a problem. Trafficking in women and children for purposes of prostitution continued. Some ethnic minority groups suffered societal discrimination. The Government limited workers' rights, especially to organize independently, and arrested or harassed several labor activists.

#### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—There were no substantiated reports that the Government or its agents committed any politically motivated killings; however, there were unconfirmed reports of extrajudicial killings. Some political and religious activists claimed that government authorities used plainclothes “contract thugs” and “citizen brigades” to beat and sometimes kill “undesirables”; however, it was impossible to confirm these reports.

There were no developments in the July 2006 case of Y Ngo Adrong, an ethnic Jarai who reportedly hanged himself in his prison cell, although bruises on his torso strongly suggested that he died from a beating.

*b. Disappearance.*—Two politically active Vietnamese citizens, Tim Sakhorn and Le Tri Tue, disappeared in Cambodia in May. Tim Sakhorn reappeared months later in Vietnamese custody in An Giang Province, where he was later tried and sentenced to 1 year in prison in November. Le Tri Tue was still missing at year's end, amid rumors that Vietnamese Government security agents had killed him.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits physical abuse; however, police sometimes physically mistreated suspects while they were under arrest or in police custody.

Incidents of local police harassment and beatings were reported in the provinces of Dien Bien, Quang Ninh, Hai Phong, Lang Son, Thanh Hoa, and Tra Vinh, often involving disruption of “illegal” meetings at Protestant house churches or restrictions on religious holiday celebrations. Officials involved in harassment and beating incidents in Thanh Hoa were fined and reprimanded. In Lang Son in November, plainclothes security agents allegedly beat democracy activist Nguyen Phuong Anh while he was visiting another activist; authorities claimed that he was drunk. More than one Protestant congregation in Dien Bien reported incidents of police beatings and harassment.

There were allegations from activist groups that police harassed or beat ethnic minority returnees in the Central Highlands, although most reports could not be substantiated. Monitors found that most incidents involved land, money, or domestic disputes.

In April police prevented the wives of five political prisoners from meeting with a diplomat and a parliamentarian of a foreign country. Two of the women were intercepted and manhandled by plainclothes security agents. In a later incident, security officials intercepted a woman invited to meet with the same diplomat and temporarily detained her. At various times other political activists and family members of prisoners were physically prevented from meeting with foreign diplomatic officials. Tactics used by authorities included setting up barriers or guards outside their residences or calling them into the local police station for questioning.

On July 11, a political dissident and prominent labor activist was released from the mental hospital where she was involuntarily committed in November 2006. While there were no restrictions on her activities, she reportedly was ordered to undergo monthly “checkups,” and she remained concerned about surveillance and potential rearrest.

No action was taken against local authorities who beat two ethnic Dao Protestants in the Central Highlands province of Kon Tum, and no compensation was provided to the victims.

*Prison and Detention Center Conditions.*—Prison conditions could be severe but generally did not threaten the lives of prisoners. Diplomatic observers reported Spartan but generally acceptable conditions. Overcrowding, insufficient diet, lack of



clean drinking water, and poor sanitation nonetheless remained serious problems in many prisons. Prisoners had access to basic health care, with additional medical services available in hospitals at the district and provincial levels. In many cases, however, family members were prevented from transmitting medication to prisoners. Prisoners generally were required to work but received no wages. Prisoners were sometimes moved to solitary confinement, where they were deprived of reading and writing materials for periods of up to several months. Family members made credible claims that prisoners received better benefits by paying bribes to prison officials.

There were unsubstantiated reports of poor prison conditions at Xuan Loc Prison in Dong Nai Province. Allegations included cases of several deaths of prisoners, which could not be confirmed by the international community. Family members of human rights lawyer and Protestant activist Nguyen Van Dai and Catholic activist Father Nguyen Van Ly claimed that the two were denied access to a Bible, allegedly because prison officials feared they would convert other inmates to Christianity. In October Nguyen Van Dai was allowed to have a Bible. Another imprisoned activist and Christian, Le Thi Cong Nhan, reportedly had her Bible taken from her by prison authorities in Thanh Hoa Province.

The Government generally did not permit the International Committee of the Red Cross or nongovernmental organizations (NGOs) to visit prisons. The Government approved a request from the Office of the U.N. High Commissioner for Refugees (UNHCR) to visit a prisoner, but by year's end no UNHCR representative had gone to the prison. In March a foreign diplomat was allowed to visit a prison in the north. In October foreign observers were allowed to visit political and religious activists at a prison outside Hanoi. Other requests by diplomatic observers to visit prisoners were pending.

*d. Arbitrary Arrest or Detention.*—The law prohibits arbitrary arrest and detention; however, the Government continued to arrest and detain citizens for their political activities. This included the November arrests in Ho Chi Minh City of two Vietnamese citizens and three foreign citizens who were preparing to mail pamphlets calling for a democratic change of government through nonviolent resistance. The Government accused the group of committing “terrorist acts.” By year's end two of the foreign nationals had been released. Another foreigner, connected to the group and arrested at the same time at the border with Cambodia, remained in custody at year's end. The Government accused the foreign citizen of entering the country with false documentation but did not announce formal charges.

The criminal code allows the Government to detain persons without charges indefinitely under vague “national security” provisions. During the year several individuals were arrested for violating Article 88 of the criminal code, which prohibits the “distribution of propaganda against the state.” Those charged with violating Article 88 were typically sentenced to terms of up to 5 years in prison.

*Role of the Police and Security Apparatus.*—Internal security is primarily the responsibility of the Ministry of Public Security (MPS); however, in some remote areas the military is the main government agency and provides public safety functions, including maintaining public order in the event of civil unrest. The MPS controls the police, a special national security investigative agency, and other internal security units. It also maintains a system of household registration and block wardens to monitor the population, including those suspected of engaging, or likely to engage, in unauthorized political activities; however, the system became less pervasive in its intrusion into most citizens' daily lives. Nevertheless, credible reports suggested there were incidents of local police forces using “contract thugs” and “citizen brigades” to harass and beat political activists and others perceived as “undesirable” or a “threat” to public security.

Police organizations exist at the provincial, district, and local levels and are subject to the authority of the people's committees at each level. The police were generally effective at maintaining political stability and public order, but police capacities, especially investigative, were generally very low. Police training and resources were inadequate. Corruption was a significant problem among the police force at all levels, and police officers sometimes acted with impunity. Internal police oversight structures existed but were subject to political influence.

*Arrest and Detention.*—The criminal code outlines the process by which individuals are taken into custody and treated until they are brought before a court or other tribunal for judgment. The Supreme People's Procuracy (the Public Prosecutor's Office) issues arrest warrants, generally at the request of police; however, police may make an arrest without a warrant on the basis of a complaint filed by any person. The procuracy issues retroactive warrants in such cases. The procuracy must issue a decision to initiate a formal criminal investigation of a detainee within

9 days; otherwise, police must release the suspect. In practice the 9-day regulation was often circumvented.

The investigative period may last from 3 months for less serious offenses (those punishable by up to 3 years' imprisonment) to 16 months for exceptionally serious offenses (those punishable by more than 15 years' imprisonment or capital punishment), or 20 months for national security cases. During the investigative period, detainees typically were not allowed access to a lawyer or family members, especially in national security cases. During this period some detainees were strongly compelled to admit guilt in support of the Government's case against them. Investigators sometimes used physical isolation, excessively lengthy interrogation sessions, and sleep deprivation to compel detainees to admit guilt.

The criminal code further permits the procuracy to request additional 2-month periods of detention after an investigation to consider whether to prosecute a detainee or ask the police to investigate further. There was no functioning bail system or equivalent system of conditional release. Time spent in pretrial detention counts toward time served upon conviction and sentencing.

Although legal counsel is a constitutional right for all persons accused of crimes, a scarcity of trained lawyers and lack of defendant rights made prompt detainee access to an attorney rare. In general only persons formally charged with capital crimes were assigned lawyers.

By law detainees are permitted access to lawyers from the time of their detention, but the system often functioned in a way that denied detainees free and open access to legal counsel. Bureaucratic delays frequently limited initial detainee contacts with their attorneys. In national security cases, authorities can delay defense lawyers' access to clients until after an investigation has ended and the suspect has been formally charged with a crime. Lawyers must be informed of and allowed to attend interrogations of their clients. They must also be given access to case files and be permitted to make copies of documents. Attorneys were sometimes able to exercise these privileges. However, in the case of an interrogation, a defendant first must request the presence of a lawyer, and it was not clear whether authorities always advised defendants of this privilege.

Police generally informed families of detainees' whereabouts; however, family members were allowed to visit a detainee only with the permission of the investigator, and this permission was not automatically granted. Prior to a formal indictment, detainees also have the right to notify family members. However, a number of detainees suspected of national security violations were held incommunicado. At year's end some persons arrested early in the year had not been seen by family members or a lawyer, nor had they been formally charged with crimes.

Courts may sentence persons to administrative detention of up to 5 years after completion of a sentence. In addition, police or mass organizations can propose that one of five "administrative measures" be imposed by people's committee chairpersons at district and provincial levels without a trial. The measures include terms ranging from 6 to 24 months in either juvenile reformatories or adult detention centers and generally were applied to repeat offenders with a record of minor offenses, such as committing petty theft or "humiliating other persons." Chairpersons may also impose terms of "administrative probation," which generally was some form of restriction on movement and travel. In March the Government repealed Decree 31, a provision on administrative probation often used to punish perceived political dissidents. However, authorities continued to sanction some individuals subject to Decree 31 after its repeal. The Government also used other decrees, ordinances, and measures, such as Article 88, to detain activists for the peaceful expression of opposing political views.

Arbitrary detentions, particularly for political activists, remained a problem. A government crackdown on political dissent that started in late 2006 and continued through April resulted in the arrest and detention of approximately 30 activists. Although some were released, others either remained under investigation and in detention without being formally charged or were tried and sentenced to lengthy prison terms.

On May 8, police forcibly entered the home of prominent Ho Chi Minh City democracy activist Tran Khue and removed personal computers and other material. Khue underwent interrogation and was eventually released. On November 26, Khue was prevented from traveling to Hanoi to visit terminally ill democracy activist Hoang Minh Chinh.

There were reports that government officials in the Central and Northwest Highlands temporarily detained ethnic minority individuals for communicating with the ethnic minority community abroad during the year.

Peaceful land rights protests in Ho Chi Minh City and Hanoi resulted in the temporary detention and security surveillance of several activists, although the Govern-

ment handled the dispersal of these protests without significant violence. Peaceful protests in December over Chinese actions in the disputed Spratly and Paracel Islands also resulted in the temporary detention of several activists for demonstrating without permission. One activist in Ho Chi Minh City claimed he was held for questioning for 30 hours before being released.

In July Thich Khong Thanh, a Unified Buddhist Church of Vietnam (UBCV) monk, was temporarily detained in Hanoi for his reported involvement in land rights protests, then transferred back to Ho Chi Minh City and released. Others with him were temporarily detained in Hanoi. In November UBCV monk Thich Thien Minh was temporarily detained and questioned in Ho Chi Minh City, also due to his involvement in land rights protests. He remained under police surveillance.

Senior UBCV leaders remained under "pagoda arrest," although the Government denied that such orders existed, but they were allowed some movement within the country. Other religious and political activists were subject to varying degrees of informal detention in their residences.

*Amnesty.*—The Government did not grant a Tet amnesty, and it delayed the September National Day amnesty until October, due to the May elections and a change in government portfolios. Nevertheless, provincial councils throughout the country conducted a National Day amnesty of prisoners under their jurisdiction. In late October, as part of a delayed National Day Amnesty, the Government amnestied several thousand persons, including 11 under national security charges. The 11 national security releases included three of eight Cao Dai activists, originally arrested in 2004 for distributing petitions at an ASEAN meeting in Phnom Penh, and Montagnard prisoners, arrested in the 2004 Central Highlands protests.

Several high-profile prisoners benefited from special release during the year, including political activists Nguyen Vu Binh, Phan Van Ban, and Le Quoc Quan. Binh, a journalist and writer released in June, was detained in 2002 and sentenced to 7 years in prison in 2003 after writing articles calling for greater political freedoms. Ban, imprisoned in 1985 after joining an organization that called for political change, was released and deported on May 9. Le Quoc Quan, an attorney and democracy activist, was released on June 16 but remained under strict surveillance.

*e. Denial of Fair Public Trial.*—The law provides for the independence of judges and lay assessors; however, in practice the CPV controlled the courts at all levels by retaining effective executive power to appoint judges and often to determine verdicts. Most, if not all, judges were members of the CPV and were chosen at least in part for their political reliability. As in past years, the judicial system was strongly distorted by political influence, endemic corruption, and inefficiency. CPV influence was particularly notable in high-profile cases and others in which a person was charged with challenging or harming the CPV or the state.

The judiciary consists of the Supreme People's Court (SPC); provincial and district people's courts; military tribunals; administrative, economic, and labor courts; and other tribunals established by law. Each district has a people's court, which serves as the court of first instance for most domestic, civil, and criminal cases. Each province also has a people's court, which serves as the appellate forum for district court cases as well as court of first instance for other cases. The SPC, which reports to the National Assembly, is the highest court of appeal and review. Administrative courts adjudicate complaints by citizens about official abuse and corruption. There are also special committees to help resolve local disputes.

There was a shortage of trained lawyers and judges, and there was no independent bar association. Low judicial salaries hindered efforts to develop a trained judiciary. The few judges who had formal legal training often had studied abroad only in countries with communist legal traditions.

Government training programs to address the problem of inadequately trained judges and other court officials were underway. Foreign governments and the U.N. Development Program provided assistance; however, the lack of openness in the criminal judicial process and the continuing lack of independence of the judiciary hampered progress.

Courts of first instance at district and provincial levels include judges and lay assessors, but provincial appeals courts and the SPC are composed of judges only. People's councils appoint lay assessors from a pool of candidates suggested by the VFF. Lay assessors are required to have "high moral standards," but legal training is not required.

Military tribunals, although funded by the Ministry of Defense, operate under the same rules as other courts. The Defense Ministry is represented on the judicial selection panels, and the head of the military tribunal system is the deputy head of the SPC. Military tribunal judges and assessors are military personnel, chosen jointly by the SPC and the ministry but supervised by the SPC. The law gives military

courts jurisdiction over all criminal cases involving military entities, including military-owned enterprises. The military has the option of using the administrative, economic, or labor courts for civil cases.

*Trial Procedures.*—The Constitution provides that citizens are innocent until proven guilty; however, many lawyers complained that judges generally presumed guilt. Trials generally were open to the public, but in sensitive cases judges closed trials or strictly limited attendance. Juries are not used; judges or panels of judges hear prosecution and defense arguments and make final adjudications. Defendants have the right to be present and have a lawyer at trial, although not necessarily the lawyer of their choice, and this right was generally upheld in practice. Defendants unable to afford a lawyer were generally provided one only in cases with possible sentences of life imprisonment or capital punishment. The defendant or the defense lawyer has the right to cross-examine witnesses; however, there were cases in which neither defendants nor their lawyers were allowed to have access to government-held evidence in advance of the trial, to cross-examine witnesses, or to challenge statements. Defense lawyers commonly had little time before trials to examine evidence against their clients. Convicted persons have the right to appeal. District and provincial courts did not publish their proceedings. The SPC has published the proceedings of all the cases it reviewed since 2003.

There continued to be credible reports that defense lawyers were pressured not to take as clients any religious or democracy activists facing trial.

The public prosecutor brings charges against an accused person and serves as prosecutor during trials. According to the criminal procedures code, the change in courtroom procedures was to continue from an “investigative” system, in which the judge leads the questioning, to an “adversarial” system, in which prosecutors and defense lawyers advocate for their respective sides. The change was intended to provide more protections for defendants and prevent judges from coercing defendants into confessing guilt; however, implementation differed from one province to another.

On March 30, government officials allowed foreign diplomats to observe by closed-circuit television the trial of Catholic priest Nguyen Van Ly in Hue. The Government later allowed foreign diplomats to view via closed-circuit television the May 11 trial of Nguyen Van Dai and Le Thi Cong Nhan in Hanoi as well as their SPC appeal trial on November 27.

*Political Prisoners and Detainees.*—There were no reliable estimates of the number of political prisoners. The Government claimed it held no political prisoners, only lawbreakers. The Government held at least 30 political detainees at year’s end, although some international observers claimed the numbers ranged into the hundreds.

In January police briefly detained human rights lawyer and labor activist Le Thi Cong Nhan for questioning. Nhan was later arrested, tried, and on May 11 sentenced to 4 years in prison and 3 years’ probation for violating Article 88. In November the SPC reduced the prison portion of her sentence to 3 years on appeal.

In February authorities temporarily detained and questioned a number of politically active church leaders, including Roman Catholic priests Chan Tin and Phan Van Loi. Other democracy activists who were detained and eventually released included Nguyen Phong, Nguyen Binh Thanh, Hoang Thi Anh Dao, Bach Ngoc Duong, Nguyen Phuong Anh, and Pham Van Coi. Some subsequently fled to Cambodia and sought protection from the UNHCR, while Nguyen Phong and Nguyen Binh Thanh were later rearrested, tried, and on March 30 sentenced to prison terms of 6 and 5 years, respectively.

On February 18, Catholic priest Nguyen Van Ly, amnestied in 2005, was rearrested. On March 30, Ly was sentenced to 8 years in prison under Article 88 for “conducting propaganda against the state.”

On March 6, human rights attorney Nguyen Van Dai was arrested under Article 88; on May 11, he was sentenced to 5 years in prison and 4 years’ probation. In November the SPC on appeal reduced the prison portion of his sentence to 4 years.

On March 8, attorney and democracy activist Le Quoc Quan was arrested in March shortly after returning from a fellowship program in the United States. He was charged with violations of Article 79 of the penal code, which covers “crimes of infringing upon national security,” including “carrying out activities aimed at overthrowing the people’s administration.” On June 16, while still under investigation, Quan was released as part of a special amnesty but was disbarred. At year’s end he remained under strict surveillance.

In April writer and journalist Tran Khai Thanh Thuy was detained for violation of Article 88. At year’s end she remained in detention without trial (see Section 2.a.).

In May Tran Quoc Hien received a 3-year prison term for “conducting propaganda against the state” and a 2-year sentence for “disrupting security.”

On May 10, Le Nguyen Sang, Huynh Nguyen Dao, and Nguyen Bac Truyen, arrested in August 2006 and charged with “storage of antigovernment materials,” were sentenced to 5 years’ imprisonment for violating Article 88. On August 17, at the appeals trial for Le Nguyen Sang, the court reduced Sang’s sentence from 5 to 4 years in prison, Truyen’s from 4 years to 3 years and 6 months, and Dao’s from 3 years to 2 years and 6 months; their 2-year probation terms remained unchanged. The court continued to find Sang, Truyen, and Dao guilty of “propagandizing against the state.”

On May 16, prodemocracy activist Nguyen Ba Dang was arrested for “spreading propaganda against the state”; at year’s end authorities had not released any information regarding his case. Dang was being detained in Kinh Chi Camp in Hai Duong City.

At year’s end Truong Quoc Huy remained in detention without formal charges after his arrest in August 2006 on charges related to political activism, including “attempting to undermine national unity.” A trial scheduled for April 13 was postponed for unspecified reasons, and a trial rescheduled for December 18 was indefinitely postponed.

Pham Ba Hai, Vu Hoang Hai, Nguyen Ngoc Quan, and an unknown number of others, arrested in September 2006 for activities involving the “propagandizing against the people’s government,” remained in detention without official notification of charges. A trial set for December 27 was indefinitely postponed.

Several political dissidents affiliated with outlawed political organizations, including Bloc 8406, the People’s Democratic Party, People’s Action Party, Free Vietnam Organization, Democratic Party of Vietnam, United Workers-Farmers Organization, and others, remained in prison in various locations.

At year’s end five of eight Cao Dai Church members, sentenced in 2005 to between 3 and 13 years in prison, remained incarcerated. Three were amnestied in October. Ethnic minority prisoners from the Central Highlands, associated with the 2004 Central Highlands protests, also remained in prison. Some NGOs claimed there were several hundred such prisoners. Some were released from detention in the October amnesty.

*Civil Judicial Procedures and Remedies.*—There is no clear or effective mechanism for pursuing a civil action to redress or remedy abuses by authorities. Civil suits are heard by “administrative” courts, civil courts, and criminal courts, all of which follow the same procedures as in criminal cases and are adjudicated by members of the same body of judges and lay assessors. All three levels were subject to the same problems of corruption, lack of independence, and inexperience.

Officials reported that according to law, a citizen seeking to press a complaint regarding a human rights violation by a civil servant is required first to petition the officer accused of committing the violation for permission to refer the complaint to the administrative courts. If a petition is refused, the citizen may refer it to the officer’s superior. If the officer or his superior agrees to allow the complaint to be heard, the matter is taken up by the administrative courts. If the administrative courts agree that the case should be pursued, it is referred either to the civil courts for suits involving physical injury seeking redress of less than 20 percent of health care costs resulting from the alleged abuse, or to the criminal courts for redress of more than 20 percent of such costs. In practice this elaborate system of referral and permission ensured that citizens had little effective recourse to civil or criminal judicial procedures to remedy human rights abuses, and few legal experts had experience with the system.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law prohibits such actions; however, the Government did not respect these prohibitions in practice. Household registration and block warden systems existed for the surveillance of all citizens. Authorities focused on persons suspected of being involved in unauthorized political or religious activities.

Forced entry into homes is not permitted without orders from the public prosecutor; however, security forces seldom followed these procedures but instead asked permission to enter homes, with an implied threat of repercussions for failure to cooperate. Some individuals refused to cooperate with such “requests.” In urban areas police generally left when faced with noncompliance.

Government authorities opened and censored targeted persons’ mail, confiscated packages and letters, and monitored telephone conversations, e-mail, and facsimile transmissions. The Government cut the telephone lines and interrupted the cellular telephone and Internet service of a number of political activists and their family members.

The Government did not have an official policy of forced resettlement. Nevertheless, the Government resettled some citizens to make way for infrastructure projects, many in ethnic minority communities, and there were widespread reports that compensation was either not fair or not paid in a timely manner.

In June in Ho Chi Minh City, disgruntled groups from the Mekong Delta and the Ho Chi Minh City region conducted peaceful protests over disputes related to land expropriation and land compensation by the state. On July 18, some protesters were forcibly placed into police trucks when they refused to end the 3-week rally, and many suffered minor injuries. Eyewitnesses dismissed as inaccurate reports that police violence was used to break up the Ho Chi Minh City protests. Police detained protest organizers but eventually released them, reportedly unharmed. Several activists later complained of police surveillance and harassment. Other reported organizers were publicly denounced in the media and had their home addresses published, a common practice by security officials. A smaller July land rights protest in Hanoi was peacefully dispersed by security officials, and those detained were released shortly afterwards.

Following the protests in June and July, the Government publicized measures to address land rights protesters' concerns, including the establishment of 14 inter-agency inspection teams to look into unresolved land claims disputes. However, at year's end there were no reports that any such claims had been resolved.

Some members of ethnic minorities in the Central and Northwest Highlands continued to complain that they had not received proper compensation for past seizures of their land, which was given to government-owned coffee and rubber plantations.

Some resettled individuals reportedly returned to their ancestral villages in Son La and Dien Bien provinces after being forced to move during the year. In the case of a dam project in Son La, the Government attempted to improve compensation and resettlement activities, although not every family was satisfied.

Membership in the CPV remained a prerequisite to career advancement for all government and government-linked organizations and businesses. However, economic diversification made membership in the CPV and CPV-controlled mass organizations less essential to financial and social advancement.

The Government continued to implement a family planning policy that urged families to have no more than two children, but the policy emphasized exhortation and education rather than coercion. The Government can deny promotions and salary increases to public sector employees with more than two children, and some cases of denied promotion or financial penalties were reported, although the policy did not appear to be enforced in a consistent manner.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The law provides for freedom of speech and of the press; however, the Government continued to restrict these freedoms, particularly with respect to speech that criticized individual government leaders, promoted pluralism or multiparty democracy, or questioned policies on sensitive matters such as human rights, religious freedom, or the border agreement with China. The line between what constituted private speech and public speech continued to be arbitrary.

Both the Constitution and the criminal code include broad national security and antidefamation provisions that the Government used to restrict freedom of speech and of the press. The criminal code defines the crimes of “sabotaging the infrastructure of socialism,” “sowing divisions between religious and nonreligious people,” and “conducting propaganda against the Socialist Republic of Vietnam” as serious offenses against national security. The criminal code also expressly forbids “taking advantage of democratic freedoms and rights to violate the interests of the state and social organizations.”

The CPV, government, and party-controlled mass organizations controlled all print, broadcast, and electronic media, although some media organizations increasingly pushed the limits of censorship. The Government exercised oversight through the Ministry of Culture and Information, reorganized during the year to become the Ministry of Information and Communication, and supplemented its control through pervasive party guidance and national security legislation sufficiently broad to ensure effective self-censorship by the domestic media.

On January 9, politburo member Truong Tan Sang gave a speech calling on the CPV to strengthen “management of the press” by “amending legal documents on press activities and improving media workers’ political stances, skills, and ethics.” After detailing the positive role the media played in socioeconomic development, Sang stated that the CPV “must enhance its leadership role” in appointing and recruiting media workers. In addition, the party’s Central Committee resolved at its

sporadic but typically semiannual plenary meetings for state media to rededicate itself to carrying out party lines and policies.

In August the country's first national press award honors went to the official army newspaper for exposing the threat of "reactionary" and "hostile influences" working to undermine the country.

Editors from some periodicals were reportedly threatened with sanctions for their publication of criticisms of the government, including revelations of alleged official corruption. Late in the year, two deputy chief editors at the Ho Chi Minh City-based Tuoi Tre daily newspaper were removed for their publication of articles in 2006 alleging that the state bank governor awarded his son a contract to print new polymer banknotes.

Late in the year, Chinese statements asserting authority over disputed islands in the South China Sea created enormous public and media resentment. To control the popular reaction, the Government reportedly ordered media silence on the issue. VietnamNet, a major online news outlet, published an editorial in December, and the Ministry of Information and Communication fined the news organization \$2,000 (32 million VND). The editor-in-chief was notified that he would be removed from his position. At year's end he remained in his post, but a coeditor was named by the ministry to oversee the outlet's news production.

The law requires journalists to pay monetary damages to individuals or organizations harmed as a result of their reporting, even if the reports are true. Independent observers noted that the law severely limited investigative reporting. Several media outlets continued to test the limits of government press restrictions by publishing articles that criticized actions by CPV and other government officials. There were press reports on topics that generally were considered sensitive, such as the prosecution on corruption charges of high-ranking CPV and government officials, as well as occasional criticism of officials and official associations. Nonetheless, the freedom to criticize the CPV and its senior leadership remained restricted.

In June Prime Minister Nguyen Tan Dung signed a decree prohibiting all government and CPV employees except ministers, provincial governors, or appointed spokespersons from speaking to the media. The decree codifies several procedures that journalists must follow before being granted an interview, but it does not specify punishments for officials who provide information without permission. International and domestic journalists suggested that the decree represents the formalization of what was a previously implied policy.

Some persons who expressed alternative opinions on religious or political issues were not allowed to travel abroad or were denied a passport.

Foreign journalists must be approved by the Foreign Ministry's press center and must be based in Hanoi, with the exception of one correspondent reporting solely on economic issues who lived and maintained an office in Ho Chi Minh City while officially accredited to Hanoi. Foreign journalists are required to renew their visas every 3 to 6 months, although the process is routine and there were no reports of any visa renewals being refused. The number of foreign media employees allowed was limited, and local employees who worked for foreign media also were required to be registered with the Foreign Ministry.

It became somewhat easier for foreign media outlets to hire local reporters and photographers and receive approval for their accreditation, although the process continued to be cumbersome. The Foreign Ministry's press center nominally monitored journalists' activities and approved requests for interviews, photographs, filming, or travel, submitted at least 5 days in advance, on a case-by-case basis. By law foreign journalists are required to address all questions to government agencies through the Foreign Ministry, although in practice this procedure was often ignored. Foreign journalists noted that they generally did not notify the Government about their travel outside of Hanoi unless it involved a story that the Government would consider sensitive or they were traveling to an area considered sensitive, such as the Central Highlands.

The Government restricted the publication and distribution of religious texts.

Foreign-language editions of some banned books were sold openly by street peddlers and in shops oriented to tourists. Foreign-language periodicals were widely available in cities, although there was occasional censorship of articles by the Government. The Government's censorship office threatened to ban the publication of *A Perfect Spy*, a novel about the Viet Cong double agent Pham Xuan An; however, in August a government-owned, party-controlled firm published the book.

The law limits access to satellite television to top officials, foreigners, luxury hotels, and the press. In practice, however, persons throughout the country were able to access foreign programming via home satellite equipment or cable. Cable television, including foreign-origin channels, was widely available to subscribers living

in urban areas. Unlike in 2006, the Government did not block subscribers from receiving certain channels.

*Internet Freedom.*—The Government allows access to the Internet through a limited number of Internet Service Providers (ISPs), all of which were state-owned joint stock companies. Internet usage grew rapidly during the year, with an estimated 18 million Internet users out of a population of 84 million by year's end. Blogging increased rapidly, primarily as a youth phenomenon, but older adults and professionals also set up their own blogs. In addition, a number of prominent print and online news journalists set up their own blogs. In several cases their blogs were considered far more controversial than their mainstream writing. In a few cases, the Government fined or punished these individuals for the content of their blogs.

The Government forbids direct access to the Internet through foreign ISPs, requires domestic ISPs to store information transmitted on the Internet for at least 15 days, and also requires ISPs to provide technical assistance and workspace to public security agents to allow them to monitor Internet activities.

The Government requires Internet agents, such as cybercafes, to register the personal information of their customers and store records of Internet sites visited by customers. However, in practice many cybercafe owners did not maintain these records. Similarly, it was not clear whether major ISPs complied with the many government regulations.

The Government monitored e-mail, searched for sensitive key words, regulated Internet content, and blocked many Web sites with political or religious content that authorities deemed "offensive." They claimed that censorship of the Internet was necessary to protect citizens from pornography and other "antisocial" or "bad elements." They also claimed to try to limit Internet access by school-age users to keep them from gaming at the expense of their school work.

Article 88 is construed to prohibit individuals from downloading from the Internet and disseminating documentation that the Government deems offensive.

Authorities continued to detain and imprison dissidents who used the Internet to publish ideas on human rights and political pluralism. For example, on April 21, writer and Internet journalist Tran Khai Thanh Thuy was arrested at her home in Hanoi for Article 88 violations. Thuy reportedly expressed her political views on a number of domestic Web sites. At year's end she was being held at a prison in Hanoi, with no access to family or a lawyer. Hanoi-based human rights lawyers Nguyen Van Dai and Le Thi Cong Nhan were also arrested, jailed, and charged under Article 88. At their May trial, the Government's case largely revolved around downloading, authoring, and distributing prodemocracy documents on the Internet.

Other individuals were also arrested for "misuse" of the Internet, including participating in certain online forums and chat services and writing about democracy and human rights.

The Government continued to use firewalls to block some Web sites that it deemed politically or culturally inappropriate, including Web sites operated by overseas Vietnamese political groups. The Government appeared to have lifted most of its restrictions on access to the Voice of America Web site. Although Radio Free Asia (RFA) appeared to be available only intermittently, primarily in the north, local press occasionally wrote stories based on RFA broadcasts. Access to sites operated by overseas dissident groups continued to be restricted.

The Ministry of Information and Communication requires owners of domestic Web sites, including those operated by foreign entities, to register their sites with the Government and submit their planned Web site content and scope to the Government for approval; however, enforcement remained selective.

In a widely publicized case, Intellasia, an online news and investment publication, came under public attack from government-sponsored newspapers alleging the Intellasia Web site was "illegal for posting reactionary content." Media articles reported that police had detected an "unlicensed" Web operation managed by an Australian citizen and that the Web site had "posted many distorted and reactionary articles about the country's politics, human rights, and democracy." Government investigators allegedly confirmed that Intellasia's Web site management company, Tri Tue A Chau Ltd., violated Decree 56 concerning press operations. Intellasia also was under suspicion for publishing "critical political news" and operating a Web server abroad. In August authorities shut down access to the Web site inside the country. In September the Australian owner of the site fled the country, claiming that security officials had threatened his wife and employees with imprisonment and had used denial of service and cyberattack techniques to shut down the site. At year's end Intellasia was operating from outside the country.

*Academic Freedom and Cultural Events.*—The Government asserts the right to restrict academic freedom, and foreign field researchers were sometimes questioned



and monitored. However, the Government continued to permit a more open flow of information, including in the university system, than in previous years. Local librarians increasingly were being trained in professional skills and international standards that supported wider international library and information exchanges and research. Foreign academic professionals temporarily working at universities in the country were allowed to discuss nonpolitical issues widely and freely in classes, but government observers regularly attended classes taught by both foreigners and citizens. Security officials occasionally questioned persons who attended programs on diplomatic premises or used diplomatic research facilities. Nevertheless, requests for materials from foreign research facilities increased. Academic publications usually reflected the views of the CPV and the Government.

In March four writers, members of a former dissident intellectual circle from the 1950s and once banned for writing poems critical of government policy, received prestigious national awards for artistic achievement. Two of the awards were posthumous. This was widely seen as a cautious indication of a greater tolerance for free academic discourse.

The Government generally exercised controlled over art exhibits, music, and other cultural activities; however, it generally allowed artists broader latitude than in past years to choose the themes for their works.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The right of assembly is restricted by law, and the Government restricted and monitored all forms of public protest or gathering. Persons wishing to gather in a group are required by law and regulation to apply for a permit, which local authorities can issue or deny arbitrarily. In practice only those arranging publicized gatherings to discuss sensitive issues appeared to require permits, and persons routinely gathered in informal groups without government interference. In general the Government did not permit demonstrations that could be seen as having a political purpose, and the Government restricted the right of several unregistered religious groups to gather in worship.

On April 5, security services obstructed a meeting at a foreign ambassador's residence between a foreign congressional delegation and five family members of political activists. In November police broke up a Protestant house church gathering in Haiphong. Several such "unregistered" religious gatherings also were broken up or obstructed in the Northwest Highlands, amid accusations by religious practitioners that local authorities sometimes used "contract thugs" to harass or beat them.

As in previous years, peaceful protests by citizens demanding redress for land rights claims frequently took place in Ho Chi Minh City. Police monitored these protests but generally did not disrupt them. In June and July, several hundred protesters camped in front of a government building in Ho Chi Minh City for more than 30 days. When several prominent members of the unrecognized Unified Buddhist Church of Vietnam became involved, police broke up the protests (see Section 1.f.). In addition, anti-China protests resulting from long-standing sovereignty disputes over the Spratly and Paracel Islands took place in Hanoi and Ho Chi Minh City late in the year. Police monitored and dispersed protesters without significant violence.

*Freedom of Association.*—The Government severely restricted freedom of association. Opposition political parties were neither permitted nor tolerated. The Government prohibited the legal establishment of private, independent organizations, insisting that persons work within established, party-controlled mass organizations, usually under the aegis of the VFF. However, some entities, including unregistered religious groups, were able to operate outside of this framework with little or no government interference.

In June the National Assembly passed the Ordinance on Grassroots Democracy, which is intended to allow villagers, with the participation of local VFF representatives, to convene meetings for the purpose of discussing and proposing solutions to local problems and nominating candidates for local leadership. The ordinance also attempts to encourage transparency in local governance by requiring commune governments to publicize how they raise and spend funds for local economic development. At year's end implementation had not begun.

Bloc 8406, a political activist group that calls for the creation of a multiparty state, continued to exist even though senior members were arrested and jailed in a crackdown early in the year and others faced severe harassment for their peaceful political activities. Bloc 8406 claimed more than 2,000 supporters inside the country, although this number could not be verified. At least 10 members of the group were in detention at year's end.

Authorities continued to arrest members of another activist group, the People's Democratic Party of Vietnam, and a related group, the United Workers-Farmers Or-

ganization. Several individuals were tried and sentenced to prison terms, while others were in detention at year's end.

*c. Freedom of Religion.*—The Constitution and government decrees provide for freedom of worship, and overall respect for religious freedom improved during the year, but the Government persisted in placing restrictions on the organized, political activities of religious groups. However, the Government continued to relax restrictions on religious activities, and such activities continued to grow significantly.

Problems remained in the implementation of the 2004–5 Legal Framework on Religion. These included excessive delays, and in some cases inaction, in the registration of Protestant congregations in the north and the Northwest Highlands; inconsistent application of procedures for congregation registration and other legal requirements; continued restrictions on religious recruitment; difficulties in the establishment of Catholic seminaries and Protestant pastor training courses; and unresolved land expropriation claims involving a number of religious denominations. Some provincial authorities were more active, while others appeared not to consider positive and consistent implementation of the Legal Framework on Religion a priority.

The Government remained concerned that some ethnic minority groups active in the Central Highlands were operating a self-styled “Dega Church,” which reportedly combines religious practice with political activism and calls for ethnic minority separatism. The Government also restricted the leadership of the unrecognized UBCV and maintained that it would not recognize the organization under the existing leadership.

The Government maintained a prominent role overseeing recognized religions. Religious groups encountered the greatest restrictions when they engaged in activities that the Government perceived as political activism or a challenge to its rule. The Government continued to ban, and actively discouraged participation in, one unrecognized faction of the Hoa Hao Buddhist Church. Government authorities imprisoned and defrocked a number of ethnic Khmer Buddhists for their involvement in antigovernment protests in the Mekong Delta early in the year. Some religious figures, including Catholic priest Nguyen Van Ly, Khmer Krom monk Tim Sakhorn, and Protestant activist Nguyen Van Dai, were sentenced to prison terms for their political activism.

By law religious groups must be officially recognized or registered, and the activities and leadership of individual religious congregations must be approved by the appropriate lower-level authorities. The law mandates that the Government act in a time-bound and transparent fashion, but the approval process for registration and recognition of religious organizations was sometimes slow and nontransparent. Nevertheless, new congregations were registered throughout the country, and a number of religious denominations were registered at the national level. In March the Baha'i Faith received official recognition, and in October the Government recognized the Vietnamese Baptist and Mennonite religious groups. The Protestant Vietnam Inter-Christian Fellowship and the Vietnam Presbyterian Church also received national-level recognition. However, in the northern region and the Northwest Highlands, local authorities had not acted on registration applications submitted in 2006 by more than 1,000 Protestant congregations among ethnic minority groups, the Hmong in particular.

Some local authorities continued to demand that even recognized religious organizations provide lists of all members of subcongregations as a precondition to registration, although this specific requirement was not codified in the Legal Framework on Religion. Some registered congregations in the northern region and the Northwest Highlands complained that officials used such lists to keep unlisted members from participating in services or for harassment by local authorities or their agents. Annual activities by congregations also must be registered with authorities, and activities not on the accepted annual calendar require separate government approval.

As in past years, official oversight of recognized religions and their registered subcongregations, as well as problems faced by followers of nonrecognized religions or unregistered subcongregations of recognized religions, varied widely from locality to locality, often as a result of ignorance of national policy or varying local interpretations of the policy's intent. In general central-level efforts to coordinate proper implementation of the Government's religious framework reduced the frequency and intensity of religious freedom violations. Nevertheless, activities of nonrecognized and unregistered religious groups remained technically illegal, and these groups occasionally experienced harassment. The level of harassment declined in comparison with previous years, and the vast majority of unregistered churches and temples were allowed to operate without interference.

The Government actively discouraged contacts between the illegal UBCV and its foreign supporters, although such contacts continued. Police routinely questioned some persons who held alternative religious or political views, such as UBCV monks and certain Catholic priests. Police continued to restrict the free movement of UBCV monks.

There were few credible allegations of forced renunciations during the year. However, there were isolated but credible reports of local authorities in some northwest provinces “encouraging renunciations” of recently converted Christians and pressuring them to return to their traditional beliefs. Some of these persons reported that they were also denounced for “believing in an American religion” and were therefore “enemies of the state.” A training manual for local officials published by the Government Committee on Religion in late 2006 appeared to encourage recently converted Christians to return to their traditional beliefs. The manual was highlighted by international human rights groups and reportedly reworded during the year to meet legal requirements.

Articles in some provincial newspapers encouraged local authorities and ethnic minority groups to favor animist and traditional beliefs and to reject Protestantism.

Buddhists practicing their religion under the Vietnam Buddhist Sangha Executive Council, the officially sanctioned Buddhist governing council, were generally free to practice their religion. While these constituted the vast majority of Buddhists, the Government continued to harass members of the banned UBCV and prevented them from conducting independent religious activities outside their pagodas.

In February the Government rejected the appointment of two Catholic bishops endorsed by the Vatican. However, Catholic officials reported that the Government generally continued to ease restrictions on assignment of new clergy. In August the Jesuits opened their new theological training facility in Ho Chi Minh City. The Catholic Church indicated that it had begun exploring with government authorities the establishment of additional seminaries. Late in the year, the Government moved towards establishment of an official joint working group with the Vatican to develop principles and a roadmap toward establishing official relations.

A number of Catholic clergy reported a continued easing of government control over activities in certain dioceses during the year. In many places local government officials allowed the Church to conduct religious education classes (outside regular school hours) and charitable activities. The Ho Chi Minh City government continued to facilitate certain charitable activities of the Church in combating HIV/AIDS; however, other activities and permits for Catholic NGOs remained suspended.

At least 10 Hoa Hao Church followers remained in prison on accusations of playing key roles in a protest and clash with the police following a 2005 religious event. Hoa Hao monks and believers who accepted the government-approved Hoa Hao Administrative Council were allowed freedom to practice their faith. Monks and followers who belonged to dissident groups or declined to recognize the authority of the council suffered restrictions.

Reports that some ethnic minority boarding schools discriminated against children from religious, especially Protestant, families continued. In 1997 the Government published regulations in a circular appearing to prohibit religious adherents from attending certain schools; however, authorities denied that the Government has a policy of limiting access to education based on religious belief and cited the 2005 Education Law, which calls for universal education for children. The Government was reportedly working on an update and clarification of its regulations at year's end.

Foreign missionaries may not operate openly as religious workers in the country, although many undertook humanitarian or development activities with government approval.

The Government generally required religious publishing to be done through a government-owned religious publishing house; however, some religious groups were able to copy their own materials or import them, subject to government approval. The Government relaxed restrictions somewhat on the printing and importation of some religious texts, including in some ethnic minority languages. Other publishing houses were allowed to publish religious-related texts. The Government's religious publishing house also published the Bible and other religious materials in ethnic minority languages for the first time. However, in a few cases unauthorized religious materials were confiscated and the owners either fined or arrested.

*Societal Abuses and Discrimination.*—Relations among the various religious communities generally continued to be amicable, and there were no known instances of societal discrimination or violence based on religion. There was some cooperation between the Catholic Church and the government-recognized Vietnam Buddhist Sangha on charitable activities such as the fight against HIV/AIDS. There was no Jewish community in the country, and there were no reports of anti-Semitic acts.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation; however, the Government imposed some limits on freedom of movement for certain individuals.

Several political dissidents, amnestied with probation or under house arrest, were subject to official restrictions on their movements, but police allowed them to venture from their homes under surveillance or to go to regular interrogation sessions. For example, political dissidents Pham Hong Son and Nguyen Khac Toan, amnestied in 2006, and journalist Nguyen Vu Binh, amnestied during the year, continued to be subject to administrative detention in the form of official restrictions on their movements. Although occasionally confined to their homes, they were allowed some movement within Hanoi, but visits from other dissidents and their own whereabouts were closely monitored.

A government restriction regarding travel to certain areas remained in effect. It requires citizens and resident foreigners to obtain a permit to visit border areas, defense facilities, industrial zones involved in national defense, areas of “national strategic storage,” and “works of extreme importance for political, economic, cultural, and social purposes.”

Local officials informally discouraged some clergy from traveling domestically, even within their own provinces, especially when travel to ethnic minority areas was involved. The Catholic archbishop of Hanoi was restricted in his official travels to ethnic minority areas in the north but was allowed to travel in a private capacity.

During the year the National Assembly implemented a controversial new Law on Residence that allows the MPS to retain the system of residence registrations. Many citizens believed that this government practice effectively served as a barrier for individuals and families seeking to move within the country and become legal residents of a new province or city. By law the MPS restricts the number of residency registrations issued, for example, for Hanoi and Ho Chi Minh City.

Many persons continued to migrate without approval, especially laborers moving from rural areas to cities in search of work. Moving without permission hampered persons seeking legal residence permits, public education, and healthcare benefits. Foreign passport holders must register to stay in private homes, although there were no known cases of local authorities refusing to allow foreign visitors to stay with friends and family. Citizens are also required to register with local police when they stay overnight in any location outside of their own homes; the Government appeared to have enforced these requirements more strictly in some districts of the Central and Northern Highlands.

The Government sometimes refused to issue passports to certain individuals. However, provincial governments in the Central Highlands generally facilitated the passport issuance and travel of ethnic minority individuals traveling legally to the United States on family reunification visas.

Citizens’ access to passports was constrained at times by factors such as bribery and corruption. Immigrant visa applicants sometimes encountered local officials who arbitrarily delayed or denied passport issuance based on personal animosities, on the officials’ perception that an applicant did not meet program criteria, or to extort a bribe.

The law does not provide for forced internal or external exile.

The Government generally permitted citizens who had emigrated to return to visit. However, the Government refused to allow certain citizen activists living abroad to return. Dissident Bloc 8406 activist Nguyen Chinh Ket, who traveled abroad in November 2006, was not allowed to return. His family in Ho Chi Minh City was served with an arrest warrant in the event he returned. Known overseas Vietnamese political activists were denied entrance visas.

By law the Government considers anyone born in the country to be a citizen, even if the person has acquired another country’s citizenship, unless a formal renunciation of citizenship has been approved by the president. However, in practice the Government usually treated overseas Vietnamese as citizens of their adopted country. Emigrants were not permitted to use Vietnamese passports after they acquired other citizenship. The Government generally encouraged visits and investment by such persons but sometimes monitored them carefully. During the year the Government liberalized travel restrictions for overseas Vietnamese, adopting a multiple-entry visa program for “qualified” persons.

The Government continued to honor a tripartite memorandum of understanding signed with the Government of Cambodia and the UNHCR to facilitate the return from Cambodia of all ethnic minority Vietnamese who did not qualify for third-country resettlement.

Local government authorities observed but did not hinder fact-finding and monitoring visits by UNHCR and foreign diplomatic mission representatives to the Central Highlands. The UNHCR and foreign diplomats saw some resistance from lower-level officials in permitting private interviews of returnees. Although less frequently than in previous years, local policemen sometimes were present during UNHCR returnee interviews. Provincial governments generally continued to honor their obligations to attempt to reintegrate ethnic minority returnees from Cambodia.

The UNHCR continued to report a general feeling of “more openness” during its monitoring visits and a better flow of information from national to provincial to local government levels, due in part to World Trade Organization accession early in the year. The UNHCR also reported that the overall environment for ethnic minorities in the Central Highlands improved, despite an increase in the number of persons illegally going to Cambodia during the year. It stated that there was “no general threat” of systemic discrimination against ethnic minorities in the Central Highlands.

*Protection of Refugees.*—The country is not a signatory to the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the law does not provide for the granting of asylum or refugee status. The Government has not established a system for providing protection to refugees and did not grant refugee status or asylum. In practice the Government did not provide protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution, although in practice asylum seekers were not always returned.

After asylum seekers entered foreign diplomatic missions in Hanoi in 2005, the Government called on diplomatic missions and international organizations to surrender to local authorities any “third-country intruders,” whom the Government considers to be immigration law violators. However, in two separate cases the Government allowed asylum seekers who entered foreign Embassies during the year to leave for resettlement in a third country.

The Government sometimes cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers.

*Stateless Persons.*—The country’s largest stateless group consisted of approximately 9,500 Cambodian residents who sought refuge in Vietnam in the 1970s and were denied the right to return to Cambodia by the Government of Cambodia, which asserted that no proof existed to confirm that these individuals ever possessed Cambodian citizenship. Almost all were ethnic Chinese or Vietnamese. The group was initially settled in refugee camps in and around Ho Chi Minh City. When humanitarian assistance in these camps ceased in 1994, an estimated 7,000 refugees left the camps in search of work and opportunities in Ho Chi Minh City and the surrounding area. A further 2,200 remained in four villages in which the camps once operated. Many had children and grandchildren born in Vietnam, but neither the original refugees nor their children enjoyed the same rights as Vietnamese citizens, including the right to own property, comparable access to education, and public medical care. Late in the year, after years of negotiations, the UNHCR and the Governments of Cambodia and Vietnam developed a plan calling for a full survey and Vietnamese naturalization of these stateless individuals. The plan was scheduled to be implemented in 2008.

The Government also contributed to statelessness by involuntary denationalization of its citizens, such as women who married foreigners. This group, which typically consisted of Vietnamese women who married Chinese, Korean, or Taiwanese men, had to give up their Vietnamese citizenship to apply for foreign citizenship; however, before gaining foreign citizenship, they divorced their husbands and returned to Vietnam without possessing any citizenship or supporting documentation. The UNHCR worked with the Government and the international community to address this problem.

During the year the Vietnamese Women’s Union worked with the Government of the Republic of Korea to address problems arising from international marriage brokering and introduce premarriage counseling that included education on immigration and citizenship regulations. The Ministry of Foreign Affairs pledged to work with immigration authorities to better publicize existing methods for such women to regain their lost Vietnamese citizenship, documentation, and residency benefits. However, because the process was costly and cumbersome, such women often remained stateless. Some domestic and international NGOs provided assistance.

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

The Constitution does not provide for the right of citizens to change their government peacefully, and citizens could not freely choose and change the laws and officials that govern them. All authority and political power is vested in the CPV, and

the Constitution recognizes the leadership of the CPV. Political opposition movements and other political parties are illegal. The CPV politburo functions as the supreme decision-making body in the country, although it technically reports to the CPV Central Committee.

The Government continued to severely restrict public debate and criticism to certain aspects of individual, state, or party performance determined by the CPV itself. No public challenge to the legitimacy of the one-party state was permitted; however, there were instances of unsanctioned letters critical of the Government from private citizens, including some former senior party members, that circulated publicly. In addition, the media continued to push the boundaries on criticism of government officials, especially in the area of revealing public corruption and waste. Small opposition political groupings established in 2006 were broken up, with scores of arrests and detentions, decimating the leadership of most of these prodemocracy groups and driving them underground.

*Elections and Political Participation.*—The most recent elections to select members of the 12th National Assembly were held in May. The elections were neither free nor fair, since all candidates were chosen and vetted by the VFF. Despite the CPV's early announcement that a greater number of "independent" candidates (those not linked to a certain organization or group) would run in the elections, the ratio of independents was only slightly higher than that of the 2002 election. The CPV approved 30 "self-nominated" candidates, who did not have official government backing but were given the opportunity to run for office. There were credible reports that party officials pressured many self-nominated candidates to withdraw or found such candidates to be "ineligible" to run.

According to the government, more than 99 percent of the 56 million eligible voters cast ballots in the election, a figure that international observers considered improbably high. Voters were permitted to cast ballots by proxy, and local authorities were charged with ensuring that all eligible voters cast ballots by organizing group voting and making sure all voters within their jurisdiction were recorded as having voted. This practice was seen as having greatly detracted from the transparency and fairness of the process.

The May results were similar to those of the 2002 election. CPV leaders—Prime Minister Nguyen Tan Dung, Party Chief Nong Duc Manh, President Nguyen Minh Triet, and National Assembly Chairman Nguyen Phu Trong—retained their seats. CPV candidates took 450 of 493 seats, and nonparty candidates won 43 seats (almost 9 percent). Only one of the 30 self-nominated candidates won.

The National Assembly, although subject to the control of the CPV (all of its senior leaders and more than 90 percent of its members were party members), continued to assert itself as a legislative body. Some deputies indirectly criticized the CPV's preeminent position in society.

The law provides the opportunity for equal participation in politics by women and minority groups. There were 127 women in the 493-seat National Assembly, or 26 percent, a slightly lower percentage than in the previous National Assembly.

Ethnic minorities held 87 seats, or 18 percent, in the National Assembly, slightly exceeding the country's approximately 13 percent ethnic minority population.

*Government Corruption and Transparency.*—The law provides for criminal penalties for official corruption; however, the Government did not always implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. Corruption continued to be a major problem. The Government showcased its efforts to fight corruption, including publicizing budgets at different levels of government, developing a new Asset Declaration Decree, and streamlining government inspection measures. Cases of government officials accused of corruption sometimes were publicized widely.

A Law on Anti-Corruption, which took effect in June 2006, allows citizens to complain openly about inefficient government, administrative procedures, corruption, and economic policy. In regular Internet chats with high-level government leaders, citizens asked pointed questions about anticorruption efforts. However, the Government continued to consider any public political criticism a crime, unless the criticism was controlled by the authorities. Attempts to organize those with complaints to facilitate action are considered proscribed political activities and subject the organizers to arrest. Senior government and party leaders traveled to many provinces reportedly to try to resolve citizen complaints. Corruption related to land use was widely publicized in the press, apparently in an officially orchestrated effort to bring pressure on local officials to reduce abuses.

In March Prime Minister Nguyen Tan Dung signed the country's first Asset Declaration Decree. Government officials must annually report by November 30 the houses, land, precious metals, and "valuable papers" they own, money they hold in

overseas and domestic bank accounts, and their taxable income. The decree requires the Government to publicize asset declaration results only if a government employee is found “unusually wealthy” and more investigation or legal proceedings are needed. In addition to senior government and party officials, the decree applies to prosecutors, judges, and those at and above the rank of deputy provincial party chief, deputy provincial party chairman, deputy faculty head at public hospitals, and deputy battalion chief.

In June the Supreme People’s Court of Appeals upheld the guilty verdict of Mac Kim Ton, a former National Assembly member and director of the Thai Binh Provincial Education Department (TBED), for “abusing power in the conduct of his official duties” but reduced his sentence from 8 to 7 years in prison. In March the Thai Binh Provincial People’s Court had sentenced Ton after prosecutors presented “sufficient evidence” of malfeasance. The National Assembly and TBED also removed Ton from his positions in those entities after revelations of his alleged corrupt activities came to light. The court found Ton guilty of hiring one of his former students to install computers at public schools in Thai Binh Province and receiving approximately \$16,900 (270 million VND) as “thank-you money.” They also charged Ton’s associate with embezzling approximately \$28,700 (460 million VND) from the public schools.

In August the Hanoi People’s Court found nine officials from the Ministry of Construction’s Project Management Unit 18 guilty of illegally gambling and conspiring to bribe officials to cover up their misdeeds. A subsequent appeals court decision in November affirmed the verdict of 13 years for the ringleader but reduced the sentence for two accomplices by 1 year each (to 6 and 2 years, respectively).

The law does not provide for public access to government information, and the Government did not usually grant access for citizens and noncitizens, including foreign media. In accordance with the Law on Promulgation of Legal Normative Documents, the Official Gazette published most legal documents in its daily edition. The Government maintained a Web site in both Vietnamese and English, as did the National Assembly. In addition, decisions made by the Supreme People’s Court Council of Judges were accessible through the Supreme Court’s Web site. Party documents such as politburo decrees were not published in the Gazette.

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

The Government does not permit private, local human rights organizations to form or operate. The Government did not tolerate attempts by organizations or individuals to comment publicly on government human rights practices, and it used a wide variety of methods to suppress domestic criticism of its human rights policies, including surveillance, limits on freedom of the press and assembly, interference with personal communications, and detention.

The Government generally prohibited private citizens from contacting international human rights organizations, although several activists did so. The Government usually did not permit visits by international NGO human rights monitors; however, it allowed representatives from the press, the UNHCR, foreign governments, and international development and relief NGOs to visit the Central Highlands. The Government criticized almost all public statements on human rights and religious issues by international NGOs and foreign governments.

The Government was willing to discuss human rights problems bilaterally with some foreign governments, and several foreign governments continued official talks with the Government concerning human rights, typically through annual human rights dialogues.

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

The law prohibits discrimination based on gender, ethnicity, religion, or social class; however, enforcement of these prohibitions was uneven. While many persons formerly interned in reeducation camps on the basis of association with the pre-1975 government were well integrated into society, some continued to report varying levels of discrimination as they and their families sought access to housing, education, and employment. In the past some military veterans of the pre-1975 South Vietnamese Government and their families faced economic hardship as a result of past employment restrictions and discrimination. Few of these prohibitions remained, and the declining percentage of war veterans belonging to the labor force also lessened the incidence of such discrimination.

*Women.*—By law it is a crime to use violence, threaten violence, take advantage of a person who cannot act in self-defense, or resort to trickery to have sexual intercourse with a person against that person’s will. This appears to criminalize rape, spousal rape, and in some instances sexual harassment; however, there were no

known instances of prosecution for spousal rape or sexual harassment. Other rape cases were prosecuted to the full extent of the law.

The law prescribes punishment ranging from warnings to a maximum of 2 years' imprisonment for "those who cruelly treat persons dependent on them," but the police and legal system generally remained unequipped to deal with cases of domestic violence. On November 21, the National Assembly passed the Law on Domestic Violence Prevention and Control, highlighting the issue and providing additional penalties for abusers and resources for victims. The new law specifies acts constituting domestic violence, assigns specific portfolio responsibilities to different government agencies and ministries, and specifies punishments for perpetrators of domestic violence, although these were considered to be vague. Implementing decrees were scheduled to be written and approved in 2008.

Officials increasingly acknowledged the existence of domestic violence as a significant social concern, and this was discussed more openly in the media. Domestic violence against women was considered common, although there were no firm statistics measuring the extent of the problem. Several domestic and international NGOs worked on the problem.

Hot lines operated by NGOs existed in major cities for victims of domestic violence. While rural areas often lacked the financial resources to provide crisis centers and domestic hotlines, many villages established "intervention groups" allowing women to live with another family while men in the women's families confront the abuser. Approximately two-thirds of divorces reportedly were due in part to domestic violence. The divorce rate continued to rise, but many women remained in abusive marriages rather than confront social and family stigma as well as economic uncertainty.

The government, with the help of international NGOs, supported workshops and seminars aimed at educating both women and men about domestic violence and also highlighted the issue through public awareness campaigns. In March the Vietnamese Women's Union opened up the government-supported national Center for Women and Development. The center provided services to victims of trafficking, including shelters and vocational training. The center was partly supported by foreign foundations and NGOs.

Prostitution is illegal, but enforcement was uneven. Estimates varied widely, but some NGOs estimated that there were 300,000 prostitutes in the country, including those who engaged in prostitution part-time or seasonally. As in past years, some women reportedly were coerced to work as prostitutes, often victimized by false promises of lucrative employment. Many more women felt compelled to work as prostitutes because of poverty and a lack of other employment opportunities. There were continued but declining reports that some parents coerced daughters into prostitution or made extreme financial demands that compelled them to engage in prostitution, since parents often expected the eldest daughter to assume responsibility for a significant part of a family's finances. The Vietnam Women's Union as well as international NGOs engaged actively in education and rehabilitation programs to combat these abuses.

While there is no legal discrimination, women continued to face societal discrimination. Despite the large body of legislation and regulations devoted to the protection of women's rights in marriage and in the workplace, as well as labor code provisions that call for preferential treatment of women, women did not always receive equal treatment.

The act of sexual harassment is not clearly defined, and the prevention of it is not specified in legal documents. Ethical regulations for government and other public servants do not mention the issue, although the problem existed.

In cases of sexual harassment, victims can inform social associations such as the Women's Union for their involvement. In serious cases victims can sue offenders according to Article 121 of the penal code, which deals with "humiliating other persons," and specifies punishments that include a warning, noncustodial reform for up to 2 years, or a prison term ranging from 3 months to 2 years. However, in reality sexual harassment lawsuits were unheard of, and most victims were unwilling to publicly denounce the offenders.

The Vietnam Women's Union and the National Committee for the Advancement of Women (NCFAW) continued to promote women's rights, including political, economic, and legal equality and protection from spousal abuse. The Women's Union also operated microcredit consumer finance programs and other programs to promote the advancement of women. The NCFAW was tasked with implementing the Government's national strategy on the advancement of women by the end of 2010. Key areas of this strategy focus on placing more women in senior ministry positions and in the National Assembly. The strategy also focuses on increasing literacy rates, access to education, and health care.



*Children.*—International organizations and government agencies reported that, despite the Government's promotion of child protection and welfare, children continued to be at risk of economic exploitation.

While education is compulsory and free through the age of 14, authorities did not always enforce the requirement, especially in rural areas, where government and family budgets for education were strained and children's contribution as agricultural laborers was valued. The culture's strong emphasis on education led parents who could send children to school to do so rather than allow them to work. The 2005 Education Law provides universal access to education for children regardless of gender, religion, race, or ethnicity.

The public school system includes 12 grades. More than 90 percent of children attended primary grades, but the percentage attending lower and upper secondary school was much lower; secondary school enrollments were at less than 75 percent of eligible students for lower secondary and less than 50 percent for upper secondary. Enrollments were lower at all educational levels in remote mountainous areas.

Some street children in Ho Chi Minh City and Hanoi participated in night education courses. Vocational training programs implemented by NGOs enjoyed some success in Hanoi and other metropolitan areas, notably at the grassroots level, and filled the gap created by a lack of government implementation of existing legislation.

Religious groups operated some orphanages, despite the Government's prohibition on such activities, and sent the children to public schools during the day.

The Government provided medical care equally for both boys and girls, although medical services were constrained by limited budgets and geography in remote rural areas.

Anecdotal evidence suggested that child abuse occurred, but there was no information on the extent of such abuse.

Widespread poverty contributed to child prostitution, particularly of girls but also of boys, in major cities. Many prostitutes in Ho Chi Minh City were under 18 years of age. Some minors, such as those from abusive homes, were forced into prostitution for economic reasons.

Children were trafficked domestically and to foreign destinations for sexual exploitation. Domestic trafficking also included incidents of child beggars and flower-selling rings, especially in Ho Chi Minh City and Hanoi. Other children were trafficked from Cambodia into Ho Chi Minh City. The government, in collaboration with the International Labor Organization (ILO) and the NGO Save the Children, held a high-profile child trafficking conference in Hanoi in August. The U.N. Children's Fund (UNICEF) and international NGOs also provided specific training to the Government's border guard on methods to identify and combat trafficking in children.

According to the Ministry of Labor, Invalids, and Social Affairs (MOLISA), there were nearly 23,000 street children, who were vulnerable to abuse and sometimes were abused or harassed by police. International NGOs documented numerous cases of Cambodian children trafficked to Ho Chi Minh City for work in begging and flower-selling rings. MOLISA managed two centers to provide support for women and children in needy situations. Youth unions also launched awareness campaigns.

Child labor remained a problem, but it was limited by a societal value for education and an ample supply of laborers of working age.

*Trafficking in Persons.*—The penal code prohibits trafficking in women and children, but trafficking, in particular trafficking in women and children for sexual exploitation, remained a significant problem. Reliable statistics on the number of citizens who were victims of sex-related trafficking were not available; however, there was evidence that the number was growing. Documentation of known trafficking cases as well as the level of case adjudications and prosecutions increased, while the Government became more open in identifying and prosecuting trafficking cases and public awareness rose. The transnational element to Vietnam-sourced trafficking also increased along with an increase in economic growth, globalization of the economy, and a growing gap between rich and poor.

The country was a significant source for trafficking in persons. Women were trafficked primarily to Cambodia, Malaysia, China, Taiwan, and South Korea for sexual exploitation. Women also were trafficked to Hong Kong, Macau, Thailand, the United Kingdom, Eastern Europe, and the United States. There were reports that some women going to Taiwan, Hong Kong, Macau, South Korea, and China for arranged marriages were victims of trafficking. Women and children also were trafficked within the country, usually from rural to urban areas. Men were trafficked regionally to work in construction, agriculture, and fishing.

There were reports that some women from Ho Chi Minh City and the Mekong Delta who left the country to marry men from Taiwan were forced into prostitution after their arrival in Taiwan. There was reported trafficking in women to the Macau

Special Administrative Region of China with the assistance of organizations in China that were ostensibly marriage service bureaus, international labor organizations, and travel agencies. After their arrival women were forced into conditions similar to indentured servitude; some were forced into prostitution.

Children were trafficked for the purpose of prostitution, both within the country and to foreign destinations. An NGO advocate estimated that the average age of trafficked girls was between 15 and 17. Some reports indicated that the ages of girls trafficked to Cambodia typically were lower.

There were increasing reports that parents received payments in exchange for giving up their infant children for adoption. In addition, there was evidence that small children and infants were sometimes kidnapped and sold to traffickers in China and other countries. The media highlighted a number of cases of children trafficked from northern provinces to China. Because of China's strict one-child policy and growing need for agricultural and factory workers, children in border provinces remained at risk.

There were some documented cases of trafficking in adults for labor during the year. These included men trafficked to Malaysia and Thailand to support construction industry projects and cases of fishermen working in Taiwan. Deceitful and fraudulent overseas labor contracts and recruiting remained a problem, although the Government began to take steps to regulate export labor. MOLISA reported that some workers in state-owned labor companies who were recruited and sent abroad suffered conditions akin to involuntary servitude or forced labor. MOLISA reported incidents within the Malaysian construction industry as well as Thailand (see Section 6.e.).

Poor women and teenage girls, especially those from rural areas, were most at risk for being trafficked. MPS and UNICEF research indicated that trafficking victims could come from any part of the country but were concentrated in certain northern and southern border provinces, especially the Mekong Delta and central province of Thanh Hoa. Some were sold by their families as domestic workers or for sexual exploitation. In some cases traffickers paid families several hundred dollars in exchange for allowing their daughters to go to Cambodia for an "employment offer." Many victims faced strong pressure to make significant contributions to the family income; others were offered lucrative jobs by acquaintances. False advertising, debt bondage, confiscation of documents, and threats of deportation were other methods commonly used by the traffickers, spouses, and employers.

Individual opportunists, informal networks, and some organized groups lured poor, often rural, women with promises of jobs or marriage and forced them to work as prostitutes. Family relatives were often involved in trafficking cases. The Government stated that organized criminal groups were involved in recruitment, transit, and other trafficking-related activities. Vietnam-sourced trafficking operations were uncovered in Europe.

Throughout the year the Government continued to increase efforts to prosecute traffickers. The law provides for prison sentences of 2 to 20 years for each offense for persons found guilty of trafficking women, and between 3 years and life in prison for each offense for persons found guilty of trafficking children. On July 26, the Ho Chi Minh City People's Court convicted six persons for trafficking 126 women to Malaysia under the cover of a matchmaker agency. The ringleader received a sentence of 12 years in prison; the other five received prison terms ranging from 5 to 10 years.

A national steering committee, led by the MPS, coordinated government efforts to identify and prosecute trafficking cases and assisted in prevention and training activities. The Criminal Police Department of the MPS, the Ministry of Justice, the Border Guard Command, and the Social Evils Department of MOLISA were the main government agencies involved in combating trafficking, with significant collaboration from the Women's Union. Police took an increasingly active role in investigating trafficking during the year, including training a dedicated antitrafficking force and building a conviction record. Government statistics showed an increase in case investigations and prosecutions.

The Government implemented its 2004–10 National Program of Action on combating trafficking in women and children as well as a new Export Labor Law and directives on recruitment and contracting transparency. Decrees issued during the year also placed greater responsibility on provincial people's committees to combat trafficking, and the Government committed to draft a new comprehensive anti-trafficking law.

Mass organizations and NGOs continued to operate programs to reintegrate trafficked women and children into society. During the year programs continued that were designed to provide protection and reintegration assistance for trafficking victims through psychosocial support and vocational training, as well as to supplement

regional and national prevention efforts by targeting at-risk populations. Official institutions, including MOLISA, the Women's Union, the Youth Union, and the Committee for Population, Family, and Children, continued active programs aimed at trafficking prevention, public awareness, and victims' protection. Government agencies worked closely with the International Organization for Migration, Asia Foundation, Pacific Links Foundation, and other international NGOs to provide temporary shelter, medical services, education, credit, counseling, and rehabilitation to returned trafficking victims. Security agencies with border control responsibility received training in investigative techniques to prevent trafficking. The U.N. Office on Drugs and Crime completed a 4-year program with the MPS, supported by the international donor community, to strengthen legal and law enforcement institutions on antitrafficking, including conducting numerous training programs for provincial and local level law enforcement authorities.

The Government worked with international NGOs to supplement and strengthen law enforcement measures and institutions and cooperated with other National Governments to prevent trafficking. It also cooperated closely with other countries within the frameworks of Interpol, its Asian counterpart, and the Association of Southeast Asian Nations.

In 2006 the Government signed an antitrafficking memorandum of understanding (MOU) with China, similar to the MOU signed with Cambodia in 2005, which resulted in increased cooperation on border security, identification, and prosecution of trafficking cases.

*Persons with Disabilities.*—The law requires the state to protect the rights and encourage the employment of persons with disabilities. The provision of services to such persons, although limited, improved during the year.

During the year the Ministry of Transportation developed accessibility codes for public transportation facilities and trained transportation agency officials and students on use of the codes. The ministry piloted three bus routes accommodated for persons with disabilities in Ho Chi Minh City and another such route in Hanoi.

Educational opportunities for children with disabilities were improving. In the 1990s approximately 10 percent of children with disabilities were enrolled in school; by 2005 this rate increased to 22 percent, and during the year the rate reached 70 to 80 percent in some locations. The Government worked with donor countries and international NGOs to train additional teachers for students with disabilities. During the year, for the first time, funds were allocated (\$90,000, or 1.5 billion VND) specifically for improving the quality of inclusive education for children with disabilities, as part of the National Action Plan on Disabilities.

The first representative of women with disabilities was appointed as a member of the management board of the Vietnam Women's Union.

Construction or major renovation of new government and large public buildings must include access for persons with disabilities. The Ministry of Construction established enforcement units in Hanoi, Ho Chi Minh City, Danang, Quang Nam, and Ninh Binh to ensure the implementation of the barrier-free codes.

The law provides for preferential treatment for firms that recruit persons with disabilities and for fines on firms that do not meet minimum quotas that reserve 2 to 3 percent of their workforce for workers with disabilities; however, the Government enforced these provisions unevenly. Firms that have 51 percent of their employees with disabilities can qualify for special government-subsidized loans.

The Government respects the political and civil rights of persons with disabilities. Under the election law, ballot boxes may be brought to the homes of individuals who wish to vote but are unable to go to a polling station.

The Government supported the establishment of organizations aiding persons with disabilities. In 2 years it granted legal status for 13 organizations of persons with disabilities. Such persons are consulted in the development or review of national programs, such as poverty reduction programs, vocational laws, and various educational policies. The National Coordination Committees on Disabilities and its ministry members worked with domestic and foreign organizations to provide protection, support, physical access, education, and employment. The Government operated a small network of rehabilitation centers to provide long-term, inpatient physical therapy. Several provinces, government agencies, and universities had specific programs for those with disabilities.

*National/Racial/Ethnic Minorities.*—Although the Government officially was opposed to discrimination against ethnic minorities, longstanding societal discrimination against ethnic minorities persisted. Despite the country's significant economic growth, ethnic minority communities benefited little from improved economic conditions.

Some members of ethnic minority groups continued to flee to Cambodia and Thailand, reportedly to seek greater economic opportunity or shortcuts to immigration to other countries. Government officials monitored certain highland minorities closely, particularly several ethnic groups in the Central Highlands, because of concern that the form of Protestant religion they were practicing encouraged ethnic minority separatism.

The Government continued to impose security measures in the Central Highlands in response to concerns over possible ethnic minority separatist activity. There were some reports that ethnic minority individuals using cellular telephones to call the ethnic minority community abroad were a special target of police attention. There were a few reports that ethnic minorities seeking to cross into Cambodia were returned by Vietnamese police operating on both sides of the border, sometimes followed by police beatings and detentions.

The Government continued to implement measures to address the causes of ethnic minority discontent and to initiate new measures as well. These included special programs to improve education and health facilities and to expand road access and electrification of rural communities and villages. The Government allocated land to ethnic minorities in the Central Highlands through a special program, but there were complaints that implementation of these special programs was uneven.

The Government maintained a program to conduct classes in some local ethnic minority languages up to the fifth grade. The Government worked with local officials to develop a local language curriculum, but it appeared to implement this program more comprehensively in the Central Highlands than in the mountainous northern and northwestern provinces. The Government operated special schools for ethnic minorities in many provinces, including subsidized boarding schools at the high-school and middle-school levels, and offered special admission and preparatory programs as well as scholarships and preferential admissions at the university level. There were also a handful of government subsidized technical and vocational schools for ethnic minorities. Nonetheless, there were credible cases of discrimination against Christian ethnic minorities, although the law provides for universal education for children, regardless of religion or ethnic group.

The Government broadcast radio and television programs in ethnic minority languages in some areas. The Government also instructed ethnic Kinh officials to learn the language of the locality in which they worked. Provincial governments continued initiatives designed to increase employment, reduce the income gap between ethnic minorities and ethnic Kinh, and make officials sensitive and receptive to ethnic minority culture and traditions.

The Government granted preferential treatment to domestic and foreign companies that invested in highland areas, which are heavily populated with ethnic minorities. The Government also maintained infrastructure development programs that targeted poor, largely ethnic minority areas and established agricultural extension programs for remote rural areas.

*Other Societal Abuses and Discrimination.*—There was no evidence of official discrimination against persons with HIV/AIDS, but societal discrimination against such persons existed. There were credible reports that persons with HIV/AIDS lost jobs or suffered from discrimination in the workplace or in finding housing, although such reports decreased. In a few cases, children of persons with HIV/AIDS were barred from schools, despite its being against the law. With the assistance of foreign donors, the National Government and provincial authorities took steps to treat, assist, and accommodate persons with HIV/AIDS; decrease societal stigma and discrimination; and increase dignity; however, overall consistency was lacking. Religious charities were sometimes permitted to operate in this area.

A homosexual community existed but was largely underground. There was low public awareness of the issue and little evidence of discrimination based on sexual orientation.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—Workers are not free to join or form unions of their choosing. The CPV controls the single trade union, the Vietnam General Confederation of Labor (VGCL), an umbrella organization that approves and manages a range of subsidiary labor unions organized according to location and industry. According to VGCL statistics, in June 2006 total membership was more than 5.4 million members, or an estimated 48.8 percent of the approximately 11.1 million wage earners. Of these, 36.5 percent worked in the public sector, 33.1 percent in state-owned enterprises, and 30.4 percent in the private sector. This included an increase of 555,000 members from the nonstate and foreign invested sectors. The VGCL claimed that its membership represented 95 percent of public sector workers and 90 percent of workers in state-owned enterprises. Approximately 1.7 million union

members worked in the private sector, including in enterprises with foreign investment (more than 700,000 persons). The vast majority of the workforce was not unionized, as almost 34 million of the 45.3 million total laborers lived in rural areas and engaged in activities such as small-scale farming or worked in small companies and the informal private sector.

Union leaders influenced key decisions, such as amending labor legislation, developing social safety nets, and setting health, safety, and minimum wage standards. However, the VGCL asserted that authorities did not always prosecute violations of the law. MOLISA acknowledged shortcomings in its labor inspection system, emphasizing that the country had an insufficient number of labor inspectors. The VGCL stated, and MOLISA acknowledged, that low fines on firms for labor violations failed to act as an effective deterrent.

The VGCL had relations with 140 labor organizations in 91 countries, 20 non-governmental and U.N. organizations, and 20 international and regional occupational trade unions. According to the trade union law, VGCL's industrial union subsidiaries are also allowed to join international trade unions in conformity with their activity objectives.

The Government continued to arrest or harass labor activists. In March Tran Thi Thuy Trang was arrested in Ho Chi Minh City for her involvement in organizing workers and in defending workers in labor disputes and protecting their rights outside CPV-controlled structures. In May Tran Quoc Hien was sentenced to 7 years' imprisonment (two suspended) and 2 years' house arrest for "disturbing security and order" in his role as spokesman for the outlawed United Workers-Farmers Organization (UWFO).

In December three UWFO founding members—Doan Huy Chuong, Tran Thi Le Hang (or Hong), and Doan Van Dien—arrested in November 2006 for their role in establishing an organization to promote workers' and farmers' rights were tried and sentenced to prison terms of 4 years and 6 months, 3 years, and 1 year and 6 months, respectively, for "abusing democracy and freedom rights to infringe the interests of the state and the legitimate rights and interests of organizations and citizens." The status of other UWFO members also reportedly arrested in November 2006, including Nguyen Tan Hoanh, Nguyen Thi Tuyet, Le Van Sy, Nguyen Toan, and Le Ba Trient, was unknown at year's end. (Some sources reported that Nguyen Tan Hoanh and Doan Huy Chuong were the same person.)

Nguyen Khac Toan, former journalist and the founder of the International Labor Union of Vietnam (ILUV), remained under strict surveillance after his release from prison in early 2006. The Government continued to outlaw the ILUV, which Toan created in October 2006 to protect workers' rights.

The labor code requires enterprises to facilitate employee efforts to join the union and prohibits antiunion discrimination on the part of employers against employees who seek it, but enforcement was uneven.

*b. The Right to Organize and Bargain Collectively.*—By law the provincial or metropolitan branch of the VGCL is responsible for organizing a union within 6 months of the establishment of any new enterprise, and management is required to cooperate with the union. In actuality only 85 percent of state-owned enterprises, 60 percent of foreign-invested enterprises, and 30 percent of private enterprises were unionized.

The law provides VGCL-affiliated unions the right to bargain collectively on behalf of workers.

While the law does not allow for independent unions, it states that the negotiation of disputes can be led and organized by "relevant entities," which may be composed of worker representatives, when the enterprise in question does not have a union.

Workers must take individual claims through a process involving a conciliation council, or a district-level labor conciliator where no union is present, and if no resolution is obtained, a provincial arbitration council before a legal strike can be held. Collective labor disputes over rights must be routed through a conciliation council and, if the council cannot resolve the issue, to the chairman of the district-level people's committee. Amendments made to the labor law in July divide such disputes into those over rights (compliance with the law) and those over interests (demands beyond what the law provides), setting out different procedures for both. The law sets out an extensive process of mediation and arbitration that must be followed before a strike can legally take place.

Strikes are illegal if they are not related to a collective labor dispute or if they concern matters that are outside of labor relations. Unions (or workers' representatives where no union is present) have the right either to appeal decisions of provincial labor arbitration councils to provincial people's courts or to go on strike. Individual workers may take cases directly to the people's court system, but in most cases they may do so only after conciliation has been attempted and failed. The July

amendments also stipulate that workers on strike will not be paid for the time they are not at work.

Strikes typically did not follow the authorized conciliation and arbitration process and thus were technically illegal, but the Government tolerated them and took no action against the strikers. The law prohibits retribution against strikers, and there were no reports of retribution. In some cases the Government disciplined employers for the illegal practices that led to strikes.

Strikes usually occurred due to demands for more pay and better working conditions. Approximately 75 percent of strikes during the year took place in the textile, shoe-making, and processing industries. More than 90 percent of strikes occurred in Ho Chi Minh City and southern Dong Nai and Binh Duong provinces. In March more than 7,000 workers at a Mabuchi Motor Company plant in Dong Nai went on strike for more pay and better working conditions. In April nearly 2,000 workers in a shoe plant owned by a Taiwanese firm in Haiphong also walked off the job. In May 4,000 workers seeking higher wages at a locally owned shoe factory in the same city walked off the job.

The law prohibits strikes in 54 occupational sectors and businesses that serve the public or are considered by the Government to be important to the national economy and defense. A subsequent decree defines these enterprises to be those involved in electricity production; post and telecommunications; railway, maritime, and air transportation; banking; public works; and the oil and gas industry. The law also grants the prime minister the right to suspend a strike considered detrimental to the national economy or public safety.

There are no special laws or exemptions from regular labor laws in export processing zones and industrial zones. There was anecdotal evidence that the Government enforced the laws more actively in the zones than outside them. However, there were credible reports that employers in the zones tended to ignore workers' rights and to use short-term contracts to avoid the legal requirement to set up a union.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced and compulsory labor, including by children; however, there were reports that such practices occurred.

Prisoners routinely were required to work for little or no pay. They produced food and other goods used directly in prisons or sold on local markets, reportedly to purchase items for their personal use.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—Child labor remained a problem, particularly in the rural areas, where 72 percent of the population resides. The law prohibits most child labor but allows exceptions for certain types of work. The law sets the minimum age for employment at 18, but enterprises may hire children between 15 and 18 if the firm obtains permission from parents and MOLISA. In June 2006 MOLISA reported that approximately 30 percent of children between the ages of 6 and 17 participated in economic activities. Observers noted that the estimate may have understated the number of children who participated in such activities, since many more children worked in the informal sector, usually on family farms or in family businesses not within the scope of the law.

By law an employer must ensure that workers under 18 do not undertake hazardous work or work that would harm their physical or mental development. Prohibited occupations are specified in the labor law. The law permits children to register at trade training centers, a form of vocational training, from the age of 13. Children may work a maximum of 7 hours per day and 42 hours per week and must receive special health care.

In rural areas children worked primarily on family farms and in other agricultural activities. In some cases they began work as young as age 6 and were expected to do the work of adults by the time they were 15. In urban areas children worked in family-owned small businesses or on the street shining shoes or selling articles such as lottery tickets and newspapers. Migration from rural to urban settings exacerbated the child labor problem, because unauthorized migrants were unable to register their households in urban areas. This meant that their children could not attend public schools and families had less access to credit. Officials stated that juveniles in education and nourishment centers, which functioned much as reform schools or juvenile detention centers, were commonly assigned work for "educational purposes."

Government officials may fine and, in cases of criminal code violations, prosecute employers who violate child labor laws. While the Government committed insufficient resources to enforce effectively laws providing for children's safety, especially for children working in mines and as domestic servants, it detected some cases of

child exploitation, removed the children from the exploitative situations, and fined the employers.

International donor assistance targeted the problem of child labor. The Government also continued programs to eliminate persistent child labor, with a particular focus on needy families and orphans.

*e. Acceptable Conditions of Work.*—The law requires the Government to set a minimum wage, which is adjusted for inflation and other economic changes. In November the Government raised minimum wages across all categories and locations, in part to account for rising inflation. Effective January 1, 2008, the official monthly minimum wage for unskilled laborers at foreign-invested joint ventures and foreign and international organizations was set to be \$62 (1 million VND) in the urban districts of Hanoi and Ho Chi Minh City; \$56 (900,000 VND) in the suburban districts of Hanoi, Ho Chi Minh City, and several other industrial districts and towns; and \$50 (800,000 VND) elsewhere. The Government may temporarily exempt certain joint ventures from paying the minimum wage during the first months of an enterprise's operations or if the enterprise is located in a very remote area, but the minimum monthly wage in these cases can be no lower than \$50 (800,000 VND). The official monthly minimum wage for unskilled labor in the state sector was \$34 (540,000 VND) in the provinces and \$39 (620,000 VND) in the urban districts of Hanoi and Ho Chi Minh City, an increase of 38 percent. Nevertheless, this amount remained inadequate to provide a worker and family a decent standard of living. State-owned enterprises consistently paid more than the state-sector minimum wage. The number of workers who received government-subsidized housing decreased. Many workers received bonuses and supplemented their incomes by engaging in entrepreneurial activities. Households frequently included more than one wage earner.

The Government set the workweek for government employees and employees of companies in the state sector at 40 hours, and it encouraged the private business sector and foreign and international organizations that employed local workers to reduce the number of hours in the workweek to 40 hours but did not make compliance mandatory.

The law sets normal working hours at 8 hours per day, with a mandatory 24-hour break each week. Additional hours require overtime pay at one and one-half times the regular wage, two times the regular wage for weekdays off, and three times the regular wage for holidays and paid leave days. The law limits compulsory overtime to 4 hours per week and 200 hours per year but provides for an exception in special cases, where this maximum can be up to 300 overtime hours worked annually, subject to approval by the Government after consulting with VGCL and employer representatives. The law also prescribes annual leave with full pay for various types of work. It was unclear how strictly the Government enforced these provisions.

According to the law, a female employee who is engaged to be married, pregnant, on maternity leave, or raising a child under 1 year of age cannot be dismissed unless the enterprise closes. Female employees who are at least 7 months' pregnant or are caring for a child under 1 year of age cannot be compelled to work overtime, at night, or in locations distant from their homes.

The law requires the Government to promulgate rules and regulations that ensure worker safety. MOLISA, in coordination with local people's committees and labor unions, is charged with enforcing the regulations, but enforcement was inadequate because of low funding and a shortage of trained enforcement personnel. On-the-job injuries due to poor health and safety conditions in the workplace were a problem. The greatest number of occupational injuries was caused by machinery such as rolling mills and presses.

The law provides that workers may remove themselves from hazardous conditions without risking loss of employment; however, it was unclear how well this stipulation was enforced. MOLISA stated that there were no worker complaints of employers failing to abide by the law.

Amid the export labor industry's rapid growth, media articles and international human rights groups cautioned the Government against building up the industry without also providing robust worker protections. They noted the increasing number of workers who were charged as much as \$7,000 (112 million VND) for the opportunity to work abroad, fees that most workers typically could recover only after 1 or 2 years abroad. Reports of bonded labor, related sex trafficking, and the lack of resources available to workers in distress subsequently emerged. The Government's January Decision No. 05/2007, which regulates labor brokerage fees, as well as the November 2006 Export Labor Law, which went into effect on July 1, were designed to alleviate this situation and provide recourse to victims of labor-based trafficking.





## EUROPE AND EURASIA

### ALBANIA

The Republic of Albania is a parliamentary democracy with a population of approximately 3.6 million. Legislative authority is vested in the unicameral People's Assembly (Parliament), which elects both the prime minister and the president. The prime minister heads the government, while the presidency is a largely ceremonial position with limited executive power. In July a new president was selected by Parliament in an orderly transfer of power. In February local elections were held nationwide, with the presence of international election monitors. Civilian authorities generally maintained effective control over the security forces.

The Government generally respected the human rights of its citizens; however, there were problems in some areas, including societal "blood feud" killings, security force abuse of prisoners and detainees, poor prison and pretrial detention conditions, police corruption and impunity, discrimination against women, children, and minorities, and human trafficking.

#### RESPECT FOR HUMAN RIGHTS

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

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

Societal killings continued during the year, resulting from vigilante action (including both generational "blood feud" killings and revenge killings), criminal gangs, and organized crime.

Statistics vary on blood feud activity. According to the Interior Ministry, of the 96 murders during the year, two were related to blood feuds, with the number of blood feud killings dropping due to an increase in investigations. However, the Committee for National Reconciliation, a nongovernmental organization (NGO), continued to cite high levels of blood feud activity including over 1,000 families imprisoned in their homes for fear of blood feud reprisals against them. The tradition of blood feuds stems from a traditional code of honor that is still followed in only a few isolated communities. In February Parliament approved amendments to the Criminal Code to criminalize blood feuds and made them punishable by a 3-year sentence.

During the year an NGO-sponsored conference called on the Government's Coordinating Council on the Fight Against Blood Feuds, which is headed by the president, to take a more proactive role in fighting blood feuds. The council held its first meeting this year.

The Court of Serious Crimes tried blood feud cases. Premeditated murder, when committed for revenge or a blood feud, is punishable by 20 years' or life imprisonment.

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution and law prohibit such actions; however, the police and prison guards sometimes beat and abused suspects and detainees. The Albanian Helsinki Committee (AHC) and the Albanian Human Rights Group (AHRG) reported that police sometimes used excessive force or inhumane treatment. According to the AHRG, most mistreatment took place at the time of arrest or initial detention. Roma, Balkan-Egyptians, and homosexuals were particularly vulnerable to police abuse.

In January the ombudsman investigated an abuse complaint by inmate Ardian Kokici that prison guards physically abused him during a cell inspection in the Rrogozhine Prison. The ombudsman verified obvious signs of physical violence on Kokici's body 10 days after the event. No action was taken against prison officials responsible for the abuse. The ombudsman had verified similar abuses in other prisons and recommended the redrafting of cell inspection regulations, which were missing in some prisons and substandard in others.

The Council of Europe's Committee for the Prevention of Torture published a report based on its 2006 inspection of the country's prisons and detention centers. The report detailed widespread inhuman treatment and physical abuse of prisoners and detainees, and indicated that little progress had been made in implementing long-standing recommendations. During the year there were reports that police in various localities, such as Korca and Vlora, beat and mistreated persons during arrest or while in pretrial detention.

Amnesty International (AI) reported allegations in March that police hit Dorian Leci on the head with a pistol butt and kicked and beat him as he was being arrested in Tirana. Leci filed a criminal complaint against a police officer, alleging the use of force, abuse of office, and torture. The prosecutor declined to open an investigation into the complaint and reportedly failed to inform Leci of this decision, as required by law. His case was at trial at year's end. The officer was dismissed from the police force.

In the alleged 2006 beating of Arben Belaj by Dritan Veizaj, a member of the Vlora police, Veizaj was suspended from duty pending the final outcome of a court investigation. His trial was underway at the end of the year.

As in past years, the police sometimes used threats, violence, and torture to extract confessions from minors.

During the year Bezim Mullai, a police officer who was charged for failure to follow correct procedures in connection with the suicide of 18-year-old Amarildo Perfundi, was found guilty of abuse of his office and sentenced to 2 years in prison. Perfundi took his life after being taken into custody and questioned by Mullai.

*Prison and Detention Center Conditions.*—Prison conditions did not meet international standards. The Government allowed independent monitoring of prison conditions by local and international human rights groups, the media, and others.

In an April inspection, the AHC found some improvements, but overall conditions remained poor and did not meet accepted standards. The committee noted serious problems with hygiene, overcrowding, air quality, insufficient resources, and access to medical care. The General Directorate of Prisons reported that there were 3,060 inmates in prisons designed for approximately 2,700 and 752 detainees in pretrial detention facilities designed for 671. In 2006 the prison in Pegin, which had a capacity of 650 prisoners, held 900, and some cells held 12 prisoners.

The General Directorate of Prisons acknowledged that physical abuse of prisoners and corruption of prison guards and officials remained a problem. In 2006, 178 guards and officials were dismissed for corruption or misconduct and charges were pending against five high-level prison officials for corruption.

The Ministry of Justice operated all prisons and pretrial detention facilities. According to the Ministry of Justice and the General Directorate of Prisons, the full transfer to the ministry of the administration of pre-detention centers was accomplished in July. During the year the AHC observed an improvement in conditions and treatment of prisoners, while problems of overcrowding, bad infrastructure, and unsanitary conditions persisted.

In addition to substandard facilities, local media reported the case of a 17-year-old detainee who was raped twice during the year by fellow prisoners in the Fier prison. According to media, the ombudsman initiated an investigation on the case but its conclusions were never made public.

In May the ombudsman's office recommended that the Ministry of Justice immediately reconstitute the Commission for the Execution of Prison Sentences at the General Directorate of Prisons. The commission, whose mandate includes verifying prisoner complaints, had been defunct since 2005.

The Government permitted international human rights observers and domestic human rights monitors to visit both pretrial detention centers and prisons.

*d. Arbitrary Arrest or Detention.*—The Constitution and law prohibit arbitrary arrest and detention; however, there were some reports that police occasionally arbitrarily arrested and detained persons.

*Role of the Police and Security Apparatus.*—Local police units reported to the Interior Ministry and were the main force responsible for internal security. The military has a special 90-person commando unit that operates in an antiterrorist role under the defense minister. The law allows the interior minister to request authority over this unit during a domestic crisis. The State Intelligence Service is responsible for both internal and external intelligence gathering and counterintelligence.

The overall performance of law enforcement remained weak. Unprofessional behavior and corruption remained major impediments to the development of an effective civilian police force.

Low salaries and widespread corruption throughout society made the police corruption difficult to combat. The Government prosecuted corrupt officials and managed complaints regarding corrupt police through the ombudsman.

During the year the Office of Internal Control filed 159 reports with the prosecutor's office involving 221 police employees, of whom five were senior officers, 75 were midlevel and 141 were of lower rank. As a result, 85 police officers were awaiting trial on charges of corruption.

During the year the ombudsman received 274 general complaints from citizens against the police. At year's end, 233 complaints had been processed and the ombudsman concluded 82 in favor of the complaining citizen. These included 21 complaints of physical mistreatment.

*Arrest and Detention.*—By law a police officer or prosecutor may order a suspect into custody. The Constitution requires that detained persons must be informed immediately of the charges against them and of their rights, and a prosecutor must be notified immediately after police detain a suspect. Police generally followed these requirements. Within 48 hours of the arrest or detention, a suspect must appear before a judge; however, this right was often not respected. The judge has an additional 48 hours to determine whether the suspect should remain in detention.

A court may order detention in particularly serious cases that could pose a danger to society. Alternatively, a suspect may be placed under house arrest. Bail may be required if the judge believes that the accused may not appear for trial.

Legal counsel must be provided free of charge for indigent defendants; however, this right was not widely known, and police often failed to inform suspects of it. Access to legal information remained difficult for citizens; however, for the minority with Internet access, virtually all laws were available on-line free of charge, and there were several NGOs that provided free legal advice for those in need. During the year the AHC established a clinic to provide free legal advice and advocacy services for the indigent; however free legal services offered by the state bar association were considered inadequate, corrupt, and at times lacking in professionalism.

Following a formal complaint from a citizen, the ombudsman issued a recommendation for criminal proceedings against several Tirana police officers for illegal detention and mistreatment of three citizens who were detained beyond the legal time limit. The Office of the Prosecutor accepted this recommendation and initiated criminal proceedings.

The ombudsman also recommended criminal prosecution of four police officers in the Vlore district who were accused of illegally detaining and physically mistreating five citizens. The prosecutor had not accepted the case by year's end.

The law requires completion of pretrial investigations within 3 months for lesser crimes and within 12 months for more serious cases; however, a prosecutor may extend this period by additional 3-month increments in difficult cases. While the law provides that the maximum length of pretrial detention should not exceed 2 years, lengthy pretrial detention often occurred as a result of delayed investigations, defense mistakes, or the failure of defense counsel to appear. In one case, in 2005 the AHRG reported that Elton Gerdhuqi had been wrongly detained in predetention facilities in Vlore for 6 years, throughout his initial trial and two appeals, in violation of the criminal procedure code. He has since been released to house arrest and is awaiting decision on a final appeal.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary; however, political pressure, intimidation, widespread corruption, and limited resources sometimes prevented the judiciary from functioning independently and efficiently.

During the year the High Council of Justice removed one judge and reprimanded six others for incompetence or corruption.

The judicial system is composed of district courts, the serious crimes court, military courts, and appellate courts. There is both a High Court and Constitutional Court. The High Court hears appeals from both the district courts and the appellate courts. The Constitutional Court primarily reviews those cases involving constitutional interpretation and conflicts between branches of government and cases of individuals alleging denial of due process.

The president heads the High Council of Justice, which has authority to appoint, discipline, and dismiss district and appeals court judges. Judges who are dismissed have the right to appeal to the High Court. The high council includes the justice minister, the head of the High Court, nine judges of all levels selected by the National Judicial Conference, and three members selected by Parliament.

In November Parliament recommended for the second time that the president dismiss the prosecutor general for incompetence and corruption; the president dis-

missed the prosecutor general and appointed a new one the same month. A decision on the appeal of the dismissed prosecutor to the Constitutional Court was pending.

As in past years, police, prosecutors, and the judiciary continued to blame each other for failures that allowed criminals to avoid imprisonment. However, there were some improvements in cooperation, including the initiation in September of the Joint Investigative Unit, which brought together criminal investigators and prosecutors to work on specific cases. The unit showed early successes with the arrests of 13 government officials for corruption in the final 3 months of the year.

*Trial Procedures.*—The Constitution and law provide for the right to a speedy trial; however, limited material resources, lack of space, and insufficient and overworked staff prevented the court system from adjudicating cases in a timely fashion. Long case backlogs sometimes resulted in suspects being detained for longer than legal limits. The trial system does not provide for jury trials. Prosecutors and defense lawyers present cases to a judge or panel of judges, depending on the severity of the charge, and defendants have the right to all evidence that is presented to the judges. Defendants, witnesses, and others who do not speak Albanian are entitled to interpretation services. Defendants have the right to appeal decisions within 10 days. Defendants are legally presumed innocent until convicted.

During 2006 four trials were conducted in absentia, compared to 98 such trials in 2005.

In June the president, on the recommendation of the Ministry of Justice, created special divisions of the courts for minors, and the Ministry of Justice began establishing them at the courts in the main cities of Tirana, Durres, Shkoder, Vlore, Korce, and Gjirokaster. Prior to June the country had no juvenile justice system, and prosecutors frequently presented children's cases to judges who were not trained in juvenile justice.

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

*Civil Judicial Procedures and Remedies.*—The bailiff's office, which is part of the Justice Ministry, ensures that civil judgments are enforced. Many civil judgments, particularly property settlement cases, were not implemented because of strong social or political ramifications. For example, authorities did not enforce the court order awarding the building that housed the country's two main trade unions in Tirana to its rightful owner as determined by the court. In 2006 one individual won a case in the European Court of Human Rights against the Government for failure to pay court-ordered restitution for seized property; restitution had not been paid by year's end.

*Property Restitution.*—The restitution of property confiscated during the communist regime remained a significant problem. The annual report of the Ombudsman's Office noted that in 2006 a total of 125 complaints related to property compensation. Of these, 107 were fully examined and 19 were resolved in favor of the plaintiff. In 2005 the Government established a fund of \$3.6 million (300 million lek) to provide compensation to claimants.

According to the director of the Agency for the Return and Compensation of Property, the combined 2007–08 budget allocated by the Government for property compensation was approximately \$11 million. The total cost for the compensation of owners across the country was estimated at \$3.5 billion. Since 1993 the Government approved 50,000 decisions on property titles. Out of these, 1,000 enjoy the right to purchase objects built on their land.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution and law prohibit such actions. Unlike in previous years, the Government respected these prohibitions in practice.

Unlike in previous years, there were no reports of destruction of housing of the Roma or other minorities.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution and law provide for freedom of speech and of the press, and while the Government generally respected these rights, there were reports that the Government and businesses exerted indirect pressure on the media. While the media was active and largely unrestrained, there were serious problems with the use of the media for political purposes.

Journalists practiced self-censorship.

In general individuals could criticize the Government publicly or privately without reprisal; while there were no publicized attempts by the Government to stifle criticism by individuals, there were cases of indirect pressure on the media.

Politicization of the media remained a concern. The polarization of media outlets into opposing camps became more pronounced during the year, worsening particu-

larly during the February local election campaign. Publishers and newspaper owners continued to dictate news stories to serve their political and economic interests and sometimes blocked stories that ran counter to those interests. There was little transparency in the financing of the media.

At times political pressure, limited professionalism, and lack of finances constrained the independent print media. Political parties, trade unions, and various groups published their own newspapers or magazines independent of government influence. An estimated 200 publications were available, including daily and weekly newspapers, magazines, newsletters, and pamphlets.

According to official data, there were 64 private television stations and 44 private radio stations, but the actual number was reportedly larger. While stations generally operated free of direct government influence, most owners believed that the content of their broadcasts could influence government action toward their other businesses.

The public Albanian Radio and Television (RTSH) operated a national television channel and a national radio station. During the year the balance of coverage improved on public television. By law the Government provides 50 percent of the station's budget, but limited resources hampered its ability to compete with private stations.

In 2005 the prime minister issued an order requiring that government officials use the right of reply rather than civil or criminal defamation suits against the media. There were no cases of such suits during the year.

There were no reports that police or other officials physically abused journalists.

Political intimidation of the media persisted. Journalists continued to complain that publishers and editors censored their work either directly or indirectly in response to political and commercial pressures. Many journalists complained that their lack of employment contracts frequently hindered their ability to report objectively.

During the year Parliament replaced political party representatives of the RTSH Steering Council and the National Council on Radio and Television (NCRT) with members drawn from civil society and the media, as recommended in 2006 by the opposition.

In the spring the NCRT selectively turned off the transmitters of stations reportedly critical of the government, which were broadcasting beyond their licensed areas.

During the year Top Channel TV, a leading television station that had been critical of the government, filed a suit against the Ministry of the Economy seeking implementation of its building lease or compensation. In 2006 the Council of Ministers passed a resolution to evict Top Channel TV from a state-owned building in central Tirana. Top Channel TV appealed, and the case remained unresolved in court at year's end.

In June the Government conducted a tax audit of Top Channel TV, and assessed it with \$14.1 million (1.17 billion lek) in fines and unpaid back taxes. The Government claimed the inspection was for suspected tax evasion, although no other stations were inspected. On July 18, the general secretary of the Vienna-based South East Europe Media Organization (SEEMO) sent the speaker of Parliament a letter criticizing the fine and stating that Albanian media organizations and SEEMO "believe that the Government is using the taxation authorities to attack media independence." The letter noted that the fact the fine was applied against a media organization which had criticized the Government "leads us to believe that the Government is attempting to intimidate the Albanian media." Although legally the fine was still valid, there was no institutional effort to collect the fine. However, Top Channel's political and economic reporting became demonstrably less critical of the Government.

Libel is a crime that may be punished with a prison sentence of up to 2 years and a fine. While Freedom House noted that in the past "suits against journalists for legitimate criticism" were common, there were no libel suits against the media reported after November 2006, when, according to a SEEMO report, an Albanian parliamentary committee sued TV Klan and an advertising agency under the criminal code for insulting and defaming public officials. SEEMO reported that the suit arose from a TV Klan report that tobacco companies had "bought" members of the parliamentary committee during the debate over the draft Law on Protection of Health Against Tobacco.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail. Access to the Internet increased during the year but remained limited, particularly outside major urban areas.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events; however, government control over academic appointments and a culture of corruption in the education system undermined academic freedom. Students were sometimes required to bribe officials to matriculate or to pass exams.

During the year the Government passed a law on higher education that empowers the minister of education to appoint university officials that were previously elected by the faculty and student body. University rectors charged that the law permitted government control over the university's management, including interfering with academic appointments; the Government claimed that the law would curb corruption.

During the year the Government passed legislation to reform the Academy of Sciences, a body of scientific scholars who conduct government-funded research. Opposition parties, NGOs, and academics claimed this was an attempt to influence the composition and views of the academy. The Government claimed it was reforming and re-energizing the academy and also cited budget concerns.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The Constitution and law provide for freedom of assembly, and the Government generally respected this right in practice.

The law requires organizers of gatherings in public places to notify police 3 days in advance; there were no reports that police denied such gatherings arbitrarily.

Unlike in previous years, there were no reports that police mistreated protesters.

No disciplinary action was taken against police who stood by while a government supporter physically assaulted a demonstrator in 2006.

*Freedom of Association.*—The Constitution and law provide for the right of association, and the Government generally respected this right; however, the law prohibits the formation of any political party or organization that is nontransparent or secretive. There were no reports that this provision was used against any group during the year.

*c. Freedom of Religion.*—The Constitution and law provide for freedom of religion and the Government generally respected this right.

The predominant religious communities, Sunni Muslim, Bektashi Muslim, Orthodox, and Roman Catholic, enjoyed a greater degree of official recognition (for example, national holidays) and social status than some other religious groups. The Government does not require registration or licensing of religious groups.

As in previous years, the Government continued to consider requests from all religious organizations to make restitution for religious properties and objects that were confiscated or damaged under communism. These cases were still under consideration at year's end.

*Societal Abuses and Discrimination.*—There were reportedly fewer than 100 Jews in the country; there were no reports of synagogues or community centers functioning in the country or of any anti-Semitic acts.

On International Rescuers Day in January, the Anti-Defamation League posthumously honored Mefail and Njazi Bicaku, an Albanian family, for saving 26 Jews from the Nazis and leading them to safety in the mountains of Central Albania with its "Courage to Care Award" in New York City.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Internal migrants must transfer their civil registration to their new community to be entitled to government services, and must prove they are legally domiciled either through property ownership, a property rental agreement, or utility bills. Many cannot provide this proof and thus lack access to essential services. Other citizens lacked formal registration in the communities in which they resided, particularly the Roma and Balkan-Egyptians.

During the year the Government established working groups to consider the creation of a standardized national identity document.

The law prohibits forced exile, and the Government did not employ it.

*Protection of Refugees.*—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against the return of persons to a country where there is reason to believe they feared persecution. Under the law, requests for asylum must be made with 10 days of arrival on the country's soil, and the decision for granting asylum must be given within 51 days of the initial request.

During the year the Government granted temporary protection to four persons. There are a total of six refugees who hold temporary protection status in the country, two of whom were granted that protection in 2006.

The UNHCR provided social and legal services, health care coverage, insurance, and limited training support for the small refugee community and coordinated further assistance through a network of NGOs.

Together with international organizations, the government, through the European Union's Community Assistance for Reconstruction, Development, and Stabilization program, prescreened undocumented migrants stopped at all border crossing points. Under the program, an NGO and government team assisted border police in identifying undocumented migrants that were potential victims of trafficking, asylum seekers, or economic migrants.

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

The Constitution and law provide citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic elections held on the basis of universal suffrage.

*Elections and Political Participation.*—In July Parliament elected Bamir Topi president in accordance with constitutional guidelines. In February local elections were held. Conflicts between political leaders caused extended negotiations and resulted in postponed elections. The delays led to poorly organized elections and cumbersome rules and regulations. As in the 2005 parliamentary elections, family and proxy voting continued to be problems. Election observers from the Organization for Security and Cooperation in Europe (OSCE) declared that elections only partly met international standards.

Political parties operated without restriction or outside interference.

There were nine women on the 140-seat People's Assembly, including the speaker, and one woman on the Council of Ministers. Overall, women were poorly represented at the national and local levels of government, despite commitments by the major political parties to increase female representation. Many parties introduced internal party quotas for women; however, postelection rerankings diminished the effect of these rules.

Several members of the Greek minority served in both the People's Assembly and in the executive branch in ministerial and subministerial positions, including as the minister of labor. No other ethnic minorities were represented in the People's Assembly or on the Council of Ministers.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption. Despite several arrests of high-level local and central government officials, corruption remained a major obstacle to meaningful reform. The World Bank's Worldwide Governance Indicators reflected that corruption was a serious problem.

In December the Parliament lifted Foreign Minister Lulzim Basha's immunity following allegations of irregularities in the country's largest public works project.

In September the Prosecutor's Office arrested six high-level government employees on corruption charges, including the deputy minister of public works, general director of roads, and director of procurement; all were allegedly involved in a bribery scheme for construction tenders. No trial date was set by year's end.

According to the Associated Press, on November 8, the Interior Ministry announced the arrest on November 5 of two senior government officials, Spartak Gjini and Llambi Tarka, as well as the owner of the Siret Construction Company, Fiqiri Pali, for corruption; the two officials were accused of granting a tender illegally to the company and forcing other companies to withdraw from the competition for reconstruction of the ministry's building.

By August prosecutors opened 555 penal proceedings for abuses of government office, arbitrary action, and distortion of equality in public procurement tenders. Of these, 36 were specifically for corruption and 28 of those resulted in investigations. Authorities prosecuted 17 officials.

During the year the prime minister convened the Anticorruption Task Force, created in 2006 to curb organized crime, to coordinate anticorruption action. The Task

Force is a coordinating body, headed by the prime minister, including several ministers, heads of independent state-owned agencies such as the public electricity company, and police and intelligence organizations.

The law provides that government ministers may not own a company that is directly tied to their official responsibilities and includes a prohibition against companies owned by close family members of government officials. Approximately 6,000 public officials and close relatives must submit financial declarations; the law obliged another 1,500 officials of the previous administration to file declarations for the year following the end of their mandate. The Inspectorate of Asset Declaration administers the conflict of interest regulations.

During the year authorities fined 100 officials for late submissions of required financial declarations. While statistics for 2007 were not available, in 2006, 56 employees either voluntarily resigned their positions or were dismissed when notified of a potential conflict of interest, and another 67 divested themselves of the offending asset. No information was available regarding the outcome of five high-profile cases investigated by the inspectorate that were reportedly forwarded in 2006 to the prosecutor's office for criminal prosecution.

Citizens and noncitizens, including foreign media, have the right to obtain information about the activities of government bodies and persons who exercise official state functions; however, citizens often faced serious problems in obtaining information from public and government institutions.

The law requires public officials to release all information and official documents with the exception of classified documents and state secrets. During the year public access to information improved greatly, in large part due to greater use of the Internet. Virtually all government ministries and agencies posted public information directly on their Web sites.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

The Government cooperated with international organizations, such as the UNHCR and the International Organization for Migration, and did not restrict their access.

The human rights ombudsman has the authority to monitor judicial proceedings and inspect detention and prison facilities, and to initiate cases where a victim is unwilling or unable to come forward. Although the ombudsman lacked the power to enforce decisions, he acted as a watchdog for human rights violations. The most common cases included citizen complaints of police and military abuse of power, lack of enforcement of court judgments in civil cases, wrongful dismissal, and land disputes.

In many cases the Government took concrete steps to correct problems in response to the findings of the ombudsman. During the year the collaboration between the ombudsman's office and prosecutors improved.

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

The law prohibits discrimination based on race, gender, ethnicity, disability, language, or social status; however, discrimination against women, Balkan-Egyptians, Roma, and homosexuals persisted.

*Women.*—The criminal code penalizes rape, including spousal rape; however, spousal rape was not reported or prosecuted in practice. The concept of spousal rape was not well established, and often neither authorities nor the public considered it to be a crime. The law imposes penalties for rape and assault depending on the age of the victim. For rape of an adult, the prison term is 3 to 10 years; for rape of an adolescent aged 14 to 18, the term is 5 to 15 years and, for rape of a child under 14, 7 to 15 years.

Domestic violence against women, including spousal abuse, remained a serious problem. In November the OSCE noted that "domestic violence was under-reported, under-investigated, under-prosecuted, and under-sentenced" and that "the overwhelming majority of perpetrators are granted impunity." The Government has a department of equal opportunities at the Ministry of Labor, Social Affairs and Equal Opportunity which covers women's issues, including domestic violence. The Government did not fund specific programs to combat domestic violence or assist victims, although non-profit organizations did. Women to Women, a Swedish NGO, reported that there were approximately six domestic violence hot lines that operated throughout the country. The hot lines, serving mainly the northern part of the country re-



ceived approximately 24 calls per month from women reporting some form of violence. Shtreheza, an NGO that operated two shelters for battered women in Tirana, reported an increase in reported cases of domestic violence, primarily due to increased awareness of services.

In many communities, particularly those in the northeast, women were subject to societal discrimination as a result of traditional social norms that considered women to be subordinate to men. In its report on the participation of women in the February 18 local elections, the OSCE's Office for Democratic Institutions and Human Rights election observation mission noted that family voting was a problem in 30 percent of the voting centers visited on election day, and that the practice raised "serious concern of the disenfranchisement of some women and other family members affected by it."

In 2006 Parliament, with the assistance of the Women's Legal Rights Project, enacted an expansion of the law against domestic violence, adding administrative penalties such as protection orders. This law helped raise awareness of the issue and help available for victims through the legal system and nonprofit organizations. Implementation of the law is still in the nascent stages, and has been sporadically enforced. Further parliamentary and executive measures are necessary to complete the full scheme of support for victims.

The law prohibits prostitution; however, it remained a problem.

The law prohibits sexual harassment; however, the law was rarely enforced.

The law provides equal rights for men and women under family law, property law, and in the judicial system. In practice cultural traditions resulted in men often being favored over women.

Women were not excluded, by law or in practice, from any occupation; however, they were not well represented at the highest levels of their fields. The law mandates equal pay for equal work; however, the Government and employers did not fully implement this provision. According to a 2006 AI report, women earned 20 to 50 percent as much as men. Men owned 92 percent of the land and earned 84 percent of the gross domestic product, although women continued gradually to gain economic power.

*Children.*—The Government's commitment to children's rights and welfare is codified in domestic law; however, in practice there was limited commitment.

In general children must be registered in the same community where their parents registered. However, according to the CHRCA, children born to internal migrants frequently had no birth certificates or other legal documentation and, as a result, were unable to attend school.

The law provides for 9 years of free education and authorizes private schools. School attendance is mandatory through the ninth grade or until age 16, whichever comes first; however, in practice, many children left school earlier than allowed by law to work with their families, particularly in rural areas. Parents had to purchase supplies, books, school materials, and space heaters for some classrooms, which was prohibitively expensive for many families. During the year World Vision Albania, which works primarily in rural areas, reported that rural girls faced additional pressure to leave school because families did not see a value in high school education for girls, and due to security concerns of girls commuting to high school in a larger town.

According to 2006 Ministry of Education figures, secondary school enrollment (ages 15–18) for both boys and girls was 55 percent, while primary school attendance (ages 6–14) was over 94 percent.

As in previous years, child abuse, including sexual abuse, occasionally occurred but was rarely reported.

As in previous years, some children were unable to leave their homes, including to attend school, due to fear of reprisal from blood feuds. Figures on the numbers of affected children vary; the latest figures of the Ministry of Interior indicate about 20 children permanently sequestered, while NGOs cite a figure as high as a few hundred. These children were generally home-schooled.

According to the National Reconciliation Committee, as many as 182 children remained endangered by blood feuds involving their families; 86 of these were in particularly dangerous circumstances.

Child marriage remained a problem in the Romani community.

Displaced and street children remained a problem, particularly Roma children. Street children begged or did petty work; many migrated to neighboring countries, particularly during the summer. These children were at highest risk of internal trafficking and some became victims.

*Trafficking in Persons.*—The law prohibits trafficking in persons and provides penalties for traffickers; however, persons, particularly women and children, were

trafficked to, from, and within the country. The Government did not prosecute victims of trafficking and refrained from discriminatory treatment against them. It recognized the rights of victims and helps ensure their access to justice to the extent possible under the currently weak judicial system. The Government has a national coordinator for trafficking in persons who functions also as deputy minister of interior.

Albania remained a source country for trafficking of women and children for the purposes of sexual exploitation and forced labor, although less so than in recent years. Greece is the main country of destination for trafficked women. Traffickers largely used overland routes or falsified documents to transport their victims by airplane or ferry.

The trafficking of children to Kosovo and Greece for begging or sexual exploitation continued to be a problem, although the number of cases reportedly declined. Police and shelter representatives continued to report a trend of females being moved from villages and smaller towns to larger cities for forced prostitution in hotels and private homes. Some of these girls and women were then moved out of Albania for sexual exploitation in other European countries. During the year NGOs Terre des Hommes (TdH) and Arsis identified 337 Albanian children in Thessaloniki and Athens, Greece, as trafficking victims.

Traffickers internally trafficked children from all regions of the country, and typically trafficked them to either Tirana or Durrës. According to TdH, the number of internally trafficked children, particularly from the Roma and Balkan-Egyptian community, increased during the year. TdH identified over 300 children in Albania who were suspected victims of trafficking, many of whom ended up as street beggars.

The main forms of recruitment of female victims of trafficking continued to be marriage under false pretenses or other false romantic relationships to lure victims abroad for sexual exploitation. Due to the poor economic situation, men and women from organized criminal groups also lured many women and girls from all over the country by promising them jobs abroad. Orphans and girls from poor families continued to be particularly vulnerable to the threats of traffickers. Traffickers typically confiscated victims' documents, physically and sexually abused them, and sometimes forced them to work as prostitutes before they left the country. Domestic organized crime networks abused, tortured, and raped both citizens and foreign women whom they trafficked. Traffickers also threatened many of the victims' family members.

Due to the ease of deception and movement, shelter social workers noticed an increase of mentally handicapped girls who were trafficked both internally and abroad.

The law provides for penalties of 5 to 15 years' imprisonment for trafficking in persons; 7 to 15 years' imprisonment for trafficking women for prostitution; and 15 to 20 years' imprisonment for trafficking in minors. Aggravating circumstances, such as the kidnapping or death of a victim, can raise the severity of the punishment to a maximum of life in prison. Courts can supplement prison sentences with fines of \$4,800 to \$7,200 (400,000 to 600,000 lek) for sexual exploitation of a minor and \$3,600 to \$7,200 (300,000 to 600,000 lek) for sexual exploitation of a woman. The law provides that a government official convicted of exploitation for prostitution receive 125 percent of the standard penalty. The law also mandates the sequestration and confiscation of assets derived from organized crime and trafficking. The Agency for the Administration of Sequestered and Confiscated Assets administers such assets, including those of persons found guilty of trafficking related crimes. In 2006 there were several court-ordered seizures but no cases of forfeited assets successfully liquidated or of funds distributed to victims.

By year's end police referred 51 new trafficking cases to the General Prosecutor's Office, which investigated 65 persons on trafficking charges. Authorities referred 43 cases to the Serious Crimes Court; the court prosecuted 62, of whom the court convicted 57 of trafficking. The court sentenced four offenders to up to 2 years' imprisonment; 10 to between 2 and 5 years' imprisonment; 26 to between 5 and 10 years' imprisonment; and 25 to over 10 years' imprisonment.

Although the Government has improved its Witness Protection Program, AI reported that witness protection continued to be weak and prosecutors complained that prosecutions often failed because at trial the victims of trafficking tended to withdraw their testimony under pressure from traffickers or their own families.

The Government took action during the year against police officers, customs officials, and border police who facilitated trafficking by accepting bribes, tipped off traffickers, or furnished travel documents to traffickers. Early in the year authorities arrested and charged officers at the Kakavija border checkpoint with assisting traffickers. In a separate operation, authorities arrested the head of antitrafficking police in Korca and fired two of his inspectors on charges of accepting bribes to fa-

cilitate human smuggling. In July the Interior Ministry arrested 12 persons accused of being a “structured criminal group” dealing with trafficking of human beings and narcotics to Greece; six were police officers with direct responsibility for antitrafficking at the border. None of these cases had been brought to trial by year’s end.

The Government has a child trafficking strategy and action plan based on U.N. Children’s Fund (UNICEF) guidelines that are intended to prevent recruitment of potential victims and protect victims, including those returned from abroad.

The Government provided some limited services to trafficking victims, operating a shelter near Tirana. The Government had a National Action Plan through 2007 to specify government actions to provide services to victims of trafficking, which was not fully implemented. It also managed the National Referral Mechanism, a partnership between the Ministry of Interior, Ministry of Labor and Social Affairs, and local NGOs, to assist in the identification of victims and ensure that these victims were provided with shelter, medical attention, and reintegration services. During the reporting period there continued to be problems with the implementation of the National Referral Mechanism and the National Action Plan.

Coordination problems and lack of resources continued to hamper the complete implementation of the Government’s 2005 National Referral Mechanism, which partnered the Government with local civil society and international intergovernmental organizations to provide a holistic approach to combating trafficking in persons. In addition the National Action Plan to combat trafficking expired at the end of the year, and as of year’s end there was no new plan published. During the year official government statistics showed an 80 percent decline in the number of suspected victims of trafficking, but this number was not independently verifiable. The Government reported 13 victims of trafficking during the year. In contrast, NGO statistics reported 140 victims, a number consistent with 2006 data.

Several NGOs were active in addressing victims’ needs, including medical care, reintegration services, and temporary shelter. In response to a declining number of referrals of victims from the police, the NGO-managed shelters formed a coalition to advocate on issues of concern. The shelter coalition has been in active correspondence with the Government to meet the needs of victims.

Victims of trafficking often faced significant stigmatization from their families and society. According to several shelters, the protection of returned victims who reported their traffickers continued to be a serious problem. Perpetrators continued to threaten victims and many victims were afraid to prosecute their cases in the judicial system because of this.

*Persons with Disabilities.*—The Constitution and law prohibit discrimination against persons with disabilities; however, there was some discrimination against persons with disabilities in employment, education, access to health care, and the provision of other state services. The law mandates that new public buildings be made accessible for persons with disabilities, but the Government only sporadically enforced the law. Widespread poverty, unregulated working conditions, and poor medical care posed significant problems for many persons with disabilities.

The ombudsman’s inspection of mental health institutions showed that the hospitals were understaffed and poorly supplied, with unacceptable hygienic and sanitary conditions and a lack of medical supplies. The ombudsman, who conducted inspections in Elbasan, Shkoder, and Vlore, recommended a major legal, organizational, and budgetary review of the country’s mental health care system.

The Government acknowledged that the admission and release of patients from mental health institutions was a problem due to the lack of sufficient financial resources to provide adequate psychiatric evaluations.

The Electoral Code provides for wheelchair-accessible voting booths and special accommodations for the blind, which were available to citizens during the February elections.

*National/Racial/Ethnic Minorities.*—There were no reports of police violence against members of minority groups, but there were reports of societal discrimination. As visible minorities, members of the Roma and Balkan-Egyptian communities suffered significant societal abuse and discrimination.

The law permits official minority status for national groups and separately for ethnolinguistic groups. The Government defined Greeks, Macedonians, and Montenegrins as national groups; Greeks constituted the largest. Aromanians (Vlachs) and Roma are defined as ethnolinguistic minority groups.

At the end of 2006, the Ministry of Labor, Social Affairs, and Equal Opportunity signed a 1-year project agreement with U.N. agencies present in Tirana to support the ministry’s Roma Monitoring Committee. The initial data collected by the committee showed that the average Roma household earned less than half of non-Roma

families living in the same area, that 62 percent of Roma were illiterate, and that only 28 percent had access to water.

In 2006 there were complaints that police displaced Roma and Balkan-Egyptian families from their homes. According to Amaro Drom, an NGO that works with the Roma population, in 2006 individuals assaulted the Roma and Balkan-Egyptian communities in Elbasan, both stemming from their forced eviction from land that they illegally occupied. In the first case, authorities displaced 45 families and left 120 individuals homeless when they destroyed homes to make way for the construction of an apartment building. A few days later, authorities destroyed a Roma open-air market without notice in the middle of the night, depriving 450 merchants of their livelihoods. The municipality proposed a new location that the Roma rejected because it was too far from the city. Some of the displaced found new homes in Elbasan while the rest moved to other cities.

Unlike in previous years, there were no cases of central government displacement of Roma.

During the year eight Roma families in the city of Korce were displaced by order of the local government.

The Government did not fund its National Roma Strategy, which sought to improve the livelihood of the community. It did not have a defined strategy for other minority or ethno linguistic groups.

The ethnic Greek minority pursued grievances with the Government regarding electoral zones, Greek-language education, property rights, and government documents. Minority leaders cited the Government's unwillingness to recognize ethnic Greek towns outside communist-era "minority zones"; to utilize Greek on official documents and on public signs in ethnic Greek areas; to ascertain the size of the ethnic Greek population; or to include a higher number of ethnic Greeks in public administration.

In September the Greek cultural association Omonia presented a request to the prime minister for the registration of population based on ethnicity. The letter was cosigned by the minister of labor and equal opportunities, and a representative of the Human Rights Union, a Greek-focused political party that is currently part of the governing coalition.

While there were Greek-language public elementary schools in the southern part of the country where most ethnic Greeks live, Omonia complained that the community needed more classrooms both within and outside the minority zones, due to overcrowded classrooms and unfulfilled demand. Every village in the Greek zones had its own elementary-middle (9-year) school utilizing the Greek language, regardless of the number of students, and Gjirokaster had two Greek-language high schools. In 2006 the Government granted an operating license to one school in the south outside the Greek zone. During a 2006 visit by the prime minister to Greece, the Government agreed to cooperate in the building of a Greek-language university in the city of Gjirokaster funded by the Greek government.

*Other Societal Abuses and Discrimination.*—As in previous years, NGOs claimed that police targeted the homosexual community for abuse. According to the Albanian Gay and Lesbian Association, the police arbitrarily arrested homosexuals and then physically and verbally abused them while they were in detention.

The Albanian Human Rights Group reports that during the year police harassed members of the Albanian Gay and Lesbian Association and other known homosexuals, sometimes searching their homes without a warrant.

A 2006 U.N. Development Program (UNDP) report on HIV/AIDS in the country stated that citizens perceived little confidentiality in their HIV test results. Social stigmatization and severe discrimination against persons with HIV/AIDS were also common.

During the year two HIV-positive minors were removed from their schools and relocated at the request of their classmates' parents, who were afraid of further infection among the students.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—Workers had the right to form independent unions and exercised this right in practice; however, the law prohibits members of the military from joining unions. Civilian government employees may join unions but do not have the right to strike. Approximately 20 percent of the workforce was unionized.

The law does not prohibit antiunion discrimination; however, there were no reports of such discrimination.

*b. The Right to Organize and Bargain Collectively.*—Citizens in all fields of civil employment have the constitutional right to organize and bargain collectively, and the law establishes procedures for the protection of workers' rights through collective bargaining agreements. However, labor unions operated from a weak position.

In practice, unions representing public sector employees negotiated directly with the Government. Effective collective bargaining remained difficult, and agreements were hard to enforce.

The law provides that all workers, except civil servants, uniformed military, police, and some court officials, have the right to strike, and workers exercised this right in practice. The law prohibits strikes that are either openly declared or that courts judged to be political.

During the year the ombudsman received numerous complaints of unlawful dismissals of police officers across the country. The ombudsman's office initiated a series of inspections in documented cases of illegal firings, which the Government claimed police officers carried out to implement the new Law on State Police. The ombudsman presented its findings to the Interior Ministry and recommended that the ministry take several actions to implement the new legislation.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children; however, there was trafficking of women and children for sexual exploitation and labor.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The law sets the minimum age of employment at 14 and regulates the amount and type of labor that children under the age of 18 can perform. Children between the ages of 14 and 16 may work legally in part-time jobs during summer vacation; children between the ages of 16 and 18 can work throughout the year in certain specified jobs. The law provided for Ministries of Labor, Social Affairs, and Equal Opportunity to enforce minimum age requirements through the courts; however, there were no reports that enforcement took place. Labor inspections of factories in 2005 found 83 cases of underage employment. However, labor inspectors only investigated the formal labor sector, whereas most child labor occurred in the informal sector. The majority of factories inspected were shoe and textile companies. More than 70 percent of the underage workers were girls. NGOs reported that labor inspectors charged with investigating child labor complaints did not give out fines or penalties or initiate legal actions against those who violated child labor laws.

The CHRCA estimated that 50,000 children under the age of 18 worked either full or part time. UNICEF estimated that 23 percent of children aged 5 to 14 years worked between 1999 and 2005; children considered to be working included those who performed any paid or unpaid work for someone who was not a member of the household, who performed more than 4 hours of housekeeping chores in the household, or who performed other family work.

According to the CHRCA, the majority of child laborers worked as street or shop vendors, beggars, farmers or shepherds, drug runners, vehicle washers, textile factory workers, and shoeshine boys; some children as many as 16 hours a day. In Tirana and other cities, children, mostly Roma, worked as beggars or sold cigarettes and other items on the street; the police generally ignored this practice. The CHRCA also noted that there were approximately 1,000 street children in Tirana. Increasing numbers of children in Tirana fell victim to prostitution and other forms of exploitation.

While the practice is prohibited, the Government does not have any specific programs aimed at preventing child labor, although there are several NGOs and international donors that focus on its eradication. During the year TdH's antibegging program was successful in educating citizens and the international community in Tirana of the negative aspects of giving money to children who beg. During the year another TdH campaign provided a safe haven for street children, including providing them food, shelter, and social services during the daytime.

*e. Acceptable Conditions of Work.*—The national minimum wage was \$169 (14,000 lek) per month. However, it was not sufficient to provide a decent standard of living for a worker and family. The average wage for government workers was approximately \$384 (31,850 lek) per month. According to a 2005 report by the UNDP, 25 to 30 percent of the population lived under the official poverty line of \$57 (4,720 lek) per month, while an additional 30 percent lived close to that line. The Albanian Institute of Statistics reported that average monthly wages in the public sector increased 9.1 percent from 2006 to 2007.

The law establishes a 40-hour workweek; however, the actual workweek typically was set by individual or collective agreements. Many persons worked 6 days a week. The law requires payment of overtime and rest periods; however, these provisions were not always observed in practice. The Government had not established standards for a minimum number of rest periods per week, limits on the maximum number of hours worked per week, or the amount of premium pay for overtime and did not prohibit excessive compulsory overtime.

The Ministry of Labor, Social Affairs, and Equal Opportunity is responsible for enforcing government occupational health and safety standards and regulations; however, these regulations were generally not enforced in practice. Actual workplace conditions were frequently very poor and in some cases dangerous. During the year the media reported a number of job-related deaths, particularly in the construction and mining industries. There were five deaths within 5 months of mineworkers reported at the Bulqiza chrome mine, which was operated by a private foreign company. The Government promised to investigate the case and suspended the work temporarily, but ultimately work resumed after authorities replaced the mine director. The prosecutor's office interrogated other staff members, but there was no subsequent legal action.

The law does not provide workers the right to remove themselves from hazardous situations without jeopardy to their employment.

## ANDORRA

The Principality of Andorra is a constitutional parliamentary democracy with a population of approximately 81,000. Two princes—the president of France and the Spanish bishop of Seu d'Urgell—serve with joint authority as heads of state, and a delegate represents each in the country. Free and fair elections were held in 2005 for the 28 seats in the General Council of the Valleys (General Council) that selects the head of government. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens, and the law and the judiciary provided effective means of dealing with individual instances of abuse. However, prolonged pretrial detention and violence against women and children were reported. The law does not protect the right of workers to form and join unions or unions' right to bargain collectively and to strike.

### RESPECT FOR HUMAN RIGHTS

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

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

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution and law prohibit such practices, and there were no reports that government officials employed them.

*Prison and Detention Center Conditions.*—Prison conditions generally met international standards, and the Government permitted visits by independent human rights observers.

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

*Role of the Police and Security Apparatus.*—The country has no defense force and depends on Spain and France for external defense. Civilian authorities maintained effective control over the national police, and the Government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the police during the year.

*Arrest and Detention.*—Police may legally detain persons for 48 hours without charging them with a crime. Warrants are required for arrest. The law does not provide individuals under arrest immediate access to an attorney, but legislation provides for legal assistance beginning 25 hours after arrest. There is a system of bail.

Lengthy pretrial detention was a problem, and the ombudsman has criticized it. Approximately 75 percent of lengthy detention cases involved foreigners. Pretrial detainees made up approximately 30 percent of the prison population.

*e. Denial of Fair Public Trial.*—The Constitution and law provide for an independent judiciary, and the Government generally respected this provision in practice.

*Trial Procedures.*—The Constitution and law provide for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are public and defendants can request a jury. Defendants have the right to present evidence and consult with an attorney. Defendants and attorneys have access to government-held evidence in their cases. An attorney is provided at public expense if needed when

a defendant faces serious criminal charges. Defendants enjoy a presumption of innocence and have the right to appeal.

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

*Civil Judicial Procedures and Remedies.*—The civil judiciary is independent and impartial, and plaintiffs can bring lawsuits seeking damages for, or cessation of, a human rights violation.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution and law prohibit such actions, and the Government generally respected these prohibitions in practice.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution and law provide for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. An estimated 10,400 citizens had broadband Internet connections.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution and law provide for the freedoms of assembly and association, and the Government generally respected these rights in practice.

*c. Freedom of Religion.*—The Constitution and law provide for freedom of religion, and the Government generally respected this right in practice. Under the Constitution, the Roman Catholic Church and the state have a special relationship, and the Government pays the salaries of Catholic priests who teach the Catholic religion in the public schools.

*Societal Abuses and Discrimination.*—There were no reports of anti-Semitic acts against the approximately 300-person Jewish community.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government cooperated with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations in providing assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The Constitution and law prohibit forced exile, and the Government did not employ it.

*Protection of Refugees.*—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has not established a system for providing protection to refugees. The Government did not grant refugee status or asylum; however, it has from time to time cooperated with UNHCR and other organizations in assisting refugees “for humanitarian reasons.” The most recent example was in July 2006, when the government, for humanitarian reasons and on a temporary basis, accepted five Eritrean immigrants who were part of a group saved from a ship adrift in the Mediterranean Sea.

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

The Constitution and law provide citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

*Elections and Political Participation.*—General Council elections in 2005 were considered free and fair and allowed the conservative Andorran Liberal Party to remain in power. Individuals and parties could freely declare their candidacy and stand for election.

There were eight women in the 28-seat General Council and three women in the nine-seat cabinet.

There were no members of minorities in either the General Council or the cabinet.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption; however, there were no reports of government corruption during the year. Public officials are not subject to financial disclosure laws. The chief of police is responsible for combating corruption.

The law provides for public access to government information, and the Government permitted access in practice for citizens and noncitizens, including foreign media.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

*Section 5. Discrimination, Societal Abuse, and Trafficking in Persons*

The Constitution and law declare that all persons are equal before the law and prohibit discrimination on grounds of birth, race, gender, origin, opinions, or any other personal or social condition; however, the law grants a few rights and privileges exclusively to citizens.

*Women.*—The law prohibits rape, including spousal rape; rape is punishable by up to 15 years' imprisonment. Authorities enforced the law effectively.

Violence against women was a problem. According to the Ministry of Health, Welfare, and Family, there were almost 130 reports of physical abuse against women during the year, a significant increase from 2006. There is no specific law prohibiting domestic violence, although other laws may be applied in such cases. Victims of domestic violence could request help from the Andorran International Women's Association (AIWA) and the Andorran Women's Association (AWA), but rarely filed a complaint with the police for fear of reprisal. The two associations reported that some women complained about the treatment they received from police when they filed a complaint. Authorities reported that the number of persons prosecuted for violence against women during the year increased, but did not provide statistics. The Government had a hot line and provided medical and psychological services to victims of domestic violence but did not have any shelters. The Government and AIWA placed abused women and their children in the private apartments of persons who agreed to provide shelter to them. Caritas, a religious NGO, worked closely with the Government and AIWA on social issues.

Prostitution is illegal and was not a problem.

The law does not prohibit sexual harassment; however, it was not considered a problem.

The law prohibits discrimination against women privately or professionally; however, the AWA reported that there were many cases of women dismissed from employment due to pregnancy. Women did not earn equal pay for equal work. Observers estimated that women earned 35 percent less than men for comparable work; this gap appeared to be decreasing slowly. A Sociological Research Center report in 2006 indicated that men occupied 66 percent of top positions.

*Children.*—The Government was committed to children's welfare. Free, universal public education begins at age 4 and is compulsory until age 16. The Government provides free nursery schools, although their number continued to be insufficient. Reportedly 100 percent of school-age children attended school. Secondary school was the maximum level of public school offered.

Violence against children was on the rise. According to the secretariat of state for Social Welfare and Family, 119 minors were treated for various forms of abuse during the year.

*Trafficking in Persons.*—The law prohibits trafficking in persons for labor exploitation, and there were no reports that persons were trafficked to, from, or within the country. Slavery or forced labor is punishable by a maximum of 12 years' imprisonment. There is no law that specifically penalizes human trafficking for sexual exploitation, but such cases could be prosecuted as trafficking for labor exploitation. The Government agencies responsible for dealing with trafficking are the Department of the Interior and the Department of Social Welfare.

*Persons with Disabilities.*—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services, and the Government enforced it effectively. Nevertheless, societal discrimination against persons with disabilities existed on a small scale, in the form of social and cultural barriers. Persons with disabilities also faced disadvantages in the labor market. The law mandates access to public buildings for persons



with disabilities, and the Government generally enforced this provision. An association for persons with disabilities operates in the principality.

*Other Societal Abuses and Discrimination.*—There were no reports of societal violence or discrimination based on sexual orientation or against persons with HIV/AIDS.

The Government's elected ombudsman advised the Government to follow World Health Organization recommendations concerning work and residence permits for immigrants. According to the ombudsman, the Government's denial of permits to persons with certain diseases, including those affected by the HIV virus, could constitute a violation of human rights.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution recognizes that workers have the right to form associations to defend their economic and social interests, but the country has no specific laws to protect this right. Workers were reluctant to admit to union membership, fearing retaliation by their employers, and unions did not make their membership numbers public.

*b. The Right to Organize and Bargain Collectively.*—The law allows unions to conduct their activities without interference; however, the Government lacked mechanisms to protect this right in practice. The law does not specifically provide for collective bargaining or the right to strike, and neither was practiced. However, on May 1 (Andorran Labor Day), the Government permitted workers to conduct a peaceful demonstration tied to their demands that the Government approve a law to protect workers' rights.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law does not prohibit forced and compulsory labor, including by children; however, there were no reports that such practices occurred.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The law prohibits children under the age of 18 from working, except in very limited circumstances. The labor inspection office in the Ministry of Social Welfare, Public Health, and Labor effectively enforced child labor regulations.

*e. Acceptable Conditions of Work.*—The national minimum wage of \$10.20 (7 euros) per hour and \$1,230 (842 euros) per month did not provide a decent standard of living for a worker and family due to the high cost of living. Wages increased at a slower rate than housing and lodging costs. The labor inspection office enforced the minimum wage effectively.

The law limits the standard workweek to five 8-hour days. Workers may work up to 3 overtime hours per day or 15 hours per week (and 426 hours per year). The law provides for premium pay for overtime. There is a required rest period every day.

The labor inspection service sets occupational health and safety standards and effectively enforced them. During the year the labor inspection service received more than 200 complaints against companies for violating labor regulations; the service has authority to levy sanctions and fines against such companies. Although the law authorizes employees to refuse certain tasks if their employers do not provide the necessary level of protection, it does not provide workers the right to remove themselves from dangerous work situations without jeopardizing their continued employment. The number of accidents at work has risen for a number of years; there were 4,626 accidents during the year.

---

## ARMENIA

Armenia is a constitutional republic with a population of approximately 3.2 million. The Constitution provides for an elected president and a unicameral legislature (the National Assembly). The May parliamentary elections failed to fully meet international standards due to procedural flaws, despite improvements over past elections. The country has a multiparty political system. Civilian authorities generally maintained effective control of the security forces, although some members of the security forces committed human rights abuses.

The Government's human rights record remained poor, and serious problems remained. Citizens were not able to freely change their government; authorities beat pretrial detainees; the National Security Service (NSS) and the national police force acted with impunity; authorities engaged in arbitrary arrest and detention; prison conditions were cramped and unhealthy, although slowly improving; authorities im-

posed restrictions on citizens' privacy, freedom of press, and freedom of assembly. Journalists continued to practice self-censorship, and the Government and laws restricted religious freedom. Violence against women and spousal abuse remained problems, as well as trafficking in persons, discrimination against persons with disabilities, and societal harassment of homosexuals. There were reports of forced labor.

#### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—The Government and its agents did not commit any politically motivated killings; however, the Government reported that during the year, there were three army homicides and four suicides which were judged as resulting from military-related hazing.

Human rights groups dealing with soldiers' rights asserted that most of the suicides in the army were homicides. The groups noted that officers frequently tampered with evidence in an effort to restore order in their units and possibly to eliminate incriminating evidence.

Family members of Hovhannes Meltonyan, a soldier who reportedly had committed suicide on July 7, suspected that his death was a homicide. The family noted that the body of Meltonyan, who had been serving in the Koghb military unit in the Tavush region, had numerous bruises. At year's end, one military officer was in custody under criminal charges of inducement to suicide in connection with the case, after authorities' investigation concluded that Meltonyan committed suicide as a result of abuse inflicted by the defendant.

Ethnic Armenian separatists, with Armenia's support, continued to control most of the Nagorno-Karabakh region of Azerbaijan and seven surrounding Azerbaijani territories. Landmines placed along the 540-mile border with Azerbaijan and along the line of contact in the Nagorno-Karabakh conflict continued to cause bodily harm. During the year there were no deaths caused by landmine explosions; however, nine military servicemen were injured. There were no reports of civilian deaths caused by landmines, although a civilian reportedly lost a leg in a landmine explosion that occurred on May 13 in Ijevan.

According to official information six military personnel were killed and 22 were injured along the line of contact due to shooting from the Azerbaijani side.

There were high-profile killings by unidentified assailants during the year. On August 25, an unknown person shot and killed the chief prosecutor of the Lori region, Albert Ghazaryan, who was on his way home. An investigation was ongoing at year's end.

On April 2, unidentified assailants attacked Gyumri Mayor Vartan Ghukasyan and his entourage with automatic weapon fire as they returned from Yerevan to Gyumri. Three of the mayor's bodyguards and the driver of one of the two cars died in the attack, and the mayor and his deputy sustained serious injuries.

On March 7, authorities arrested a suspect in the September 2006 death of a senior tax official, who was killed by a bomb hidden under the seat of his car. The case was still in progress at year's end.

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—While the law prohibits such practices, they were employed by some members of the Government's security forces. Witnesses continued to report that police beat citizens during arrest and during interrogation while in detention. Human rights nongovernmental organizations (NGOs) reported similar allegations; however, most cases of police mistreatment went unreported because of fear of retribution. Human rights groups reported that more than half of the individuals transferred to prisons from police detention facilities alleged that they were tortured, abused, or intimidated while in police custody.

Drawing on data collected in 2006, the Partnership for Open Society Initiative, composed of human rights NGOs, reported in June that the main purpose of torture in the country was to extort confessions. Courts generally accepted defendants' confessions as valid evidence, even when it was questionably obtained. The report also noted that approximately 80 percent of criminal trial defendants recanted testimony given during pretrial investigation, claiming they had confessed under torture or duress. The criminal justice system generally disregarded such claims and conducted little or no investigation.

On May 12, authorities reported the death in custody of Levon Gulyan, a witness to a gunfight that occurred May 9 near Gulyan's restaurant. Police initially reported that Gulyan fell to his death while trying to escape out of a second story window of the police station. Gulyan's family, their lawyers, and human rights activists

claimed that police at the scene threw Gulyan out the window or off the roof. Gulyan's family noted that there were marks of violence on his body when he had returned home from previous interrogation sessions. Two other witnesses in the case, Marine Grigorian and Hayk Melkumian, also reported violence during their questioning. An independent autopsy requested by Gulyan's family found that he died from a fall but did not reveal his condition prior to the fall; some observers questioned the results of the independent autopsy, noting that the state autopsy resulted in the removal of some of Gulyan's vital organs. Prosecutors began a criminal investigation into the circumstances of Gulyan's death under a provision of the Criminal Code that criminalizes "actions inducing a person to suicide," thereby ostensibly limiting the potential crimes that could be investigated. On May 16, the police also launched a separate internal investigation into the case, and reportedly subjected two police officers to disciplinary actions.

Following the August 25 killing of Lori chief prosecutor Albert Ghazaryan, human rights activists and the media reported numerous instances of police violence and intimidation during the investigation of the killing. On September 7, police arrested Arman Darpinian, the owner of the Bellissimo Club and allegedly a suspect in the killing, on charges of illegal arms possession. Prosecutorial investigators reportedly then beat and threatened five club employees, forcing several to sign statements without showing them the content. Club manager Karen Dodoyan was held in custody for 3 days and required hospitalization for a concussion upon release, according to his family. Another club manager, Ashot Ghukasyan, was also beaten and detained for 2 days. Other employees were verbally abused and threatened. On September 13, the prosecutor general ordered an inquiry into these reports of brutality; however, by year's end the status of this inquiry was unclear. Darpinian was released from custody on October 24.

On November 13, the officers of the police department on fighting organized crime reportedly severely beat Artavazd A., breaking his ribs and causing other injuries. The Government human rights defender, who reported the case, visited Artavazd A. on November 29 when he was being transferred to the hospital with a "brain stroke" diagnosis. The human rights defender appealed to the national police chief to start an investigation into the circumstances of the abuse. By year's end the status of the case was unclear.

On November 20, the office of the human rights defender reported its visit to Nubarashen Prison the day before to meet with a detainee who alleged that, from October 5 to October 7, the criminal investigation officers of Mashtots community police in Yerevan had severely beat him before he was transferred to prison. According to the detainee, the beating continued even after he had confessed the theft he had committed, since the police officers wanted him to confess to other undisclosed crimes. The staff of the human rights defender's office saw the injuries, which were also recorded in the journal of the Nubarashen Prison. The human rights defender appealed to the police chief to conduct an internal investigation in order to reveal and punish the perpetrators. By year's end the status of the case was unclear.

On December 13, the Council of Europe's Committee for the Prevention of Torture (CPT) published a report on its visit to the country in April 2006. The CPT maintained its assessment that persons deprived of their liberty by the police in Armenia run a significant risk of being mistreated.

In the course of the 2006 visit, the CPT delegation received numerous and consistent allegations of physical mistreatment of persons detained by the police. Almost all of these allegations were made by remanded prisoners (including women and juveniles) who had recently been in police custody. The alleged mistreatment consisted mainly of slaps, punches, kicks and striking with truncheons, wooden sticks or chair legs. Some allegations of abuse also involved beating on the soles of the feet and asphyxiation using a plastic bag. The alleged abuse was reported almost exclusively as occurring during the period of initial interviews by police officers, with the aim of the abuse reportedly being to obtain confessions, statements or other information. Additionally, several persons interviewed by the delegation (including women and juveniles) gave accounts of unacceptable psychological pressure put on them in order to make them confess to a crime, in the form of insults, humiliation and threats to use physical force or sexual violence against them or their relatives or friends.

Customs within the military and substandard living conditions in the armed forces contributed to mistreatment and injuries unrelated to military operations. Although no reliable statistics were available on the full extent of military hazing, soldiers reported to human rights NGOs that the practice continued during the year. The families of soldiers claimed that corrupt officials controlled military units. Other human rights monitors reported cases in which soldiers were conscripted into army service despite having serious disqualifying health conditions. Authorities took lim-

ited measures to curtail these practices, convicting 37 military personnel in connection with criminal cases of hazing during the year.

On July 7, platoon commander Garik Mikayelyan tried to kill himself by electrocution. The unsuccessful attempt resulted in the amputation of both his hands. According to a human rights group, Mikayelyan's suicide attempt stemmed from alleged hazing by the head of his unit, Artak Gasparyan. Prosecutors indicated they had found evidence to substantiate that he had subjected Mikayelyan to inhumane treatment. At year's end Gasparyan was in jail awaiting trial on charges of inducing suicide, as the criminal investigation continued.

A soldier reported in February 2006 that fellow servicemen raped him while they were on active duty. The status of the case was unknown at year's end.

At year's end criminal charges remained in place against three soldiers accused of murdering two fellow servicemen in 2003; sentences for the three were nullified by the Court of Cassation in a December 2006 decision. The murder case was based on the confession of Razmik Sargsian, a soldier who claimed that he confessed involvement in the killings after military investigators and military police had physically abused him for 5 days, suspending him by his hands, beating him, and threatening him with rape if he did not confess to the killings. Sargsian's confession implicated two other soldiers, and the court of first instance had sentenced all three to 15-year terms in May 2005. Following an unsuccessful appeal, the Court of Appeals extended their sentences to life in prison in May 2006. In December 2006 the Cassation Court nullified the previous convictions of the soldiers on the grounds that the original investigation had not been conducted lawfully; the court subsequently ordered their release and sent the case for further investigation. The investigation was closed, and at year's end both sides were preparing for trial. The three defendants remained free pending conclusion of the reinvestigation. Meanwhile, the chief military prosecutor reported that a criminal investigation into the abuse allegations was closed, after finding no evidence that investigators abused Rasmik Sargsian.

*Prison and Detention Center Conditions.*—Prison conditions remained poor and threatened inmates' health, although the Civil Society Monitoring Board (CSMB), an organization established by government initiative involving prison monitoring by NGO personnel, reported some improvements as authorities began to renovate old prisons. Cells were overcrowded, inmates lacked basic hygiene supplies, and food quality remained poor. The CSMB reported that prisoners were at high risk of contracting tuberculosis, and adolescents held in juvenile facilities rarely received the schooling required by law. The CSMB reported other chronic problems, including denial of visitor privileges, medical neglect, and in some cases, physical abuse.

According to observers, most instances of abuse of prisoners and detainees by law enforcement authorities occurred in police offices, rather than in police detention facilities which are subject to human rights monitoring. In its November 2006 report, the CPT noted allegations that detainees had spent up to 10 days in various police district divisions in Yerevan without mattresses, blankets, and food other than that supplied by relatives. In its December report, the CPT said it observed an improvement in police holding areas that had been refurbished, or were in the process of refurbishment in 2006. Mattresses, blankets, and food were supplied to detainees at the facilities that CPT observed. The CPT reported deficiencies, however, in the Vanadzor, Sisian, and Yeghegnadzor police departments, namely small cell space, cold temperatures, and lack of hot water.

During the year authorities opened a new prison in Vanadzor and completely renovated the prison in Artik, bringing both facilities in line with international standards. In late 2006 and early 2007, authorities closed prisons in Vanadzor and Gyumri, considered the country's two worst.

Corruption in prisons continued to be a problem, exacerbated by very low salaries for prison administration employees, poor and sometimes dangerous working conditions, and a lack of staff. In certain facilities prisoners bribed officials to obtain single occupancy cells and additional comforts. There were also unverified reports that authorities charged unofficial fees to family members and friends seeking to deliver meals to inmates. In some prisons monitors noted that prisoners had difficulty mailing letters and that some prison officials did not adequately facilitate family visits.

Despite the transfer of all prisons to the jurisdiction of the Ministry of Justice between 2001 and 2003, the NSS continued de facto to operate the Yerevan-Kentron prison, located on NSS property; the facility was often used to hold pretrial detainees and sentenced prisoners whose cases were politically sensitive. There were reports that NSS monitored communications of prisoners held in this prison, including their meetings with attorneys.

The Government permitted local NGOs and international rights groups, including the International Committee of the Red Cross (ICRC), to monitor conditions in pris-

ons. The ICRC was permitted to visit both prisons and pretrial detention centers and did so in accordance with its standard modalities. Authorities continued to permit personnel of the CSMB to visit prisons without giving advance notice. A separate Public Monitoring Group monitored police detention facilities.

*d. Arbitrary Arrest or Detention.*—The law prohibits arbitrary arrest and detention; however, in practice authorities continued to arrest and detain criminal suspects without warrants.

*Role of the Police and Security Apparatus.*—The national police are responsible for internal security, while the NSS is responsible for national security, intelligence activities, and border control; both organizations report directly to the prime minister. The police and the NSS continued to lack training, resources, and established procedures to implement reforms or to prevent incidents of abuse. Prisoners reported that police and NSS authorities did little to investigate allegations of abuse. As a result, impunity remained a serious problem.

Corruption remained a significant problem in the police force and security services, but reform efforts continued, mainly in the area of traffic control and criminal investigations. The police continued to implement procedures established in November 2006 to curb corruption at roadside checkpoints. The Government also established a new system of paying traffic fines to reduce opportunities for bribes, and the frequency of bribe-taking appeared to decrease during the year.

There was no dedicated mechanism for investigating police abuse. By law citizens may sue police in court. The Government reported that during the year citizens lodged four complaints against police for mistreatment of detainees. The police opened internal investigations into these complaints; the status of the investigations was unclear at year's end. The prosecutor's office launched one criminal case into an instance of mistreatment of detainees, which was ongoing at year's end.

The Government reported that police conducted 16 internal investigations into misconduct by on-duty police officers during the year. Based on these investigations the Government reported that during the year 23 police officers received administrative penalties (compared to 20 in 2006) including removal of 21 officers from the police service. The prosecutor's office opened 13 criminal cases based on the internal investigations which resulted in nine convictions. Four cases were ongoing at year's end.

By law detainees may file complaints prior to trial to address alleged abuses committed by authorities during criminal investigations; however, detainees must obtain permission from police or the prosecutor's office to obtain a forensic medical examination needed to substantiate a report of physical abuse. Human rights NGOs reported that authorities rarely granted such permission.

The Government enacted a major reorganization during the year, transferring primary responsibility for criminal investigations from the prosecutor general's office to various police agencies. Some 200 full-time criminal investigators were transferred from the prosecutors' service to police agencies by the end of the year. The move was intended to improve institutional checks and balances in the judicial system.

Beginning in March, a pilot community policing project designed to facilitate cooperation between police and the general public was initiated by the Organization for Security and Cooperation in Europe (OSCE) at the Arabkir district police department in Yerevan.

In August 2006 police opened a community justice center in Vanadzor with help from the local affiliate of the international NGO, Project Harmony. During the year, the center offered counseling to first-time juvenile offenders and brought local police into public schools for community outreach.

*Arrest and Detention.*—Prosecutors and police must first obtain a warrant from a judge to detain an arrested suspect in excess of 72 hours. Although judges rarely denied police requests for arrest warrants, police at times made arrests without a warrant on the pretext that detainees were material witnesses rather than suspects. The law provides that a detainee must either be indicted or released within 3 days of arrest, and this procedure was usually followed in practice; however, there were cases when police skirted this requirement by alleging that suspects were material witnesses, or that they were simply "invited for a discussion." The law provides for a bail system; however, in practice, most courts denied requests for bail in favor of detention.

The law also requires police to inform detainees of their right to remain silent, to make a phone call, and to be represented by an attorney from the moment of arrest and before indictment (including state-provided lawyers for indigent detainees). In practice police did not always abide by the law. They often questioned and pres-

sured detainees to confess prior to indictment and in the absence of counsel. Police sometimes restricted the access of family members and lawyers to detainees.

Lengthy pretrial detention remained a problem. According to the law, a suspect may not be detained for more than 12 months, but some defendants were in pretrial detention for 3 or more years. The Government reported that during the year, pretrial detainees constituted on average about 691 persons of a prison population of nearly 3,532.

*e. Denial of Fair Public Trial.*—The law provides for an independent judiciary; however, despite structural changes initiated in 2006 that still continue and have resulted in a somewhat greater independence, courts remained subject to political pressure from the executive branch, and judicial corruption was a serious problem.

The law provides for a three-tier court system, including the courts of first instance, the Review Court, and the Court of Cassation. Cases originate in courts of first instance; appeals are lodged with the Review Court and the Court of Cassation. There is a specialized economic court, which serves both as first instance and review court for civil cases of an economic character. The Constitutional Court rules on the constitutionality of legislation, approves international agreements, and rules on election-related questions.

A July 2006 law provided citizens with the right to appeal to the Constitutional Court. During the year 1,296 citizens appealed to the Constitutional Court, out of which the court accepted 60 cases for further review.

The Council of Justice is responsible for recommending candidates for all judgeships, who are then appointed by the president, who continued to retain a highly influential role over judicial branch personnel. The council also nominates candidates for the chairmen of courts on all three levels and their chambers, and subjects judges to disciplinary proceedings for misconduct. The president and the National Assembly each appoint two scholars to the council, and the General Assembly of Judges elects the remaining nine members from among themselves by secret ballot.

On July 24, the Constitutional Court ruled that sending back criminal cases for additional investigation was unconstitutional; the court then declared invalid all the relevant provisions of the Criminal Procedural Code. As a result, trials must end either by acquittal or guilty verdicts, effectively ending the practice of holding defendants indefinitely for “additional investigation” when underlying cases are weak.

On July 16, the first instance court chaired by Judge Pargev Ohanian of Kentron and Nork Marash Community of Yerevan fully acquitted and ordered the release of two businessmen, owner Gagik Hakobyan and top executive Aram Ghazaryan of the Royal Armenia company, arrested in 2005 for smuggling, tax evasion, and fraud. The businessmen claimed that the Customs Security Service was corrupt and, together with the NSS, had fabricated the case against them. On September 11, in response to an appeal by the prosecutor’s office, the review court overturned the first instance court’s decision and restarted criminal cases against the two businessmen, placing one of them in custody. On November 29, the review court found the two businessmen guilty on all charges, sentencing Gagik Hakobyan to 6 years’ imprisonment and Aram Ghazaryan to 2 years in prison, with the confiscation of half of the defendants’ property. However, the court capped the financial damages penalty at no more than \$1.5 million (455 million drams) in material damages caused to the state and \$556,000 (167 million drams) to a private company in compensation of financial damages it suffered. Since Ghazaryan had already spent almost 2 years in prison, the court released him immediately, crediting time already served, and also reduced Hakobyan’s term by 2 years for the same reason. On October 15, acting upon the recommendation of the Council of Justice, the president terminated Judge Ohanian’s judicial appointment, allegedly for a series of violations while adjudicating a number of civil and criminal cases. Some observers charged that the president’s move was in retaliation for Judge Ohanian’s acquittal of the businessmen.

On June 28, the European Court of Human Rights (ECHR) made its first ruling against Armenia, stating that the right to a fair trial had been violated in the case of Misha Harutyunyan. In 1999, while serving in the military, Harutyunyan was accused of killing a fellow serviceman and sentenced to 10 years in prison. The ECHR noted that the applicant and two witnesses had been coerced into making confessions, a fact which domestic courts confirmed when the police involved in the case were convicted of mistreatment.

*Trial Procedures.*—The law generally requires that trials be public, but it permits exceptions, including when a trial’s secrecy is in the interest of “morals,” national security, or for the “protection of the private lives of the participants.” Juries are not used. A single judge issues verdicts in courts of first instance, and panels of judges preside over the other courts. Defendants generally have the right, and are

generally required, to be present at their trials, but this requirement also has many exceptions. They have the right to counsel of their own choosing, and the Government is required to provide them with defense counsel upon request; however, this obligation was frequently not honored in regions outside of Yerevan, where there often were not enough defense lawyers. Defendants also commonly refused free counsel due to the poor quality of the public defenders, or the perception that public defenders colluded with prosecutors.

Defendants may confront witnesses and present evidence, and they and their attorneys may examine the Government's case in advance of the trial. Both defendants and prosecutors have the right to appeal court rulings. Judges generally granted defendants' requests for additional time to prepare cases. The law provides for the presumption of innocence; in practice, however, this right was not observed.

Court statistics released in August 2006 indicated that less than 1 percent of court cases resulted in acquittals. However, these statistics did not reflect the many cases that judges remanded to the prosecutor's office for lack of evidence, and that prosecutors dropped and never sent back to court. In effect, there were instances when prosecutors lost their cases during the year.

There were widespread reports that prosecutors and police used confessions that were obtained through methods that some NGOs characterized as torture. Defense lawyers may present evidence of torture to overturn improperly obtained confessions; however, defendants, their attorneys, and NGOs often stated that judges and prosecutors refused to admit such evidence into court proceedings, even when the perpetrator could be identified.

*Political Prisoners and Detainees.*—In December 2006 law enforcement authorities arrested Zhirayr Sefilian and Vardan Malkhasyan, the leaders of a small hard-line opposition group called the Alliance of Armenian Volunteers, on charges of "public calls for the overthrow of the constitutional order by force" and illegal possession of arms. According to the NSS, Sefilian and his supporters were planning to use force to influence political developments in the country ahead of the May parliamentary elections. Human rights observers charged the arrest was politically motivated and that authorities used the controversial article of the Criminal Code to intimidate the opposition ahead of the May elections. The evidence against Sefilian and Malkhasyan consisted of texts of speeches that they had made in December 2006 during the founding session of the newly established Alliance of Armenian Volunteers. On August 6, the court sentenced Malkhasyan to 2 years in prison. The court, however, cleared Sefilian on the charges of public calls for violence, and sentenced him instead to 18 months in prison only for illegal possession of arms. Both the defendants and prosecutors appealed the verdicts, with the former denouncing the case as politically motivated. On September 25, a review court in Yerevan upheld the verdicts.

On May 7, the NSS arrested Alexander Arzumanyan, a former foreign minister, prominent member of the Armenian National Movement Party, and head of the small opposition group called the Civil Disobedience Movement. Arzumanyan, who was charged with money laundering, called the arrest politically motivated and denied any illicit activity; he was supported by many human rights activists. Authorities seized more than \$50,000 (15 million drams) in cash from Arzumanyan's home at the time of his arrest. On September 6, the NSS released Arzumanyan on his own recognizance. Charges remained pending at year's end.

Arman Babajanian, the editor of the opposition newspaper Yerevan Zhamanak, who was arrested in June 2006 and charged with document forgery and evasion of military service, remained in prison. He was convicted in September 2006. Babajanian admitted his guilt, but his 4-year sentence was widely considered harsher than normal in such incidents, and some observers charged that he was the victim of selective enforcement. On January 12, an appeals court upheld his guilty verdict but shortened his sentence by 6 months. During the year the court twice rejected his appeals for release on parole in August and December.

*Civil Judicial Procedures and Remedies.*—The same courts hear civil and criminal cases. Citizens had access to courts to bring lawsuits seeking damages for, or cessation of, a human rights violation; however, the courts were widely perceived as corrupt, and potential litigants in civil cases often evaluated the advisability of bringing suit on the basis of whether they or their opponents had greater resources with which to influence judges. Citizens also had access to the Government human rights defender's office, and as of 2006 were given access to the Constitutional Court when they judged that their constitutional rights were not being protected.

During the year none of the residents of the more than 100 homes in downtown Yerevan, which were razed to make way for a new boulevard and private development, won their court cases in which they protested their evictions and the amount

of compensation they had received. Despite the Constitutional Court's ruling in April 2006 that the 2002 government decision authorizing such demolitions violated the Constitution, no remedies were offered. On June 7, the ECHR initiated a settlement in one such case, Chghlyan vs. Armenia, when the Government agreed to pay \$150,000 (45 million drams) compensation in exchange for the claimant dropping the ECHR complaint.

*f. Arbitrary Interference with Privacy, Family, Home or Correspondence.*—The Constitution prohibits unauthorized searches and provides for the right to privacy and confidentiality of communications; however, the Government did not always respect these rights in practice.

By law, judges may authorize authorities to wiretap a telephone or intercept correspondence only after being presented with compelling evidence; however, the law was not strictly enforced in practice, and some judges arbitrarily granted permission.

Although free expression and secrecy of private communication are protected by the Constitution, the Russian-language newspaper *Golos Armenii* in April published two editorials quoting from, and negatively characterizing, a conversation between opposition party chairman Artur Baghdasarian and a foreign diplomat. The conversation was alleged to have been clandestinely recorded. The primary state-run H1 television channel presented the first editorial verbatim in its main news program, and did not give the opposition party leader an opportunity to respond. Government authorities said they would investigate, but had not done so by year's end.

Police occasionally maintained surveillance of draft-aged men to prevent them from fleeing the country.

On June 22, a Yerevan court ordered prosecutors to launch an investigation into the complaints filed by the Heritage Party in 2006 alleging illegal hacking, among other things, of party computers by state authorities. The investigation was ongoing at year's end.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and freedom of the press, but the Government generally did not respect these rights in practice. There were incidents of violence, intimidation, and self-censorship in the press.

On August 18, at the opening of the Fourth Pan-Armenian Games held in Yerevan, police reportedly prevented several citizens from distributing leaflets to participants and spectators that called for the release of jailed government critics. According to media reports, police briefly detained and later released the three individuals, but confiscated the leaflets they had been distributing.

At the closing ceremony of the Pan-Armenian Games on August 26, police reportedly prevented family members of Levon Gulyan, who died on May 12 in police custody under suspicious circumstances, from distributing leaflets to participants. According to media reports, police at the scene, saying the allegations contained in the leaflets discredited the police force, confiscated the leaflets, and threatened with arrest those who did not voluntarily hand over the leaflets.

On October 30, police filed criminal charges against two opposition editors, Nikol Pashinyan of *Haykakan Zhamanak* and Shogher Matevosyan of *Chorrord Ishkhanutyun*, both of whom participated in an opposition march on October 23 that was broken up by riot police. The charges included "hooliganism committed by a group" and "violence against a representative of the authorities." By year's end the case against the editors was still pending.

After airing on October 14 a September 21 speech by presidential candidate and former president Levon Ter-Petrosyan critical of the government, Gyrumi-based independent Gala TV reportedly came under intense scrutiny by various government authorities in an effort to shut down the station or bring the reporting content of the station in line with the state-controlled media. On October 31, the State Tax Service (STS) began an audit into the company, announcing in advance of the audit in a newspaper interview on October 25 that the company had violated tax regulations. On November 14, the STS accused Gala TV of evading about \$86,000 (26 million drams) in taxes over the last 2 years. Gala's parent company, Chap, rejected the accusation, and said the audit's findings were politically motivated. STS followed up its audit with a request to the Economic Court to freeze Gala's bank accounts and assets. Although the request was initially rejected, it was granted a week later when the Economic Court stated STS had provided additional documents to support its request. In addition, STS accused Gala TV of illegally using a state-owned television tower for its broadcasts. The mayor of Gyumri appealed to the Economic Court to force the removal of Gala's transmitter from the tower. Gala ap-



pealed to the court, contesting the STS audit results. All cases against Gala were pending at year's end.

On November 6, during the STS audit of Gala TV, one of the inspectors attacked a cameraman videotaping the audit process, choking him and trying to take the camera away. Following a complaint by the cameraman, the police started an investigation into the case, but decided on November 30 not to open criminal proceedings. Gala TV applied to the prosecutor general's office contesting the police decision on December 24.

On December 6, tax inspectors confiscated thousands of newly printed leaflets ordered by the "Alternative" opposition political movement, announcing an opposition rally to be held in Yerevan on December 8. According to reports, Artak Arakelyan, an opposition activist, was taken into custody for 6 hours and fined \$50 (15,000 drams) on the grounds that he had no documents certifying the origin of the fliers. STS personnel also inspected the Van Arian printing company's books and briefly detained one of its employees.

On December 13, the office of the opposition newspaper Chorrord Ishkhanutyun was rocked by an explosion, which its editor in chief linked to its critical coverage of the Government. The explosive device was planted at the entrance of the office and went off early in the morning, damaging the door and some office furniture. No one was present at the time of the explosion, which occurred well before working hours. The police launched an investigation into the case, which was ongoing at year's end.

In December 2006 authorities arrested Zhirayr Sefilian and Vardan Malkhasyan, members of the political opposition, for speeches they made during a political gathering, alleging that the latter were planning to stage a coup.

Most newspapers were privately owned, with the exception of government-sponsored Hayastani Hanrapetutyun and its Russian-language version, Respublika Armenia. The print media pursued stories vigorously and expressed a wide variety of views without restriction, but no media outlet was completely independent of patronage from economic or political interest groups or individuals.

Newspaper circulation was very limited, and most of the population relied on television and radio for news and information. There were 14 radio and 42 television stations, most of them privately operated. Private television stations generally offered news coverage of good technical quality; however, the substantive quality of news reporting on television and radio varied. Most stations were owned by pro-government politicians or well connected businessmen, factors that prompted journalists to engage in self-censorship. Major broadcast media outlets generally expressed pro-government views. All Armenian TV and radio stations avoided editorial commentary or reporting critical of the Government.

A1 Plus, the last politically independent television station to operate in the country, still remained without a frequency at year's end. A1 Plus went off the air after the Government revoked its frequency in 2003, a move many observers at the time viewed as politically motivated. A1 Plus, which has unsuccessfully filed 12 applications for radio or television licenses since 2003, did not file an application during the year.

During the 40-day preelection period leading up to the May 12 parliamentary elections, broadcast media outlets were more generous in the coverage they allocated to opposition politicians than in past years. Several were given the opportunity to speak about their programs and positions. Public television adhered to the legal requirement to provide 2 minutes of free airtime daily to each party registered to contest the election, and these broadcasts aired without editorial restrictions. Nevertheless, based on its media monitoring efforts, the OSCE reported that the enhanced coverage was devoid of critical comment by television media.

From October until mid-December, TEAM Research Center, with the support from the Armenian affiliate of the Open Society Institute Assistance Foundation and the Yerevan Press Club, conducted monitoring of broadcast media in anticipation of February 2008 presidential elections. During the year two interim reports were published covering the months of October and November. The report revealed strong bias in coverage of two presidential candidates, Prime Minister Serzh Sargsian and former president Levon Ter-Petrosyan. More specifically, the prime minister, who received abundant coverage in his official capacity, received mostly positive and sometimes neutral coverage, while Ter-Petrosyan received predominantly negative, and on rare occasions, neutral coverage.

International media outlets generally operated freely. In July public radio informed Radio Free Europe(RFE)/Radio Liberty that it had adopted a new policy regarding foreign broadcasting and would no longer carry foreign programming. Radio Liberty was the only foreign programming on Public Radio, and also the only radio broadcaster known to air viewpoints critical of the Government. RFE/Radio Liberty

subsequently signed an agreement to expand its programming on a private channel that has less national coverage than Public Radio.

In June a Yerevan court convicted journalist Gagik Shamshian of fraud and embezzlement, and sentenced him to a suspended 30-month prison term with a 2-year probation period. The court also ordered him to pay \$580 (200,000 drams) to a private plaintiff. This followed a 2006 incident in which Shamshian went public with allegations directed at a local political leader's family, which he later retracted after being physically assaulted.

Police assaulted journalists during the year. On May 9, while dispersing a preelection rally organized by the Impeachment Bloc, a grouping of several opposition parties, police officers assaulted two reporters, Tsovinar Nazarian from Hayastani Hanrapetutian, and Gagik Shamshian, a freelance journalist who worked for opposition papers. Police attempted to confiscate Shamshian's camera but were prevented from doing so by rally participants. The police used tear gas on Nazarian as she attempted to film the police activities.

On October 25, Gohar Veziryan, a female journalist from Chorrord Ishkhanutyun was reportedly hospitalized with a concussion suffered during the break-up of a march on October 23, where police had used tear gas and batons.

Unidentified perpetrators also harassed and intimidated journalists during the year.

In January unidentified arsonists set fire to the car of Suren Baghdasaryan, the editor of the weekly Football Plus. A similar arson attempt occurred in February 2006 after Baghdasaryan commented on an Armenian team's failure to play against an Azerbaijani team. Police promptly launched an investigation; however, the arsonists had not been found by year's end.

On February 8, unidentified arsonists set fire to the car of Ara Saghatelian, director of the Panorama.am Internet news portal and editor of the privately owned Im Iravunk weekly. A police investigation was ongoing at year's end.

On September 15, two unidentified assailants attacked and beat with metal bars Hovhannes Galajyan, the editor in chief of the opposition Iskakan Iravunk newspaper; Galajyan was hospitalized from his injuries. The Prosecutor General's Office promptly launched an investigation, but there were no new developments by year's end. Galajyan had suffered a similar such attack in September 2006, but investigators never identified or apprehended the perpetrators.

Arman Babajanian, the editor of the opposition newspaper Yerevan Zhamanak, who was convicted in September 2006 of document forgery and evasion of military service, remained in prison. Babajanian admitted his guilt, but his 4-year sentence was widely considered harsher than normal in such incidents, and some observers charged that he was the victim of selective enforcement. On January 12, an appeals court upheld his guilty verdict but shortened his sentence by 6 months. During the year, the court twice rejected his appeals for release on parole in August and December.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chatrooms. Individuals and groups could engage in a peaceful expression of views via the Internet, including by e-mail. Internet cafes were widely available in the cities, although local Internet service provider connections were often too slow to be useful.

*Academic Freedom and Cultural Events.*—In general the Government did not restrict academic freedom or cultural events. However, on March 15, the administration of Yerevan State University dismissed lecturer Sasun Saribekyan, allegedly for criticizing authorities during lectures and facilitating a meeting between his students and an opposition figure.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The Constitution provides for freedom of assembly, but there were some limits on this right in practice. Organizers are not required to obtain a government permit to stage a rally or demonstration but are required to notify authorities in advance of their plans for such events. Political parties generally demonstrated freely in Yerevan during the parliamentary and presidential campaign seasons, though there were some instances of local authorities denying permission for public rallies. There were also locations, such as military installations and sensitive power generation facilities, where persons could not demonstrate without permission. The law empowers police to break up illegal rallies and demonstrations, particularly those that encourage violence and the overthrow of the Government.

On May 9, the police forcibly dispersed an unsanctioned opposition rally in front of the NSS building; eyewitnesses said riot police used batons and tear gas. Several eyewitnesses from among the opposition reported that the police use of violence was

brief, and that more senior police officers moved quickly to negotiate a peaceful resolution with opposition leaders.

On October 23, riot police dispersed an opposition march using force and tear gas, detaining 12 activists as they were announcing through loudspeakers the date of an opposition rally in support of Levon Ter-Petrosyan.

There were reports that government authorities hindered political party meetings and pressured property owners to evict opposition parties from meeting facilities. Some opposition parties reported that during the parliamentary campaign season local authorities created obstacles to political gatherings in the regions, including urging people not to attend such assemblies, or arranging electrical failures at meeting halls.

*Freedom of Association.*—The Constitution provides for freedom of association, and the Government generally respected it in practice. However, registration requirements for all political parties, associations, and secular and religious organizations remained cumbersome. The law stipulates that citizens have the right to form associations, including political parties and trade unions, except for persons serving in the armed services and law enforcement agencies.

*c. Freedom of Religion.*—The law provides for freedom of religion; however, there were some restrictions in practice. The Armenian Apostolic Church is considered the national church and enjoys some privileges not available to other faiths. The law does not mandate registration of NGOs, including religious groups. However, only registered organizations have legal status and may publish more than 1,000 copies of newspapers or magazines, rent meeting places, broadcast programs on television or radio, or officially sponsor visas for foreign visitors, although there is no prohibition on individual members doing so. There were no reports of the Government refusing registration to religious groups. The law also requires all religious organizations except the Armenian Apostolic Church to obtain prior permission to engage in public religious activities.

The law prohibits but does not define “proselytizing” and bans foreign funding for foreign-based churches, but neither restriction was enforced.

During the year members of the Jehovah’s Witnesses reported two instances where they were unable to obtain shipments of religious literature due to customs issues. On March 29, customs officials in Yerevan reevaluated a shipment of religious periodicals received by the Jehovah’s Witnesses at a significantly higher rate than the group expected, making it financially difficult for them to arrange clearance of the shipment. Customs officials maintained that the reevaluation was in accordance with the customs code, which makes no special provision for religious or other literature intended for free or low-cost distribution. Unable to resolve this matter, the Jehovah’s Witnesses obtained permission to return this first shipment to Europe in June. In the same month, they received a second shipment, which was pending customs clearance at year’s end, again because of the high duties leveled. The Jehovah’s Witnesses reported that they have visited customs officials and sent letters to various government authorities to seek the release of the shipment, to no avail.

Although the country has a law providing alternative service for conscientious objectors, the military services themselves administer the alternative service, and members of Jehovah’s Witnesses refused the alternative program for that reason. Since 2005 there have been no applications for alternative service. According to lawyers for Jehovah’s Witnesses, as of year’s end 70 of their members were in prison, 67 were serving sentences, and three were awaiting trial. Five more had received suspended sentences.

At the end of October, the Jehovah’s Witnesses reported that conscientious objectors continued to encounter difficulties obtaining legal documents after they completed their jail terms. Although 10 individuals managed during the year to obtain relevant documents (passports, residential registrations, and military booklets), more than 60 individuals were unable to do so, despite complaints filed with authorities. Such documents are important for securing employment, as well as residency registration.

*Societal Abuses and Discrimination.*—Societal attitudes toward most minority religions were ambivalent. Television outlets disparagingly labeled some denominations as “sects” in their broadcasting and aired negative programs about them.

According to observers the general population viewed nontraditional religious groups with suspicion and expressed negative attitudes about members of Jehovah’s Witnesses because of their proselytizing practices and refusal to serve in the armed forces. Members of Jehovah’s Witnesses continued to experience occasional societal discrimination.

In October members of Jehovah's Witnesses reported the ongoing placement of posters around Yerevan by a group called One Nation that denounced their church. The posters were periodically replaced with fresh copies.

On June 1, two members of Jehovah's Witnesses in the village of Lusarat were verbally harassed and assaulted by a passing Armenian Church priest. The assaulted individuals agreed to drop charges pending the priest's apology, which never materialized. Police closed the case for lack of evidence after the priest denied the incident.

On July 31, in Yerevan, an off-duty police major and his brother beat a husband and wife who were members of the Jehovah's Witnesses. A driver of a passing car and other bystanders stopped the beating. The couple filed complaints with the police, the prosecutor's office, and the human rights defender.

Jewish community leaders estimated the community's size at between 500 and 1,000 persons. There is a resident rabbi and one synagogue. The Jewish community is accepted as an integral part of society. On December 17, Jewish community members discovered a small swastika drawn on the Hebrew side of the 14-month-old Joint Tragedies Memorial.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—While the law provides for freedom of movement within the country, foreign travel, emigration and repatriation, there were some restrictions in practice. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees and asylum seekers.

Corruption and an inefficient bureaucracy continued to hinder citizens' efforts to register changes in their status, including changes in official places of residence. To leave the country on a temporary or permanent basis, citizens must obtain an exit visa. Exit visas for temporary travel out of the country may be routinely purchased for approximately \$3.00 (1,000 drams) for each year of validity. Visas may also be obtained later. There is an official 10-day waiting period for visas, but officials commonly agreed to expedite them in exchange for bribes up to about \$29 (10,000 drams). Citizens who attempted to depart the country without visas were not permitted to leave.

The exit visa process was more difficult for citizens leaving the country permanently. The registration agency must deregister them, which entails sending queries to numerous other agencies to determine whether the citizen has any outstanding debts or obligations. The process commonly took several months to complete, and according to some citizens, authorities used the exit permit process to exact bribes which, by some accounts, totaled hundreds of dollars. Permission to depart the country permanently may be denied to persons who possess state secrets, are subject to military service, are involved in pending court cases, or who have outstanding financial obligations. Men of military age who have not completed service requirements must overcome substantial bureaucratic obstacles to travel abroad, including excessive delays in processing and officials soliciting bribes for exit stamps.

The law does not prohibit forced exile, but there were no reports that the Government used it.

*Internally Displaced Persons (IDPs).*—The Norwegian Refugee Council (NRC) found in a study released in 2005 that 8,399 IDPs lived in Armenia. The NRC confirmed that the number has not changed significantly since that time.

During the country's war with Azerbaijan, the Government evacuated approximately 65,000 households from the border region, but most returned to their homes or settled elsewhere. Of the remaining 8,399 IDPs, almost two-thirds could not return to their villages, which were surrounded by Azerbaijani territory, and others chose not to return due to socioeconomic hardships or fear of land mines. The Government afforded full rights as citizens to IDPs, but did not directly undertake programmatic efforts to help integrate them; however, international organizations supported their adjustment.

*Protection of Refugees.*—The law provides for the granting of asylum or refugee status to persons in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. The Government granted refugee status and asylum during the year. In practice the Government generally provided protection against "refoulement," the return of persons to a country where there is reason to believe they fear persecution. The Government also provided temporary protection during the year to persons who may not qualify as refugees under the 1951 convention and the 1967 protocol.

During the year, 266 persons applied for asylum and the Government granted temporary asylum to 164 persons and refugee status to one person. Other cases were under review at year's end.

The Government cooperated with UNHCR and other humanitarian organizations in assisting refugees and asylum seekers.

There was an established procedure for granting asylum which included the non-penalization of illegal entry of an asylum seeker, and access to the territory for individuals seeking asylum. However, some delays and difficulties with refugee processing at airports and land borders arose due to frequent rotations of inexperienced border officials and little training on asylum procedures. International organizations asserted that Russian border guards usually came into first contact with would-be asylum seekers at the borders with Turkey and Iran, and in part at the main international airport in Yerevan, and often refused them entry without informing either the Government or the UNHCR. The Russian guards, who operated on the basis of an agreement between the two countries, were gradually being phased out from the Yerevan airport during the year.

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

Although the law provides citizens with the right to change their government peacefully, that right was restricted in practice due to repeated flaws in the conduct of elections.

*Elections and Political Participation.*—The elections to the National Assembly were held May 12. The OSCE's Office for Democratic Institutions and Human Rights (ODIHR) election observation mission stated that the elections demonstrated improvement, and were conducted largely in accordance with international standards, though shortcomings remained. While the authorities acted to address a number of previous shortcomings, other issues were not sufficiently addressed, notably those related to the procedural regulation of the conduct of the elections campaign, and performance of election commissions during the vote count and tabulation.

In October government authorities launched large-scale tax and customs audits of businesses belonging to a leading Armenian businessman and independent member of Parliament, Khachatur Sukiasian, and his family, after Sukiasian publicly voiced his support for the presidential candidacy of former president Levon Ter-Petrosyan in October. Two senior executives of Sukiasian-affiliated companies were arrested for alleged tax evasion and remained in custody at year's end in what was alleged to be a politically-motivated crackdown.

On November 15, three unidentified men attacked and severely beat Narek Galstyan, leader of the Sargis Tkhruni student-youth union of the opposition Social-Democrat Hnchakyan Party (SDHP). The attack came 2 days after police reportedly detained him and another member of the union for posting leaflets advertising an upcoming rally in support of presidential candidate and former president Levon Ter-Petrosyan. According to the SDHP, police mistreated Galstyan during his detention as retribution for supporting Ter-Petrosyan.

In advance of the presidential elections the opposition complained of massive harassment by the authorities. The supporters of presidential candidate Levon Ter-Petrosyan accused the police and the NSS of summoning hundreds of opposition supporters for questioning and subjecting them to psychological pressure, intimidation and threats. There were also reports of persons being fired from their jobs for their political views.

The final parliamentary election results were announced May 19 and were confirmed June 10 by the Constitutional Court, which rejected four complaints calling for annulment of the results. The court nevertheless noted a number of deficiencies in the conduct of the election campaign, specifically in the areas of campaigning and campaign and party financing, as well as the existence of conflicting legal provisions in the Election Code and other legislation. In the parliamentary election, the Republican Party of Armenia (RPA) won 33 percent of the votes cast, followed by Prosperous Armenia (15 percent), the Armenian Revolutionary Federation Dashnaksutyun (ARF) (13 percent), Rule of Law (7 percent), and the Heritage Party (6 percent). The RPA and Prosperous Armenia joined to form a governing coalition which secured an absolute majority of Parliament seats. The ARF negotiated a cooperation agreement with the governing coalition in exchange for ministerial positions, but declined to join the coalition formally, instead reserving the right to support its own candidate for the February 2008 presidential election.

Despite multiple changes made to the election code, most recently on November 20, shortcomings remained. Provisions on early and indirect campaigning were unclear, and regulations on campaign finance were weak. The complaints and appeals process was inconsistent and ineffective. Sanctions against vote-buying were not im-

plemented, and the Government generally did not act upon publicly identified concerns in the absence of formal complaints.

The ODIHR election observation mission directly observed one episode of provision of goods by a political party that met the legal definition of prohibited conduct during the election campaign. On May 9, authorities arrested a person working for a single-mandate candidate in the territorial electoral commission in Hrazdan for vote buying.

Approximately one-third of polling stations that ODIHR election observers monitored did not follow the proper procedures in filling in the final vote count documents. At some stations, for example, respective Territorial Elections Committees were completing, correcting, or entirely rewriting poll results, thereby increasing potential for tampering with sensitive election documents.

The ODIHR also heard allegations that some voters were under pressure to vote for certain parties or candidates, for fear of consequences such as job dismissal. A candidate and incumbent deputy from the Syunik region confirmed that workers at a large enterprise he owned were obliged to vote for him, but he characterized this as consistent with contemporary global corporate management styles.

Incidents of election-related violence occurred. On May 28, Larisa Paremuzyan, a local head of the People's Party of Armenia, survived an arson attack on her apartment in the northern town of Alaverdi in the Shirak Region. Paremuzyan blamed the attack on Karen Saribekian from the ruling RPA, who defeated her in the May 12 parliamentary elections in a single-mandate contest. Prior to the arson attack, Paremuzyan had alleged serious irregularities during the vote.

According to Transparency International (TI), the RPA and Prosperous Armenia parties, the two main victors of the May 12 parliamentary elections, spent considerably more on their election campaigns than is permitted by law.

Courts of first instance delivered verdicts on five criminal cases in which election precinct workers were found to have deliberately miscounted ballots or recorded fraudulent vote tallies during the parliamentary elections in May. The prosecutor general reported May 14 that a total of six criminal cases involving 15 defendants were transferred to the courts for trial: Three persons were sentenced to imprisonment for 1 to 2 years; one person was fined \$900 (300,000 drams); 10 persons were given suspended sentences; and one case remained pending at year's end. Within these cases, all nine members of the precinct electoral commission (PEC) 15/16 of Getashen village were found guilty of falsifying election results and convicted by the first instance court of Armavir region. The court sentenced Commission Chairman Armen Eloyan to an 18-month prison term while suspending sentences for the other eight PEC members.

There was a widespread public perception, reflected in the press and the speeches of politicians, that a small elite of "oligarchs" exercised disproportionate influence on public affairs.

On June 22, a Yerevan court ordered prosecutors to investigate complaints filed by the Heritage Party in 2006 alleging harassment and improper eviction from its offices, and state authorities' illegal hacking of party computers. There were no results in the investigation at year's end.

There were 12 women serving in the 131-seat National Assembly, including one of two deputy speakers, one woman appointed to the Government cabinet, and one female governor.

There were no members of ethnic minorities in the National Assembly or government cabinet.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity.

Corruption was widespread on all levels and in all sectors. The World Bank's Worldwide Governance Indicators reflected that corruption was a serious problem. The public rarely protested practices such as routine bribe-paying, and appeared to be resigned to the prevalence of corruption.

Financial disclosure laws exist for public officials and their family members. However, according to a December 2006 report by the Anti-Corruption Network for Eastern Europe and Central Asia of the Organization for Economic Cooperation and Development, the declaration was a formality, and there were no mechanisms in place to verify the declared information. The declarations were not fully accessible to the public.

Government programs to curb corruption were largely inactive during the year. The governmental Monitoring Commission and Anticorruption Council, which oversaw implementation of the 2003–06 Anti-Corruption Strategy and Action Plan, met sporadically during the year, a violation of their own regulations. There was no official report that publicized the implementation of the Anticorruption Strategy

Program and its action plan. On December 29, the anticorruption council approved a 9-month timetable for drawing up the new anticorruption strategy for 2008–2012.

TI's Armenian affiliate officially ended its participation in the Monitoring Commission on February 14, when the head of the commission verbally attacked TI for the results of the Corruption Perception Survey that it had published in January.

According to the government, during the first 9 months of the year 47 public officials were charged and convicted in corruption cases.

The law provides for access to government information as well as for its dissemination, but in practice the Government rarely provided access. By year's end the Government had not yet adopted the legal regulations required by, and supplementary to, the 2003 Freedom of Information Law, on the aspects of collection and provision of information.

Citizens, especially in the regions, had little awareness of their right to information; however, according to the NGO Freedom of Information, the attitudes of officials towards provision of information had slightly improved over the past year. According to the NGO, the number of persons exercising their right to freedom of information increased, as did the number of applications to the court if this right was violated. About 70 percent of the court rulings resulted in verdicts which favored the applicants.

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

A number of domestic and international human rights groups generally operated without government restrictions, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

During the year independent local religious and human rights organizations and local affiliates of international organizations operated in the country. They included the Armenian Helsinki Committee, the Civil Society Institute, the Helsinki Citizens' Assembly, Hope and Help, the International Committee of the Red Cross, Junior Achievement, Mission Armenia, the Open Society Institute, Transparency International and many more. Government authorities generally did not deny requests to meet with domestic NGO monitors. Authorities followed some NGO recommendations, particularly those related to social welfare, education, or those involving local matters.

On May 3, two public members of the police-sponsored Public Monitoring Group, which monitors police detention facilities, were ejected from the group by police after filing a report on their observations that was critical of the authorities.

During the year private NGOs did not report experiencing reprisals for criticizing the authorities.

The Government generally cooperated with international NGOs. It permitted visits by international organizations to prisons, and in the case of the ICRC, to all detention centers in the country.

The current human rights defender is mandated to protect the human rights and fundamental freedoms violated by the state and local self-governing bodies or their officials. During the year the human rights defender's office received more than 1,100 written complaints from citizens. A total of 96 of these complaints were successfully resolved by the office, with 530 persons reportedly receiving redress for their grievances. Inquiries initiated by the human rights defender's office resulted in more than a dozen disciplinary sanctions against police during the year; however, the human rights defender said progress on most cases was slow. On March 30, the human rights defender's office released its 2006 annual report, which noted that the main source of citizen complaints were local courts, the Yerevan municipality, and the police. A 2005 Constitutional Court ruling prohibits the human rights defender from examining complaints against judicial organs and judges.

Following the May parliamentary elections, the newly elected Parliament established a Standing Committee on Protection of Human Rights and Public Issues. To date, human rights NGOs have viewed the new committee with skepticism due to its unclear mandate and the lack of any apparent concrete activity undertaken to date.

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

The Constitution and law prohibit discrimination based on race, gender, disability, language, or social status; in practice, however, there was societal discrimination against women, ethnic and religious minorities, persons with disabilities, and homosexuals.

*Women.*—Rape, including spousal rape, is a criminal offense and carries a maximum penalty of 15 years' imprisonment. During the year authorities registered

seven cases of rape and attempted rape; however, societal stigma contributed to the underreporting of those crimes. Authorities launched criminal proceedings in all these cases, and by year's end convicted four individuals involved in cases of rape and attempted rape; other cases were in progress at year's end.

There is no law against domestic violence. Few cases of spousal abuse or other violence against women were reported during the year, although such violence was believed to be widespread. A survey conducted in May commissioned by the Women's Rights Center NGO showed that 66 percent of the respondents acknowledged that family members subjected them to psychological abuse, and 39 percent considered themselves victims of either moderate or severe physical abuse. Most cases of domestic violence were not reported to police because victims were afraid of physical harm, were apprehensive that police would return them to their husbands, or were embarrassed to make family problems public. Two NGOs in Yerevan and Gyumri provided shelter and assistance, including psychological and legal counseling, to battered women.

Prostitution and sex tourism are not illegal, but operating brothels is prohibited. Operating a brothel and engaging in other forms of pimping are punishable by 1 to 10 years' imprisonment. According to media reports, there were fewer than 5,000 sex workers operating in the country, with approximately 1,500 working in Yerevan. Police and other security forces reportedly tolerated prostitution.

The law does not specifically prohibit sexual harassment, although it addresses lewd acts and indecent behavior. Society generally did not consider cases of sexual harassment important enough to justify legal action. Although there were no official statistics, sexual harassment appeared to be widespread, according to observers.

Men and women enjoy equal legal status, although gender discrimination existed and was a continuing problem in the public and private sectors. According to a survey conducted in Yerevan in 2005, women earned on average 40 percent of what men earned. Women generally were not afforded the same professional opportunities as men, and often were relegated to more menial or low-skilled jobs.

*Children.*—The Government was committed to protecting children's rights and welfare, but it did not allocate sufficient resources to fulfill this commitment.

Observers indicated that parents, particularly the poorest and most socially disadvantaged, were unable to register their children at birth, thereby potentially depriving them of essential social services and increasing their children's vulnerability.

Education is free, universal, and compulsory through age 14. According to the U.N. Development Program, in 2003, 84 percent of students completed schooling through age 14, and 36 percent studied through age 16. Many facilities were grossly underfunded and in poor condition, though major renovation works were initiated with government and foreign funding. Access to education in rural areas remained difficult, and work in the fields during harvest season took precedence over school for many children. Lack of funding to provide heat prompted school officials in many areas to extend winter school breaks by as much as an additional month. Many teachers solicited bribes from parents in return for good or passing grades.

Attendance rates among children in the Yezidi ethnic minority continued to be lower than average, partially due to economic reasons, a lack of Yezidi teachers and books, and the early removal of teenage girls from schools for marriage. In 2006 the U.N. Children's Fund (UNICEF) supported the Government's effort to publish textbooks for ethnic minorities, and in 2007 new Yezidi language textbooks appeared in some Yezidi schools around the country.

Free basic health care was available to boys and girls through age 18 but often was of poor quality, and officials often required overt or concealed payment for services.

According to UNICEF, sexual abuse of children was not believed to be a serious problem; however, the number of reported cases of physical and psychological abuse has increased, partly due to improved monitoring.

UNICEF reported that the number of children begging or working on the street appeared to be on the decline. Abuse of street children did not appear to be a serious problem.

*Trafficking in Persons.*—The law prohibits all forms of trafficking in persons; however there were reports that persons were trafficked to and from the country. There was no credible data as to the real extent of the problem.

According to experts, the country was a source and transit point for women and girls trafficked primarily for sexual, and to a lesser extent, labor exploitation to the United Arab Emirates (UAE) and Turkey. There were also reports of men being trafficked to Russia for forced labor in the construction sector. There were reports



of Armenian trafficking victims registered in western European countries. There were no reports of internal trafficking.

According to the general prosecutor's office, during the year at least 36 persons were victims of trafficking who were exploited in the UAE and Turkey. The general prosecutor's office also reported that 107 persons were victims of pimping during the year, including 77 exploited within the country and 30 exploited in the UAE and Turkey.

Traffickers, using developed networks in source and destination countries, typically recruited victims who were already engaged in local prostitution. The majority, but not all, of the identified victims were aware that they were being recruited to work in the sex industry in other countries; however, they were unaware of the traffickers' intent or the true exploitative circumstances of the conditions in the destination countries. Once in the country of destination, victims were deprived of their travel documents, locked in hotel rooms, and told that they must "repay" their expenses. The initial consent by the victims unfortunately contributed to authorities' overall lack of identification of trafficking. In most cases, victims left the country with valid documents after which the traffickers provided them with forged documents in the transit states. There were reports that traffickers encouraged women to become recruiters, promising them that they could keep a percentage of their recruits' earnings. Those at particular risk for being trafficked were women engaged in prostitution, orphans who had outgrown their institutions, the homeless, and those in difficult financial situations. Trafficking victims who came largely from impoverished communities were at greatly increased risk of contracting sexually transmitted diseases, and there were some reported incidents of physical violence against persons who were trafficked.

In July 2006 the National Assembly adopted legislation that toughened trafficking penalties. The new law made trafficking in persons punishable by imprisonment for 3 to 15 years, depending on whether there were aggravating factors such as the death of victims or involvement of a minor.

During the year, 10 defendants were convicted under the trafficking statute, according to the prosecutor general's office. During the same period, courts convicted 19 defendants under the pimping statute. According to experts, an inconsistent application of the two statutes continued to be a problem during the year.

On August 3, a Yerevan court handed down the country's most stringent trafficking sentence to date: 8 years' imprisonment for Gayane Melkonyan for two separate instances of trafficking of victims to the UAE and Turkey.

On September 3, authorities reported the conclusion of an investigation under the pimping statute that involved two Russian victims. The defendant, Armenian citizen Iren Mkrtychyan, and a Russian accomplice had recruited Russian women and were bringing them to Armenia for prostitution. Law enforcement bodies intercepted two of their potential trafficking victims at the Yerevan airport and referred them to local shelters, whose personnel identified them as trafficking victims.

A warrant for the arrest of Ashot Hovsepyan in connection with a 2005 trafficking case was outstanding at year's end; in 2006 the court sentenced the other defendant, local nightclub manager Sos Meliksetyan, to 2 years' correctional labor.

On December 6, the prime minister signed a decree establishing a new ministerial-level Council on Trafficking chaired by the deputy prime minister. The council has a broad mandate of implementing, coordinating and monitoring the Government's antitrafficking efforts. The high-level council was created to replace the previously existing governmental interagency commission, which lacked the political weight to effect policy. The members of the earlier interagency commission became members of a working group designed to support the work of the new council.

The police, the NSS, and prosecutor's office were responsible for investigation and prosecution of trafficking. The Government actively sought bilateral cooperation with several trafficking destination countries and regularly shared information with these partners.

In May the Foreign Ministry worked with a local NGO to secure the release of two Armenian victims of trafficking who were sentenced in Georgia for illegally crossing the Turkish-Georgian border.

After extensive discussions with foreign governments and NGOs involved in anti-trafficking programs, the Government approved its 2007–2009 National Plan of Action on Combatting Trafficking in Persons on December 6.

Trafficking victims reported that traffickers easily bribed Russian and Armenian border guards. Allegations of official complicity with traffickers continued to hurt the credibility of the Government's antitrafficking efforts. Some observers asserted that agreements between corrupt court officials and traffickers were also common. Unlike in previous years, there were no reports that police and employees of the

country's international airport assisted traffickers with transportation of victims to and through the country.

During the year a corruption case surfaced when a convicted trafficker Anush Zakharyants, who authorities had released temporarily from prison under a provision of Armenian law, allegedly obtained her expired passport from government officials and fled the country in February 2006. The Government took limited measures to apprehend the fugitive; however, by year's end Zakharyants was still at large.

Upon their return to the country, many trafficking victims feared societal stigma and discrimination, and were reluctant to help locate and prosecute their traffickers. Government officials did not require victims to provide such assistance, but they worked with victims who were willing to do so. NGOs working with victims reported that the judges' treatment of victims has improved over previous years.

Several NGOs—Hope and Help, the United Methodist Committee on Relief (UMCOR), and Democracy Today—operated assistance programs for trafficking victims with funding from foreign governments. During the year UMCOR and Hope and Help shelters assisted 26 victims. The Government did not offer financial assistance but referred victims to these organizations. The NGOs maintained two hotlines for trafficking victims.

NGOs, international organizations, and the Government conducted trafficking prevention activities, primarily in the form of educational and mass media programs to raise public awareness about the issue. International organizations trained the Government's consular corps to identify signs of trafficking, and in June 2006, the government, with international assistance, published a manual with guidelines for interviewing and repatriating trafficking victims for use by Armenian consular officers abroad. The Government cooperated with a local NGO in developing manuals for health and social workers that outlines assistance and referral procedures for trafficking victims.

*Persons with Disabilities.*—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and the provision of other state services; however, discrimination remained a problem. The law and a special government decree provide for accessibility to buildings for persons with disabilities, but in practice very few buildings and other facilities were accessible to them.

According to media reports, institutionalized patients often lacked medication, and received substandard care. Hospitals, residential care, and other facilities for persons with serious disabilities were also substandard.

On August 31, the Yerevan municipality began operating a new trolleybus designed for persons with disabilities.

In September 2006 the Government allocated approximately \$33,000 (12 million drams) for the printing of Braille textbooks for use by persons with visual impairments.

The Ministry of Labor and Social Affairs is responsible for protecting the rights of persons with disabilities, but the Government provided insufficient resources to the ministry to permit fulfillment of this responsibility.

*National/Racial/Ethnic Minorities.*—The Yezidi community, which numbers between 30,000 and 40,000 persons according to its leaders, speaks a dialect of Kurdish and practices the syncretic Yezidism religion that is derived from Christianity, Islam, and animism. As in previous years, Yezidi leaders did not complain that police and local authorities subjected their community to discrimination.

*Other Societal Abuses and Discrimination.*—Persons who were openly gay were exempted from military service, purportedly because of concerns that they would be abused by fellow servicemen. However, the legal pretext for this exemption is predicated on a medical finding of gays possessing a mental disorder, which is stamped in their passports and can affect their future. Local observers noted that unlike in previous years, there were no reported cases of police harassment of homosexuals through blackmail, extortion, or violence. Nevertheless, societal attitudes and harassment towards homosexuality remained severe, and hampered homosexuals' access to medical care.

Many employers reportedly discriminated against potential employees by age, most commonly requiring that job applicants be between the ages of 18 and 30. After the age of 40, workers, particularly women, had little chance of finding jobs that were appropriate to their education or skills.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law provides workers, except for those serving in the armed services and law enforcement agencies, with the right to form and to join unions of their choice without previous authorization or excessive requirements;

in practice, however, most workers did not exercise this right. Labor organizations remained weak because of employer resistance, high unemployment, and poor economic conditions.

The Confederation of Labor Unions (CLU) estimated that, as of February, there were 407,809 members in 23 trade unions, which constitutes roughly 40 percent of the workforce. There were also other labor unions that did not belong to the CLU. Labor unions were generally inactive, with the exception of those connected with the mining industry. However, according to experts, some mining enterprises, including some financed by foreign capital, discouraged employees from joining labor unions with the implied threat of loss of employment.

*b. The Right to Organize and Bargain Collectively.*—The law allows unions to conduct their activities without interference. Although the law provides for collective bargaining, in practice there was only one collective bargaining agreement reported during the year. Factory directors generally set pay scales without consulting employees. Regular or economic courts arbitrated labor disputes.

The law provides for the right to strike, except for members of the armed services and law enforcement agencies, but workers rarely went on strike due to the fear of losing their jobs. The law also prohibits retaliation against strikers, although it sometimes occurred.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced and compulsory labor, including by children; however, there were reports that such practices occurred.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—There are laws and policies to protect children from exploitation in the workplace. The minimum age for employment is 16; children may work from age 14 with parental and labor union permission. The Armenian State Labor Inspectorate is responsible for child labor law compliance, but the inspectorate, community councils, unemployment offices, and, as a final board of appeal, the courts, enforced the law unevenly. Children under the age of 18 are prohibited from working overtime or in harmful and dangerous conditions, at night, and on holidays.

According to the Employment Service Agency, some children were involved in family businesses (mainly agriculture), as well as in other activities not prohibited by law. Observers also reported seeing children in Yerevan selling flowers, drawings and working in local markets after school hours. During the year the Armenian Association of Social Workers polled 1,066 families, finding 3.8 percent of children employed. The survey reportedly revealed that some of these children were employed in heavy manual work as laborers and loaders.

In 2005 the Employment Service Agency officially replaced the Ministry of Labor and Social Affairs as the Government's chief enforcement agency for workers' rights (including children's), occupational health, and safety standards. In its third year, the inspectorate made little progress toward implementing an inspection regime or the requirements of the labor code.

*e. Acceptable Conditions of Work.*—The Government sets the minimum wage by decree. The monthly minimum wage of approximately \$58 (20,000 drams), as fixed by the 2007 state budget, did not provide a decent standard of living for a worker and family. Many private sector employees were unable to get paid leave and were required to work far more than 8 hours a day. According to representatives of some employment agencies, many employers also hired an employee for a "probationary" period of 10–30 days during which the employee was not paid. Often these employees are subsequently fired, but, because their initial employment was illegal, they are unable to claim payment for the time they worked. Evidence also suggested that some private sector employers underreported the size of their staff in an effort to avoid paying taxes.

The law sets the workweek at 40 hours and provides for mandatory vacation of 28 calendar days annually, as well as overtime compensation; however, these standards were not effectively enforced. In the mining sector, employers allow limited sick leave with the presentation of a medical certificate. There were reports that employers fired employees who took extended sick leave.

Workers had the legal right to remove themselves from work situations that endangered health and safety, but they were unlikely to do so because such an action would place their employment at risk. The law requires the Government to set occupational and health standards, but by year's end the Government had yet to do so.

## AUSTRIA

Austria is a parliamentary democracy with constitutional power shared between a popularly elected president and a bicameral Federal Assembly (Parliament). The country's 8 million citizens choose their government representatives in periodic, free, and fair multiparty elections. In 2004 voters elected President Heinz Fischer of the Social Democratic Party (SPO) to a 6-year term. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. There were some reports of excessive use of force by police and anti-Semitic incidents, including physical attacks, property damage, threatening letters, telephone calls, and Internet postings. There was some societal discrimination against Muslims and members of unrecognized religious groups, particularly those considered "sects." There were incidents of neo-Nazi and right-wing extremism and xenophobia. Trafficking in women and children for prostitution and labor also remained problems.

## RESPECT FOR HUMAN RIGHTS

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

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

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits such practices; however, there were reports that police beat and abused persons.

In 2006 there were 2,077 public complaints against Federal police officials in 2006. According to government statistics, authorities ruled 192 to be "justified" or "partly justified," while the remainder were dismissed. Disciplinary or related measures were taken against 85 officers.

Unlike in 2006, there were no reports during the year that police mistreated immigrants in the course of deporting them. After an investigation, authorities rejected claims by an attorney for a Nigerian asylum seeker that police physically injured his client during his forced deportation in 2006.

In 2005 the Council of Europe's Committee for the Prevention of Torture (CPT) reported a "considerable number" of allegations that police mistreated criminal detainees. The Ministry of the Interior investigated but concluded that none of the accusations could be verified.

*Prison and Detention Center Conditions.*—Conditions in prison and detention center conditions did not always meet international standards. Overcrowding remained a problem in some institutions. A May 2006 report by the Government's Human Rights Advisory Council described conditions facing aliens prior to deportation as "questionable from a human rights point of view," and, at times "not in conformity with human rights standards." In 2005 the CPT noted that juveniles were not always separated from adults at the Linz prison.

There were no reports on whether authorities made changes in response to these criticisms.

Some human rights observers criticized the incarceration of nonviolent offenders, including persons awaiting deportation, for long periods in single cells or inadequate facilities designed for temporary detention.

Nongovernmental organizations (NGOs) monitored prisons on a regular basis.

*d. Arbitrary Arrest or Detention.*—The law prohibits arbitrary arrest and detention, and information available during the year suggested that the Government generally observed these prohibitions; however, the strict application of slander laws tended to discourage reports of police abuse.

*Role of the Police and Security Apparatus.*—Civilian authorities maintained effective control over the police and army, and the Government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Some police violence appeared to be racially motivated. On October 17 a court convicted Vienna's top police official, Roland Horngacher, of abuse of power for ordering a raid on a casino to remove black persons, and with leaking information to journalists.

NGOs and other groups continued to criticize the police for targeting minorities. Racial sensitivity training for police and other officials continued with NGO assist-

ance. The Human Rights Advisory Council monitored police respect for human rights and made recommendations to the interior minister.

*Arrest and Detention.*—In criminal cases the law allows investigative or pretrial detention for up to 48 hours, during which an investigative judge may decide to grant a prosecution request for detention of up to 2 years to complete an investigation. The law specifies the grounds for investigative detention and conditions for bail. The investigative judge is required to evaluate such detention periodically. There is a bail system. Police and judicial authorities respected these laws and procedures in practice.

Detainees had access to a lawyer; however, the CPT noted in 2004 that, while authorities may appoint a lawyer to represent criminal suspects who lack the means to pay for legal services, such legal services are available only after a court reviews the case, i.e., 96 hours after the initial arrest.

*e. Denial of Fair Public Trial.*—The law provides for an independent judiciary, and the Government generally respected judicial independence in practice.

*Trial Procedures.*—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. A system of judicial review provides multiple opportunities for appeal. Trials must be public and conducted orally. Persons charged with criminal offenses are considered innocent until proven guilty. Defendants have the right to be present during trials. While pro bono attorneys are supposed to be provided to indigent defendants, there were no indications that conditions have changed since the CPT's 2004 report, which found that there were not enough criminal lawyers that financial arrangements for compensating them were inadequate, usually making the right to a lawyer at that stage purely theoretical. Defendants can confront or question witnesses against them and present witnesses and evidence on their behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases.

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

*Civil Judicial Procedures and Remedies.*—There is an independent and impartial judiciary in civil matters, including an appellate system. These institutions are accessible to plaintiffs seeking damages for human rights violations.

*f. Arbitrary Interference with Privacy, Family, Home or Correspondence.*—The law prohibits such actions, and the Government generally respected these prohibitions in practice.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and press; and the Government generally respected these rights in practice. The independent media were active and expressed a wide variety of views with a few restrictions.

The law prohibits public denial, belittlement, approval or justification of National Socialist genocide or other National Socialist crimes against humanity in a print publication, in broadcast, or in other media. The law prohibits public incitement to hostile acts against a church, religious society, or group because of its race, nationality, or ethnicity, if that incitement poses a danger to public order. It also prohibits incitement, insult, or contempt against these groups if it violates human dignity.

In December a court sentenced Gerd Honsik, who was convicted of Holocaust denial, to 18 months in jail. Honsik published books between 1986 and 1989 disputing Holocaust death figures and casting doubt on the existence of the Nazi gas chambers.

Strict libel laws discouraged reporting of governmental abuse. In November 2006 the International Federation of Journalists and its European regional group, the European Federation of Journalists, called upon Austrian legislators to review their libel laws after a decision by the European Court of Human Rights (ECHR) overturned defamation judgments brought by officials against the newspaper *Der Standard*. The ECHR's decision stated that the original court's finding violated the freedom of expression provisions of the European Convention on Human Rights to which the country is a party. The Government had not responded by year's end.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups engaged in the peaceful expression of views via the Internet, including by e-mail. According to 2005 data, 56.8 percent of the population used the Internet.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*—The law provides for freedom of assembly and association, and the Government generally respected these rights in practice.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respected this right; however there was official and societal prejudice against a few groups widely regarded as sects.

The law divides religious organizations into three legal categories: Officially recognized religious societies, religious confessional communities, and associations. Numerous unrecognized religious groups complained that the law obstructs legitimate claims for recognition and relegates them to second-class status. As of year's end, the ECHR had not ruled on a 2003 complaint by the Jehovah's Witnesses challenging the legality of the requirement that a group must exist for 10 years in the country before it can be recognized by the Government. This was one of seven cases before the ECHR involving Austria and the Jehovah's Witnesses organization.

The conservative Austrian People's Party (OVP) denied party membership to members of some unrecognized religious groups that the party defines as "cults" (e.g. Scientologists), whose view of mankind it believes differs fundamentally from its own, whose opinions were said to be irreconcilable with OVP ethical principles, or that the OVP considered opposed to basic rights granted by "progressively minded" constitutional states and an open society.

The city of Vienna funded projects at the counseling center of a controversial NGO, the Society Against Sect and Cult Dangers (GSK), which actively worked against alleged sects and cults. GSK distributed information to schools and the general public and offered counseling to persons who believe that sects and cults had negatively affected their lives.

The Federal Office of Sect Issues functioned as a counseling center for those who had questions about sects and cults. While the office is legally independent of the government, the minister for health, family and youth supervised its director. Some members of the public believed the Office of Sect Issues and similar government offices fostered societal discrimination against unrecognized religious groups.

*Societal Abuses and Discrimination.*—There was some societal discrimination against members of unrecognized religious groups, particularly those considered to be cults or sects. The majority of these groups had fewer than one hundred members. The Church of Scientology and the Unification Church were among the larger unrecognized groups.

Muslims complained about incidents of societal discrimination and verbal harassment, including occasional incidences of discrimination against Muslim women wearing headscarves in public. There was no reported progress in solving the April 2006 arson attack against the construction site of an Islamic cemetery in Vienna.

A few elected leaders advocated restrictions on the practice of Islam. In August Carinthia's state governor Joerg Haider called for a prohibition of building mosques with copulas and minarets in his state. He subsequently also proposed to prohibit women from wearing headscarves, except for "folkloric reasons." The proposals were rejected by constitutional law experts who explained they were not compatible with the principle of religious freedom. In September Haider followed up by calling for government licenses for Muslim religion teachers; however in the view of many observers, such measures would be unconstitutional and no action had been taken on them by year's end.

On February 8, a court handed down a 15-month prison sentence, with 10 months suspended, to a 29-year-old Muslim who in 2006 planted a fake bomb in front of the office of the organization, Muslim Youth. The man said he wanted to protest the "too tolerant" position of the organization.

The Jewish community numbered approximately 7,700. In 2006 the NGO, Forum Against Anti-Semitism, reported a total of 125 anti-Semitic incidents, including physical attacks, name-calling, graffiti and defacement, threatening letters, anti-Semitic Internet postings, property damage, and vilifying letters and telephone calls.

On February 7, a court sentenced a 30-year-old Croatian immigrant to 15 months in prison for the November 2006 vandalism of the Lauder Chabad School.

In September four soldiers were suspended from duty and subjected to criminal charges in connection with a video filmed in their barracks showing them in uniform giving Nazi salutes. The film clip wound up on the video sharing Web site YouTube, although it was subsequently removed from the site.

The law prohibits any form of neo-Nazism or anti-Semitism or any activity in the spirit of Nazism. It also prohibits public denial, belittlement, approval, or justification of Nazi crimes, including the Holocaust. The law prohibits public incitement to hostile acts against a church, religious society, or group because of its race, nationality, or ethnicity, if that incitement poses a danger to public order. It also prohibits

incitement, insult, or contempt against these groups if it violates human dignity. The Government strictly enforced these laws. The Vienna Jewish community's offices and other Jewish community institutions in the country, such as schools and museums, received extra police protection.

In December a court sentenced Gerd Honsik to 18 months in jail for Holocaust denial. Honsik published books between 1986 and 1989 disputing Holocaust death figures and casting doubt on the existence of the Nazi gas chambers. One of his books was titled "Acquittal for Hitler?" Honsik, an Austrian native, fled to Spain after his conviction in 1992 and was extradited in October. A judge rejected efforts by prosecutors to add further time to the sentence based on additional neo-Nazi material Honsik published while living in Spain.

In January, Heinz Christian Strache, the leader of Austria's far-right Freedom Party, appeared in old photos that had resurfaced showing him in paramilitary uniform giving a neo-Nazi salute. Strache denied that he was giving the salute, claiming that he was signaling the waiter to bring beer. Government representatives denounced Strache's appearance in the photos.

School curricula fostered discussion of the Holocaust, the tenets of different religions, and religious tolerance. The Education Ministry offered special teacher-training seminars on Holocaust education.

An ombudsman for equality had responsibility for combating workplace discrimination of various kinds, including religion. In 2006 32 cases were opened in response to complaints to the Ombudsman about religious discrimination.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The law provides for these rights, and the Government generally respected them in practice. The law prohibits forced exile, and the Government did not use it in practice.

*Protection of Refugees.*—The law provides for the granting of asylum or refugee status in accordance with the 1951 Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against "refoulement," the return of persons to a country where they had reason to believe they feared persecution. The Government granted refugee status or asylum. It subscribed to a "safe country of transit" policy, which required asylum seekers who transited a country determined to be "safe" to return to that country to seek refugee status. Member states of the European Union (EU) and other signatories to the 1951 convention were considered safe countries of transit.

Since 2006 authorities have given the appellate body for asylum applications, the Independent Federal Asylum Senate (UBAS), more resources to help address a large backlog of cases and accelerate its proceedings. During the first half of 2007, the UBAS reversed almost 50 percent of the negative decisions of the lower courts. Rejected asylum seekers also had recourse to the Supreme Administrative Court, and when they alleged a breach of the European Convention on Human Rights and Individual Freedoms, they could appeal to the Constitutional Court. In June the Constitutional Court upheld the right of authorities to detain asylum seekers when there was evidence to suggest that Austria was not the country responsible for adjudicating their asylum claims under the Dublin Convention.

During the year, the Government provided temporary protection to individuals who did not qualify as refugees under the 1951 convention or 1967 protocol.

The Government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers.

In 2006, following the introduction of stricter detention and removal policies, asylum applications dropped by more than 30 percent. The pattern continued during 2007: In the first 6 months of the year, asylum claims totaled 5,700, down 10 percent compared with same period a year earlier.

*Stateless Persons.*—According to the UNHCR, there were 501 stateless persons at the end of 2006. This number included 408 persons who were not recognized (for a variety of reasons) as citizens of any country and 93 whose citizenship could not be determined. All of these individuals had residence permits, either immigrant or nonimmigrant. To obtain citizenship, stateless persons were required to meet the same requirements as other would-be citizens. While citizenship is based primarily on the principle of *jus sanguinis*, other individuals wishing citizenship may apply after 10 years' residence and provided they have a knowledge of the German language. The granting of citizenship after a 10-year period of residence is discre-

tionary. A legal entitlement does exist for stateless persons born in Austria who have been stateless since the time of birth.

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

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

*Elections and Political Participation.*—Austria held parliamentary elections in 2006; there were no reports of serious abuse or irregularities.

Political parties could operate without restriction or outside interference.

The Federal Assembly consists of the National Council (popularly elected) and the Federal Council (named by the constituent states). There were 58 women in the 183-seat National Council and 18 women in the 62-member Federal Council. There were five women in the 14-member Council of Ministers (cabinet).

Although there appeared to be relatively little representation of ethnic minorities at the national level, no precise information was available on the number of minorities in the Federal Assembly.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively. There were no reports of government corruption during the year.

There are financial disclosure laws for public officials. The courts are responsible for corruption cases. Parliamentary committees oversee ethics rules for elected officials.

The law provides for full public access to government information, and the Government generally respected this provision in practice. Authorities may only deny access if it would violate substantial data protection rights or would involve national security information. Petitioners could challenge denials before the Administrative Court.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views, but some groups were dissatisfied with the information supplied by authorities in response to specific complaints.

There were no developments in the case of Milivoj Asner, a former police chief in eastern Croatia who allegedly enforced racist laws under Croatia's World War II Nazi-allied regime. Investigators in Croatia asserted that he was personally responsible for the persecution and deportation of hundreds to thousands of Serbs, Jews, and Roma to concentration camps. In 2005 Croatian authorities indicted Asner for crimes against humanity and requested his extradition. Austrian officials initially stated that he could not be extradited because he held Austrian citizenship; subsequently they determined that he was not a citizen. Nevertheless, they declined another Croatian extradition request in late 2006 on the grounds that he was not sufficiently healthy to be tried. In early 2006 some observers believed that Austria, which has never tried an individual for Nazi war crimes, might arrest him and prosecute him, but at year's end there was no indication that they intended to do so.

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

The law provides for protection against discrimination based on race, gender, disability, language, or social status, and the Government generally enforced these provisions; however, violence against women, child abuse, trafficking in persons, and racial discrimination continued to be problems.

*Women.*—Under the law, rape, including spousal rape, is punishable with up to 15 years in prison. The Government generally enforced the law.

Violence against women, including spousal abuse, was a problem. The Women's Ministry estimated that 10 percent of adult women have suffered from violence in a relationship. However, fewer than 10 percent of abused women filed complaints. By law police may expel abusive family members from family homes for up to 3 months. In 2006 the courts issued injunctions prohibiting abusive family members from returning home in 7,235 cases.

The Government funded privately operated intervention centers and help lines for victims of domestic abuse. The centers provided for victims' safety, assessed the threat posed by perpetrators, helped victims develop plans to stop the abuse, and provided legal counseling and other social services. In the view of most observers, these centers were generally effective in providing shelter for victims of abuse. How-



ever, in September the U.N. Committee for the Elimination of Discrimination Against Women criticized the Government for insufficient measures to protect women, citing two cases in 2002 and 2003 in which women were killed after they had filed complaints with police. In reaction, Justice Minister Maria Berger announced measures to improve protection of women against violence, including additional training for law enforcement and justice personnel.

In contrast to previous years, there were no reported cases of female genital mutilation (FGM). The city of Vienna set up a counseling office in June 2006 to assist victims of earlier FGM, thus far all of African origin.

Prostitution is legal; however, trafficking, including for the purposes of prostitution, was illegal and was a problem. Laws regulating prostitution require prostitutes to register, undergo periodic health examinations, and pay taxes.

There are laws prohibiting sexual harassment, and the Government generally enforced them. Of the 3,411 cases of discrimination brought to the ombudsman for equal treatment of gender in 2006, 406 involved sexual harassment. The labor court can order employers to compensate victims of sexual harassment on the basis of the Federal Equality Commission's finding on the case; the law provides that a victim is entitled to a minimum of \$1,022 (700 euros) in financial compensation.

Women enjoy the same legal rights as men, and the Federal Equality Commission and the ombudsman for equal treatment of gender oversee laws requiring equal treatment of men and women. However, woman's average earnings were 83 percent of those of men doing the same work. In addition, women were more likely than men to hold temporary positions and part-time jobs and were disproportionately represented among those unemployed for extended periods.

Although labor laws provide for equal treatment of women in the civil service, women remained underrepresented. The law requires the Government to hire women of equivalent qualifications ahead of men in all civil service areas in which fewer than 40 percent of the employees are women, including police. There are no penalties, however, for agencies that fail to attain the 40 percent target.

Female employees in the private sector may invoke equality laws prohibiting discrimination of women. On the basis of the Federal Equality Commission's findings, labor courts may award compensation of up to 4 months' salary to women who experienced discrimination in promotion because of their gender. The courts may also order compensation for women who were denied a post despite having equal qualifications.

*Children.*—The law provides for the protection of children's rights, and the Government was committed to children's rights and welfare. All state governments and the Federal Ministry for Social Welfare, Generations, and Consumer Protection, have ombudsmen for children and adolescents whose main function is to resolve complaints about violations of children's rights. The ombudsman provides free legal counseling to children, adolescents, and parents on a wide range of problems, including child abuse, child custody, and domestic violence.

Nine years of education is mandatory for all children. The Government also provided free education through secondary school and subsidized technical, vocational, or university education. According to the Ministry of Education, 99.8 percent of children between the ages of 6 and 15 attended school.

Child abuse remained a problem, and the Government continued its efforts to monitor abuse and prosecute offenders. The Ministry for Social Welfare, Generations, and Consumer Protection estimated that 90 percent of child abuse was committed by close family members or family friends. Law enforcement officials noted a growing readiness to report abuse cases. According to authorities, approximately 20,000 incidents of abuse are reported annually.

There were occasional cases in which child marriage was suspected, primarily in the Muslim and Romani communities. However, such cases were undocumented. Some male immigrants married underage girls in their home countries and returned to Austria with them.

The law provides up to 10 years in prison for an adult convicted of sexual intercourse with a child under 14. If the victim becomes pregnant, the sentence may be extended to 15 years. In 2006 the Ministry of the Interior reported 1,209 cases of child abuse, most involving intercourse with a minor, while the Ministry of Justice reported 570 convictions. The law provides for criminal punishment for possessing, trading, and private viewing of child pornography. Exchanging pornographic videos of children is illegal. A police campaign against Internet child pornography from fall 2006 through August involved about 5,000 suspects in 106 countries. The investigation, under the name "operation penalty," began following charges filed against a German Internet provider. Austrian suspects included a medical doctor, a soccer coach, and a teacher. An official of the Federal Crime Office who was suspected of

having downloaded child pornography on his home computer was suspended from office.

In July the Ministry of Economics launched a campaign against child sex tourism. The campaign encouraged tourists and travel agencies to report cases of witnessed child sex tourism. There were no reports by year's end on the campaign's effectiveness.

Trafficking of children remained a problem.

*Trafficking in Persons.*—The law prohibits all forms of trafficking in persons; however, persons were trafficked to, through, from, and within the country. Women were trafficked for sexual exploitation and domestic service, and children were trafficked for begging, stealing, and possibly for sexual exploitation.

Austria was a transit and destination country for women trafficked from Romania, Ukraine, Moldova, the Balkans, and, to a lesser extent, the Czech Republic, Slovakia, Hungary, Belarus, and Africa. Victims were trafficked through the country to Spain, Italy, and France. Women were trafficked into the country primarily for sexual exploitation. Women also were trafficked from Asia and Latin America for domestic labor.

Unlike in previous years, there were no reports of Romani children being trafficked to Austria from Bulgaria. Observers attributed the interruption of this trafficking pattern to cooperation between the authorities of the two countries.

There were no accurate statistics on the number of trafficking victims. The NGO Lateinamerikanische Frauen in Oesterreich—Interventionsstelle fuer Betroffene des Frauenhandels (LEFOE-IBF) reported assisting 108 trafficking victims in 2006, down from 151 in 2005. The International Organization for Migration (IOM) estimated that there were approximately 7,000 foreign trafficking victims in Vienna alone.

Traffickers included citizens, who were generally connected with licensed brothels, and foreign nationals, who were involved primarily with unlicensed brothels. Authorities estimated that organized crime groups from Eastern Europe, including Russia, controlled much of the trafficking. Police were also aware of cooperation between domestic and foreign citizens to traffic foreign prostitutes through the country.

Most trafficked women were brought to the country with promises of unskilled jobs, such as nannies or waitresses. Upon arrival they were often coerced into prostitution. According to police, there also were some women who knowingly entered the country to work as prostitutes but were forced into dependency akin to slavery. Most victims were in the country illegally and feared being turned over to authorities and deported. Traffickers usually retained victims' official documents, including passports, to maintain control over them. Victims reported being subjected to threats and physical violence. A major deterrent to victim cooperation with authorities was fear of retribution, both in Austria and in the victims' countries of origin.

The law permits the prosecution of traffickers for prostitution by means of deception, coercion, or the use of force, and trafficking for the purposes of slavery. Laws forbidding the exploitation of labor and the exploitation of aliens are also used against traffickers. Trafficking is punishable by up to 10 years in prison. In 2006 there were 93 trafficking cases involving 137 suspects and resulting in 18 convictions. Trafficking for slavery is punishable by imprisonment for 10 to 20 years.

The Federal Bureau for Criminal Affairs, a division of the Ministry of the Interior, is responsible for combating trafficking. Contact with authorities in countries of origin facilitated prosecution of suspected traffickers. During the year there were no reports that the Government extradited any persons wanted for trafficking crimes in other countries.

Residence permits were generally issued on humanitarian grounds to trafficking victims. Victims had the possibility of continued residence if they met the criteria for residence permits.

LEFOE-IBF provided secure housing and other support for trafficking victims. The IOM also sought to put victims in contact with NGOs in their countries of origin upon their return. With financial assistance from the Ministry of the Interior, LEFOE-IBF continued to operate a center in Vienna that provided psychological, legal, and health-related assistance, emergency housing, and German language courses to trafficked women. Federal and local governments funded NGOs that provided assistance in other cities.

The Government worked with international organizations to carry out prevention programs throughout the region. The Government funded research on trafficking and NGOs produced antitrafficking brochures and organized law enforcement workshops and international conferences funded with the help of private donors.

*Persons with Disabilities.*—The law protects persons with physical and mental disabilities from discrimination in housing, education, employment, and access to health care and other government services. The Government's performance in enforcing these provisions was mixed. There were no reports of societal discrimination against persons with disabilities.

Federal law mandates access to public buildings for persons with physical disabilities; however, many public buildings lacked such access due to insufficient enforcement of the law and low penalties for noncompliance.

The law provides for involuntary sterilization of adults with mental disabilities in cases where a pregnancy would be considered life-threatening. However, authorities have performed no involuntary sterilizations in recent years. The law prohibits the sterilization of minors.

The Government funded a wide range of programs for persons with disabilities, including provision of transportation, assistance for integrating school children with disabilities into regular classes, and for integrating employees with disabilities into the workplace.

*National/Racial/Ethnic Minorities.*—In 2006 the Ministry of the Interior recorded 240 neo-Nazi, right-wing extremist, and xenophobic incidents directed against members of minority groups. The Government continued to express concern over the activities of extreme right-wing skinhead and neo-Nazi groups, many with links to organizations in other countries.

In 2006 the domestic NGO Zivilcourage und Anti-Rassismus Arbeit, recorded 1,504 cases of alleged racial discrimination. An August report by the EU Human Rights Agency covering the period 2000–2005 noted slightly declining numbers of racially motivated violence. The Government continued training programs to combat racism and educate the police in cultural sensitivity. In September the Ministry of the Interior renewed an agreement with the Anti-Defamation League to teach police officers cultural sensitivity, religious tolerance, and the acceptance of minorities.

Human rights groups reported that Roma faced discrimination in employment and housing. However, the situation of the Romani community, estimated at over 6,200 indigenous and 15,000 to 20,000 nonindigenous individuals, significantly improved in recent years according to the head of the Austrian Roma Cultural Association. Government programs, including financing for tutors, have helped school-aged Romani children move out of "special needs" and into mainstream classes. The Government also initiated programs in recent years to document the Romani Holocaust and compensate its victims.

NGOs reported that Africans living in the country experienced verbal harassment in public. In some cases black Africans were stigmatized as being involved in the drug trade and other illegal activities.

The law recognizes Croats, Czechs, Hungarians, Roma, Slovaks, and Slovenes as national minorities. It requires any community where at least 25 percent of the population belongs to one of these groups to provide bilingual town signs, education, media, and access to Federal funds earmarked for such minorities. The law affected 148 communities. At year's end the Government had not reached a decision on the implementation of a 2001 Constitutional Court ruling on lowering the 25 percent threshold.

Full recognition of the Slovenian minority remained an issue. For example, the governor of the state of Carinthia refused to implement rulings by higher courts that gave certain rights to the Slovene minority. In December the Constitutional Court ruled that Carinthia must install additional bilingual town signs in German and Slovene.

*Other Societal Abuses and Discrimination.*—There was some societal prejudice against gays and lesbians; however, there were no reports of societal violence or discrimination based on sexual orientation or against persons with HIV/AIDS.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law provides workers the right to form and join unions without prior authorization or excessive requirements, and workers exercised this right in practice. No workers were prohibited from joining unions. An estimated 36 percent of the work force was organized into nine national unions belonging to the Austrian Trade Union Federation (OGB).

*b. The Right to Organize and Bargain Collectively.*—The law allows unions to conduct their activities without interference, and the Government protected this right in practice. Collective bargaining is protected in law and was freely practiced. Approximately 80 percent of the labor force worked under a collective bargaining agreement. The OGB was exclusively responsible for collective bargaining. The law does not explicitly provide for the right to strike; however, the Government recog-

nized the right in practice. The law prohibits retaliation against strikers, and the Government effectively enforced the law.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children; however, there were reports that women were trafficked for sexual exploitation and domestic labor, and children were trafficked for begging and possibly sexual exploitation.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—There are laws and policies to protect children from exploitation in the workplace and to prohibit forced or compulsory labor, and the Government generally enforced these laws and policies effectively. The minimum legal working age is 15 years. The Labor Inspectorate of the Ministry of Social Affairs is responsible for enforcement.

There were reports of trafficking of children for begging and possibly sexual exploitation.

*e. Acceptable Conditions of Work.*—There is no legislated national minimum wage. Instead, nationwide collective bargaining agreements set minimum wages by job classification for each industry. The accepted unofficial annual minimum wage is \$17,500 to \$20,400 (12,000 to 14,000 euros), and it provided a decent standard of living for a worker and family. An estimated 10,000 to 20,000 workers earned wages below this level.

The law limits standard working hours to 8 hours per day and up to 40 hours per week. The standard workday may be extended to 10 hours as long as the weekly maximum is not exceeded. The law requires compulsory time off on weekends and official holidays. An employee must have at least 11 hours off between workdays. Authorities effectively enforced these provisions.

The law limits overtime to 5 hours per week and to 60 hours per year; however, authorities did not enforce these laws and regulations effectively, and some employers exceeded legal limits on compulsory overtime. Collective bargaining agreements can specify higher limits.

The Labor Inspectorate regularly enforced laws that provide for mandatory occupational health and safety standards. Workers could file complaints anonymously with the Labor Inspectorate, which could bring suit against the employer on behalf of the employee. However, workers rarely exercised this option and normally relied instead on the chambers of labor, which filed suits on their behalf. The law gives workers the right to remove themselves from a job without incurring any prejudice to their careers if they fear serious, immediate danger to life and health, and the Government effectively enforced this law.

---

## AZERBAIJAN

Azerbaijan is a republic of approximately 8.1 million persons with a presidential form of government. The president dominated the executive, legislative, and judicial branches of government. Ilham Aliyev, the son of former president Heydar Aliyev, was elected president in 2003 in a ballot that did not meet international standards for a democratic election due to numerous, serious irregularities. The 2005 parliamentary elections, including rerun elections in 10 constituencies in May 2006, showed an improvement in some areas but did not meet a number of international standards. Although there were more than 50 political parties, the ruling Yeni Azerbaijan Party continued to dominate the political system. Ethnic Armenian separatists, with Armenia's support, continued to control most of the Nagorno-Karabakh region of Azerbaijan and seven surrounding Azerbaijani territories. The Government did not exercise any control over developments in these territories. Civilian authorities generally maintained effective control of the security forces. Members of the security forces committed numerous human rights abuses.

The Government's human rights record remained poor and worsened in some areas. The public's right to peacefully change the national legislature was restricted in the 2005 parliamentary elections, although there were some improvements in the period leading up to the elections and in the May 2006 parliamentary election reruns that took place in 10 parliamentary constituencies. Torture and beating of persons in police and military custody resulted in four deaths, and law enforcement officials acted with impunity. Prison conditions—despite continuing improvements in infrastructure—were generally harsh and life threatening. Arbitrary arrest and detention, particularly of individuals considered by the Government to be political opponents, and lengthy pretrial detention continued. The Government continued to imprison persons for politically motivated reasons. Pervasive corruption in the judici-

ary and in law enforcement continued. Restrictions on freedom of assembly continued. Restrictions and pressure on the media and restrictions on political participation worsened. The Government imposed restrictions on the activities of some unregistered Muslim and Christian groups. Cases of violence against women also were reported.

#### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—The Government or its agents did not commit any politically motivated killings; however, human rights monitors reported four prisoners died in police and military custody due to alleged abuse and mistreatment.

On February 18, Imran Kamilov died at the Ministry of Defense's Unit 157, according to credible sources, after he was tortured by military officials. The Government stated that Kamilov committed suicide by means of an automatic weapon.

On April 29, Yahya Aghayev died at the Ministry of Defense's Unit 275, according to credible sources, after he was beaten severely with blunt objects and tortured by military officials. The Government opened a criminal investigation into Aghayev's death and, in connection with the case, convicted enlisted soldier Emin Abbasov and sentenced him to 3 years and 6 months' imprisonment. At year's end an investigation was ongoing into the alleged involvement of enlisted soldier Zakir Aliyev in Aghayev's torture.

On May 24, Vidadi Mirzayev died at the Ministry of Justice's medical facility, according to credible sources, after he was beaten and tortured while in the custody of the Jalilabad city police. The Government did not release an official cause of death.

On June 7, Elchin Mammadov died at the Ministry of Defense's Unit 421, according to credible sources, after he was tortured by military officials and shot by a private citizen, Ariz Bakhshiyev. The Government convicted Bakhshiyev of Mammadov's death and sentenced him to 11 years' imprisonment; however, the Government did not investigate the allegations that Mammadov was tortured.

On November 18, Faina Kungurova died at the Ministry of Justice's Boyuk Shore medical facility. At the time of her death, Kungurova had been hospitalized for approximately 1 month, following a 10-day hunger strike in pretrial detention. The Justice Ministry conducted an autopsy and determined the official cause of death to be heart failure. Domestic human rights monitors raised concerns about the circumstances surrounding Kungurova's death; however, the head of an anti-torture nongovernmental organization (NGO) thoroughly investigated the case and reported that he found no signs of foul play in Kungurova's death. Domestic monitors considered Kungurova's arrest on charges of narcotics possession to have been politically motivated.

The authorities did not prosecute law enforcement officials implicated in the 2006 deaths of Namik Mammadov, Yuri Safaraliyev, and Alihuseyn Shaliyev because the Government attributed these deaths to suicide.

After a 6-month trial that received widespread publicity, on January 19, the Baku Court of Grave Crimes convicted former Ministry of Internal Affairs official Haji Mammadov and sentenced him to life in prison for crimes he committed as the head of a kidnapping, murder, and extortion ring within the Ministry of Internal Affairs, including ordering the kidnapping of 11 persons and killing of three persons since 1995. Nine members of Mammadov's gang received life sentences, and 15 others received sentences of between 2 and 15 years' imprisonment. The gang was charged under 50 articles of the criminal code, including kidnapping and manslaughter. The Court of Appeals upheld the first instance court's ruling on November 28. At year's end, the case was pending hearing by the Supreme Court.

There were no developments in the case of the 2005 killing of opposition journalist Elmar Huseynov.

The Government reported 59 deaths of military conscripts during the year, which it attributed to a variety of diseases and injuries.

Ethnic Armenian separatists, with Armenia's support, continued to control most of the Nagorno-Karabakh region of Azerbaijan and seven surrounding Azerbaijani territories. During the year incidents along the militarized line of contact separating the sides as a result of the Nagorno-Karabakh conflict again resulted in numerous casualties on both sides. The Ministry of Foreign Affairs reported that during the year, three civilians were killed and three were injured along the line of contact.

According to the national agency for mine actions, landmines killed six persons and injured 14 others during the year. Two of the deceased and three of the injured persons were civilians. A domestic NGO, the Azerbaijan Campaign to Ban Land-

mines, reported that landmines killed 10 persons and injured 18 others during the year. Five of the deceased and eight of the injured persons were civilians.

*b. Disappearance.*—During the year there was one report of a politically motivated kidnapping. On July 4, four unknown masked assailants kidnapped Ilham Narimanoglu, the head of the Nakhchivan branch of the opposition Whole Azerbaijan Union. Narimanoglu was held captive in a vehicle for approximately 3 hours and then released.

The International Committee of the Red Cross (ICRC) continued actively to process cases of missing persons in connection with the Nagorno-Karabakh conflict, and worked with the Government to develop a consolidated list of missing persons. According to the ICRC, during the year the number of those confirmed missing increased from 4,176 to 4,416, including 3,398 military personnel and 1,015 civilians. The Government reported that at year's end, prisoners of war, hostages, and missing persons totaled 4,354. The ICRC reported that it opened investigations into 229 new requests during the year. The ICRC continued to pay special attention to Prisoners of War and Civilian Internees (POW/CI) and conducted visits throughout the year to ensure their protection under international humanitarian law, often providing clothing, toiletries, and other assistance during these visits. The ICRC regularly facilitated the exchange of Red Cross messages between POW/CI and their families to reestablish lost contact, and on several occasions, paid transportation costs for families of missing persons to the ICRC office in Baku. Upon the request of and with full cooperation by the government, during the year the ICRC facilitated the transfer of four persons and repatriation of one person between Armenia and Azerbaijan.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution and criminal code prohibit such practices and provide for penalties of up to 10 years' imprisonment; however, there were credible reports that security forces beat detainees to extract confessions. Despite defendants' claims that testimony was obtained through torture or abuse, no cases involving such claims were dismissed. A domestic human rights monitor reported that security forces tortured 63 persons while in custody. Impunity remained a problem.

On September 20, local authorities in the Sadarak region of the exclave of Nakhchivan forcibly committed 71-year-old opposition Popular Front Party member Alasgar Ismayilov to a mental institution without a psychiatric evaluation. Human rights monitors reported that Ismayilov did not suffer from mental health problems. Ismayilov was released on October 4. At year's end an investigation into Ismayilov's complaint against the Government was ongoing.

Between September 22 and 23, Ministry of National Security officials of the Sharur region of the exclave of Nakhchivan severely beat opposition newspaper reporter Hakimeldostu Mehdiyev. Mehdiyev suffered head injuries, a broken rib, and sustained extensive bruising to his arms and legs. Mehdiyev complained that authorities subjected his family to constant harassment, and at year's end, he remained in Baku after reportedly being threatened not to return to Nakhchivan. At year's end, the Nakhchivan authorities' investigation into Mehdiyev's allegations was ongoing.

In 2005 the media reported that officers of the Ministry of Internal Affairs organized crime unit repeatedly gave electric shocks to opposition Azerbaijan Democratic Party (ADP) deputy chairman and former political prisoner Natic Efendiyev while he was in detention. Following widespread attention from the press, local non-governmental organizations (NGOs), and international observers, the ministry transferred Efendiyev from the organized crime unit to a local prison where he received medical treatment. In September 2006 he was sentenced to 5 years in prison.

According to the Ministry of Internal Affairs, authorities punished 207 officers for human rights abuses. The ministry stated that the Government criminally prosecuted six police officers for these violations.

During the year the Government did not punish interior ministry officials for police abuse, misconduct, and the excessive use of force at a 2005 peaceful opposition demonstration nor was any action expected. Viliyat Eyvazov, one of the senior officers allegedly involved in police abuse and misconduct in the aftermath of the 2003 presidential election, continued to serve as deputy minister of internal affairs following his 2005 promotion.

On January 11, the European Court of Human Rights ordered the Government to pay opposition Azerbaijan Democratic Party Chair Sardar Jalaloglu \$14,600 (10,000 euros) in damages and court expenses for mistreating Jalaloglu while he was in police custody in 2003, and for failing to properly investigate his allegations of mistreatment. As a result of the January ruling, in September the Supreme Court overturned the 2004 verdicts of the Nasimi District Court and the Court of Appeals

sentencing Jalaloglu to 3 years in prison. Jalaloglu had been arrested in connection with a rally protesting the conduct and results of the 2003 presidential election, during which one person died and many were injured. Jalaloglu reported that police beat him with truncheons, tortured him, and threatened him with rape while he was in detention.

*Prison and Detention Center Conditions.*—Prison conditions remained harsh and life threatening despite continuing prison infrastructure improvements.

Overcrowding, inadequate nutrition, and poor medical care combined to make the spread of infectious diseases a serious problem. Despite recent improvements to prison infrastructure, prisons, generally Soviet-era facilities, did not meet international standards. In maximum-security facilities, authorities limited physical exercise for prisoners as well as visits by attorneys and family members. Some pretrial detainees were reportedly held in “separation cells,” often located in basements, to conceal evidence of physical abuse and where food and sleep reportedly were denied to elicit confessions.

According to the Justice Ministry, three new detention facilities, built to meet international standards, were under construction in the regions of Sheki, Lankaran, and Nakhchivan, and a new prison and pretrial detention facility were under construction in Baku. The Ministry of Internal Affairs reported that new detention facilities were built at six police departments, and 14 detention facilities at police departments were renovated during the year. At year’s end four new ministry detention facilities were under construction, and three were undergoing renovations.

Harsh prison conditions resulted in numerous deaths during the year; the Justice Ministry reported that 122 persons died in detention during the year, a 5.4 percent decrease from the number of deaths in detention in 2006. According to the ministry, 116 persons in detention died from natural causes, 96 of which occurred at medical facilities; three committed suicide; and three were killed by other prisoners. The Ministry of Internal Affairs reported two deaths at ministry detention facilities during the year, but stated that investigations were conducted, and the official cause of death in both instances was suicide. The ministry dismissed four police officers and took disciplinary action against seven police officers for negligence in connection with the deaths.

Tuberculosis (TB) remained the primary cause of death in prisons; the Government reported 778 prisoners and detainees received treatment for TB. The ICRC positively assessed the Government’s pilot program, established in April, which treated 778 prisoners for multidrug-resistant TB (MDR-TB) during the year. According to the ICRC, the prison hospitals’ MDR-TB wards were state of the art and well ventilated, with indirect ultraviolet lights. MDR-TB patients were separated according to strain, with two to three patients per room, and fed four times per day. The ICRC reported that the Government’s active case finding and passive case finding efforts were effective in screening inmates for TB. The ICRC reported that 44 inmates died of the disease during the year.

The Government reported that the other main causes of death among prisoners and detainees were myocardial infarction, cardiovascular collapse, kidney failure, cirrhosis of the liver, diabetes, stroke, and various forms of cancer.

In 2006 a reconstituted joint government-human rights community prison-monitoring group resumed functioning. The group was disbanded following the 2005 dismissal of the deputy minister of justice for prisons on allegations of accepting bribes for awarding prison renovation contracts.

The Government permitted prison visits by international and local humanitarian and human rights groups. The ICRC also had unobstructed access to prisoners of war and to civilians held in connection with the conflict over Nagorno-Karabakh.

*d. Arbitrary Arrest or Detention.*—Although the law prohibits arbitrary arrest and detention, the Government generally did not observe these prohibitions in practice, and impunity remained a problem.

*Role of the Police and Security Apparatus.*—The Ministry of Internal Affairs and Ministry of National Security are responsible for internal security and report directly to the president. The Ministry of Internal Affairs oversees local police forces and maintains internal civil defense troops. The Ministry of National Security has a separate internal security force.

Law enforcement corruption was a problem. Police often levied spurious, informal fines for traffic and other minor violations and extracted protection money from local residents. In 2005 and again in 2006, traffic police officers received substantial pay raises to counter corruption; nevertheless, the low wages of other law enforcement officials continued to contribute to police corruption. The Ministry of Internal Affairs reported that during the year it punished 43 police officers for corruption. The Ministry of Justice reported that during the year, 38 employees of the peniten-

tiary service were convicted of crimes related to corruption. In addition, the ministry dismissed 17 employees for reasons related to corruption.

Security forces acted with impunity, and in most cases the Government took little or no disciplinary action. During the year, however, the Government reported that it took action against 207 police officers for human rights violations. The Government reported that it criminally prosecuted six officers, dismissed 55 officers from the Ministry of Internal Affairs police forces, removed 21 officers from their positions, and administratively disciplined two others.

*Arrest and Detention.*—The law states that persons who are detained, arrested, or accused of a crime should be advised immediately of their rights and reason for arrest and accorded due process of law; however, the Government did not respect these provisions in practice. Arbitrary arrest, often on spurious charges of resisting the police, remained a problem throughout the year.

The law allows police to detain and question individuals for 24 hours without a warrant; in practice police detained individuals for several days, sometimes weeks, without a warrant. In other instances, the prosecutor general issued ex post facto warrants.

Judges, acting at the instruction of the Prosecutor General's Office or of other executive branch officials, sentenced detainees to jail within hours of their arrest without providing access to a lawyer.

The law provides for access to a lawyer from the time of detention; in practice access to lawyers was poor, particularly outside of Baku. Although provided for by law, indigent detainees did not have access to lawyers. Authorities often restricted family member visits and withheld information about detainees; frequently days passed before families could obtain any information about detained relatives. There was no formal, functioning bail system; however, individuals were sometimes permitted to vouch for detainees, enabling their conditional release during pretrial investigation. At times politically sensitive suspects were held incommunicado for several hours and sometimes days while in police custody.

On September 11, police detained 14 members of the independent Dalga (Wave) youth movement near a metro station in downtown Baku as they gathered to deliver their condolences to the U.S. Embassy on the anniversary of the 2001 terrorist attacks. The youths were released after several hours.

On November 29, police detained six members of the Dalga youth movement on Baku's seaside promenade. The group had gathered on bicycles to stage an event calling attention to the city's traffic problems and encouraging citizens to consider alternative modes of transportation. The youth were released after approximately 6 hours.

Lengthy pretrial detention of up to 18 months was a serious problem. The prosecutor general routinely extended the permitted, initial 3-month pretrial detention period in successive increments of several months until the Government completed an investigation.

In 2005 security forces arrested approximately 300 opposition party activists, including up to 20 parliamentary candidates, in connection with the anticipated return to Baku of exiled ADP leader Rasul Guliyev. Shortly thereafter, in October, the Ministry of National Security arrested presidential aide Akif Muradverdiyev, Minister of Health Ali Insanov, Minister of Economic Development Farhad Aliyev, former finance minister Fikrat Yusifov, business leaders Fikrat Sadigov and Rafiq Aliyev, and others, including Ministry of Economic Development official Alihuseyn Shaliyev, for allegedly attempting to foment a coup d'etat in connection with Guliyev's failed October return. The law permits individuals charged with fomenting a coup to be held in pretrial detention for up to 18 months if the Prosecutor General's Office states to a court that continued detention is justified for the investigation. Farhad Aliyev, his brother, former AzPetrol Chairman Rafiq Aliyev, and former Ministry of Economic Development official Gadir Huseynov were detained for the full 18 months.

In 2005 government agents arrested prominent academic and Guliyev friend Eldar Salayev for allegedly planning to carry out the coup. The National Security Ministry released Salayev from detention on account of his age and poor health, although the charges against him continued to stand.

In 2005 several progovernment television channels broadcast a videotape of ministry of national security detainees Yusifov, Insanov, Muradverdiyev, and Sadigov testifying to their role in the plot to overthrow the Government. Yusifov, a former finance minister whose testimony dominated the broadcast, described himself as the financial middleman in exiled opposition leader Guliyev's network of support within the Government and business community. Yusifov confessed that Aliyev, Insanov, Sadigov, and others gave him money, which he turned over to Salayev, who was tasked with financing the opposition's activities. In November 2005 authorities re-



leased Fikrat Sadiqov, former head of a state-owned chemical company, on the condition he notify police before traveling outside of Baku.

NGOs and lawyers for several of the accused reported that some of the detainees did not have access to appropriate medical care. They also said that the Government denied the detainees' due process rights, inappropriately prolonged the pretrial detention period, and denied some detainees the right to visits by their families.

On March 17, Member of Parliament Hussein Abdullayev was arrested on charges of battery and hooliganism after engaging in a physical altercation with another parliamentarian during a March 16 session on the prime minister's annual report on government performance. Prior to the altercation, Abdullayev had criticized the prime minister's report. It was unclear whether Parliament voted to strip Abdullayev's immunity before or after his arrest. Abdullayev's lawyer reported that, although only one other individual was involved, Abdullayev was charged with assaulting two individuals, which changed the gravity of the crime and made it possible for Abdullayev to lose his parliamentary seat. The other individual was not arrested for his participation in the altercation, although in the television coverage of the incident, he appeared to have initiated the scuffle. Abdullayev was detained for 2 months during the police investigation and released on May 18 after receiving a 2-year suspended sentence. After his release, Abdullayev complained that authorities subjected him and his family to harassment.

Other parts of this report contain information related to this section; see Sections 1.e. and 2.b.

*Amnesty.*—During the year President Aliyev pardoned 219 prisoners, including between 13 and 16 persons whom local human rights activists considered political prisoners. On May 8, Parliament passed an act granting amnesty to 9,000 persons who had been convicted of petty crimes. Human rights monitors did not consider any of these individuals to be political prisoners.

Other parts of this report contain information related to this subsection; see Section 2.a.

*e. Denial of Fair Public Trial.*—Although the law provides for an independent judiciary, in practice judges did not function independently of the executive branch. The judiciary was corrupt and inefficient.

The executive branch exerts a strong influence over the judiciary. The president appoints Supreme Court, Appellate Court, and Constitutional Court judges (subject to parliamentary confirmation) and lower court judges (without parliamentary confirmation).

Judges' salaries steadily increased over several years; nevertheless, there continued to be credible allegations that judges routinely accepted bribes. There were also credible reports that judges and prosecutors took instruction from the Presidential Administration and the Justice Ministry, particularly in cases of interest to international observers.

Courts of general jurisdiction may hear criminal, civil, and juvenile cases. District courts try the majority of cases. The Supreme Court may not act as the court of first instance. Either one judge or a three-judge panel presides over first-hearing trials at the district court or the Court of Grave Crimes, while a panel of three or more judges hears cases at the Court of Appeals and the Supreme Court. The Constitution provides all citizens with the right to appeal to the Constitutional Court. Citizens also have the right to appeal to the European Court of Human Rights, and they exercised this right frequently.

In 2005 the Justice Ministry approved an international NGO to train judges on compliance with election law; the program continued during the year.

In January 2006 the Government conducted judicial recruitment examinations for the purpose of selecting qualified judges to fill vacancies in the judiciary. International observers reported that the examinations complied with international standards, resulting in the selection of 55 new judges, who were appointed by the president on July 31.

*Trial Procedures.*—The law provides for public trials except in cases involving state, commercial, or professional secrets or matters involving confidential, personal, or family matters. While the law provides for the presumption of innocence in criminal cases, the right to review evidence, a defendant's rights to confront witnesses and present evidence at trial, a court-approved attorney for indigent defendants, and appeal for defendants and prosecutors, these provisions were generally not respected in practice.

Jury trials were not used. Foreign and domestic observers usually were allowed to attend trials. Although the Constitution prescribes equal status for prosecutors and defense attorneys, in practice prosecutors' privileges and rights outweighed those of the defense. Judges reserved the right to remove defense lawyers in civil

cases for “good cause.” In criminal proceedings judges may remove defense lawyers for conflict of interest or if a defendant requests a change of counsel.

The law limits representation in criminal cases to members of a government-controlled collegium of lawyers (bar association), thereby restricting the public’s access to legal representation of choice. The collegium reserves the right to remove lawyers from criminal cases and sometimes did so for reasons that observers believed were questionable. The law allows all licensed lawyers to join the collegium automatically. However, some provisions in the law left open the possibility that the collegium could refuse a fully qualified lawyer for failing to meet other, unspecified requirements. During the year the collegium held three bar examinations. Some domestic monitors reported that the exams continued to be problematic.

The Constitution prohibits the use of illegally obtained evidence; however, despite some defendants’ claims that testimony was obtained through torture or abuse, no cases based on claims of abuse were dismissed, and there was no independent forensic investigator to determine the occurrence of abuse. Investigations often focused on obtaining confessions rather than gathering physical evidence against suspects. Serious crimes brought before the courts were likely to end in conviction, as judges generally required only a minimal level of proof and collaborated closely with prosecutors. In the rare instance when a judge determined the evidence presented was not sufficient to convict a defendant, judges could and did return cases to the prosecutor for additional investigation, in effect giving the prosecution a “second chance” for a conviction.

Some domestic and international observers considered the 2005 arrests of former minister of health Ali Insanov, former minister of economic development Farhad Aliyev, and others on charges of coup plotting and subsequently corruption, to be politically motivated. Although the Government detained them, in part, on coup plotting charges—in some cases for the full 18-month pretrial detention period permitted by law—the Government prosecuted and convicted them on charges related to corruption. As of year’s end, none of the persons arrested in the case had been tried for coup plotting. There were numerous due process violations during the trial proceedings.

In February the Court of Grave Crimes tried former minister Insanov on charges of public corruption and embezzlement. After a 2-month trial, the court sentenced Insanov to 11 years in prison. Although court officials prevented some journalists’ access to early trial sessions, the problem was quickly resolved, and the trial remained open.

In May the Court of Grave Crimes tried former minister Aliyev and 18 codefendants on a range of charges related to corruption. After a 5-month trial, the court sentenced Aliyev to 10 years in prison. His codefendants received sentences ranging from 1 year of probation to 9 years’ imprisonment. Court officials often barred international observers and some of Aliyev’s family members from the courtroom. Court officials’ failure to use microphones in the courtroom also hindered monitoring. Although court officials prevented some journalists’ access to early trial sessions, most were subsequently allowed to attend. Aliyev’s lawyers alleged that the Government at times denied Aliyev access to his doctor and appropriate medical treatment while imprisoned.

In the period preceding the 2005 parliamentary elections, judges often sentenced to jail opposition members arrested for participating in unauthorized political rallies within hours of their detention and without a fair trial.

The country has a military court system with civilian judges. The military court retains original jurisdiction over any case in which crimes related to war or military service are adjudicated.

*Political Prisoners and Detainees.*—Local NGOs maintained that the Government continued to hold political prisoners, although estimates of the number varied. At year’s end NGO activists maintained that the Government held between 36 and 60 political prisoners. As was the case in 2006, at year’s end three political prisoners arrested in connection with the 2003 presidential election and listed in the Council of Europe’s experts report remained incarcerated: Elchin Amiraslanov, Safa Poladov, and Arif Kazimov.

Some considered the 2005 arrests of individuals on charges of plotting a coup and subsequently corruption, to be politically motivated.

In September 2006 Natic Efendiyev, an Azerbaijan Democratic Party deputy chairman charged with aiding and abetting the alleged coup plot, was tried on charges of stockpiling weapons. After a 2-day trial, the Baku Court of Grave Crimes convicted Efendiyev and sentenced him to 5 years in prison. No domestic or international human rights monitors were present at the trial because of its sudden occurrence and remote location. Efendiyev reportedly was tortured in pretrial detention.

Domestic and international observers considered the imprisonment of three opposition youth group leaders to be politically motivated. In 2005 Ruslan Bashirli, Said Nuriyev, and Ramin Tagiyev, activists from the opposition youth group Yeni Fikir, were arrested and charged with treason. In a widely broadcast videotape shown by state-operated television station AzTV in 2005, Bashirli was shown taking money from and conspiring with Georgian and alleged Armenian citizens to foment revolution in the country. International and domestic observers doubted the credibility of the evidence against the three activists and suspected a case of entrapment to intimidate and embarrass the opposition. The Court of Grave Crimes tried the three activists in 2006 in a trial that did not meet minimum international standards for due process.

In July 2006 the court sentenced Bashirli to 5 years in prison, Tagiyev to 4 years in prison, and Nuriyev to a suspended 3-year sentence because of a preexisting health condition. In September 2006 an appellate court upheld the lower court's verdict but reduced Tagiyev's sentence to 3 years. On March 19, Nuriyev was pardoned by presidential decree. On August 18, the Supreme Court upheld the appellate court's verdict on Bashirli and Nuriyev's prison sentences.

On December 28, Musavat Party member Pirali Orujev was pardoned by presidential decree. He had been arrested in 2005 and in September 2006 was sentenced to 4 years' imprisonment for allegedly conspiring to kill two progovernment figures. Some NGOs raised concerns about the fairness of his trial and considered his imprisonment to be politically motivated.

There were no reliable estimates of the number of political detainees. Most political detainees received sentences of between 10 and 15 days in jail, often described as "administrative detention" sentences.

The Government generally permitted unrestricted access to political prisoners by international humanitarian organizations.

Other parts of this report contain information related to this subsection; see Sections 1.e., Trial Procedures, 2.a, 3, and 5.

*Civil Judicial Procedures and Remedies.*—The law provides for an independent and impartial jury in civil matters; however domestic and international observers assessed that in practice, juries often were not independent and impartial. District courts have jurisdiction over civil matters in their first hearing; appeals are addressed by the Court of Appeals and then the Supreme Court. Citizens have the right to bring lawsuits seeking damages for, or cessation of, human rights violations. The European Convention on the Protection of Human Rights and Fundamental Freedoms took effect in 2002, giving citizens the right to appeal to the European Court of Human Rights after exhausting domestic appeals.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law prohibits arbitrary invasions of privacy and monitoring of correspondence and other private communications; in practice the Government restricted privacy rights.

The Constitution allows for searches of residences only with a court order or in cases specifically provided by law; however, authorities often conducted searches without warrants. It was widely believed that the Ministry of National Security and Ministry of Internal Affairs monitored telephone and Internet communications, particularly those of foreigners and prominent political and business figures.

Police continued to intimidate and harass family members of suspected criminals. Human rights monitors reported that officials denied family members the right to visit those detained in connection with an alleged coup plot.

During the year domestic human rights monitors reported concerns about the lack of due process and respect for the rule of law in a number of cases related to property rights.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The law provides for freedom of speech and of the press and specifically prohibits press censorship; however, the Government often did not respect these rights in practice. During the year the Government took actions that limited media independence. The media freedom environment significantly deteriorated during the year.

Although opposition parties continued to publish newspapers, and human rights activists were able to conduct their work without fear of reprisal, the Government penalized criticism from some sources.

A number of journalists who criticized government officials in the course of their work were subjected to criminal prosecution and/or civil lawsuits, some resulting in prison sentences and large fines. Journalists also were subject to harassment, threats, and acts of physical violence that appeared to be connected to their criticism of the Government or specific public officials.

The Representative on Freedom of the Media of the Organization for Security and Cooperation in Europe (OSCE) described the situation of the independent media in the country as “grave” in his November 15 report to the OSCE’s Permanent Council.

A large number of opposition and independent media outlets operated during the year. The print media expressed a wide variety of views on government policies. However, most broadcast media adhered to a progovernment line in their news coverage.

There were several pro-opposition newspapers and magazines, and a few independent newspapers and magazines. There were 21 television and 10 radio stations. There also were several national state newspapers and numerous newspapers funded by city or district level officials. In contrast to progovernment newspapers, the distribution of many opposition newspapers was limited to the capital, and their circulation was low. Although many opposition and government-run newspapers reduced circulation in 2006, some increased circulation during the year, including prominent opposition newspapers Yeni Musavat and Azadliq.

Some private television channels broadcast the views of both government and opposition officials, but their programs were not available in all parts of the country. ANS TV, a popular channel regarded as independent, provided relatively balanced news coverage, although opposition political party leaders complained that no television stations covered their activities. In November 2006 the National Television and Radio Council (NTRC) ordered ANS to stop broadcasting on grounds that the channel had failed to comply with national media law and regulations, a charge that ANS disputed. Citing the appeals of prominent citizens, and of the human rights ombudswoman, the NTRC reversed its decision in December 2006 and allowed ANS to resume broadcasting. On April 26, the NTRC granted ANS a 6-year broadcast license.

There were no restrictions on systems to receive satellite broadcasts by foreign stations, but the NTRC continued to impose a general requirement that local, private television and radio stations not re-broadcast entire news programs of foreign origin. Radio Free Europe/Radio Liberty, BBC, and other foreign stations were not subject to this requirement.

Arrest, harassment, intimidation, and violence against individual journalists continued.

Domestic and international observers considered the conviction and imprisonment of eight journalists during the year, and that of one journalist remaining in prison from 2006, to be politically motivated. Five of these journalists were released by presidential pardon in December, and two were released following the appellate courts’ decisions to overturn their verdicts. The other two journalists remained in prison at year’s end. Another journalist remained in pretrial detention at year’s end; international and domestic observers considered his arrest to be politically motivated.

On January 9, a Baku court convicted Nota Bene newspaper journalist Faramaz Allahverdiyev on charges of libel and sentenced him to 2 years’ imprisonment. The charges were the result of a lawsuit filed by Minister of Internal Affairs Ramil Usubov. Allahverdiyev reportedly suffered from an intestinal hernia, and according to local human rights activists, his health remained critical in detention. In December Allahverdiyev underwent surgery at a government medical facility. Allahverdiyev was released by presidential pardon in December.

On May 4, a Baku court convicted Sanat newspaper journalist Rafiq Taghi and Editor-in-Chief Samir Sadagatoglu on charges of inciting religious hatred. Taghi was sentenced to 3 years’ imprisonment and Sadagatoglu to four. Taghi had written an article, published in November 2006, arguing that Islamic values had prevented the country from integrating into Europe. Taghi and Sadagatoglu were released by presidential pardon in December.

On May 16, a Baku court convicted Mukhalifet newspaper journalist Yashar Aghazade and Editor-in-Chief Rovshan Kabirli on charges of libel, and sentenced them each to 30 months’ imprisonment. The charges were the result of a libel lawsuit filed by Member of Parliament Jalal Aliyev. Aghazade and Kabirli were released by presidential pardon in December.

On July 24, police arrested opposition Bizim Yol newspaper correspondent Mushvig Huseynov on charges of accepting a bribe from a Ministry of Labor and Social Protection employee. The exchange was captured on video and broadcast on national television. Huseynov’s defense attorneys maintained that the incident was a set-up and declared Huseynov innocent. Some domestic observers considered Huseynov’s arrest to be politically motivated, while others believed him to be guilty. Huseynov reportedly suffered from tuberculosis. He remained in pretrial detention at year’s end.

On October 30, the Baku Court of Grave Crimes sentenced the already-jailed editor-in-chief of Realny Azerbaijan and Gundelik Azerbaijan, Eynulla Fatullayev, to 8½ years' imprisonment on charges of supporting terrorism, inciting ethnic hatred, and tax evasion. These charges were based on an article Fatullayev wrote criticizing the Government's policy towards Iran and listing specific locations in the country as potential targets for an Iranian attack. The sentence included Fatullayev's previous libel conviction for an article he allegedly wrote purporting that government forces may have played a role in the 1992 events in Khojali. Fatullayev remained in prison at year's end. In October 2006 credible human rights monitors reported that unknown assailants kidnapped Fatullayev's father, Emin Fatullayev, and held him for 3 days. Fatullayev's father was released, reportedly after Fatullayev agreed to cease publishing both titles in October 2006. There were no developments in the kidnapping case during the year. Fatullayev started Realny Azerbaijan in 2005 after having worked at The Monitor, which ceased publication following the killing of its founder and editor. In 2004 unknown assailants physically attacked Fatullayev.

On November 6, a Baku court convicted Ideal newspaper Editor-in-Chief Nazim Guliyev of libel and sentenced him to 30 months' imprisonment. The libel charges were filed by a Ministry of Internal Affairs official. Ideal newspaper had a reputation for racketeering, and local observers believed that Guliyev had accepted and demanded bribes in exchange for printing or not printing articles. The Court of Appeals overturned the first instance court's ruling on December 26, and Guliyev was released from prison.

On November 11, police arrested Azadliq newspaper editor-in-chief Ganimat Zahid on charges of hooliganism and inflicting minor bodily harm. The charges were a result of a complaint filed by private citizen Vusal Hasanov, alleging that Zahid engaged in a physical altercation with him, after Hasanov reportedly attempted to defend a woman who accused Zahid of insulting her. Zahid maintained that he was innocent and that the incident was a set-up. At year's end the Government had concluded its investigation, and Zahid remained in pretrial detention as his case pending hearing by the Yasamal district court.

On December 6, a Nakhchivan City court convicted Radio Free Europe/Radio Liberty correspondent Ilgar Nasibov of libel and sentenced him to 3 months' imprisonment. The libel charges reportedly were based on an e-mail message Nasibov had sent to a government Web site, complaining about Nakhchivan police officers' treatment of journalists during the eviction of a popular market. On December 10, the Nakhchivan Court of Appeals overturned the first instance court's ruling, and Nasibov was released from prison. Also on December 10, a Nakhchivan City court convicted Nasibov of libel on separate charges and sentenced him to 1 year of probation. The charges were based on an article published in Azadliq newspaper in 2006, which detailed alleged activities of the Kurdish Workers' Party (PKK) in Nakhchivan. Both Nasibov and the editors of Azadliq newspaper denied that he ever wrote an article for the newspaper.

Publication of the Russian-language weekly newsmagazine Realny Azerbaijan and its Azerbaijani-language sister publication Gundelik Azerbaijan was suspended in May when Ministry of Emergency Situations' officials closed the newsmagazines' offices, claiming that the building had structural deficiencies. Officials confiscated office equipment and did not return it. At year's end, publication of both newspapers remained suspended.

In October 2006 the Baku Court of Grave Crimes convicted prominent political satirist Mirza Zahidov (also known as Mirza Sakit or Sakit Zahidov) of drug possession and sentenced him to 3 years in prison. The Court of Appeals and the Supreme Court upheld the sentence. Human rights activists doubted the credibility of the charges against Zahidov and considered them to be politically motivated. At year's end Zahidov remained in prison.

During the year there were at least two reports of physical attacks on journalists in connection with their professional activities.

On April 20, Gundelik Azerbaijan newsmagazine reporter Uzeyir Jafarov was attacked by two unidentified assailants near the newsmagazine's office. Jafarov was struck repeatedly on the head with a metal object, and he reported that his assailants intended to stab him with a knife, but were prevented by the arrival of two of Jafarov's coworkers. The attack took place several hours after the newspaper's editor-in-chief, Eynulla Fatullayev, was convicted of libel and sentenced to 30 months' imprisonment. Jafarov publicly identified a police officer as one of his assailants, whom he said he recognized from Fatullayev's trial. Jafarov filed a complaint against the Yasamal District Prosecutor's Office and the Yasamal District Police Department, and the preliminary hearing took place on December 27. Authorities had not charged any suspects in connection with the attack by year's end.

On September 28, Impulse newspaper reporter Suheyyla Gambarova was beaten by Ministry of Justice court bailiffs while investigating reports of a forced eviction. Gambarova was hospitalized and diagnosed with hemorrhaging of the brain, short-term memory loss, and a broken nose. She also reportedly developed spinal injuries and impaired vision as a result of the beating. At year's end the Government's investigation into the incident remained ongoing.

In March 2006, unknown assailants kidnapped opposition Azadliq newspaper journalist Fikret Huseynli and attacked him with a knife. No one had been charged or arrested in connection with the incident at year's end.

In May 2006, unknown assailants took Bahaddin Haziyevev, editor in chief of the opposition Bizim Yol newspaper, to a lake near Baku, ran over his legs with a car, and reportedly threatened to kill his family if he did not stop writing articles critical of the Government. Haziyevev sustained serious injuries. Authorities had not charged any suspects in connection with the attack by year's end.

In December 2006, four unidentified assailants attacked opposition Azadliq newspaper journalist Nijat Huseynov near a bus stop close to his home. Huseynov was hospitalized. Authorities had not charged any suspects in connection with the attack by year's end.

There were no developments during the year in the 2005 killing of the founder and editor of The Monitor, Elmar Huseynov, by unknown assailants. The Government characterized the killing as a terrorist act meant to destabilize the regime and opened an investigation into the case. Some human rights activists described the killing as a warning to those critical of the government, a suggestion that officials vehemently rejected. In 2005 press reports stated that the Government's investigation identified two Georgian citizens, Tahir Khubanov and Teymuraz Aliyev, as suspects.

As in 2006, there were fewer reports than in previous years that police beat journalists covering opposition rallies or other events because authorities permitted few opposition political rallies during the year. In 2005 police officers beat some journalists and detained and released others covering opposition rallies connected with the parliamentary elections.

A state regulatory agency, the NTRC, was responsible for issuing broadcast licenses and monitoring broadcasts. The Justice Ministry must register a corporation, such as a television station operating company, for it to have legal existence.

After resolving a legal dispute related to rebroadcasting, in December 2006 the NTRC assigned Voice of America and Radio Free Europe/Radio Liberty their own FM radio frequencies. Voice of America resumed broadcasting on state television on January 1. In November 2006 the NTRC ordered ANS Television and Radio to stop broadcasting, stating that ANS had 11 violations of the national media law and NTRC regulations. ANS disputed the NTRC's claim, and company officials said that ANS complied with all of the NTRC's regulatory orders during the year. Citing the appeals of prominent citizens, the NTRC reversed its decision in December 2006 and allowed ANS to resume broadcasting. ANS was required to compete in an open tender for its broadcast frequency, and, on April 26, the NTRC granted ANS a 6-year broadcast license.

In the months preceding the 2005 parliamentary elections, opposition politicians consistently had free, unrestricted access to state television airtime and paid, unrestricted access to private television time, although news coverage was heavily skewed in favor of the ruling New Azerbaijan Party. While the election code includes free media access requirements, the Government restricted the opposition's access to a state television channel during the 72-hour period following the attempted return of exiled opposition leader Rasul Guliyev.

Although pro-opposition journalists openly criticized government officials, a combination of intimidation and a desire not to alienate potential advertisers led most independent journalists and editors to practice some degree of self-censorship.

Libel is a criminal offense; the law allows for large fines and up to 3 years' imprisonment. The Government intimidated and harassed the media, primarily through defamation suits, prohibitively high court fines for libel, and measures that hampered printing and distribution of independent newspapers and magazines. The number of defamation suits threatening the financial viability of the print media continued to increase during the year, and public officials continued to file libel lawsuits against journalists. Domestic media monitors reported that public officials filed 81 libel lawsuits during the year, a steep increase from the seven libel lawsuits reported in 2006 and the 11 libel lawsuits reported in 2005. Human rights activists believed that public officials used libel suits to prevent the publication of embarrassing or incriminating information. Government officials publicly stated that the accusations leveled by journalists were unfounded and slanderous and pointed to journalists' unprofessional behavior as the cause of the high number of defamation

suits. In conferences in July and November, Presidential Administration official Ali Hasanov stated that decriminalizing defamation would lead those subjected to libel and slander to pursue other means of resolution, and that more journalists might find themselves "victims of assault."

Most newspapers and magazines were printed in government publishing houses or on private printing presses owned by individuals close to the Government. The majority of independent and opposition newspapers remained in a precarious financial position; they continued to have problems paying wages, taxes, and periodic court fines.

The Government prohibited some state libraries from subscribing to opposition newspapers. The Government also continued to prohibit state businesses from buying advertising in opposition newspapers and pressured private business to do the same.

Baku-based journalists reported that authorities in the exclave of Nakhchivan continued to block distribution of opposition newspapers.

As in the previous year, the Government tightened enforcement on unregistered, independent newspaper vendors who mainly distributed opposition newspapers, stating that the illegal vendors created traffic hazards on city streets.

Continuing a trend from 2005, Gaya, the country's largest independent newspaper distributor, reopened some of its 20 newsstands in Baku that were torn down in 2002 by the Baku mayor's office. However, some of the newsstands remained in the custody of the Baku municipal authorities.

Other parts of this report contain information related to this section; see Section 3.

*Internet Freedom.*—The Government generally did not restrict access to the Internet, but it required Internet service providers to be licensed and have formal agreements with the Ministry of Communications and Information Technologies. There was no evidence to support the widely held belief that the Government monitored Internet traffic of foreign businesses and opposition leaders. However, in January, there were credible reports that authorities blocked public Internet access to a Web site containing a petition regarding utility price increases. On January 13, police arrested the creator of the Web site, Bakhtiyar Hajiyevev, at a downtown Internet cafe. After brief questioning at the Ministry of Internal Affairs, police took Hajiyevev to the Narimanov district court, where a judge sentenced him to 12 days' detention for resisting arrest. A Baku appellate court overturned the lower court's decision and released Hajiyevev on January 15.

Domestic observers reported that on several occasions during the year, the Government temporarily blocked public Internet access to a Web site popular for lampooning the president. Access to the Internet was limited to urban centers due to lack of infrastructure.

*Academic Freedom and Cultural Events.*—The Government on occasion restricted academic freedom. Some domestic observers raised concerns about the Government's selection of participants for state-sponsored study abroad programs; the Government stated that its selection process was transparent and political affiliation was not a factor. The opposition Musavat Party continued to report that since 1993, 37 opposition members had been fired from positions as teachers in state educational institutions. The party also reported that in 2006, Baku State University officials did not allow the party chairman's wife to defend her doctoral dissertation, reportedly because of her husband's political affiliation. Youth movement representatives reported that only members of the ruling party youth movement were permitted to organize events on university campuses. Members of opposition youth movement organizations reported that they were more likely to experience harassment by university officials and receive expulsion threats than other students. Domestic observers reported that some students believed they would be expelled if they were to become politically active.

In May 2006 approximately 50 students from Azerbaijan Independent University (AIU) went on a hunger strike to protest the Education Ministry's suspension of further matriculation at AIU and 17 other academic institutions. Ministry officials said the suspension was part of ongoing efforts to root out systemic corruption in the education system. However, some analysts believed the ministry was attempting to stifle competition against the Government's premier academic institution, Baku State University. In response to widespread media attention, the ministry permitted fourth-year students at AIU to graduate and third-year students to transfer to other institutions but cancelled enrollment of the first- and second-year students. A group of the first- and second-year students sued the ministry over the revocation of their matriculation status. Claiming that the lawsuit was proceeding too slowly, approximately 100 to 150 of the first- and second-year students resumed their hunger

strike in December in the Musavat office while awaiting a court decision. The strike ended when Musavat officials decided not to continue providing a space for the strikers. In September the court ruled that the Ministry of Education was not liable for damages related to AIU's closure, but ordered AIU to reimburse the students for tuition fees.

In 2005 the Government expelled four students from Baku State University, the State Economic University, and the Pedagogical University for political activities in support of opposition parties. One expelled student, Turan Aliyev, began a hunger strike at the end of 2005 and was joined by three opposition youth activists in protest of the universities' expulsions. In January 2006 the minister of education intervened after local human rights activists drew public attention to the students' case and ordered the students' reinstatement. However, two of the students, Turan Aliyev and Namik Faziyev, reported that university administrators continued to refuse to grant them letters of enrollment that would allow them to return to class.

There were no reports of government restrictions on cultural events.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The law provides for freedom of assembly; however, the Government severely restricted this right in practice. Although the Constitution stipulates that groups may peacefully assemble with prior notification of relevant government bodies, the Government continued to interpret this as a requirement for advanced permission from the Baku mayor's office. In addition, since October 2006, the Government has required all sanctioned rallies to be held at seven designated locations far removed from the city center, a stipulation most political parties and NGOs found unacceptable. The Government often denied opposition political parties and independent NGOs' requests to hold political rallies. However, the Government periodically allowed other unauthorized rallies to take place.

On January 26, police detained 15 opposition party members attempting to hold an unsanctioned protest in front of the State Property Committee's office. The group was detained for several hours and released.

On June 14, police detained four journalists attempting to hold an unsanctioned protest at a downtown Baku park. Domestic observers reported that police used inappropriate force to disperse the crowd, resulting in nine persons sustaining minor injuries. The four detainees were released after an hour.

On September 26, November 14, and November 16, police detained members of the Dalgay youth movement attempting to hold unsanctioned protests. The youth gathered to protest corruption in the education system, pollution, and the destruction of Baku's historic old city. In each instance, the youth were released within several hours.

On December 14, police detained 15 youth movement members attempting to hold an unsanctioned protest near Fountain Square, a high-profile downtown Baku location. The group distributed copies of Azadliq newspaper, chanted "freedom," and called for the release of detained Azadliq editor-in-chief Ganimat Zahid. The youths were released after nearly 2 hours.

The opposition Azerbaijan National Independence Party reported that police detained party members attempting to hold unsanctioned protests on seven occasions during the year. The party protested a variety of issues, including price increases and the treatment of ethnic Azeris in Iran. In four instances, police released the detainees after several hours, and in three instances, detainees were released after paying fines.

During the preelection period in 2005, the Government partially restored the right to freedom of assembly, allowing limited political rallies in predetermined sites approved by local authorities. While breaking up several unsanctioned rallies, police beat participants and journalists covering the rallies and arrested participants. Following the 2005 parliamentary elections, security forces violently dispersed a peaceful, sanctioned opposition rally of 7,000 supporters protesting the election's conduct. Police struck protesters with truncheons, destroyed the organizers' platform, and used water cannons to remove protesters from the square. Opposition officials reported that 90 persons were seriously injured, four were taken to city emergency rooms in critical condition, and 67 others sustained minor bruises. The Government arrested 57 persons for "hooliganism" and "public disorder;" within hours of the arrests, courts sentenced 27 detainees to jail for 10 to 15 days. No police officials were held accountable for the excessive use of force.

Domestic human rights monitors expressed concern that at the Police Academy graduation ceremony on July 2, President Aliyev stated that "not a single police officer" would be punished for actions taken while breaking up several post-elections rallies in 2005 because the police had prevented "illegal criminal actions." In the



same speech, the president stated that law enforcement agencies would “be in harmony” with European Union standards within the next 5 years.

Other parts of this report contain information related to this section; see Section 1.d.

*Freedom of Association.*—The law provides for freedom of association, although in practice the Government’s restriction of this right worsened during the year. A number of provisions allowed the Government to regulate the activities of political parties, religious groups, businesses, and NGOs, including a requirement that all organizations register either with the Justice Ministry or the State Committee on Work with Religious Associations (SCWRA). Although the law requires the Government to act on registration applications within 30 days of receipt, vague, cumbersome, and nontransparent registration procedures continued to result in long delays that effectively limited citizens’ right to associate.

The Government continued to use a 2003 requirement for all existing NGOs to reregister with the Justice Ministry to delay or deny registration to some previously registered groups, often citing the failure of applicants to follow proper procedures. During the year the ministry registered 361 NGOs. However, the ministry did not provide information on the total number of NGO applications received or the number of NGO applications rejected during the year.

On July 27, President Aliyev issued a decree announcing a new government initiative regarding NGOs, including a provision for future state financing of NGOs which was outlined in a December 13 presidential decree. The plan included many of the international donor community’s recommendations. As of year’s end, the fund was not yet active.

In 2005 the OSCE issued a report on NGO registration, identifying problems and offering recommendations. Its conclusions noted that the Government procedurally evaded NGO registration by taking an excessive amount of time to discover shortcomings, which unduly prolonged processing times for NGO registration applications. While the report noted many of the shortcomings in applications cited by authorities were valid, most of them were correctable during the registration process and should not have been grounds for final rejection.

*c. Freedom of Religion.*—The Constitution and law provide for freedom of religion; however, there were some abuses and restrictions in practice. Although the law expressly prohibits the Government from interfering in the religious activities of any individual or group, there are exceptions, including cases where the activity of a religious group threatens public order and stability. The generally amicable relationship among religious groups in society contributed to religious freedom. Most religious groups met without government interference.

A number of legal provisions enable the Government to regulate religious groups, including a requirement that religious organizations, including individual congregations of a denomination, be registered by the Government. Muslim religious groups must receive a letter of approval from the Caucasus Muslim Board (CMB) before they can be registered by the SCWRA. The SCWRA and its chairman have broad powers over registration; control over the publication, import, and distribution of religious literature; and the ability to suspend the activities of religious groups violating the law.

Registered Muslim organizations are subordinate to the CMB, a Soviet-era entity that appoints Muslim clerics to mosques, periodically monitors sermons, and organizes annual hajj pilgrimages. Some local Muslim believers were critical of the CMB’s and the SCWRA’s role in registering and regulating their communities.

The SCWRA continued to delay or deny registration to some Protestant Christian groups, including two Baptist and two Assembly of God churches. The overall registration process appeared to be improving, although several groups complained that the SCWRA or local officials selectively made the application process difficult or impossible and that authorities sometimes failed to rule on registration applications in a timely manner.

During the year, the SCWRA registered 50 new groups, all of which were Islamic and rejected two applications. There were 611 total registered religious communities in the country. Some groups reported that SCWRA employees tried to interfere in the internal workings of their organizations during the registration process.

A variety of religious communities complained that the authorities periodically and selectively harassed registered and unregistered religious groups. There were several instances of police disrupting the religious services of Muslim groups, Seventh-Day Adventists, Jehovah’s Witnesses, and some Protestants. There were also some reports of police intimidating representatives of these groups. While some of these religious communities were registered, the Government and the communities often disagreed whether a smaller group or branch congregation associated with the

larger registered religious community needed to be registered. Local law enforcement authorities occasionally monitored religious services, and some observant Christians and Muslims were singled out for searches or questioning by law enforcement officers.

On May 20, police raided the meeting of a Baptist community in Aliabad and detained the pastor, Zaur Balaev. The church consisted of members of the local Georgian-speaking Ingilo minority. Officials claimed the pastor resisted the police; local Baptists strongly disputed this assertion. Balaev was sentenced in July to 2 years' imprisonment; the Court of Appeals upheld the verdict. At year's end, Balaev remained in prison, and his case was pending review by the Supreme Court.

On June 20, policemen in the Ganja region disrupted a Jehovah's Witness meeting at a private residence. The attendees were briefly detained and questioned. On September 20, police in the city of Sumgayit disrupted a Jehovah's Witness meeting at a private residence. One participant was briefly detained.

On December 8, Baku police disrupted a gathering of approximately 20 Seventh Day Adventists at a private residence and arrested eight individuals. Police charged the detainees with conducting an illegal gathering, and released them after several hours.

In May authorities banned the use of loudspeakers at mosques for announcing the Islamic call to prayer. Authorities claimed that the volume was disturbing the elderly, sick, and children. The authorities reversed this decision later in May, in part because of domestic opposition to the policy. The press reported that a similar ban was imposed later in the year in the Zaqatala region.

In the latter part of the year, the Government tightened controls on a variety of Islamic activities, including reportedly pressuring television stations not to run religious programming, banning stores from selling religious literature at metro stations, and closing down several madrasas to review their curricula. During the year there were multiple reports of authorities detaining alleged Islamic radicals or shaving their beards. In 2006 the Government outlawed several Islamic humanitarian organizations because of credible reports about connections to terrorist activities.

In 2006 the Jehovah's Witnesses reported that authorities regularly interfered with their ability to rent public halls for religious assemblies and on occasion fined or detained and beat individuals for meeting in private homes. Local television stations also aired "raids" of religious meetings for "exposes" of religious groups. In December 2006 police accompanied by a television crew raided a gathering of Jehovah's Witnesses in Baku. Police detained and released most participants, but deported six foreigners.

The law expressly prohibits religious proselytizing by foreigners, and officials enforced this strictly. Police detained several Muslims during the year, accusing them of spreading radical Islamic doctrines. Government officials stated that foreign missionaries were seeking to disrupt Azerbaijan's tradition of religious tolerance and that some mosques were under foreign influence. On July 16, authorities in the Kachmaz region deported two Jehovah's Witnesses from the Russian Federation who were accused of proselytizing.

Women are prohibited by law from wearing headscarves in photos for official documents. There is no law against females wearing headscarves in governmental or educational institutions, but some local officials discouraged Muslim women from wearing headscarves at schools. Religiously observant women reported that they were also discouraged from applying for government jobs. In September the rector of the Azerbaijani Teachers Institute sought to prohibit veiled students from entering the classroom. The rector and veiled students later reached a compromise. In November 2006, after an NGO sued the university in court, Sumgayit University officials changed a university policy that previously prohibited students from wearing headscarves.

The law permits the production and dissemination of religious literature with the approval of the SCWRA; however, authorities also appeared to selectively restrict individuals from importing and distributing religious materials. The procedure for obtaining permission to import religious literature remained burdensome, but religious organizations reported that the SCWRA appeared to be handling requests more effectively.

A variety of Muslim and Christian groups continued to report that government ministries restricted and delayed the import of religious literature, although in other instances, the SCWRA facilitated the import of such literature. During the year there were multiple episodes of police confiscating allegedly radical Islamic literature in several areas of the country. Some Christian organizations also complained that the SCWRA was unwilling to allow some materials to be brought into Azerbaijan, even after going through the formal approval process.

A 2005 Supreme Court ruling continued to stand, stipulating that while the country remained in a state of war, the military service requirement superseded an individual's constitutional entitlement to alternative service due to religious beliefs and, absent implementing regulations, the military was not obligated to provide alternative service. On October 4, a court sentenced Samir Huseynov, a Jehovah's Witness and conscientious objector, to 10 months' imprisonment for refusing to fulfill his mandatory military service. In July 2006 a court sentenced Mushfig Mammedov, a Jehovah's Witness and conscientious objector, to 6 months' imprisonment for not fulfilling his mandatory military service requirement. At year's end, the case was pending hearing by the Supreme Court. Domestic human rights monitors criticized the Government's failure to develop a civilian alternative military service option. In communication with Jehovah's Witnesses, government officials reportedly criticized the community's position on military service as "defeatist" and "contradicting public morality" because of the unresolved conflict over Nagorno-Karabakh.

*Societal Abuses and Discrimination.*—There were an estimated 15,000 Jews in the country, the vast majority located in Baku. Incidents of prejudice and discrimination against Jews were rare, and in the few instances of anti-Semitic activity the Government responded quickly. There was popular prejudice against Muslims who converted to non-Islamic faiths and groups that proselytized, particularly evangelical Christian and missionary groups. The Government appeared to encourage such social stigmatization through orchestrated exposes and raids of nontraditional groups.

The Government actively undertook programs to encourage religious tolerance. The SCWRA convened leaders of various religious communities on several occasions to resolve disputes in private and provided forums for visiting officials to discuss religious issues with religious figures. During the year the SCWRA organized several seminars, conferences, and regional meetings on religious freedom and tolerance. For example, in April the Government cohosted with the Organization of the Islamic Conference a major international conference on the role of the media in promoting religious tolerance.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, although at times the Government limited freedom of movement, particularly for internally displaced persons (IDPs). The law requires men of draft age to register with military officials before traveling abroad; some travel restrictions were placed on military personnel with access to national security information. Citizens charged with or convicted of criminal offenses and given suspended sentences were not permitted to travel abroad. Officials regularly extracted bribes from individuals who applied for passports.

The law prohibits forced exile, and the Government did not employ it.

While official government policy allows citizens of ethnic Armenian descent to travel, low-level officials reportedly often requested bribes or harassed ethnic Armenians who applied for passports. According to the International Organization for Migration (IOM), some Armenians of mixed descent reported to a local NGO that they had problems with officials in the passport and registration department when applying for identification cards; applicants who applied with Azerbaijani surnames encountered no problems except for having to pay bribes.

Since his 2004 conviction for participating in post election demonstrations in 2003, the Government prevented the imam of the Juma Mosque (shut down by the authorities since 2004), Ilgar Ibrahimoglu, from traveling outside the country, including to several meetings of the U.N. and the OSCE, where he was to be an official NGO participant.

Since 2006 the Government prevented the foreign travel of Popular Front Party (PFP) Chairman Ali Kerimli by refusing to renew his passport, citing an outstanding civil complaint against him from 1994. The Government had renewed Kerimli's passport on several occasions in the intervening years without objection. Kerimli filed an appeal on the decision, which was rejected by the first instance and appellate courts. At year's end Kerimli's case was pending hearing by the Supreme Court.

*Internally Displaced Persons.*—IDPs were required to register their place of residence with authorities and could live only in approved areas. This so-called "propiska" system, a carryover from the Soviet era, was imposed mainly on persons forced from their homes after ethnic Armenian separatists took control of Nagorno-Karabakh and adjacent territories in the western part of Azerbaijan. The Government asserted that registration was needed to keep track of IDPs to provide them with assistance.

According to the government, there were 686,586 IDPs in the country; the vast majority fled their homes between 1988 and 1993 as a result of the Nagorno-Karabakh conflict.

The Government reported that during the year, 60 international and 32 domestic humanitarian organizations, and 13 non-bank credit unions implemented projects independent of the Government related to refugees and IDPs, spending a total of \$29.1 million (25 million AZN). According to the government, it also allocated \$179.2 million (154.1 million AZN) from the country's oil fund to improve living conditions for IDPs and refugees. During the year the Government completed the construction of new settlements for refugees and IDPs, fulfilling President Aliyev's promise to eliminate all tent camps by 2007, as stated in a 2004 decree. The Government constructed 13 new settlements with 3,469 houses during the year, in which 14,086 refugees and IDPs lived. Since 2001 the Government has constructed 56 settlements with 15,821 houses for refugees and IDPs, as well as 108 secondary schools, four music schools, 34 kindergartens, four hospitals, 38 medical centers, 30 community clubs, and 30 communications centers.

The State IDP and Refugee Committee's estimated expenditures were \$174.5 million (150.1 million AZN). IDPs received monthly food subsidies of approximately \$10.50 (nine AZN) from the Government.

*Protection of Refugees.*—The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to some refugees through the refugee status determination department. While the department progressed in many ways, improvement was offset by a series of court rulings on refugee status decisions that rejected all appeals of negative asylum decisions. In practice the Government provided some protection against "refoulement," the return of persons to a country where there is reason to believe they faced persecution. During the year 2,509 persons were recognized by the U.N. High Commissioner for Refugees (UNHCR) as refugees or asylum seekers, and 431 additional individuals were recognized as persons of concern. Over 70 percent of the 171 asylum seekers recognized by the UNCHR were from Afghanistan. The Government received 134 applications for refugee status, denied 100 persons, and granted refugee status to 11 persons. At year's end 23 cases remained under consideration. The Government did not provide any notable assistance to government and/or UNHCR-recognized refugees or asylum seekers.

The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. UNHCR, however, considered the Government's forced return to Turkey in October of a Turkish citizen of Kurdish ethnicity as contrary to the country's obligations under the 1951 U.N. convention and a clear violation of the principle of non-refoulement. UNHCR also considered the March imprisonment of an Iranian citizen for illegal entry as a breach of Article Five of the 1999 Refugee Law, which stipulates non-amenability of illegal entry for those seeking asylum.

Over 90 percent of the 2,338 refugees registered and recognized by the UNHCR in the country were Chechens from Russia. The Government does not recognize Chechens or Afghans as refugees as established under the 1951 convention, and it did not accept asylum applications from Chechens or Afghans. As a result, the UNHCR continued to carry out all protection and assistance functions for Chechens and Afghans in the country.

Despite UNHCR recognition of many Chechens and Afghans as refugees, the laws on residence, registration, and the status of refugees and IDPs did not apply to Chechens and Afghans. They were required to register with the police and were not entitled to residence permits. Chechens have been permitted to enter the country visa-free since the 2005 implementation of a new bilateral passport system with Russia. However, most Chechens could not afford the associated costs to acquire passports. The UNHCR reported no instances of arbitrary arrest or forced return of Chechens, but stated that 70 Chechens voluntarily repatriated during the year.

According to the UNHCR, 254 Chechens sought and were granted protection during the year, a slight decrease from previous years. All refugee children registered with the UNHCR were allowed to attend public schools. However, because Chechens and Afghans do not have legal resident status in the country, they were not permitted access to public medical services. The UNHCR provided basic medical assistance through the support of foreign donors.

During the year 157 Afghans arrived and registered with the UNHCR during the year, an increase from previous years. The UNCHR reported a total of 124 asylum seekers, 108 refugees, and 411 persons of concern from Afghanistan. During the year Afghans complained of police visits to their homes, with the implied threat of deportation. There were no reports of forced return of Afghans.

The Government had no legal mechanism to provide temporary protection to individuals who do not qualify as refugees under the 1951 convention and the 1967 protocol. However, the Government accepted the UNHCR identification card issued to Chechens and Afghans.

*Stateless Persons.*—Citizenship is derived by birth within the country, or from one's parents. The law provides for the right to apply for stateless status; however, in practice, many persons could not obtain the documentation required for the application, and therefore remained formally unrecognized.

According to the UNCHR, there were an estimated 2,078 stateless persons residing in the country. The vast majority of these persons were ethnic Azeris from Georgia and Iran. There were also a number of de facto stateless persons, among them Meskhetian Turks, whose status was not formally recognized and who did not possess a stateless certificate.

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

The Constitution and law provide citizens with the right to change their government peacefully; however, the Government continued to restrict this right in practice by interfering in elections. The law also provides for an independent legislature; however, Parliament's independence was minimal, and it exercised little legislative initiative independent of the executive branch.

*Elections and Political Participation.*—The Government held national parliamentary elections in 2005. The OSCE's final assessment concluded that the elections did not meet a number of the country's OSCE commitments and Council of Europe standards for democratic elections. The OSCE concluded that the May 2006 rerun elections in 10 out of the country's 125 parliamentary constituencies showed some improvement over the 2005 elections. However, the OSCE noted continuing problems, including in the composition of election commissions, interference by local authorities in the electoral process, the voting, counting, and tabulation processes, and the election grievance process. There were numerous credible reports that local officials interfered with the campaign process to the benefit of progovernment candidates in the 2005 elections and the May 2006 partial rerun elections. The Government generally respected the legal provisions of the election code. Candidates were able to hold numerous town hall meetings with voters, although police disrupted some gatherings.

In 2005 a presidential decree reversed a ban on election observation by NGOs receiving financial support from international sources. The change had no impact on the 2005 parliamentary elections, as all observers were required to have registered in advance; however, domestic election observers were generally able to register as individuals. There were an estimated 3,000 individual observers affiliated with NGOs for the parliamentary elections.

Voting in the 2005 elections was more orderly and transparent than in previous national elections, although there were some irregularities. The OSCE-led observation mission assessed as positive 87 percent of the more than 2,500 polling stations it visited during the vote. However, in some instances, observers reported unauthorized persons, such as police officers, in the polling station during the voting. Observers also witnessed candidates or candidate representatives attempting to influence voter choices and ballot box stuffing in one-third of the polling stations visited as well as family (group) voting in one-fifth of the polling stations visited.

Fraud and major irregularities marred the vote counting and tabulation process. International observers assessed the ballot counting process as bad or very bad in 43 percent of polling stations observed, reporting that election precinct officials refused to count ballots in front of them and attempted to complete official tabulation protocols behind closed doors. In one precinct, observers witnessed election commission members taking instructions from an unidentified person in the polling station's basement. Precinct-level voting results were not posted in 54 percent of the counts observed.

Opposition parties reported that, on several occasions in the run-up to the 2005 parliamentary elections, police officers preemptively detained members of the political opposition to prevent their participation in planned but unsanctioned political rallies on grounds that they were suspected of planning to incite civil unrest. Within hours of the detentions, judges sentenced the individuals to jail on those grounds.

Following the 2005 elections, authorities acted to address some instances of election fraud by annulling results in some of the problematic precincts, dismissing some election commission members and a few local executive authorities, and prosecuting some officials for violating the electoral code. The Central Election Commission and Constitutional Court actions did not fully address reports of fraud and

other irregularities or allay the concerns of the international community about the extent to which the results fully reflected the will of the people.

One opposition member refused to take her seat in protest of election fraud, and the Government did not set a date for a by-election during the year.

The most recent presidential election was held in 2003 and formally brought Ilham Aliyev to power. This election failed to meet international standards for democratic elections due to a number of serious irregularities.

In October 2006 the authorities held partial municipal elections around the country. The opposition Azadliq bloc, comprised of the PFP, ADP, and Azerbaijan Liberal Party, boycotted the municipal elections, asserting that the composition of local election commissions made the elections inherently unfair. Some of these municipal elections were reruns of 2004 municipal elections, which election authorities cancelled because of widespread fraud and irregularities.

The ruling Yeni Azerbaijan Party continued to dominate the political system. Domestic observers reported that membership in the ruling party conferred advantages such as being given preference for public positions. Opposition party members in the exclave of Nakhchivan reported instances of pressure by local officials to join the ruling party.

During the year opposition parties played a less active role in politics than in previous years. Members of the opposition were more likely to experience official harassment and arbitrary arrest and detention than other citizens. For example, a prominent opposition politician reported several instances in which local authorities prevented her from meeting with private citizens during regional trips. Regional branch opposition party members reported that local authorities often took actions to prevent routine party activities, such as pressuring restaurant owners not to allow opposition parties to use their facilities for meetings and events. Opposition party members reported that police officers often dispersed small gatherings at tea houses and detained participants for questioning.

Domestic monitors reported that local authorities often took actions to prevent individuals from traveling to Baku to participate in rallies surrounding the 2005 elections, such as preemptively detaining opposition party members, closing train stations, and preventing busses from departing for Baku.

In November 2006 the Baku Economic Court ordered the eviction of the opposition PFP, the opposition-affiliated newspapers Azadliq and Bizim Yol, and the independent Turan News Agency from their headquarters in central Baku. The court ruled that the PFP and the affected media organizations were occupying a building illegally leased to them by the Baku mayor's office in 1992. Officials began implementing the eviction order immediately after the verdict. The opposition newspapers Azadliq and Bizim Yol completed the relocation after 1 week and resumed publication. The independent Turan News Agency relocated to a downtown Baku facility within 3 days of the eviction and resumed its full operations within a week. PFP members were denied access to party property for 2 months following the eviction. After leaving the temporary work space provided by the ADP, the PFP was unable to obtain permanent office space, complaining that landlords were afraid to rent to the party. At year's end the party continued to work out of members' private homes. The teacher's organization which was named by the court as the rightful tenant of the building previously occupied by the PFP and the media outlets reportedly never moved into the building. At year's end the building was under renovation for reported future use by the Chamber of Accounts, a governmental budgetary oversight body.

There were 14 women in the 125-seat Parliament. Several women held senior government positions, including deputy speaker of Parliament, several deputy ministers, and deputy chair of the Central Election Commission. There were no legal restrictions on the participation of women in politics, although traditional social norms limited women's political roles, and they were underrepresented in elective offices.

Ethnic minorities such as the Lezghins, Talysh, and Avars continued to serve in Parliament and in government.

*Government Corruption and Transparency.*—The law penalizes corruption by outlawing bribery; however, there was widespread public perception of corruption throughout all facets of society, including the civil service, government ministries, and the highest levels of government. The World Bank's worldwide governance indicators reflected that corruption was a severe problem. Criminal cases related to corruption were opened during the year, specifically on bribery charges; however, these cases had little or no impact on the prevalence of bribery and corruption in the country.

In July the Government adopted its second National Strategy for Increasing Transparency and Combating Corruption that established a framework for increas-

ing the accountability of government, cooperating with civil society and systematically monitoring and reporting on the implementation of anticorruption measures. In 2005 Parliament passed an anticorruption law that required public officials to report annual income, sources of income, property owned, and financial liabilities. It also prohibited nepotism and limited giving gifts and direct or indirect financial benefits to public officials or third parties.

The law provides for public access to government information by individuals and organizations; however, the Government often did not provide access. Although government ministries have separate procedures on how to request information, they routinely denied requests, claiming not to possess the information. Individuals have the right to appeal the denials in court; however, the courts generally upheld the decisions of the ministries.

Other parts of this report contain information related to this subsection; see Section 1.e.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Although the Government maintained ties with some human rights NGOs and responded to their inquiries, on occasion the Government criticized and intimidated other human rights NGOs and activists. The Ministry of Justice continued to routinely deny or fail to register some human rights NGOs.

The major local human rights NGOs were the Association for the Protection of Women's Rights, the Bureau of Human Rights and Respect for the Law, the Azerbaijan Foundation of Democracy Development and Human Rights Protection, Azerbaijani Committee Against Torture, the Institute for Peace and Democracy, and the Human Rights Center of Azerbaijan. Most of the leading NGOs affiliated themselves with one of two independent, umbrella organizations: The Human Rights Federation or the Helsinki Citizens Assembly.

The Government met with a variety of domestic NGO monitors. The Ministry of Justice formed a joint political prisoner review committee with several representatives of the human rights community in 2005. In 2005 the Ministry of Internal Affairs granted permission for the first time for an NGO to have immediate access to police and pretrial detention facilities; during the year the NGO continued to exercise this right without obstruction and reported on its findings.

Several NGOs reported that the Government and police at times refused to protect them from so-called provocateurs who threatened, harassed, and attacked NGO activists and vandalized their property. Arzu Abdullayeva, director of the Helsinki Citizens Assembly, received several threats in connection with her leadership of an NGO delegation's fact-finding visit to Nagorno-Karabakh in July 2006.

The registration process for NGOs remained cumbersome and included requirements to register grants from foreign entities. NGO grants from foreign entities are subject to a social security tax of 22 percent on employee salaries, although grants from a few countries with bilateral agreements with the Government were subject to only a 2 percent tax. NGO activists reported that these provisions inhibited their organizations' activities.

The Government generally permitted visits by U.N. representatives and other international organizations such as the ICRC. International NGOs, such as Human Rights Watch and Reporters Without Borders, generally operated without government hindrance.

Citizens may appeal violations committed by the state or by individuals to the Ombudswoman for Human Rights. The Office of the Ombudswoman reported that it had received 32,000 complaints since it was established in October 2002. No information was available at year's end regarding the complaints received during the year by the ombudswoman. The ombudswoman may refuse to accept cases of abuse that occurred over a year ago, anonymous complaints, and cases already being handled by the judiciary.

The Office of the Ombudswoman took the lead on implementation of the Government's human rights action plan, outlined by President Aliyev in a December 2006 decree. At year's end, the ombudswoman reported that she had established a working group, including five subcommittees, to focus on the areas identified as priorities in the action plan. The ombudswoman traveled around the country to hear human rights complaints, cooperated with foreign diplomats and domestic NGOs working on human rights, and submitted an annual report to Parliament. Compared with previous years, the ombudswoman was more outspoken in her criticism of government actions, particularly on the imprisonment of journalists. However, local human

rights NGOs and activists criticized the ombudswoman's work as ineffective and generally regarded her as not independent of the Government.

The Parliament and Ministry of Justice also had human rights offices that heard complaints, conducted investigations, and made recommendations to relevant government bodies. Officials of the human rights office within the Ministry of Foreign Affairs regularly met with the diplomatic community to discuss issues of concern. The Parliament's human rights body did not operate fully independently of government influence.

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

The law provides for equal rights without respect to gender, race, language, disability, or social status, but the Government did not always respect these provisions or effectively enforce them. Violence and discrimination against women, trafficking of persons, and discrimination against ethnic Armenians were problems.

*Women.*—The Government stated that 86 rapes and attempted rapes were reported during the year, in connection with which the Government criminally charged 66 persons. Most rape victims reportedly knew their assailants but did not report incidents out of fear and shame. Rape is illegal and carries a maximum 15-year prison sentence. Violence against women, including domestic violence, continued to be a problem. In rural areas women had no effective recourse against assaults by their husbands or others; there are no laws on spousal abuse or specific laws on spousal rape.

There were no government-sponsored programs for victims of rape or domestic violence. In Baku a women's crisis center operated by the Institute for Peace and Democracy provided free medical, psychological, and legal assistance for women. During the year the center provided services to 2,781 women, and 3,113 women called the center's crisis hot line. The institute also published 42 articles on women's issues, and developed a short film on domestic violence, which was broadcast in the regions. Representatives of the institute regularly appeared on popular television talk shows to discuss women's issues.

Prostitution is an administrative offense rather than a crime and is punishable by a fine of up to \$102 (88 AZN). Pimps and brothel owners may be sentenced to prison for up to 6 years. Prostitution was a serious problem, particularly in Baku.

The law did not directly prohibit sexual harassment.

Women nominally enjoy the same legal rights as men; however, societal discrimination was a problem. Traditional social norms and poor economic conditions continued to restrict women's roles in the economy, and there were reports that women had difficulty exercising their legal rights due to gender discrimination. Women were underrepresented in high-level jobs, including top business positions.

*Children.*—The law requires the Government to protect the rights of children with regard to education and health care. In practice government programs provided a low standard of education and health care for children.

Public education was compulsory, free, and universal until the age of 17. The Ministry of Education reported 100 percent elementary school attendance, 97 percent middle school attendance, and 88 percent high school attendance in 2006; UNICEF reported the elementary school figure was approximately 88 percent. Figures on attendance during the year were not available at year's end. The highest level of education achieved by the majority of children was high school. In impoverished rural areas, large families sometimes placed a higher priority on the education of male children and kept girls to work in the home. Some poor families forced their children to beg rather than attend school.

According to the Ministry of Internal Affairs, five cases of rape and 20 cases of sexual abuse of children were reported during the year.

Child marriage was not considered a significant problem, although evidence suggested it was growing, primarily in rural central and southern regions among poor families.

A large number of refugee and IDP children lived in substandard conditions in camps and public buildings. In some cases these children were unable to attend school.

*Trafficking in Persons.*—The criminal code prohibits all forms of trafficking in persons; however, there were reports that persons were trafficked to, from, and within the country.

Azerbaijan was primarily a source and transit point for women, men, and children trafficked for sexual exploitation and forced labor. Central Asian, Russian, and local women and girls were trafficked from or through the country to the United Arab Emirates, Turkey, Iran, India, and Pakistan for exploitation in the sex industry. Men were trafficked to Russia for forced labor. Although there were no official re-



ports of internal trafficking, domestic monitors reported a growing trend of internal trafficking of women for sexual exploitation, of men for forced labor in the construction industry, and of children for begging. During the year the Government reported it identified 101 trafficking victims, one of which was a case of child trafficking. Traffickers generally targeted women.

Traffickers were either foreigners or ethnic Azerbaijanis who acted in loose concert with international networks. They approached victims directly and indirectly through friends and relatives, usually offering to arrange employment abroad. Traffickers also used deceptive newspaper advertisements offering false work abroad. Traffickers reportedly used forged documents to move victims. They also used fraudulent marriage proposals from men posing as Iranian businessmen to lure women into prostitution in neighboring Iran. Despite such fraud some families willingly married their daughters to wealthy Iranians without concern for the actual outcome.

During the year 85 persons were prosecuted under the law against trafficking in persons, and one person was convicted of document forgery in a trafficking-related case. Most trafficking-related crimes prosecuted during the year carried maximum penalties between 5 and 12 years' imprisonment, except for rape and sexual violence, which both carried maximum 15-year prison sentences. There also are specific criminal penalties for enslaving, raping, and forcing children into prostitution. During the year the Government opened 88 criminal investigations resulting in 86 convictions of individuals charged with trafficking-related crimes. At year's end, 13 criminal investigations remained open.

The deputy minister of internal affairs was the national coordinator for government antitrafficking activities, monitoring relevant government bodies' efforts, and dealing with the NGO community. Government bodies involved in antitrafficking included the ministries of internal affairs, foreign affairs, justice, national security, and health; the prosecutor general; the state border guard; customs; and the State Committee on Family, Women's and Children's Issues. In August 2006 the president announced a restructuring of the ministry of internal affairs, which created a separate antitrafficking unit. During the year the Government did not receive any requests to assist with extradition or international investigations of trafficking cases.

There was no evidence of official complicity in trafficking, but corruption in some government agencies facilitated trafficking.

The law provides protections for trafficking victims by relieving them from civil, administrative, and criminal responsibility for offenses committed under coercion, intimidation, or other trafficking conditions. The law also allows the use of pseudonyms to protect the identity of victims and provides for their assistance and shelter. The Government did not systematically screen vulnerable population groups to identify trafficking victims.

There was no standardized mechanism to return trafficked women to the country. According to the IOM, some Azerbaijanis and third-country nationals who were either victims of trafficking or engaged in prostitution were deported to the country, primarily from Turkey. However, the Government had no program to assist them.

The lack of a standardized victim referral network remained a problem. The Government referred victims to a government-funded shelter, which provided victims with access to legal, medical, and psychological services. During the year 29 victims received assistance at the shelter, and the Government referred nine others to state medical centers. The Government also referred some victims to international organizations and domestic NGOs for further assistance. In 2006 the IOM conducted training for shelter volunteers and for volunteers to staff an NGO antitrafficking hot line, which had not opened at year's end.

During the year the Government continued to implement its antitrafficking action plan.

Several NGOs, such as the Institute for Peace and Democracy's Women's Crisis Center and Clean World, and government bodies, such as the State Committee for Women's and Children's Issues, worked on antitrafficking activities. There were no government-sponsored antitrafficking public education campaigns.

*Persons with Disabilities.*—The law prohibits discrimination against persons with disabilities in employment, education, and access to health care, or the provision of other state services, but discrimination in employment was a problem. It was commonly believed that children with disabilities were ill and needed to be separated from other children and institutionalized. Several international and local NGOs developed educational campaigns to change social perceptions and reintegrate disabled children.

There are no laws mandating access to public or other buildings for persons with disabilities, and most buildings were not accessible.

Care in facilities for the mentally ill and persons with disabilities varied; some provided adequate care while others lacked qualified caregivers, equipment, and supplies to maintain sanitary conditions and provide a proper diet.

The ministries of health and labor and social welfare were responsible for protecting the rights of persons with disabilities.

*National/Racial/Ethnic Minorities.*—Some of the approximately 20,000 citizens of Armenian descent living in the country historically have complained of discrimination in employment, schooling, housing, the provision of social services, and other areas. Citizens who were ethnically Armenian often concealed their ethnicity by legally changing the ethnic designation in their passports.

Some groups reported sporadic incidents of discrimination, restrictions on the ability to teach in their native languages, and harassment by local authorities. These groups included Talysh in the south, Caucasian Lezghins in the north, displaced Meskhetian Turks, and displaced Kurds from the Lachin region, controlled by Armenia-supported Nagorno-Karabakh separatists.

On February 3, Ministry of National Security officials detained Talysh Sedo newspaper Editor-In-Chief Novruzali Mammadov; according to his lawyer, Mammadov was beaten while in custody. The officials released Mammadov on February 4; however police arrested him immediately thereafter, and a Baku court sentenced Mammadov to 15 days' administrative detention for resisting arrest. Mammadov's lawyer reported that Mammadov was detained at the Ministry of National Security rather than at a standard Ministry of Internal Affairs detention facility. On February 17, the Government opened a case against Mammadov on charges of espionage. The espionage charges were dropped in September, at which time Mammadov remained in pretrial detention while the Government investigated charges of high treason. Talysh Sedo was reported to be the country's only newspaper published in the Talysh language. Some domestic monitors considered Mammadov's arrest to have been related to his ethnicity and his cultural activities. Domestic Talysh organizations considered Mammadov's case an act of discrimination. Mammadov's trial at the Baku Court of Grave Crimes, which was closed to the public, began in December and was ongoing at year's end.

*Other Societal Abuses and Discrimination.*—The Government did not officially condone discrimination based on sexual orientation; however, there was societal prejudice against homosexuals.

According to the European Region of the International Lesbian and Gay Association's 2007 report, lesbians, gays, bisexuals, and transsexuals in the country were subjected to human rights abuses, discrimination, and social exclusion. The report characterized the community as "vulnerable and exposed to extortion by law enforcement officials," facing problems such as ridicule, forced bribes, abuse, and in some cases rape by law enforcement officials. The report noted that the community lived under a constant fear of being "outed" to family, friends, and colleagues.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law provides for freedom of association, including the right to form labor unions, but there were some restrictions on this right in practice. The overwhelming majority of labor unions remained tightly linked to the government, with the exception of the independent journalists' unions.

Uniformed military and police are prohibited from participating in unions, although civilians working in the interior and defense ministries were allowed to do so. The law also prohibits managerial staff from joining a union, but managers in government industries often had union dues automatically deducted from their paychecks.

By law, labor legislation applied to all workers and enterprises in the country; however, the Government may negotiate bilateral agreements with multinational enterprises that effectively exempt such enterprises from national labor laws. For example, Production Sharing Agreements (PSAs) between the Government and multinational energy enterprises signed in 1994 and in subsequent years do not provide for employee participation in a trade union. Some labor organizations and local NGOs reported that some of these companies discouraged employees from forming unions, and most employees of multinational enterprises operating under the PSA arrangements were not union members, although there were exceptions. No new labor unions have been formed at these companies since 2005. In addition, during the year three major oil sector labor unions closed, which local NGOs reported was a result of pressure from the oil companies' management. These unions were comprised of midlevel employees of foreign and joint-venture companies involved in full-scale development of the Azeri-Chirab-Guneshli oil field.

In October 2006 Parliament lifted the statutory prohibition on trade unions engaging in political activity.

Many of the state-owned enterprises that dominated the formal economy withheld union dues from workers' pay but did not deliver the dues to the unions. As a result unions did not have resources to carry out their activities effectively. Unions had no recourse to investigate the withheld funds.

The Azerbaijani Trade Union Confederation (ATUC) had approximately 1.6 million members, including 28 labor federations in various industrial sectors. Although the ATUC was registered independently, some workers considered it closely aligned with the Government.

Membership in the Union of Oil and Gas Industry Workers remained mandatory for the State Oil Company's 61,000 workers, whose union dues (2 percent of each worker's salary) were automatically deducted from their paychecks.

There were no reports of government antiunion discrimination; labor disputes were primarily handled by local courts, which, while not exhibiting antiunion discrimination, were widely considered corrupt. There were reports of antiunion discrimination by foreign companies operating in Baku. Labor NGOs reported that multinational energy companies and their subcontractors often discouraged union membership by their employees. For many multinational companies, this behavior was enabled by the absence of union membership rights in the PSAs. Domestic observers reported some acts of discrimination against local workers in multinational companies, such as different wages paid to foreign and local workers for the same jobs, the lack of formal contracts for some local workers, and different standards of housing for foreign and local workers along Baku-Tbilis-Ceyhan (BTC) pipeline construction sites.

*b. The Right to Organize and Bargain Collectively.*—The law allows trade unions to conduct their activities without government interference; in practice most unions were not independent. The law also provides for collective bargaining agreements to set wages in state enterprises. In reality unions could not effectively negotiate such wage levels because government-appointed boards ran major state-owned firms and set wages for all government employees. In addition the Labor Ministry reported that during the year, the Government continued to have limited success in addressing worker-related issues with foreign companies. For example, the ministry assisted 10,917 workers in establishing signed labor contracts with their employers.

The law provides most workers with the right to strike, and workers exercised this right. Categories of workers prohibited from striking include high-ranking executive and legislative officials, law enforcement officers, court employees, fire fighters, and health, electric power, water supply, telephone, and railway and air traffic control workers. Striking workers who disrupt public transportation can be sentenced up to 3 years' imprisonment. The law prohibits retribution against strikers such as dismissal or replacement.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution and law allow forced or compulsory labor under circumstances of war or in the execution of a court's decision under the supervision of a government agency, and some observers reported that there were infrequent occurrences of forced or compulsory labor, including trafficking in women, men, and children for sexual exploitation and forced labor.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The law provides for the protection of children from exploitation in the workplace and from work that is dangerous to their health, but there were few complaints of abuses of child labor laws. However, there were reports that children were trafficked for sexual exploitation.

The minimum age for employment depended on the type of work. In most instances the law permits children to work from age 15; 14-year-old children may work in family businesses or at after-school jobs during the day that pose no hazard to their health with parental consent. Children under 16 may not work more than 24 hours per week; children between 16 and 18 may not work more than 36 hours per week. The law prohibits employing children under 18 in jobs with difficult and hazardous work conditions. The Ministry of Labor and Social Security is responsible for enforcing child labor laws. However, the unit responsible is considered ineffective.

There were reports that some parents forced their children to beg.

*e. Acceptable Conditions of Work.*—During the year the Government raised the minimum monthly wage from \$34 to \$58 (50 AZN), the third raise in 18 months. The minimum wage was insufficient to provide a decent standard of living for a worker and family; it was about \$7 (6 AZN) below the official poverty level of \$74 (64 AZN) set by the Government. The Ministry of Taxes, the Ministry of Labor, and

the State Social Protection Fund legally share responsibility for enforcing the minimum wage. However, in practice the minimum wage was not effectively enforced.

The law provides for a 40-hour workweek; the maximum daily work shift is 12 hours. Workers in hazardous occupations may not work more than 36 hours per week. The law requires lunch and rest periods, which are determined by labor contracts and collective agreements. It was not known whether local companies provided adequate premium compensation for overtime, although international companies generally did. There was no prohibition on excessive compulsory overtime. However, most individuals worked in the informal economy, where the Government did not enforce contracts or labor laws.

The law sets health and safety standards; however, government inspections of working conditions were weak and ineffective, and standards were widely ignored. The ATUC also monitored compliance with labor and trade regulations, including safety and health conditions. During the year the ATUC reported that it inspected 743 enterprises and organizations and found 2,638 legal and technical violations. The ATUC stated that most violations were addressed, although it received 484 official complaints and approximately 3,000 unofficial complaints.

Following the August 28 collapse of a high-rise building in Baku, the Ministry of Labor and Social Protection increased the number of inspections of construction sites. According to the ministry, during the year the Government inspected 151 construction sites in Baku, 30 in Sumgayit, and nine in Ganja. As a result the Government suspended the activity of eight construction companies. The Ministry of Labor and Social Protection reported that during the year 71 persons died and 51 others were injured while working in construction sites.

Workers did not have the right to remove themselves from situations that endangered their health or safety without jeopardizing their employment. According to the Oil Workers Rights Defense Council (ORDC), an NGO dedicated to protecting worker rights in the oil sector, 14 oil sector workers died in workplace accidents. Seven of the deceased were State Oil Company workers. The International Trade Union Confederation reported that the Government's bilateral agreements with multinational corporations—the contents of which were confidential—contributed to labor rights violations. On November 2, the Oil and Gas Workers' Union of Azerbaijan reached a new contract with the State Oil Company (SOCAR) that included greater social protections and health and safety commitments. Workplace accidents were also a problem in other sectors of the economy.

The law provides equal rights to foreign and domestic workers, although local human rights groups, including ORDC, maintained that disparities existed, particularly in foreign oil companies, where local workers were more likely to receive lower pay and work without contracts or health care.

## BELARUS

Under its Constitution, the Republic of Belarus, with a population of 9.7 million, has a directly elected president and a bicameral National Assembly. Since his election in 1994 as president, Alexander Lukashenko has systematically undermined the country's democratic institutions and concentrated power in the executive branch through authoritarian means, flawed referenda, manipulated elections, and arbitrary decrees that undermine the rule of law. Presidential elections in March 2006 that declared Lukashenko president for a third consecutive term again failed to meet international standards for democratic elections. The Government continued to ignore recommendations by major international organizations to improve election processes and human rights. Civilian authorities generally maintained effective control of the security forces; however, members of the security forces committed numerous human rights abuses.

The Government's human rights record remained very poor and worsened in some areas as government authorities continued to commit frequent serious abuses. The Government failed to account for past disappearances of opposition political figures and journalists. Prison conditions were extremely poor, and there were numerous reports of abuse of prisoners and detainees. Arbitrary arrests, detentions, and imprisonment of citizens for political reasons, criticizing officials, or for participating in demonstrations were common. Court trials occasionally were conducted behind closed doors without the benefit of independent observers. The judiciary branch lacked independence and trial outcomes were usually predetermined. The Government further restricted civil liberties, including freedoms of press, speech, assembly, association, and religion. The Government seized published materials from civil society activists and closed or limited the distribution of several independent news-

papers. The few remaining independent publications often were fined, usually for alleged libel or for not following restrictive registration procedures. State security services used unreasonable force to disperse peaceful protesters. Nongovernmental organizations (NGOs) and political parties were subjected to harassment, fines, prosecution, and closure. Religious leaders were fined, imprisoned or deported for performing services, and churches were either closed, deregistered, or had their congregations evicted. Trafficking in persons remained a significant problem, although some progress was made to combat it.

There was official discrimination against Roma, ethnic and sexual minorities, and use of the Belarusian language. Authorities harassed independent unions and their members, severely limiting the ability of the workers to form and join independent trade unions and to organize and bargain collectively.

#### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—During the year there were no confirmed reports that the Government or its agents committed any politically motivated killings.

There were no developments in the 2004 murder of journalist Veronika Cherkasova, who was found dead in her apartment with multiple stab wounds. Her colleagues linked her death to her professional activity and research into the Government's alleged arms sales to Iraq. In October 2006 the Minsk prosecutor's office stated that Cherkasova was murdered. However, authorities suspended the investigation because they could not identify any suspects in the case.

*b. Disappearance.*—There were no confirmed reports of politically motivated disappearances during the year, and there were no developments in the investigations of the disappearances in 1999 and 2000 of two opposition activists, a businessman, and a journalist. The Government continued to deny any official involvement in the disappearances.

In March 2006 authorities suspended the investigation into the disappearance and presumed killing in 2000 of television journalist Dmitriy Zavadskiy. Credible evidence indicated that government agents killed Zavadskiy for his reporting that government officials may have aided Chechen separatists in Russia.

Investigations into the 1999 disappearances and presumed murders of opposition figures Yuriy Zakharenko and Viktor Gonchar and businessman Anatoliy Krasovskiy remained open, but no developments were reported.

In December the U.N. General Assembly for a second consecutive year adopted a resolution that expressed deep concern over the human rights situation in Belarus. Among other problems, the resolution noted that senior government officials were implicated in the disappearance and/or summary execution of Zakharenko, Gonchar, Krasovskiy, and Zavadskiy.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits such practices; however, the Belarusian Committee for State Security (BKGB), the Special Purpose Detachment riot police (OMON), and other special forces on occasion beat detainees and demonstrators.

Police also occasionally beat individuals during arrests and in detention for organizing or participating in demonstrations or other opposition activities. On January 12, police severely beat opposition youth activist Ales Kalita as he was arranging legal representation for a fellow youth activist, who had refused to act as a BKGB informant. Two days later, police kicked and hospitalized opposition activist Anastasiya Shashkova, a minor, after detaining her for participating in a protest against the country's fraudulent January 14 local elections.

On March 23, Mogilyov police incarcerated activist Kristina Shatikova in a local psychiatric hospital as she was coordinating preparations for a major Freedom Day opposition demonstration. During her 3-day detention, Shatikova reported that she was drugged and interrogated about her connections to political prisoners Dmitry Dashkevich and Artur Finkevich.

On August 16, police officers beat 18-year-old Tatyana Tyshkevich as she and other opposition youth activists gathered in Minsk to show solidarity with the jailed political prisoners. She was treated at a local hospital for head and stomach injuries. According to credible sources, a policeman visited Tyshkevich at the hospital and pressured her not to file a complaint against police.

On December 12, after violently dispersing a peaceful opposition demonstration on Minsk's October Square, police severely beat opposition youth leader Dmitriy Fedaruk and abandoned him unconscious on a sidewalk. Fedaruk was hospitalized for 8 days and treated for serious head trauma.

Credible sources and eyewitnesses reported that, during demonstrations following the March 2006 presidential elections, OMON riot police and other special forces, such as the antiterrorist unit ALMAZ, beat demonstrators in custody and threatened others with death or rape.

In March 2006 special forces and OMON riot police used truncheons and tear gas to break up a peaceful march to Okrestina prison to protest the detention of 250 demonstrators. Ministry of Interior Colonel Dmitriy Pavlichenko, who was implicated in the 1999 disappearances and presumed deaths of opposition activists, personally beat opposition presidential candidate Aleksandr Kozulin before he was tied up and transported by ALMAZ forces to a pretrial detention center. Kozulin suffered head and spine injuries from the beatings by Pavlichenko and ALMAZ officers. Neither Pavlichenko, ALMAZ officers, nor other special forces were punished for their actions. In July 2006 Kozulin was sentenced to 5½ years in prison on politically motivated charges of alleged hooliganism and disturbing the public peace. He remained in prison at year's end.

Hazing of new army recruits by beatings and other forms of physical and psychological abuse continued, according to official sources; however, the number of reported cases declined.

Other parts of this report contain information related to this subsection; see subsections 1.d, 1.e, 2 and 2.b and Section 3.

*Prison and Detention Center Conditions.*—Prison conditions remained austere and were marked by occasional shortages of food and medicine and the spread of diseases such as tuberculosis and HIV/AIDS. In March Leila Zerrougui, chairperson of a U.N. working group on arbitrary detention, reported that conditions in detention centers were worse than those in prisons because of poor sanitary and living conditions and restrictions on visitation, phone, and mail privileges. According to domestic human rights monitors, prison conditions have somewhat improved over the past 10 years. However, these groups reported that prisoners did not receive adequate food or warm clothing and were often denied a bed, sheets, change of clothes, and restroom privileges. As a result, tuberculosis, pneumonia and other diseases remained widespread. Former prisoners reported that medical check-ups were rare and conducted by under-qualified medical personnel and that examination results were often fabricated. Dental services were even less available.

The law permits family and friends to bring detainees food and hygiene products, but in many cases authorities did not respect this law.

Overcrowding in prisons, detention centers, and in work release prisons, also known as "khimya," was a serious problem. Persons sentenced to khimya, which is a form of internal exile, live in prison barracks and are forced to work under conditions set by the Government. According to the government, the total number of confined persons in the country was more than 38,000, which included 30,000 inmates in prisons and nearly 8,000 convicts in open-type correctional facilities. In addition an estimated 7,000 persons were awaiting trials in detention centers.

Some former political prisoners reported that they were treated worse than murderers, subjected to psychological abuse and often had to share a cell with violent criminals. They also reported that their legal rights were neither explained nor protected. Prisoners who complained about abuse of their rights often were threatened with death, humiliation, or other forms of punishment.

Credible reports indicated that police and prison officials continued to mistreat, torture, and blackmail prisoners. Numerous credible sources claimed that applications for parole frequently depended on bribing prison personnel. While standard bribes were generally between \$200 to \$300 (430,000 to 646,000 Belarusian rubles) high-profile prisoners were often asked to pay larger sums. For example, on June 5, the independent Belarusian Committee for Protection of Prisoner's Rights, Nad Baryerom, reported that a parole board denied Dmitriy Korolyov, a former intelligence officer, early release in March after Korolyov refused to pay \$2,000 (4.3 million Belarusian rubles) to a fellow inmate who claimed to be demanding the bribe on behalf of prison officials.

Authorities frequently kept persons arrested for political activities in the Okrestina jail or the Volodarskogo detention center in Minsk. Many former detainees described food and medical conditions in Volodarskogo as inadequate but better than those in Okrestina, where demonstrators were usually held for short-term, pre-trial detention.

There were reports that Aleksandr Kozulin's health seriously deteriorated in prison. Although his living conditions were said to be decent, associates claimed that he did not receive adequate medical attention after he was severely beaten by police during his March 2006 arrest and following a 53-day hunger strike to protest his jailing and the fraudulent results of the presidential election. Authorities denied Kozulin's wife and attorney visitation rights during the hunger strike.

During the year there were no reported instances of the Government permitting independent monitoring of prison conditions by local or international human rights groups, independent media, or the International Committee of the Red Cross. However, the Government granted some international experts access to the general prison population. In September an official German delegation visited inmates in three correctional facilities in and around Minsk. On occasion, authorities granted foreign diplomats access to political prisoners in the presence of officials; however, most requests to visit political prisoners were denied.

*d. Arbitrary Arrest or Detention.*—The law limits arbitrary detention; however, the Government did not respect these limits in practice. Authorities continued to arrest individuals for political reasons and to use administrative measures to detain political activists before, during, and after protests.

*Role of the Police and Security Apparatus.*—The Ministry of Interior has authority over the police, but the BKGB and presidential security forces also exercised police functions. The president has the right to subordinate all security bodies to his personal command. Petty corruption among police was widespread, although the Government made attempts to limit official corruption. Impunity remained a serious problem. While the law gives individuals the right to report police abuse to the prosecutor, the Government often did not investigate abuses by the security forces or hold perpetrators accountable.

*Arrest and Detention.*—Police frequently detained and arrested individuals without a warrant. Under the law, police must request permission from the local prosecutor's office to detain persons for longer than 3 hours. In practice, however, these "protocols" were usually a formality. Detained persons suspected of a crime may be held for up to 10 days without formal charge and for up to 18 months after charges are filed. Under the law, prosecutors and investigators have the authority to extend detention periods without consulting a judge. Detainees have the right to petition the legality of their detention; however, in practice, appeals by suspects seeking court review of their detentions were frequently suppressed or ignored.

Police often detained individuals for several hours, ostensibly to confirm their identity. This tactic was frequently used to detain members of the opposition and demonstrators, to prevent the distribution of leaflets and newspapers, or as a pretext to break up civil society meetings.

During the year scores of individuals were detained or arrested for politically motivated reasons. On February 16, Vitebsk police arrested Gomel opposition party leader Denis Denisov on charges of organizing disorderly activities for allegedly hanging a traditional flag on a local tower; the offense carries a sentence of up to 3 years in prison. Although another activist was found guilty of the offense, authorities continued to detain Denisov until April 11, when supporters raised \$7,280 (15,673,840 Belarusian rubles) in bail. Authorities dropped charges against Denisov in late June.

In July authorities detained more than 60 activists in the run-up to the anniversary of the country's independence from the Soviet Union on July 27. For example, on July 20, a Minsk court sentenced opposition activists Kirill Matskevich and Aleksandr Chernyshov to 10 days in jail for hanging signs connected with the demonstration. On July 23, police arrested Christian activist and opposition party leader Aleksey Shein; he was sentenced on July 24 to 15 days in jail for organizing unsanctioned demonstrations. On July 25, a Minsk court sentenced opposition youth activist Aleksey Shylovskiy to 15 days in jail on charges of petty hooliganism for allegedly pasting stickers connected to the demonstration in public places such as kiosks and buildings.

On July 4, police detained 14 activists at a Roman Catholic festival in Budslav who were circulating a petition that called for changes to the country's religion law. They were held for 3 hours and released without charge. The same day police in Minsk arrested and detained six Protestants in an apartment and confiscated religious tracts. They were released later that day without charge.

In February and March 2006 authorities detained or arrested approximately 1,000 persons throughout the country for political reasons before and after the March presidential election. Many of those detained or arrested were bringing food and warm clothing to demonstrators camped in Minsk's October Square to protest the fraudulent poll. Most were sentenced to 10–15 days detention in trials that lasted no longer than 10 minutes.

The Government also arbitrarily detained representatives of the independent media.

*Amnesty.*—On November 22, President Lukashenko signed an amnesty bill pardoning 3,512 convicts. However, by year's end, no political prisoners were pardoned.

Other parts of this report contain information related to this subsection; see subsections 2.a and 2.b, and Section 3.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary; however the Government did not respect judicial independence in practice. There was credible evidence that prosecutors and courts convicted individuals on false and politically motivated charges.

The president appoints 6 of the 12 members of the Constitutional Court, including the chairman, and the chairmen of the Supreme Court and the Supreme Economic Court. He also has authority to appoint and dismiss all district and military judges. Corruption, inefficiency, and political interference in the judiciary were prevalent.

The criminal justice system has three tiers: District courts, regional courts, and the Supreme Court. The Constitutional Court is empowered to adjudicate constitutional issues and to examine the legality of laws; however, in practice it was wholly subservient to the executive branch.

Prosecutors are organized into offices at the district, regional, and national levels. They answer to and serve at the pleasure of the prosecutor general, who is appointed by the president. Prosecutors are not independent and do not have authority to bring charges against the president or members of his executive staff.

In January 2006 the U.N. special rapporteur on Belarus released a report that described the authority of prosecutors as “excessive and imbalanced” because prosecutors could extend detention without the permission of judges. In addition, investigations by prosecutors were conducted without effective judicial oversight. The report stated there also was an imbalance of power between the prosecution and the defense. Defense lawyers could not examine investigation files, be present during investigations, or examine evidence against defendants until a prosecutor formally brought the case to court. Lawyers found it difficult to call some evidence into question because technical expertise was under the control of the prosecutor’s office. According to many defense attorneys, these imbalances of power had intensified at the beginning of the year. As a result, there were very few cases in which criminal defendants were found innocent.

By presidential decree all lawyers are subordinate to the Ministry of Justice, which compromised their independence. Lawyers must be licensed by the ministry and are required to work for the state in regional collegiums. The law prohibits private attorneys from practicing, and lawyers must renew their licenses every 5 years. Unlike in previous years, there were no reports during the year of the authorities officially revoking lawyers’ licenses for defending NGOs or opposition political parties. However, in February Igor Rynkevich resigned from the lawyers’ collegium after receiving multiple reprimands for violating “professional discipline” in connection with his representing imprisoned former opposition presidential candidate Aleksandr Kozulin.

*Trial Procedures.*—The law provides for public trials; however, trials were occasionally closed and frequently held in judges’ offices, which often prevented interested observers from attending. Judges adjudicate all trials; there is no system of trial by jury. However, in the case of grave crimes, judges adjudicate the trial with assistance of two civilian advisors. Judges depended on executive branch officials for personal housing. There were widespread reports that executive and local authorities dictated the outcome of trials.

On July 30, a court in Minsk sentenced opposition politician Andrey Klimov to 2 years in prison for publishing his criticism of the Government on the Internet. The trial was not publicly announced and was held behind closed doors. Credible sources maintained that the prosecution pressured Klimov’s family not to discuss the proceedings, which only became known publicly several days after the trial.

On September 4, courts in Nesvizh and Soligorsk convicted opposition youth activists Anastasiya Azerka and 16-year-old Ivan Shylo on criminal charges of running an unregistered (NGO). Authorities fined Azerka \$578 (1,240,000 Belarusian rubles) and issued a warning to Shylo. During the trials, prosecutors relied on hearsay testimony unrelated to the charges and introduced audio recordings without revealing sources and methods to the defense during discovery, as mandated by law.

On September 11, a court in Baranovichi fined 17-year-old opposition activist Yaroslav Grishchenya \$435 (930,000 Belarusian rubles) after convicting him for running an unregistered NGO. During the proceedings the judge questioned several minors regarding apparent discrepancies between their oral testimony and pretrial depositions. According to credible sources, police pressured the youths to write the depositions after lengthy interrogations. During the trial, the judge repeatedly taunted one of the minors for testifying in Russian instead of Belarusian; under the law, both languages have equal status.



Also on September 11, a court in Baranovichi jailed opposition party leader Pavel Severinets for 17 days on charges of participating in an unauthorized demonstration and disorderly conduct. Police arrested Severinets and 20 other activists for leading a peaceful protest outside Grishchenya's trial. Although Severinets' arraignment was open to the public, the court did not allow international observers and human rights defenders to observe his trial.

In February 2006 authorities arrested four leaders of the independent election monitoring NGO Partnership: Nikolay Astreyko, Timofey Dranchuk, Aleksandr Shalayko, and Enira Bronitskaya. They were held incommunicado in pretrial detention until their July 2006 trial in a closed courtroom. Astreyko and Dranchuk were sentenced to 2 years and 1 year in prison, respectively, for operating an unregistered NGO. Shalayko and Bronitskaya were sentenced to 6 months in prison on the same charge. Similarly, in September 2006 authorities arrested youth opposition leader Dmitriy Dashkevich for operating an unregistered NGO and denied him family contact until November, when he was sentenced to 18 months in prison.

The laws provide for the presumption of innocence; however, in practice defendants frequently had to prove their innocence. Information obtained from forced interrogations was often used against defendants in court.

The law provides for access to legal counsel for detainees and requires that courts appoint lawyers for those who cannot afford one; however, at times these rights were not respected, and some detainees were denied access to a lawyer. The law provides for the right to choose legal representation freely; however, a presidential decree prohibits members of NGOs from representing individuals other than members of their organizations in court.

Defendants have the right to attend proceedings, confront witnesses, and present evidence on their own behalf; however, in practice these rights were not always respected.

Defendants also have the right to appeal court decisions, and most criminal cases were appealed; however, in the vast majority of those cases, lower court verdicts were upheld. In an appeal, defendants and witnesses seldom appear before the court; in most cases, the court only reviews the protocol and other documents from a lower court trial.

*Political Prisoners and Detainees.*—During the year the Government released several political prisoners. Although the overall number of reported long-term political prisoners appeared to decrease to six, authorities harassed former political prisoners and detainees with short-term detentions and jail sentences on the basis of highly questionable evidence and dubious charges. In several cases, authorities refused amnesty or to otherwise release political prisoners; some were threatened with additional charges.

On January 10, authorities released opposition party leader Ivan Kruk. He was sentenced in May 2006 to 6 months in jail on the basis of police testimony that he resisted arrest. On May 25, 60-year-old human rights activist Yekaterina Sadovskaya was released. She was sentenced in October 2006 to 2 years in prison for allegedly insulting President Lukashenko and fined \$1,860 (4 million Belarusian rubles) for allegedly insulting and threatening a judge.

On May 21, the Supreme Court refused to order the release of imprisoned former opposition presidential candidate Aleksandr Kozulin, who is serving a 5½-year sentence. On May 28, the Clemency Commission refused to consider a petition from Kozulin's family for his release.

On May 22, opposition politicians Nikolay Statkevich and Pavel Severinets were released after serving 2 years in khimya for organizing unsanctioned protests after the fraudulent 2004 constitutional referendum to abolish presidential term limits. After his release, Severinets was sentenced three times to a total of 47 days in jail for allegedly organizing three unauthorized activities: A commemoration of the country's independence, a book reading, and a protest outside a politically motivated trial.

On June 4, authorities denied parole to opposition youth activist Artur Finkevich, who was sentenced in May 2006 to 2 years of khimya for allegedly painting antigovernment graffiti. During his trial the judge suspended proceedings for a week because the prosecution could not document the damage Finkevich allegedly caused. On June 26, according to credible sources, authorities accused Finkevich of violating khimya rules by leaving his room at night to use the lavatory and requesting medication, and transferred him to a prison. On December 20, a Mogilyov court sentenced Finkevich to 18 months in jail for tardiness and other violations of khimya rules.

On July 30, opposition politician Andrey Klimov was sentenced to 2 years in a high-security prison for publishing criticism of the Government on the Internet. In December 2006 Klimov had been released after serving 18 months of khimya fol-

lowing a politically motivated trial for organizing an unsanctioned protest in 2005. He had previously spent 4 years in prison for alleged embezzlement.

On September 25, Aleksander Galiyev, attorney for imprisoned opposition youth leader Dmitriy Dashkevich, reported that authorities threatened to charge Dashkevich under Article 402 of the criminal code, which carries a penalty of 3 years in prison, for refusing to testify against another member of his organization. Dashkevich was at the time serving an 18-month sentence for operating an unregistered organization. In June, prison authorities denied Dashkevich parole for numerous alleged violations of prison regulations. On November 9, Shklov district Judge Tatsyana Kashkina fined Dashkevich \$870 (1,860,000 Belarusian rubles) after declaring him guilty of refusing to testify against another opposition youth activist who faced 2 years in prison for allegedly running an unregistered organization.

At year's end opposition businessmen Nikolay Avtukhovich and Yuriy Leonov remained in prison, and authorities reportedly did not grant permission for visits from international observers. In July 2006 a Grodno region court sentenced Avtukhovich and Leonov to 3 years and 6 months and 3 years and 5 months in prison, respectively, for alleged tax evasion and illegal business activities, although they were charged only after they became active as leaders of a local independent entrepreneurs' organization.

*Civil Judicial Procedures and Remedies.*—Individuals can file lawsuits seeking damages for, or cessation of, a human rights violation; however, the civil judiciary is not independent and rarely impartial in such matters.

On June 28, a Minsk court dismissed a slander suit by Galina Yubko against an official of the Presidential Administration. According to witnesses, the official refused to accept Yubko's petition relating to an investigation of her sister's murder in 2005 on the grounds that her sister "deserved to be killed because of her lifestyle." Earlier, in March, the court dismissed Yubko's suit against the Government's decision to forbid her to picket on a local square to focus attention on additional evidence relating to her sister's death.

On June 29, a Mogilyov court dismissed opposition activist Kristina Shatikova's suit to compel local prosecutors to investigate her March 23 arrest by Mogilyov police, who incarcerated Shatikova for 3 days in a local psychiatric hospital. Shatikova reported that she was drugged and interrogated during the detention.

On August 17, a Minsk appeals court refused to overturn a July 10 lower court ruling that denied opposition youth group Malady Front official registration, on the grounds that the organization might participate in upcoming parliamentary elections and cause "political destabilization." Over the past decade, authorities denied the organization registration six times. During the year, eight Malady Front members were convicted of participating in an unregistered organization.

Other parts of this report contain information related to this subsection; see subsections 2.a and 2.d and Section 4.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law prohibits such actions; however, the Government did not respect these prohibitions in practice. Under the law, persons who obstruct BKGB officers in the performance of their duties, even actions that in principle may be illegal, could be penalized or charged with an administrative offense. Such obstruction includes any effort to prevent BKGB officers from entering the premises of a company, establishment, or organization, and any refusal to allow BKGB audits or to deny or restrict BKGB access to information systems and databases.

The law requires a warrant for searches; however, the BKGB entered homes, conducted unauthorized searches, and read mail without warrants. A 2005 law grants the BKGB authority to enter any building at any time, as long as it applies for a warrant within 24 hours after the entry. There were credible reports that government agents covertly entered homes of opposition activists and offices of opposition groups and monitored the actions of individuals.

Authorities conducted searches of residences and offices for clearly political reasons. For example, on February 4, BKGB officers raided a private apartment and detained 26 youth activists for several hours as they confiscated computer equipment reportedly being used to coordinate an opposition demonstration on St. Valentine's Day.

On March 30, Minsk police raided the home of opposition party activist Vladimir Kishkurna. Although the officers claimed to be searching for illegal narcotics, they seized a high-volume photocopier, a paper cutter, and 20 opposition leaflets.

On August 28, Ivyanets police raided a private apartment, where opposition leader Aleksandr Milinkevich was meeting with 20 civil society activists, and confiscated several copies of a booklet titled *What the European Union Could Give Belarus*. Authorities said the raid was undertaken "to prevent criminal activities."

Unlike in the previous year, there were no reports of diplomats being forced to submit to searches and detentions.

While the law prohibits authorities from intercepting telephone and other communications without a court order, in practice authorities continued to monitor residences, telephones, and computers. The BKGB, the Interior Ministry, and certain border guard detachments may use wiretaps but must first obtain a prosecutor's permission; the lack of independence of the prosecutor's office rendered the due process protections relating to wiretaps meaningless.

The Government owned a controlling share in all but one cellular telephone company. Ministry of Communications contracts for telephone service prohibited subscribers from using such services for purposes contrary to state interests and public order. The ministry has the authority to terminate telephone service of those who breach the law.

Nearly all opposition political figures reported that authorities monitored their activities and conversations. For example, during the September 6 trial of 16-year-old opposition youth activist Ivan Shylo, the prosecutor introduced as evidence transcripts of Shylo's phone conversations. Representatives of certain NGOs also said that their conversations and correspondence were monitored routinely by the security services.

There were numerous reports that the Government coerced young people, university students, and military conscripts to join the pro-Lukashenko state-funded NGO Belarusian Republican Youth Union (BRYU). In addition, the Government employed and encouraged a widespread system of informants organized into civilian patrol squads. At the beginning of the year, there were an estimated 3,633 civilian patrol squads with as many as 43,000 members. In July 2006 Interior Ministry official Andrey Solodovnikov stated that civilian patrols at educational institutions were formed to encourage students to become law-abiding citizens. Solodovnikov said that almost 200 "voluntary" squads had been created, with 49 of them policing higher educational institutions, 77 operating at general educational schools, and 66 at vocational training schools. According to Solodovnikov, universities offer discounts on tuition to patrol members. University students reported that proof of BRYU membership was often needed to register for popular courses or to acquire a dormitory room.

There also were reports that authorities threatened to punish family members for alleged violations or opposition activities by relatives. On February 9, credible sources reported that the 80-year-old mother of independent pollster Andrey Vardomatskiy received threatening telephone calls apparently related to Vardomatskiy's public opinion surveys regarding the Government.

There were numerous reports of family members of opposition activists losing their jobs at government controlled organizations. For example, in March the Vitebsk school district fired Tatyana Severinets, mother of a former political prisoner and opposition youth leader, from her job as a high school teacher. Severinets, who was considered a model teacher for the previous 14 years, was fired allegedly for attending a teachers' conference in Warsaw without permission. On September 27, Olga Kozulina, the daughter of imprisoned opposition leader Aleksandr Kozulin, was fired from a private enterprise, ostensibly for unauthorized absence when she attended a conference in Lithuania in July.

Other parts of this report contain information related to this subsection; see subsection 2.a.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The law provides for freedom of speech and of the press; however, the Government did not respect these rights in practice.

On April 12, during a press conference, President Lukashenko stated that control of radio and television stations remains a high priority for the Government and that private stations would not be allowed to operate in the country. He also stated that state publishing houses would never sign contracts with independent media publications that violated media laws.

Individuals could not criticize the Government publicly without fear of reprisal, and authorities impeded criticism of the Government by videotaping political meetings, conducting frequent identity checks, and other forms of intimidation. The law also limits freedom of expression by prohibiting the wearing of masks and use of unregistered flags, symbols, and placards bearing messages deemed threatening to the Government or public order.

The law limits the freedoms of speech and assembly by criminalizing actions such as giving "false" information about the political, economic, social, military, or international situation of the country to a foreigner; providing information on government agencies or the rights of citizens; participating in the activities of unregistered

NGOs and in public demonstrations; training people to demonstrate publicly; financing public demonstrations; and soliciting foreign countries or international organizations to “act to the detriment” of the country. Violations are punishable by up to 3 years in prison.

In April 2006 the Organization for Security and Cooperation in Europe (OSCE) reported that freedom of the media had deteriorated in the country over the previous few years, with fewer independent media outlets and greater use of administrative pressures by the Government to limit free expression.

The highest circulation newspapers and other publications were state owned and printed only materials supportive of the Government. There were some independent small circulation newspapers and magazines, many of which criticized the Government. However, local authorities frequently warned independent editors to avoid certain topics and not to criticize the Government. Authorities also warned businesses not to advertise in newspapers that criticized the Government.

During the year the Government did not grant permits to any new independent newspapers.

State-owned stores continued to refuse to sell all but eight independent newspapers. While independent newspapers could still be purchased from independent vendors, their circulation was seriously restricted by these measures.

During the year the state-owned postal system, Belpochta, and the state-owned kiosk system, Belsoyuzpechat, continued refusing to deliver 14 and to sell 16 independent newspapers, including Brestskiy Kuryer, Vitebskiy Kuryer, Nasha Niva, Intex-Press, Lyakhavitskiy Chas, and Tovarishch. In addition, Belpochta announced that it was removing three popular Russian newspapers from its mail subscription list, Kommersant, Moskovskiy Komsomolets, and Nezavisimaya Gazeta. According to media analysts, the newspapers were banned due to their critical reporting of President Lukashenko’s policies.

International media, including Deutsche Welle and Reuters, were generally permitted to operate, but not without some interference and harassment. Euronews and Russian channels TV Center, NTV, and RTR were generally available, although in many parts of the country only through paid cable services. However, their news programs were at times blocked or replaced with local programming. In March 2006 cable television company Kosmos Television stopped transmitting Russia’s RTVi channel to 57,000 subscribers, citing technical problems. RTVi Director Mikhail Borshchevskiy reported receiving an order from authorities to cut off transmission during the election. Broadcasts from other countries, including Poland and Lithuania, could be received in parts of the country, usually along the border.

The Government tightly controlled the content of domestic broadcast media. In January 2006 President Lukashenko declared that the country’s radio and television industry “is an integral part of state policies and ideology, a powerful communication tool for subjects of society.” In July 2006 Lukashenko signed an order empowering the State Security Council to control the distribution of radio frequencies. By October there were 60 television and 156 radio broadcasting companies officially registered by the Government. There were 55 registered nonstate broadcast outlets; all were subject to strict control by national and regional authorities.

Only state-run radio and the state-run television networks ONT, the First National Channel (formerly Belarusian Television), and Capital Television were allowed to broadcast nationwide. The Government continued to make use of its virtual monopoly on television and radio broadcasting to disseminate its version of events and to minimize opposing points of view. State television coordinated its propaganda documentaries with the country’s security services. For example, the First National Channel frequently aired video footage of meetings between opposition activists and representatives of international organizations and foreign Embassies that was filmed by security-service personnel.

State-owned broadcast media continued to marginalize the political opposition by depicting it negatively or ignoring it altogether.

During the campaign for local elections, the Central Election Commission granted candidates a single 5-minute radio spot free of charge. However, numerous opposition candidates reported that radio stations systematically denied them the full 5 minutes, aired their speeches at off-peak hours, or did not broadcast them at all. For example, authorities in Gomel did not broadcast opposition candidate Vladimir Shitikov’s address. Immediately after recording the speech, which sharply criticized the Government’s policies, the local election commission charged Shitikov with an unspecified violation of the electoral code. On January 3, the Berezovskiy radio station failed to broadcast opposition candidate Anatoliy Sakharusha’s radio spot during peak listening hours. Sakharusha’s address was moved to another, less popular time. However, campaign statements by government-backed candidates were broadcast twice during peak hours.

Local independent television stations operated in some areas and reported local news relatively unhindered by the authorities; however, most were under government pressure to forego reporting on national issues or be censored. Such stations were frequently pressured into sharing materials and cooperating with authorities to intimidate local opposition and human rights groups during meetings with foreign diplomats.

The Government harassed and arrested journalists. On January 14, during the campaign for local elections, authorities in Vitebsk charged 65-year-old independent journalist and human rights advocate Valeriy Shchukin with insulting election committee officials by distributing leaflets that alleged vote-rigging. On June 8, a local court fined Shchukin \$578 (1,240,000 Belarusian million rubles) and ordered him to pay \$117 (250,000 Belarusian rubles) in "moral damages." A higher court rejected Shchukin's appeal on July 25.

On March 19, a Grodno court sentenced Igor Bantser, correspondent for the independent Polish Magazine in Exile, to 10 days in detention for allegedly swearing in public. The arrest followed Bantser's series of articles highly critical of a progovernment Polish organization.

On July 12, police in Shklov briefly detained Solidarnost newspaper reporter Alena Yakzhyk for photographing a house belonging to President Lukashenko's wife. Police did not release Yakzhyk until she deleted the photographs.

On October 8, the BKGB in Grodno summoned two independent journalists for questioning about their alleged connection to the Polish BelSat satellite television network. The next day, the prosecutor's office in Grodno summoned independent journalist Ivan Roman as a witness. However, authorities instead questioned Roman about his articles that were posted on the Web site of the independent Polish radio station Radio Racyja on grounds that they "discredited state institutions."

On September 10, authorities in Baranovichi detained photographer Vasil Fedaseyenko and reporters Sevyaryn Kvyatkowskiy and Viktor Drachov as they covered the arrest of opposition leader and former political prisoner Pavel Severinets and 20 other peaceful demonstrators outside a courthouse.

Some foreign journalists were prevented from entering the country or were detained or arrested after their arrival. For example, on July 16, border guards near Brest escorted Polish independent journalist Waclaw Radziwinowicz off a Moscow-bound train and detained him for 5 hours before ordering him to return to Poland. In February 2006 border guards turned away Radziwinowicz, who had a visa and press accreditation, as he attempted to enter the country to cover the 2006 presidential elections.

Under the law, the Government may close a publication after two warnings in 1 year for violating a range of restrictions on speech and the press. In addition, regulations give authorities arbitrary power to prohibit or censor reporting. The State Committee on the Press can suspend periodicals or newspapers for 3 months without a court ruling. The law also prohibits the media from disseminating information on behalf of unregistered political parties, trade unions, and NGOs.

The Government censored the media. Authorities frequently imposed heavy fines on journalists and editors for criticizing the president and his supporters, and many publications were forced to exercise self-censorship. Authorities fined, warned, or jailed members of the media who publicly criticized the Government. The libel law makes no distinction between private and public persons in lawsuits concerning defamation of character. A public figure who was criticized for poor performance while in office may sue both the journalist and the media outlet that disseminated the critical report.

On September 18, the prosecutor general questioned opposition party leader Anatoliy Lebedko regarding criticism Lebedko posted on the Internet of the Government's decision to suspend another opposition party. Prosecutors warned Lebedko to respect the court and obey the law.

On October 1, a Minsk court fined independent newspaper Narodnaya Volya \$11,655 (25 million Belarusian rubles) and one of its journalists \$932 (2 million Belarusian rubles) for allegedly defaming Oleg Proleskovskiy, head of the Main Ideological Office of the Presidential Administration.

On December 20, a Minsk court ordered independent newspaper Novy Chas and journalist Aleksandr Tamkovich to pay \$22,223 (50 million Belarusian rubles) and \$465 (1 million Belarusian rubles), respectively, to a member of Parliament, Nikolay Cherginets, for libel. Despite defense arguments that Tamkovich's article was mainly an analysis of information posted on Cherginets' own Web site, Judge Alena Ananich ruled that Tamkovich and the paper had defamed the lawmaker by linking him to a controversial Soviet-era criminal prosecution and criticizing his involvement in the state-controlled writers' union.

The Government took numerous other actions during the year to limit the independent press, including limiting access to newsprint and printing presses. Several independent newspapers, including *Narodnaya Volya* and *Tovarishch* printed materials in Russia because domestic printing presses (mostly state-owned) refused to print them. Other independent newspapers, such as *Solidarnost*, disseminated Internet-only versions due to printing and distribution problems created by the Government.

During the year the Government confiscated independent and opposition newspapers. For example, on July 27, authorities briefly detained two editors and a distributor of the unregistered independent newspaper *Nash Mogilyov* and seized 109 copies of the paper. On September 27, police in Minsk raided the editorial offices of the opposition newspaper *Tovarishch* and confiscated 9,600 copies of the paper.

Authorities also seized leaflets and other printed materials the Government deemed to be illegally printed. On February 27, BKGB officers raided an apartment in Minsk and confiscated 200,000 allegedly illegal leaflets that promoted better relations with the European Union. On September 26, police seized approximately 800 leaflets from a small business association that encouraged market vendors to commemorate *Entrepreneurs' Day* on October 2.

In December 2006, opposition candidates in the January 14 local council elections complained that Minsk-based printers refused to print their campaign leaflets. They said that printers often demanded written permission from the Central Election Commission. State-owned printing presses often claimed they were "backlogged" with orders, and private presses openly said that the BKGB pressured them not to print opposition materials.

*Internet Freedom.*—The Government restricted access to the Internet, and monitored e-mail and Internet chat rooms. Many individuals and groups could not engage in the peaceful expression of views via the Internet, including by electronic mail.

On August 2, while visiting the largest state-controlled newspaper, *Sovetskaya Belorussiya*, President Lukashenko declared, "it is time to end the anarchy in the Internet." Two weeks later, deputy information minister Aleksandr Slabadchuk announced creation of a government working group to review laws that apply to the Internet in order to better identify those responsible for online violations.

The Government telecommunications company *Beltelekom* has a monopoly on Internet service, allowing authorities to monitor practically all e-mail. On February 10, the Government issued a decree ordering Internet cafe owners to maintain records on their customers and submit them to government security services.

In February 2006 the Ministry of Communications announced new laws effectively giving *Beltelekom* and other organizations authorized by the Government the exclusive right to maintain Internet domains.

In the run-up to the annual March 25 Freedom Day rallies marking the country's 1918 independence from Russia, there were numerous reports that the Government blocked independent media Web sites, including *Solidarnost*, *Nasha Niva*, and *Charter 97*. In response to the Government's interference and Internet restrictions, many opposition groups and independent newspapers switched to Internet domains operated outside the country. According to credible sources, the remaining few independent media sites with domestic ".by" domains practiced heavy self-censorship during campaigning for local elections in January and in the run-up to the March 25 demonstrations.

*Academic Freedom and Cultural Events.*—The Government restricted academic freedom, in part by requiring educational institutions to teach an official state ideology that combined reverence for the achievements of the Soviet Union and for the country under the leadership of President Lukashenko. Use of the word "academic" is restricted. In June 2006 President Lukashenko signed a decree prohibiting any NGO from including the word "academy" in its title.

During the year authorities dismissed teachers and researchers on political grounds. For example, on March 19, the state-controlled Belarusian National Academy of Sciences forced doctoral candidate Yauhen Anishchanka to resign as a senior history researcher, a position that Anishchanka had held for nearly 20 years. According to credible sources, authorities regarded Anishchanka's research on late 18th-century Russian imperialism as failing to comply with state ideology.

In November 2005 Education Minister Aleksandr Radkov issued a directive that all schools, including private institutions, are political bodies, which must follow state orders and cannot be headed by opposition members. Radkov also asserted his right as minister to appoint and dismiss the heads of private educational institutions. On February 7, Education Ministry official Yuriy Miksyuk reaffirmed this right while addressing members of the country's Parliament.

The Government tasked the state youth organization, BRYU, with ensuring ideological purity. Students reportedly were pressured to join the BRYU to receive benefits and rooms in dormitories, and local authorities pressured BRYU members to campaign on behalf of government candidates. In addition, authorities at times pressured students to act as informants for the country's security services.

Government-mandated textbooks contained a heavily propagandized version of history and other subjects. In June 2006 President Lukashenko stated that government censorship of texts was necessary because modern books about heads of state and historical personalities contain "80 percent lies," and those about Soviet-era leaders Vladimir Lenin and Joseph Stalin contain "100 percent lies."

In March the government-controlled Supreme Certification Commission rejected a history thesis by doctoral candidate Irina Kashtalyan on the grounds that it insinuated that "the Soviet state was not a natural mother but an evil, heartless stepmother" that "contravened human nature." On March 16, police confiscated approximately 1,000 history books by dissident Belarusian historians from a private apartment.

At least 20 students were dismissed during the first 9 months of the year for political activities. Credible sources noted that this was lower than the more than 100 reported politically motivated expulsions in 2006 and that university authorities formally cited poor academic performance or missed classes as reasons for expulsion. For example, on May 15, the country's Presidential Management Academy expelled civil society activist Yuriy Aleynik for alleged truancy. Despite his "A" grade average, physician's statements explaining his absences, a petition signed by 250 fellow students in his support, in July and October, Minsk courts ruled against his reinstatement.

The expulsions were consistent with a 2005 directive from the ministry to educational institutions to expel students that engaged in antigovernment or unsanctioned political activity and to maintain the proper ideological education of students. The expulsions were also consistent with other efforts by the defense and foreign affairs ministries to curb study abroad because such programs allegedly "threaten the country's security" and posed life threatening dangers.

The Government also restricted cultural events. Authorities denied civil society leaders Igor Rynkevich and Viktor Ivashkevich permission to organize a July 27 concert commemorating Belarus' 1990 declaration of independence, because it would interfere with preparations for Minsk City Day, which is held in September. In 2006 authorities denied writer Vladimir Orlov and activists Valentina Svyatskaya and Aleksandr Zhuchkov permission to hold a similar concert.

During the year the Government continued to force opposition theater groups into venues such as bars and private apartments and to suppress unofficial commemorations of historical events. This included Free Theater's productions of *Techniques of Breathing in a Closed Space*, which was based on the testimony of the wives of missing dissidents. On August 22, police raided a Minsk apartment during the Free Theater's performance of *Eleven Vests* and detained 50 actors and theatergoers, including three small children, for several hours at a police station.

On September 8 and 9, Orsha police arrested 57 activists, including prominent singer-songwriter Andrey Melnikov and poet Ales Pushkin, after sealing off the venue for a traditional festival. Although authorities released most activists, a court sentenced Pushkin to 7 days in jail for petty hooliganism.

Other parts of this report contain information related to this subsection; see subsections 1.b, 1.d, 1.e, 2.b and sections 3 and 4.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The law provides for freedom of peaceful assembly; however, the Government severely restricted this right in practice. Only political parties, trade unions, or registered organizations may request permission for a demonstration of more than 1,000 persons. Police and other security officials beat and detained demonstrators following unsanctioned but otherwise peaceful demonstrations.

By law organizers must apply at least 15 days in advance for permission to conduct a demonstration, rally, or meeting. Government officials must respond no later than 5 days prior to the scheduled event. However, authorities either did not grant permits to opposition groups or granted them only for demonstrations in out-of-the-way locations. Moreover, authorities used intimidation and threats to discourage people from participating in demonstrations, regularly issued heavy fines or jail sentences for participating in demonstrations for which they had refused permission, and took other measures to restrict the ability of prodemocracy and civil society groups to meet.

On March 19, authorities in Minsk denied civil society activists permission to rally in October Square to commemorate the March 25 Freedom Day anniversary. As activists rallied, police used city buses to obscure the demonstration and drowned out speakers with loudspeakers broadcasting police warnings about demonstrating in unauthorized locations. Elsewhere in Minsk, police forcibly dispersed 300 activists who attempted to gather in October Square in spite of the ban.

On September 25, authorities in Brest denied local opposition activists permission to hold a series of rallies near residential areas to protest the Government's abolition of social benefits. Nationwide, out of 450 applications, authorities approved only three permits for demonstrations to protest the benefit cuts. In many cases authorities violated the law by failing to respond at least 5 days before the planned demonstrations or by failing to give a reason for denying the permits. During the year demonstrations in Minsk varied in size from a few participants to approximately 5,000 persons. Authorities maintained strict surveillance of all demonstrations, and police and plainclothes officers openly videotaped participants.

Police also used preemptive arrests to combat protests. According to the local human rights NGO Vyasna, authorities detained at least 45 activists on charges of public obscenity or petty hooliganism in the run up to the opposition's annual March 25 Freedom Day demonstration.

For example, on March 13, police arrested human rights defender Vyacheslav Sivchik and opposition party leader Vintsuk Vyachorka for allegedly swearing and urinating in public. They were found guilty on April 4 but were released without punishment.

In the run-up to the July 27 anniversary of the country's independence from the Soviet Union, authorities detained or arrested more than 60 activists. On July 23, police arrested activists and opposition party leaders Pavel Severinets and Aleksey Shein; they were sentenced the next day to 15 days in jail for organizing unsanctioned demonstrations.

On December 12, authorities forcibly dispersed a peaceful pro-Belarusian sovereignty demonstration on the eve of Russian President Putin's visit to Belarus. Chanting "Long live Belarus," up to 50 opposition activists converged on Minsk's October Square with European Union and traditional Belarusian flags. Approximately 100 uniformed riot police violently shoved the demonstrators, and several bystanders who voiced support for the demonstrators, off the square. During the crackdown, police severely beat opposition youth leader Dmitriy Fedaruk, who was hospitalized with serious head injuries.

As in previous years, the Government failed to protect demonstrators from violence and used unrestrained or indiscriminate tactics to disband demonstrations. According to credible sources, in some instances, the Government encouraged and coordinated with progovernment groups to instigate violence at opposition demonstrations. For example, at the November 4 "Social March," about 50 members of the progovernment skinhead group Belaya Volya (White Will) attacked opposition demonstrators who were peacefully protesting the Government's reduction of benefits to students, retirees, and children. Despite the numerous security officials filming the march, no arrests were made. State television later used this video footage in an attempt to discredit the demonstrators.

In March 2006 up to 12,000 persons gathered on and around October Square to protest the fraudulent outcome of the presidential election. Security forces arrested approximately 250 persons and transported them to Okrestina jail. Most received 5- to 15-day jail sentences for participating in unauthorized demonstrations. On March 25, after approximately 7,000 persons attempted to gather in October Square to protest the crackdown and to celebrate the anniversary of Freedom Day, riot police forcibly prevented demonstrators from entering the square. They used smoke and stun grenades to break up the rally, which was led by opposition leaders Aleksandr Milinkevich and Aleksandr Kozulin. Kozulin was arrested together with at least 100 people and brutally beaten by police.

*Freedom of Association.*—The law provides for freedom of association; however, the authorities severely restricted it in practice.

The Government enforced an elaborate system of laws and strict registration regulations to restrict formation of associations that might be critical of the Government or immune to manipulation by the authorities. All NGOs, political parties, and trade unions must register with the Ministry of Justice. It is illegal to act on behalf of an unregistered organization.

The Government's registration procedures were costly and onerous, requiring applicants to provide the number and names of founders, along with a legal address in a nonresidential building. Individuals listed as members are vulnerable to retribution. The Government's refusal to rent office space to unapproved organizations and the expense of renting private space forced most organizations to violate the



nonresidential address requirement, which allowed the authorities to deregister existing organizations and deny registration of new ones.

On July 21, the Justice Ministry denied registration to the civil society NGO For Freedom led by former opposition presidential candidate Aleksandr Milinkevich on grounds of improper payment of registration fees and irregularities in the organization's charter. On September 21, the Supreme Court rejected Milinkevich's appeal to overturn the denial. On December 18, the Supreme Court rejected a second appeal on the grounds that the organization's founding conference violated the country's mass events law.

On August 17, a Minsk appeals court refused to overturn a lower-court ruling denying registration of the opposition youth group Malady Front on grounds that it might participate in upcoming parliamentary elections and cause "political destabilization." Over the past decade, authorities denied Malady Front registration six times. During the year, eight Malady Front members were convicted of participating in an unregistered organization.

On September 25, the Minsk City Court issued a temporary injunction against the Justice Ministry's order to liquidate the civil-society NGO Supalnasts, one of the oldest prodemocracy NGOs in the country. In July the ministry moved to close Supalnasts because of its alleged activities with the Belarusian Association of Democratic NGOs. The case remained pending at year's end.

On October 26, the Supreme Court denied a registration appeal by the human rights NGO Vyasna. The justice ministry had refused to register the NGO because its name is identical to an organization the Supreme Court liquidated in 2003; its application contained misspelled names, and because its "vague" charter implies the opportunity for the NGO to engage in activities that are not stated in the charter.

During the year the Ministry of Justice again reported that it continued to issue written warnings to NGOs, political parties, and trade unions, and that the courts continued to suspend or deregister NGOs and political parties for "systematic or severe violations of the law." Harassment in the form of inspections by security officials and confiscation of political literature, usually without warrants, was widespread.

A government commission reviews and approves all registration applications. During the year it continued to base its decisions largely on the political and ideological compatibility of the applicant with the Government's authoritarian philosophy. For example, one of only a few remaining nationally registered human rights organizations, the Belarusian Helsinki Committee, remained under threat of closure for alleged tax violations.

Other parts of this report contain information related to this subsection; see subsections 1.c, 1.d, 1.e, 2.a, 2.d, and sections 3 and 4.

*c. Freedom of Religion.*—The law provides for freedom of religion; however, the Government restricted this right in practice. While the Constitution affirms the equality of religions and denominations, it also contains restrictive language, stipulating that cooperation between the state and religious organizations "is regulated with regard for their influence on the formation of spiritual, cultural, and country traditions of the Belarusian people."

The Government continued to use the restrictive provisions of the law on religion to hinder or prevent activities of groups other than the Belarusian Orthodox Church. In particular the law restricts the ability of religious organizations to provide religious education, requires governmental approval to distribute literature, and prohibits foreigners from leading religious organizations. A concordat and other arrangements with the Government provide the Belarusian Orthodox Church, which is a branch of the Russian Orthodox Church and the only officially recognized Orthodox denomination, privileges not enjoyed by other religious groups.

Despite the Orthodox Church's favored status, the Government warned church leaders about its "excessive influence." In December 2006 President Lukashenko met with church bishops to explain his "pragmatic" approach to the church after it complained about an article in a state newspaper that warned citizens about church teachings that weaken state ideology.

The law requires that religious organizations register with the Office of the Plenipotentiary Representative for Religious and Nationalities Affairs of the Council of Ministers (OPRRNA) or with local and regional governments. During the year the OPRRNA refused to register some nontraditional religious groups, making their meetings illegal. As of January 1, the OPRRNA reported that 25 religious denominations with 3,103 religious organizations were officially registered.

The OPRRNA continued to deny registration to what it considered nontraditional faiths, mainly Protestant groups, such as the New Life Church and the Belarusian Evangelical Church. Most Christian communities campaigned for amendments to the country's 2002 religion law that severely suppresses freedom of religion by re-

stricting their activities and legalizing criminal prosecution of individuals for their religious beliefs.

On April 22, Christian communities, including Protestants and Catholics, some Orthodox priests, and the unregistered Belarusian Christian Democracy movement, launched a petition campaign calling for the repeal of the 2002 religion law. On May 8, the Belarusian Orthodox Church, which receives funding and other benefits from the government, urged believers not to sign the petition, claiming that the law helps maintain peace and stability in the country. At year's end the campaign reported collecting over 40,000 of the 50,000 signatures needed to initiate change.

According to government regulations, residential property can only be used for religious services if it has been officially converted from residential use. Thus, all religious organizations must reregister their properties. However, authorities continued to reject reregistration requests from many Protestant churches and other nontraditional faiths. As a result, the groups often were forced to meet illegally or in the homes of individual members.

The Government continued to deny registration to the Minsk-based Hare Krishna community. The group was forced out of its office in a vehicle service station following an inspection in December 2006 by government authorities. The inspectors, however, allowed all other tenants to remain. The Minsk and Bobruysk Hare Krishna communities had searched for a legal address since being denied registration in 2004. They attempted to register at the service station, but authorities denied the application.

In December 2006 authorities issued a written warning to Pastor Nikolay Borichevskiy of the Grace of Jesus Church in Krupki village for violating residence permit regulations. When Borichevskiy asked why he received the warning, officials responded that his repeated criticism of the Government drew their attention. The Government continued to limit the ability of groups to own or use property for religious purposes. For example, the case involving registration of the New Life Church in Minsk remained unresolved at year's end. The church faced closure because authorities refused to register it at a barn it owned and wished to use for worship; its unregistered status made all its activities illegal. In July 2006 the Minsk City Economic Court ordered the group to vacate the barn and to sell the property to the city at a price far below market value. At year's end the Supreme Economic Court has indefinitely postponed the group's appeal.

The law allows persons to gather in private homes to pray but requires that individuals obtain permission from local authorities to hold rituals, rites, or ceremonies in homes. Police interfered with religious meetings in residences several times during the year, and sometimes arrested and fined participants.

Baptists, Pentecostals, and other Protestants were warned or fined for illegally conducting religious services based on charges of disturbing public order or illegally gathering without prior permission. On April 11, authorities issued an official warning to Sergey Nesterovich of the unregistered God's Transfiguration Brotherhood for regularly conducting illegal religious meetings in his apartment and collecting donations. In March the BKGB raided his apartment during a prayer meeting, confiscated written materials, and questioned attendees.

On May 27, police officers arrested Antony Bokun, a pastor of the registered St. John the Baptist Church. On May 28, a court convicted him of conducting an illegal service and fined him \$290 (622,050 Belarusian rubles). On June 4, a Minsk district court judge sentenced Bokun to 3 days in prison for leading an unauthorized religious service in his home.

On August 24, a Baptist pastor in Brest, Viktor Orekhov, was fined \$60 (128,700 Belarusian rubles) for organizing a church summer camp at a private farm. Authorities accused him of leading an unregistered religious organization and educating children illegally. Two months earlier, in June police interrogated the children and threatened to close the camp. There were credible reports that local authorities and school teachers threatened students who attended Baptist Sunday schools and intimidated their parents.

On October 26, a district judge fined Baptist pastor Gennady Ryzhkov \$115 (248,000 Belarusian rubles) for leading religious services of an unregistered Evangelical Christian Baptist church in Osipovichy.

On December 14, a Baranovichy district court judge fined Baptist pastor Dmitriy Osyko \$65 (140,000 Belarusian rubles) for leading an unregistered religious organization, and Stepan Paripa and Nikolay Pestak \$160 each (350,000 Belarusian rubles) for providing residential premises for illegal services.

There also were credible reports of government interference with religious travel. On January 3, the Belarus-based Christian Human Rights House reported that authorities stopped and searched a bus carrying approximately 40 young Catholics and

Protestants at the Belarus-Poland border for about 5 hours. The group was returning to Belarus after a pilgrimage to Croatia.

The law allows citizens to speak freely about their religious beliefs; however, authorities continued their efforts to prevent, interfere with, or punish persons who proselytized for any religious group other than the Belarusian Orthodox Church.

For example, the Government continued to harass and fine Hare Krishnas for illegally distributing religious literature. In January authorities confiscated 14 books and fined a member \$15 (32,000 Belarusian rubles) for illegally distributing religious material.

On July 3, Minsk police raided an apartment and arrested activists Denis Sadovskiy and Tatyana Usinovich and four others for organizing a signature campaign to change the country's restrictions on religious freedom. Although authorities released the activists without charges several hours later, they confiscated several religious books and campaign leaflets.

The Government did not permit foreign missionaries to engage in religious activities outside of their host institutions. The law requires 1-year, multiple-entry "spiritual activities" visas for foreign missionaries. Observers expressed concern that lack of standardized government guidance on implementing visa laws could affect the ability of missionaries to live and work in the country.

The law also prohibits the establishment of offices by foreign organizations whose activities incite "national, religious, and racial enmity" or could "have negative effects on the physical and mental health of the people." On May 30, authorities fined Polish citizen Yaroslav Lukasik, an unofficial pastor of the St. John the Baptist Church, \$14 (31,000 Belarusian rubles) for conducting unauthorized religious services at a fellow pastor's home; he was subsequently deported for "repeated violations of laws regulating the presence of foreigners."

On December 23, Polish citizen Grzegorz Chudek, who led the Holy Trinity Catholic parish in Rechytsa for 14 years, was forced to leave the country. Local authorities denied him registration over failure "to have a dialogue" with them. They also accused him of defaming Rechytsa in an interview with a Polish magazine and called departure "Chudek's personal problem."

Foreign citizens officially in the country for nonreligious work can be reprimanded or expelled if they participate in religious activities.

On March 14, authorities deported a Protestant U.S. citizen humanitarian aid worker, claiming he was involved in activities "aimed at causing damage to national security." Also in March authorities refused to renew a U.S. citizen's humanitarian-work visa, forcing him to leave the country. Authorities had questioned him after he addressed a Bible college graduation ceremony in May 2006.

In June judges in Mogilyov reversed an order to deport seven U.S. citizens, who were banned from the country for 2 years on charges of illegal teaching and illegal religious activities. Authorities claimed the seven had failed to obtain prior permission from the Ministry of Education before teaching English at a house of worship.

In October 2006 authorities refused to renew visas for 12 Polish Catholic nuns and priests who had been working in the Grodno region for more than 10 years, citing the need to provide local graduates of the Catholic seminaries with jobs.

On September 19, Deputy Prime Minister Kosinets ordered that foreign clergy in Belarus would be replaced with graduates of local religious schools within 7 years. He cited foreigners' lack of local language skills and unfamiliarity with the "traditions and mentality of Belarusians" to justify the policy.

The law does not provide for the return of property seized during the Nazi occupation or the Soviet period and restricts the return of property being used for cultural or educational purposes. However, in July 2006 authorities returned the Holy Trinity Church in Minsk to the Roman Catholic Church. During the year the Government also permitted the St. Pokrovsky Orthodox Cathedral use of a building in Grodno and granted the St. John the Baptist community a plot of land and permission to build a church in Minsk.

On December 6, Roman Catholic Church Archbishop Tadeusz Kondrusiewicz told the media about the talks with the Minsk city authorities to return the former Bernardine monastery and church to the St. Joseph Catholic parish in Minsk. On August 28, Minsk city authorities informed the parish of the suspension of conversion of the monastery into a hotel. More than 30,000 believers signed a petition urging return of the buildings, but no decision had been made by year's end.

*Societal Abuses and Discrimination.*—There was a generally amicable relationship among religious groups and a widely held ethic of tolerance; however, hostile or intolerant attitudes by some media outlets encouraged negative attitudes toward some minority religious groups. The Belarusian Orthodox Church took some steps to counter propaganda that discriminated against other religious groups.

On May 12, a host on state television referred to the God's Grace Church community as a "totalitarian and destructive cult," accusing members of swindling money from sick people and warning that the wealthy "frequently become the focus of cults' attention."

On June 3, state television aired a program presenting Pentecostals and Full Evangelical Protestants as cults.

On June 15, the state newspaper Respublika published an article titled "New Crusaders" that compared Catholic missionary activities to the Crusades and characterized the involvement of Pope John Paul II and his alleged collaboration with the U.S. Central Intelligence Agency in the fall of communism as a "devilish enterprise." Respublika apologized after the Polish community criticized the article and called for criminal charges against its author and the newspaper's editor. In December 2006, Respublika urged authorities to treat "new" religions with extreme caution, alleging that religions such as Scientology, Kabbalah, and Buddhism combine different beliefs and practices that "do not teach their followers anything good."

Unlike in previous years, state-owned periodicals did not attack Jewish religious groups; however, the sale and distribution of anti-Semitic literature through state press distributors, government agencies, and stores affiliated with the Belarusian Orthodox Church continued. Anti-Semitic and Russian ultra-nationalist newspapers and literature, DVDs, and videotapes continued to be sold at the Orthodox bookstore in Minsk. An anti-Semitic tract written by a researcher at the Belarusian National Academy of Sciences was also available there. Since the state-run academy approved publishing the book, Jewish leaders and human rights activists considered it to be indicative of the Government's ideology.

On October 12, President Lukashenko blamed Jewish residents for poor living conditions in the southeastern town of Bobruysk. Speaking extemporaneously to Russian journalists, Lukashenko was quoted as saying "If you have been to Bobruysk, have you seen the condition of the city? It was scary to enter; it was a pigsty. It was mainly a Jewish city, and you know how Jews treat the place where they live." His remarks, which were published in the Minsk edition of *Komsomolskaya Pravda*, were widely condemned as anti-Semitic; some foreign governments called for a retraction and an apology. Lukashenko denied charges of anti-Semitism, and his comments were not rebroadcast or reprinted in state-controlled media. However, on October 26, President Lukashenko attempted to revise his remarks, stating "if someone says that anti-Semitism is thriving in Belarus or that we are oppressing the Muslim population here, do not believe it."

According to government census figures, there were approximately 28,000 Jews in the country, but Jewish groups maintained that between 50,000 and 70,000 persons identified themselves as Jewish. During the year the number of anti-Semitic incidents increased; however, anti-Semitic acts were investigated only sporadically and the Government did not promote antibias and tolerance education.

In February vandals damaged the Star of David on a memorial plaque in Kurapaty honoring Jewish victims of Stalinist purges.

On March 1, vandals removed part of a metal plaque on a monument memorializing the killing of the Minsk ghetto Bremen Jews.

On March 16 and January 1, respectively, police closed criminal investigations into the November 2006 vandalism of the Yama Holocaust memorial and the Israeli Information and Cultural Center in Minsk for lack of suspects. Vandals had desecrated the memorial with swastikas and left behind neo-Nazi and anti-Semitic leaflets signed by the Belaya Rus Aryan Resistance Front. The statement "Beat the Jews!" was painted on the center. Authorities dismissed the vandalism as teenage hooliganism; state media coverage of the incidents referred to Jewish culture as "alien to Belarus."

On May 9, vandals set fire to flowers laid at the monument to the victims of the Brest Jewish ghetto, the eighth act of vandalism at the monument since its construction in 1992 and the second in 2007. By the year's end, police had concluded their investigation of suspects in the case and sent it to court for prosecution. On May 3, Borisov police opened a criminal case for vandalism at the Jewish cemetery involving the removal or damaging of 16 tombstones in April. The case remained open at year's end; no suspects were identified.

On October 11, Jewish community members in Bobruysk discovered 15 smashed gravestones in the city's Jewish cemetery. It was the fourth attack on the graveyard since the beginning of the year. Anti-Semitic graffiti appeared near the cemetery and grave fencing was damaged earlier in the year. Other cemeteries in the city were also damaged. Police identified three suspects and sent the case to court.

Jewish community and civil society activists continued to express concern over the concept of a "greater Slavic union," popular among nationalist organizations, including the Russian National Union (RNU), which remained active despite its official

dissolution in 2000. On July 27, a Gomel court sentenced an RNU activist to 6 months in jail for participating in an unregistered organization. The Belarusian Helsinki Committee voiced concern over the mild sentence, citing that the criminal code provides harsher punishment for inciting ethnic and religious hatred.

In May local authorities in Volozhin rescinded a threat to confiscate a 200-year-old Jewish religious school that was returned to the Jewish community in the 1990s. The community began renovations with the help of a foreign group.

During the year there were several incidents of arson and burglaries of property belonging to other faiths. On January 15, vandals overturned six gravestones in a Muslim cemetery in Slonim that contains the graves of Russian Muslim soldiers killed in World War I. The attack was the third act of vandalism at the cemetery since 1996.

On December 14, a Mozyr district court sentenced four youths, believed to be followers of Satanism, to 7 years in jail over church arson attacks. On March 27, vandals set fire to the Roman Catholic St. Michael Church in Mozyr and drew satanic graffiti on the exterior walls.

In December 2006, vandals set fire to the Orthodox St. George Church in Mozyr, completely destroying its roof and interior walls. The remaining external walls were covered with graffiti.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The law provides for freedom of movement; however, the Government at times restricted its citizens' right to foreign travel and to choose a place of residence. Internal passports served as primary identity documents and were required for permanent housing, work, and hotel registration.

Police continued to harass individuals because they lived at a location other than the legal place of residence indicated in their internal passport.

The law provides for freedom of movement in and out of the country; however, the Government at times restricted this right. For example, citizens were required to obtain an exit stamp to travel abroad. On December 17, President Lukashenko abolished exit stamps in favor of a computerized system that verifies the validity of passports. At the same time, however, he authorized the Interior Ministry to ban travel by individuals who had access to state secrets, were facing criminal prosecution or civil suits, and persons with outstanding financial commitments.

In late December authorities included opposition party leader Anatoliy Lebedko on the travel ban list because he faced allegations of libel against government officials. Authorities also banned travel by opposition youth leader Aleksandr Atroshchenkov. Human rights observers feared that additional opposition activists would likely be included on the Government's travel ban list, which will include the names of an estimated 100,000 persons.

In some cases opposition activists wishing to travel abroad were detained at the border for lengthy searches while leaving or returning to the country.

On January 25, a Minsk court fined former presidential candidate Aleksandr Milinkevich \$2,173 (4,650,000 Belarusian rubles) for mistakenly using his son's passport. In November 2006 airport authorities detained and charged Milinkevich with using a forged document to cross a border after he returned from a North Atlantic Treaty Organization summit in Latvia. On September 22, police turned back spectators traveling by bus to an opposition rock music festival "The Right to Be Free" in the Ukrainian city of Lutsk. Police stopped the buses on the pretext that they exceeded the speed limit. The passengers were put on another bus and transported back to Minsk under police escort. Belarusian musicians who were to perform at the festival reached the Ukrainian border and were allowed to cross after waiting 6 hours.

In October 2006 Union of Belarusian Poles chair Anzhelika Borys and two associates were detained for 7 hours upon their return to the country after authorities claimed they found an unidentified powder in the car in which they were traveling. Authorities seized the car and subjected the group to a drug test. In December 2006 authorities confiscated Borys' passport in connection with the investigation.

Under a presidential decree, any student who wishes to study abroad must obtain permission from the Minister of Education. The decree, ostensibly intended to counter trafficking in persons, also requires the Ministry of Interior to track citizens working abroad and travel agencies to report individuals who do not return from abroad as scheduled.

The law requires persons who travel to areas within 15 miles (25 kilometers) of the border to obtain an entrance pass. In 2005 police arrested several prodemocracy activists for violating this law after holding meetings in towns near the border. On July 17, police in Ostravets prevented former presidential candidate Aleksandr

Milinkevich from meeting with supporters by detaining him for questioning about his presence in the border area.

The law does not allow forced exile; however, the Government expelled long-term resident, Polish citizen, and Protestant minister Yaroslav Lukasik. On May 8, authorities canceled Lukasik's residency permit due to his alleged involvement in "activities aimed at causing damage" to national security. Lukasik had lived in the country for 8 years with his Belarusian wife and three children.

Many university students who had been expelled or were under threat of expulsion for their political activities opted for self-imposed exile. Approximately 400 students chose to continue their studies at foreign universities, mostly in Europe, during the academic year.

The law provides for internal exile or *khimya* (see Section 1.c.).

The law provides for the right to emigrate, and the authorities generally respected this right; however, there were restrictions for individuals with access to sensitive government information or citizens involved in criminal investigations. Persons who have been refused permission to emigrate have the right of appeal.

*Protection of Refugees.*—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. Under the law, all persons who applied for or received asylum are protected against "refoulement," the return of persons to a country where there is reason to believe they faced persecution.

While all foreigners have the right to apply for asylum, authorities continued to refuse asylum applications from citizens of the Russian Federation. Both migration authorities and courts argued that, according to the treaties on the creation of the union between Belarus and the Russian Federation and on equal rights of the citizens, Russian and Belarusian citizens have equal rights.

Asylum seekers have freedom of movement within the country but must reside in the region where they filed their applications for refugee status and in a place known to the authorities. According to credible sources, authorities often require asylum-seekers to settle in rural areas. Change of residence is possible only with notification to the authorities. Registered asylum seekers are issued certificates that serve as identification documents and protect them from refoulement. In accordance with the law they must also register with local authorities to obtain internal passports.

The authorities cooperated with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

*Stateless Persons.*—Under the law, citizenship is derived either by birth within the country's territory (*jus soli*) or from one's parents (*jus sanguinis*). A child of a Belarusian citizen is a Belarusian citizen regardless of place of birth, even if the other parent is not a citizen. Children of stateless or unknown parents are citizens only if born in Belarus.

According to official statistics, the number of stateless persons totaled 8,025 by year's end. Arbitrary detention of and violence against stateless persons generally were not problems. However, according to credible sources, stateless persons faced discrimination in employment because authorities often required them to settle in rural areas and forbade them from seeking jobs outside the regions where they were registered to reside. In practice, stateless persons were unable to change their region of residence.

Other parts of this report contain information related to this subsection; see Section 5.

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

The law provides the right for citizens to change their government peacefully; however, the Government effectively denied citizens this right. The Constitution allows the president to issue decrees, a provision Aleksandr Lukashenko has interpreted broadly to effectively undermine the rule of law in the country.

Since his election in 1994 to a 5-year term as the country's first president, Lukashenko has consolidated power steadily in the executive branch and dominated all branches of government. Referenda in 1996 and 2004 amended the Constitution to broaden his powers and extend his term in office. In March 2006 Lukashenko gained a third term in office through a fraudulent presidential election. In January Lukashenko consolidated his rule through local elections that failed to meet international standards.

*Elections and Political Participation.*—Members of the OSCE international election observation mission were not allowed to enter polling stations or observe the vote count of the January 14 local elections. According to independent domestic observers and prodemocracy candidates, election commissions and local authorities routinely denied local observers access to voter information and prevented them from adequately observing the vote count. In several cities, domestic observers said they were required to stand as far as 20 yards (18 meters) away from ballot boxes. In Brest, police prevented an opposition candidate from observing a vote count by detaining him on a parking violation. Elsewhere independent observers reported that police and ideology officers confronted them inside polling stations, despite regulations prohibiting police presence.

The human rights NGO Belarusian Helsinki Committee (BHC) described such reports as consistent with broader election problems. According to the BHC, voter lists remained a “tightly held secret,” which prevented observers from checking for fraud. Moreover, BHC observers witnessed ballot boxes with broken seals, numerous violations of official ballot counting procedures, and unauthorized persons at polling stations after polls were closed.

Despite the irregularities, Central Election Commission chair Lidiya Yermoshina announced that 79 percent of the country’s 7 million voters cast ballots. According to credible sources, however, voter turnout ranged from 30 to 60 percent. In the 2003 local elections, 80 opposition candidates won seats, as compared with 16 opposition candidates in the January election.

Throughout the campaign, opposition candidates faced significant inequities, including severe government restrictions on access to broadcast media and venues for campaign rallies. Moreover, state-owned printing houses refused to produce opposition leaflets, and there were numerous credible reports of BKGB pressure on privately-owned printing services not to contract with opposition candidates. Furthermore, authorities virtually excluded opposition parties from the election process by denying them positions on territorial and precinct election commissions.

The process for registering candidates highly disadvantaged the opposition, and election commissions applied double standards to opposition nominees. For example, the Central Election Commission allowed political parties, labor collectives, and initiative groups 1 month to nominate candidates for 22,641 seats. Candidates nominated by registered parties needed only to fill out minimal forms, including income and asset declarations. However, candidates nominated by unregistered parties and organizations, which were the majority of opposition nominees, had to collect 150 signatures in Minsk and major regions and 20 in smaller villages. According to numerous credible reports, authorities intimidated many who signed petitions into retracting their signatures. While applications from government candidates were accepted without review, the smallest error in applications from opposition candidates resulted in registration denial.

By late December 2006, the Central Election Commission had registered only 181 opposition-party candidates out of 23,791 total candidates. According to the three major opposition parties, authorities denied registration to 48 to 55 percent of their nominees. The head of the Central Election Commission conceded that territorial election commissions had been “excessively scrupulous” in registering candidates.

The March 2006 presidential election, which was observed by more than 500 international observers from 38 countries, fell significantly short of international standards for democratic elections. According to the OSCE’s final election observation report, the election was characterized by arbitrary use of state power and widespread detentions. Problems included pressure from the BKGB on domestic election observers; scant and restricted media coverage of the three candidates opposing Lukashenko; highly questionable early voting; and ballot counting that was problematic and lacked transparency.

In November 2006 President Lukashenko stated during a press conference that the March 2006 presidential election results were falsified in favor of opposition candidates to appease Western leaders. Speaking to journalists, he said he actually won as much as 93.5 percent of the vote instead of the 83 percent announced by the Central Election Commission. He said the outcome was underreported in an attempt to have the results recognized by European and other western leaders.

During the year, authorities either detained or arrested opposition activists and often seized their private property or campaign materials. Authorities also regularly interfered with peaceful election-related demonstrations. Activists who participated in or led demonstrations were arrested.

Political parties continued to receive government warnings for minor offenses under the political parties law, which allowed authorities to suspend political parties for 6 months after one violation, and close them after two warnings. The law also prohibited political parties from receiving support from abroad. In September

2005 the Ministry of Justice issued a separate ruling that required political blocs and coalitions to register with it. On August 9, citing alleged inaccuracies in application documents, the Ministry of Justice again denied registration to the Union of Leftist Parties (ULP). The ministry refused to register the ULP in December 2006 because the bloc held its October 2006 founding convention abroad.

By September, the justice ministry had issued warnings against several opposition parties, including the Belarusian Popular Front, the Belarusian Social Democratic, Gramada, the Belarusian Social Sports Party, the Republican Party, and the Social Democratic Party of People's Concord.

Under the political parties law, the Government also moved to suspend or liquidate opposition parties. On August 2, the Supreme Court upheld a 6-month suspension of the Belarusian Party of Communists (BPC) because the Ministry of Justice could not confirm the membership of 200 of the more than 1,500 persons listed as BPC members.

On October 11, the Supreme Court upheld a Justice Ministry suit to liquidate the Belarusian Women's Party, Nadzeya, because of alleged irregularities in the party's charter and registration of regional chapters. Despite a 3-year statute of limitations, the decision cited several alleged violations dating back to 1999.

There were 32 women in the 110-member lower house of the National Assembly, and 18 women in the 56-member upper house. Women chaired one of the National Assembly's 20 committees. There was one woman in the 39-member Council of Ministers, and the head of the Central Election Commission was a woman. With the exception of the judiciary, men held virtually all leadership positions.

No high level members of government or Parliament openly identified themselves as members of a minority, although several were Polish or members of other ethnic groups.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption; however, the Government did not implement these laws effectively and officials engaged in corrupt practices. The World Bank's worldwide governance indicators reflected that corruption was a serious problem in the country.

Corruption in the executive branch of government was a significant problem, with a poor delineation between the president's personal and official funds, and a heavy reliance on off-budget revenues.

Between January and August authorities uncovered approximately 2,000 corruption-related offenses mainly by low- and mid-level officials, including 666 bribery cases. Of that number, 464 government officials were convicted of embezzlement and 316 of other abuses of power.

During the year there were several high-profile corruption prosecutions; however, prosecution was highly selective and politically motivated.

On June 9, authorities charged Aleksandr Barovskiy, Chair of the country's petrochemical corporation, Belneftekhim, with corruption. With earnings in 2006 of \$585 million (1.3 trillion Belarusian rubles), the state-run enterprise controls 20 percent of the country's total economy. On December 22, the prosecutor general announced that Barovskiy would be tried by the Supreme Court in January 2008. Barovskiy was arrested on May 29 and remained in pre-trial detention at year's end.

On June 29, the Supreme Court's military panel sentenced the former head of the State Customs Committee's Department for Control Organization, Sergey Dmitriyev, to 13½ years in prison for allegedly organizing a criminal ring that involved 14 customs officials, and for accepting bribes and helping companies evade customs duties.

On July 16, President Lukashenko relieved CEC member and former First Deputy Head of the Presidential Administration's Main Ideological Office Vladimir Kholad from his duties after his June 30 arrest on charges of accepting a \$35,000 bribe. On September 25, the Prosecutor General's Office sent Kholad's case to the Supreme Court. By October, Kholad still awaited trial to answer accusations of large-scale fraud and solicitation of bribes.

In November 2006 military courts convicted approximately 50 border guards and customs officials for accepting bribes to allow some 600 trucks enter the country without import duties. A former border control unit head, 13 border guards, five customs officers, and two civilians were sentenced to between 5 and 14 years in prison; 27 inspectors received sentences of up to 7 years in prison.

On January 29, a new anticorruption law took effect that expanded the list of professions vulnerable to corruption, designated the prosecutor general's office as the coordinator of anticorruption efforts, and prohibited government officials from having foreign bank accounts or engaging in nepotism. However, several weeks earlier, on January 5, President Lukashenko appointed his son, Viktor, to the country's Security Council despite existing civil service laws that prohibit the appointment of immediate relatives to government positions.



The law, government policies and a 2004 presidential decree severely restrict public access to government information. In practice citizens had some access to certain categories of information on government databases and Web sites; however the information was often neither current nor complete.

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

Several domestic human rights groups were active in the country; however, authorities hindered their efforts to investigate alleged human rights violations. Authorities monitored NGO correspondence and telephone conversations and harassed NGOs with frequent inspections and threats of deregistration. The Government ignored reports issued by human rights NGOs and rarely met with these groups. Official government media did not report on human rights NGOs and their actions; independent media that reported on human rights issues were subjected to closure and harassment.

The Government has officially closed (deregistered) most major human rights NGOs and NGO resource centers under a variety of pretexts, which independent observers viewed as politically motivated. Many of the closures were based on a 2005 law that allows authorities to close an NGO after just one government warning about violations of the law. The violations most frequently cited were discrepancies between the seal presented during registration and the seal used in practice; inaccuracies in an organization's letterhead; use of a mailing address at a residence rather than a registered office; alleged forgeries among the signatures required to obtain legal registration; and failure to follow the organization's own bylaws. The law also allows authorities to close an NGO for illegally accepting foreign assistance and allows the Ministry of Justice to participate in any NGO activity, review any NGO document, and request any information. It also requires NGOs to present detailed reports annually to the Ministry of Justice about their activities, office locations, names of officers, and total number of members.

The law prohibits persons from acting on behalf of unregistered NGOs, and the Government continued to prosecute persons for this offense. During the year, eight activists, including three minors, were convicted and fined or officially warned for acting on behalf of Malady Front, an unregistered opposition youth organization. In August 2006, four leaders of the domestic election NGO Partnership received from 6 months to 2 years in prison for action on behalf of an unregistered NGO. In November 2006, Malady Front leader Dmitriy Dashkevich was sentenced to 18 months in prison for leading an unregistered organization.

During the year authorities continued to harass the Belarus Helsinki Commission (BHC), the country's most significant registered human rights NGO, as well as other registered and unregistered NGOs. On October 5, the Supreme Economic Court rejected the BHC's suit to declare illegal a decision by the Council of Ministers not to intervene on its behalf.

In December 2006, authorities seized BHC office equipment as partial payment of a \$75,000 (160 million Belarusian rubles) fine for back taxes on international funding. The BHC appealed the fine, but it was rejected by both the prosecutor general and the Supreme Economic Court. The seizure followed Ministry of Justice charges in May 2006 that the commission had violated the law and its charter.

Authorities were increasingly reluctant to discuss human rights with international NGOs, whose representatives often had difficulty gaining admission to the country.

On October 23, President Lukashenko abolished a 2002 decree that granted discounts on rental of office space for nonprofit NGOs. Several local human-rights and civil-society NGOs reported that their rental fees could increase by 10 times and force their organizations' closure.

In July, the mandate of the U.N. special rapporteur on Human Rights for Belarus expired. Government authorities had refused to cooperate with the rapporteur, Adrian Severin, since his appointment in July 2004 by repeatedly refusing him entry into the country to assess the human rights situation. In September 2006 Severin reported that the human rights situation in Belarus had deteriorated "to such an extent that the elements usually defining a dictatorship could be seen." According to Severin, civil and political rights were limited, cultural rights were ignored, and economic and other rights were conditional on obedience to the authorities.

On September 21, the International Helsinki Federation appealed to the Parliamentary Assembly of the Council of Europe to declare Article 193.1 of the Criminal Code a violation of the universal right to freedom of association. The article criminalizes directing and managing unregistered organizations; it was used to sentence leaders of the Partnership and Malady Front NGOs to prison. In November 2006, the federation had appealed directly to the Government to abolish the article.

In December 2007, the U.N. General Assembly for a second consecutive year adopted a resolution expressing deep concern over the human rights situation in the country; particularly the Government's "persistent" harassment and prosecution of opposition activists and independent NGOs, and the Government's failure to hold a free and fair presidential election.

Other parts of this report contain information related to this subsection; see subsections 1.d, 1.e, 1.f, 2.a, 2.b, 2.d, and Section 3.

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

The law prohibits discrimination based on race, gender, disability, language, or social status; however, the Government did not always protect these rights in practice. Violence against women and children, trafficking of persons, and discrimination against persons with disabilities, Roma, ethnic minorities, and homosexuals were problems.

*Women.*—The law criminalizes rape in general, but does not include prohibitions against spousal rape. Rape was a problem and most women did not report the incidence of rape due to shame or fear that police would blame the victim. The Ministry of Interior reported 306 cases of rape or sexual assault by year's end.

Domestic violence, including spousal abuse against women, was a significant problem. In 2006 Amnesty International stated in a report that measures taken by the authorities to protect women against domestic violence were insufficient. The criminal code does not contain a separate article to prosecute cases of domestic violence.

Women remained reluctant to report domestic violence due to fear of reprisal and social stigma. NGOs operated crisis shelters primarily in Minsk, but they were poorly funded and received limited support from the Government.

The law prohibits prostitution, but the penalties were minor and not punishable as a criminal offence. Although authorities and human rights observers reported that prostitution was not a significant problem, anecdotal evidence indicated that it was growing, particularly in regions outside the main cities. Prostitution rings operated in government-owned hotels. According to city police, about 230 women in Minsk had a past police record of prostitution, with 65 persons charged with prostitution during the year.

Sexual harassment was reportedly widespread, but no specific laws other than those against physical assault address the problem.

The Ministry of Labor and Social Security is responsible for ensuring gender equality, although it cannot issue binding instructions to other government agencies. The law provides for equal treatment for women with regard to property ownership and inheritance, family law, and in the judicial system, and was generally respected in practice. The law also requires equal wages for equal work, although this provision was not always enforced. There were very few women in the upper ranks of management or government. In March 2006 the Ministry of Statistics and Analysis reported that women made up approximately 67 percent of persons who were unemployed. Employers interviewing candidates for jobs often took into account whether a female applicant had children.

The law grants women the right to take 3 years of maternity leave with a guarantee of job availability upon return. However, the mandatory 1-year contract system authorities implemented to strengthen control over workers and allow employers to dismiss employees unfavorable to the Government unintentionally served as a vehicle for employers to violate women's employment rights. Employers often refused to renew a woman's contract when they noticed that she was pregnant, circumventing employment protections.

*Children.*—The authorities were committed to children's welfare and health. In urban areas the quality of education and other services for children exceeded minimum state standards, although it was lower outside of major cities.

Free, compulsory primary education was universally available. Children begin school at age 6 and are required to complete 9 years of education; most children completed compulsory schooling. The state provided 12 years of free education and in many cases paid for university education; students who received higher education at public expense were required to work for 2 years after graduation in government-directed jobs.

By law universal free government health care was available and provided to children, although the quality of care provided was uneven. Beginning in 2005, the Government discouraged medical rehabilitation trips abroad for children and restricted certain groups of children living in Chernobyl-affected areas from traveling abroad for rehabilitation. Many observers viewed the move as an effort to limit opportunities for children to experience living conditions abroad.

Child abuse appeared to occur infrequently. The country's criminal code does not contain a separate provision on child abuse. Under a presidential decree passed in

November 2006, authorities have the right to remove children from abusive or neglectful family situations. In the first half of 2007, authorities placed 301 minors in the care of child welfare authorities in the Minsk region.

Child marriage was not generally a problem. However, within the Romani community, girls as young as 14 and boys as young as 16 married frequently with parental consent.

The National Adoption Center reported that there were approximately 32,900 orphans in the country. During the year there were reports of abuse and mistreatment in orphanages. As an alternative to orphanages, the law allows military units to adopt and train orphan boys between the ages of 14 and 16. While the children are not enlisted in the military, they must comply with military rules, wear a uniform, and obey orders. They have the option to join the unit upon reaching the draft age of 18.

*Trafficking in Persons.*—The law prohibits all forms of trafficking in persons; however, trafficking remained a serious problem, and Belarus continued to be both a supply and transit country.

By year's end, the Ministry of Interior reported 97 cases of trafficking in persons, as well as 344 trafficking-related cases, such as prostitution and kidnapping for sexual exploitation. Authorities also registered approximately 418 trafficking victims, of whom 378 were trafficked for sexual exploitation (including 22 minors) and 40 for labor exploitation (including one minor). In contrast with 2006, the ministry reported 560 cases of trafficking in persons and registered approximately 463 victims of trafficking, 375 for sexual exploitation and 88 for labor exploitation. Trafficking for the purpose of forced labor—particularly of men to Russia—increased significantly in 2007.

Women were mainly trafficked to European Union countries (particularly Germany, Poland, the Czech Republic, Lithuania, and Cyprus), the Middle East (particularly Israel and the United Arab Emirates), Turkey, Russia, Ukraine, and Japan. Trafficking to Russia presented a particular problem, both because of its open border, but also because Belarusian authorities tended to downplay problems with Russia due to political considerations. Most female victims of trafficking were seeking a way to escape bad economic circumstances or domestic situations. Local NGOs asserted that more government intervention against domestic violence and alcoholism would greatly reduce the number of women seeking employment abroad.

Ministry of Interior reports indicated that traffickers were members of loosely organized crime networks with connections to larger international organized crime rings, brothels, clubs, or bars in destination countries.

Traffickers lured victims through advertisements, modeling and employment agencies, and personal approaches through friends and relatives, offering jobs abroad and soliciting marriage partners. Traffickers often withheld victims' documents and used physical and emotional abuse, fraud, and coercion to control victims. In January authorities charged 13 executives of Belarusian modeling agencies with trafficking more than 600 women for prostitution to France, Turkey, and the United Arab Emirates between 2002 and 2005.

The law criminalizes trafficking in persons for sexual or other kinds of exploitation. A March 2005 presidential decree allowed the confiscation of property of convicted traffickers and increased prison sentences. The penalty for trafficking is a minimum of 5 years' imprisonment with property forfeiture, while the punishment for severe forms of trafficking is a minimum of 12 years' imprisonment with forfeiture.

In the first 10 months of 2006 (the last year for which statistics were available), authorities convicted 172 persons for trafficking-related offenses, as compared with 84 persons for the first 6 months in 2005, and 67 persons for the first 6 months in 2004.

In August, Minsk police initiated criminal proceedings against nine persons on charges of running a brothel with women from rural areas, who received only clothes and food as compensation.

Antitrafficking efforts within the Government were coordinated by the Interior Ministry's Department on Combating Trafficking in Human Beings, although NGOs were more active in prevention and rehabilitation. Government sources stated that victims were more likely to trust an NGO than government sources of assistance. Antitrafficking NGOs and international organizations complained that the Government provided insufficient and mostly in-kind assistance and failed to provide mandatory funding for victim assistance. NGOs actively participated in training government workers in rehabilitation but were dissatisfied with implementation by regional authorities.

The Interior Ministry established the International Academy for Antitrafficking, which graduated its first class of trainees in July. The center was partially funded

by the International Organization for Migration (IOM), with training provided in part by the antitrafficking NGO La Strada.

Reports continued that corrupt law enforcement and border officials facilitated trafficking by accepting bribes or by ignoring trafficking; however, there was no indication that the Government systematically facilitated or condoned trafficking. The State Control Committee investigated allegations of official corruption through the Interagency Commission for Combating Crime, Corruption, and Drug Trafficking.

According to international organizations, while the Government made significant progress in antitrafficking enforcement measures, it did not provide funding to implement victim protection mandated by law and relied almost exclusively on NGOs and international organizations to provide victim assistance. Antitrafficking agencies often pressured victims to cooperate in investigations.

Victims seldom reported trafficking crimes to police due to social stigma, aversion to dealing with authorities, and a shortage of social services and rehabilitation options. There were 156 government territorial social centers in the country, none of which specialized in victim assistance. To supplement the Government shelters, the U.N. Development Program, the IOM, and La Strada opened rehabilitation shelters for victims and their families. The IOM assisted 422 victims in 2006. La Strada provided training to many regional centers but expressed dissatisfaction with the follow-through, citing several cases where regional officers displayed skepticism or insensitivity towards victims.

La Strada and the Young Women's Christian Association had a hotline for women to call for advice and consultation regarding potentially trafficking-related employment or marriage offers. Since January 2001 the hotline received over 12,000 calls.

Presidential decrees have eliminated criminal responsibility for illegal acts committed by victims, defined the status of victims, and mandated measures to provide protection, medical care, and social rehabilitation, but only on the condition that victims cooperate in an investigation and prosecution.

The Government did not conduct any formal trafficking awareness programs during the year, although it did produce antitrafficking billboards and television and radio public announcements during the year. The Government continued to rely primarily on international organizations to implement measures mandated by antitrafficking legislation, such as prevention and rehabilitation efforts.

To deter trafficking, the Government required Internet dating services to reregister and provide information about citizens and foreigners planning to meet in person. Authorities continued to enforce strong measures introduced in 2005 to discourage and control freedom of movement, which they justified in part as antitrafficking measures.

*Persons with Disabilities.*—The law does not specifically prohibit discrimination against persons with disabilities in employment, education, access to health care, and other government services.

The Ministry of Labor and Social Security is the main government agency responsible for protecting the rights of persons with disabilities. The law mandates that transport, residences, and businesses be accessible to persons with disabilities; however, in practice, few public areas were wheelchair accessible. According to the Republican Association of Disabled Wheelchair Users (RADWU), the Government's 5-year program launched in 2001 to make public buildings accessible to persons with disabilities achieved minor results—ramps were installed on the exteriors of 300 buildings in Minsk, while the interiors remained inaccessible. RADWU estimated that more than 75 percent of persons with disabilities were unable to leave their own homes without assistance.

Authorities provided minimal benefits for persons with disabilities, most of which were ineffectual. For example, persons with disabilities who lived alone were entitled to a 50 percent discount on rent and utilities. Since few residences were accessible, most had to live with friends or family and thus were ineligible for the discount. Public transportation was free to persons with disabilities, but neither the subway in Minsk nor the bus system was wheelchair accessible. The Government prohibited employers from requiring persons with disabilities to work more than 7 hours a day with the unintentional consequence of making companies reluctant to hire them. The Government provided support only to state-operated facilities, although those run by NGOs were often better equipped and more responsive to persons with disabilities.

*National/Racial/Ethnic Minorities.*—There was governmental and societal discrimination against the ethnic Polish population and Roma. There were also expressions of societal hostility toward proponents of Belarusian national culture.

Authorities continued to harass the Union of Belarusian Poles (UBP). During the year authorities repeatedly questioned the chairman of the unrecognized organiza-

tion, Anzhelika Borys, and her associates about their activities. Police brought, then later dropped, drug smuggling charges against UBP member Andrzej Lisowski. Customs officers claimed to have found powdered amphetamine in the car in which he and Borys returned together from Vilnius following a meeting of the Union of Polish Communities in Europe. In July authorities reopened a previously dismissed 2005 assault case against four members of the group, only to close it a week later. In December 2006, authorities sentenced *Magazyn Polski* Polish magazine layout editor Aleksey Saley to 7 days in jail on charges of petty hooliganism.

There was significant official and societal discrimination against the country's 40,000 to 60,000 Roma. Government media and officials portrayed Roma negatively. In January 2006, the prosecutor rejected complaints by the Romani community about a documentary film shown on state television that portrayed Roma as criminals who began selling drugs in childhood. The prosecutor ruled that the documentary did not contain any discrimination or insults directed at the Romani community.

In April 2006, a group of men assaulted and beat Nikolay Kalinin, a leader in the Roma community and human rights activist, presumably because of his human rights work and involvement in monitoring the March presidential election.

There was high unemployment and low levels of education within the Romani community. In 2005 authorities estimated the unemployment rate among Roma at 93 percent. More than 80 percent of Romani youth did not finish secondary school, and were subject to harassment from non-Romani children and teachers. There was still no public school in Minsk for Roma, although there were schools for Jews, Lithuanians, and Poles. Roma were often denied access to higher education in state-run universities.

The Russian and Belarusian languages have equal legal status; however, in practice Russian was the primary language used by the Government. On September 18, the Constitutional Court's chief justice, Grigoriy Vasilevich, vowed to hold accountable government workers who discriminate against citizens who speak Belarusian. He described language discrimination as "not rare," but added that such discrimination was usually corrected.

Authorities occasionally made token concessions to Belarusian language usage, such as changing street signs to Belarusian, but substantive proposals to widen the language's usage were routinely rejected. Last year, both Russian- and Belarusian-language schools received new textbooks about Belarusian history and geography in Russian, despite prevailing practice that those subjects were taught in Belarusian.

The independent Belarusian Language Society submitted a petition to the Presidential Administration with several proposals, including the establishment of an exclusively Belarusian-language university. The Education Ministry rejected all of the group's proposals. Authorities also announced plans to remove works by prominent Belarusian authors from school literature courses.

Ultranationalist ethnic-Russian skinhead groups harassed organizations promoting Belarusian national culture. In November 2006 the neo-Nazi, Russian National Unity (RNU) group sent a letter to a theater in Vitebsk demanding that it stop staging Belarusian-language plays and translate all plays into Russian. Authorities refused to open a criminal investigation of the incident by the RNU, which is an unregistered organization.

In April 2006, unknown persons affixed emblems of Russia's ultra-left National Bolshevik Party to the Belarusian Language Society headquarters.

*Other Societal Abuses and Discrimination.*—Homosexuality is not illegal, although discrimination was a problem. Homophobia was widespread, and harassment occurred. According to a local gay rights group, government-controlled media discouraged participation in the protests following the March 2006 presidential election by saying they were part of a "gay revolution." In July 2006 state media broadcast a police expose of a Latvian diplomat in Minsk, whom authorities accused of distributing pornography. The program exploited his sexual orientation and included several minutes of hidden-camera footage of the diplomat engaging in homosexual activities. The police dropped the investigation several months later.

In November 2006 gay rights leaders were forced to cancel an international lesbian, gay, bisexual, and transgender conference after police raided an apartment, seizing conference materials and detaining organizers.

Societal discrimination against persons with HIV/AIDS remained a problem and the illness carried a heavy stigma despite greater awareness and increasing tolerance towards people infected with the virus. For example, maternity wards no longer had separate facilities for HIV/AIDS-infected mothers. However, the United Nations AIDS office reported that there were still numerous reports of HIV-infected individuals who faced discrimination. At year's end the Government reported that 8,631 Belarusians were infected with HIV.

*Section 6. Worker Rights*

*a. The Right of Association.*—The law allows workers, except state security and military personnel, to form and join independent unions voluntarily; however, in practice the Government did not respect this right. During the year the Government continued efforts to suppress independent unions, stop their activities, and bring all union activity under its control. Its efforts included frequent refusals to extend employment contracts for members of independent unions and refusals to register some unions.

The government-controlled Federation of Trade Unions of Belarus (FTUB) was the largest union, with an estimated 4 million members; however, that number was likely inflated, since the country's total workforce is approximately 4 million. The Belarusian Congress of Democratic Trade Unions (BCDTU) was the largest independent union organization, consisting of four constituent unions.

In 2005 President Lukashenko expressed his intention to see all workers become FTUB members. The Presidential Administration subsequently enacted several measures to increase membership. Two presidential decrees granted the FTUB and its affiliated unions privileges not extended to independent trade unions, including free office space in state-owned buildings and the exclusive right to inspect all businesses for compliance with wage regulations.

In October 2006, President Lukashenko signed a decree to eliminate the body previously responsible for the registration of trade unions. The Ministry of Justice now registers trade unions and several independent trade unions remained unregistered. Trade unions must be registered to conduct union activities and to negotiate collective bargaining agreements. Unregistered union members faced administrative and criminal charges for what authorities could deem as "illegal" activity.

Authorities continued to deny registration to Radio and Electronic Workers' Union (REP) chapters in Gomel and Mogilyov. On March 27, Mogilyov authorities refused to accept a petition from REP to register a local chapter that had attempted to reregister three times in 2006. According to REP, authorities refused to reregister the chapter because the REP office landlord had not agreed to register the office as the legal address due to harassment from the authorities. The union attempted to locate alternate office space, but other potential landlords backed out after threatening visits from authorities.

On March 20, the dean of the Brest State University, Aleksandr Pushkin, refused to reregister the Belarusian Free Trade Union's (BFTU) chapter, which has existed at the university since 1994. The BFTU lost its registration after the university stripped the chapter of its legal address. The BFTU lost appeals to the university administration in 2001 and 2004 to obtain a legal address and reregistration. The university rector also instructed four staff to resign their membership or face non-renewal of their contracts. All four chose to leave the union. On February 12, Borisov authorities finally agreed to register the local REP chapter 3 years after the union's initial application. On January 3, authorities denied REP reregistration for the fifth time because the font size on the application was 14 instead of 14.5.

As in the previous year, there were no reports that authorities tried to implement a 1999 presidential decree requiring independent trade unions to reregister to account for membership. Under the decree, unions had to enroll at least 10 percent of workers in an enterprise to register a local chapter, and have at least 500 members to form and register a national union.

The Government used a system of contracts with individual workers and administrative measures to discourage membership in independent unions and in regional, national, and international labor organizations.

Government employees and employees of state-owned businesses, which made up a majority of the workforce, worked under short-term contracts. While contracts could be signed for up to 5 years, most state employers issued work contracts for 1 year. Under a presidential decree, the minimum contract length for state employees was set at 1 year. Any contract for less than 1 year had to be agreed to in writing by a worker, and a worker's contract could not be terminated without a 2-week notice. However, authorities continued to use the contract system to discourage state employees from participating in independent union and political party activities, which they deemed to be "antigovernment" or "harmful" to society.

The case of fired REP activist Anatoliy Askerko from the Belarusian-German factory Frebor remained on appeal with the Supreme Court at year's end. Askerko was fired after he told his employer that he would sign a mandated 1-year contract only after exercising his right to discuss several points. Two lower courts upheld the dismissal. During court proceedings factory management presented a forged document purporting to show that Askerko belonged to the progovernment FTUB, which supported his firing.

On July 25, a Gomel-based state agricultural company Belarusnafta-Asobina notified security guard and REP activist Aleksandr Berasnev that his contract with the company would not be renewed. Berasnev maintained that he never signed a fixed-term contract with the company. On June 14, three men severely beat Berasnev on Belarusnafta-Asobina property during working hours. He suffered severe head injuries and spent 1 month in the hospital and at home recuperating. Berasnev associated his beating and termination of employment with a complaint he filed with the Gomel presidential aide and chief inspector, Viktor Shchetsko, about Belarusnafta-Asobina's abuse of labor regulations and mistreatment of employees. Authorities identified suspects in the beating but had not charged them by year's end.

In November 2006 the management of the Gomel Motor Park No. 1 refused to extend the work contract of REP chapter leader Andrey Baranov because of his union membership. The action followed a Justice Ministry decision that drivers at the Gomel Motor Park No. 1 could not join trade unions. In March 2006 police confiscated 70 REP applications from motor park drivers and sometimes helped management pressure union applicants to resign their membership. As a result, 20 drivers signed requests to leave REP. Of that number, six who were forced to quit the union lost their jobs anyway and all but one were refused work at other motor parks. Three workers successfully sued their former employer to receive 3 months wages, but were not reinstated.

In January the BCDTU regained a seat at the National Council of Labor and Social Issues. The BCDTU head called his union's presence on the council a positive step that would allow the Government and the independent unions to establish a dialogue. However, by year's end the council had not met since January, although its regulations call for a session at least once every 3 months.

Authorities and factory managers continued to discourage workers from maintaining membership in independent unions. For example, on March 13, a 22-year employee at the Belarusian Metal Works (BMZ) in Zhlobin, Anatoliy Stepanenko, filed a lawsuit against the BMZ administration for what he called discrimination against trade union activists. According to Stepanenko, the administration refused to put money in his retirement fund because he was not a member of the state union chapter at the factory. Stepanenko had earlier complained to the BMZ administration about the state union's violations of labor regulations, particularly its practice of enrolling workers as union members and diverting part of their salary to state union dues without their written permission.

On February 28, the Lyos factory administration pressured the Free Trade Union of Metal Workers (FTUMW) members to sign a petition stating their wish to leave the union and join the FTUB. According to union's leader, the administration informed FTUMW members that, if they did not sign the petition, their contracts would not be renewed.

In January 2006 Anatoliy Yakobuk, director of the Mogilyov Artificial Fiber Factory, refused to deduct union dues from REP member salaries. Management eventually relented, but complicated the process by requiring REP members to apply for the monthly funds transfer in writing.

In June 2006 the chapter of the Belarusian Independent Trade Union (BITU) that represents workers at the Grodno Azot chemical plant, one of the country's major chemical manufacturing industries, filed a complaint with the regional prosecutor's office claiming that Grodno Azot managers were forcing members to leave the union. During the year harassment of workers at the factory resulted in a decline in BITU membership from 800 to 300.

In June 2006, the BFTU at the Bobruysk tractor factory reported that its membership decreased from 500 to 350 after management presented members with an ultimatum: Leave the union and receive contract extensions and better wages or face unemployment.

The Government also directly targeted union leaders and activists. Two broadcasts on state-controlled television stations blamed REP chair Gennadiy Fedynich and BCDTU chair Aleksandr Yaroshuk for Belarus's loss of European Union tariff preferences on account of its labor practices.

In March 2006, the country's antiterrorist paramilitary group ALMAZ unsuccessfully tried to force its way into REP's office under the pretext of a bomb threat. Grodno REP activist Ivan Roman was later arrested and detained for allegedly planting bombs. Roman reported that ALMAZ officers threatened his life.

In April 2006, the administration of the Gomel Motor Park No. 1 dismissed employee and REP activist Aleksandr Evseychuk for absenteeism. According to Evseychuk, he was subpoenaed to appear in court, but allegedly returned to work too late to leave for a business trip.

In May 2006, the management of the Minsk Metro declined to renew the contract of Oleg Shcherbo, a BFTU member. The BCDTU attributed Shcherbo's dismissal to

his testimony about the Government's mistreatment of independent unions to a 2004 International Labor Organization Commission of Inquiry.

*b. The Right to Organize and Bargain Collectively.*—The law provides for the right to organize and bargain collectively; however, government authorities and managers of state-owned enterprises routinely interfered with union activities and hindered workers' efforts to bargain collectively, in some instances arbitrarily suspending collective bargaining agreements.

In 2005 President Lukashenko called for all employers to sign collective bargaining agreements with trade union leaders. However, employers and progovernment trade unions refused to include many independent trade unions in negotiations. Independent union leaders viewed the requirement for collective bargaining agreements as the beginning of a process that would strip unions of their negotiating power and independence; however, they also understood that failure to sign the collective agreements would prevent workers from receiving social benefits and protection.

On July 3, the BFTU walked away from negotiations with the administration of the Polotsk glass fiber factory Steklovolokno. According to BFTU chapter leader Viktor Stukov, the administration would not compromise on points in the collective agreement, particularly the guarantees on union activities. Progovernment union members were allowed to leave work for union activities, participate in discussions with the administration on the firing/layoff of workers, and have free office space on factory territory. The BFTU was not offered these conditions.

Managers at the Belshina Tire factory in Bobruysk continued to deny registration of the BITU chapter. In September 2006, Belshina managers refused to pay BITU members bonuses offered to non-BITU members. In November 2006 managers paid the bonuses only after BITU leader Yelena Zakhzhaya went on a 43-day hunger strike.

The law provides for the right to strike; however, tight government control over public demonstrations made it difficult for unions to do so. Management and local authorities also blocked worker attempts to organize strikes on many occasions by declaring them illegal.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children; however, there were reports that women, men, and children were trafficked for sexual exploitation and forced labor.

During the year the Government approved several "subbotniks," when workers "volunteered" to work on Saturday and donate earnings to finance government social projects. However, participation in the day-long labor was effectively mandatory for most government and state employees and many private businesses. Workers who refused to take part were subjected to fines and intimidation by employers and authorities.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The law protects children from exploitation in the workplace, including a prohibition on forced and compulsory labor, and specifies policies for acceptable working conditions; while the Government generally implemented these laws in practice, there were reports that children were trafficked for sexual exploitation.

The minimum age for employment is 16; however, 14-year-olds may conclude a labor contract with the written consent of one parent or legal guardian. The Prosecutor General's office reportedly enforced the law effectively. Minors under 18 were allowed to work in nonhazardous jobs, but were not allowed to work overtime, on weekends, or on government holidays. Work was not to be harmful to the minor's health or hinder their education.

*e. Acceptable Conditions of Work.*—The national minimum wage of \$70 (150,000 Belarusian rubles) a month did not provide a decent standard of living for a worker and family. Officially, the average monthly wage was \$342 (736,386 Belarusian rubles), although some employees received additional wages "under the table."

The law establishes a standard workweek of 40 hours and provides for at least one 24-hour rest period per week. Because of the country's difficult economic situation, many workers worked considerably less than 40 hours per week, and factories often required workers to take unpaid furloughs due to raw material or energy shortages or lack of demand. The law provides for mandatory overtime and holiday pay and restricts overtime to 4 hours every 2 days, with a maximum of 120 hours of overtime each year. The Government was believed to have effectively enforced these standards.

The law establishes minimum conditions for workplace safety and worker health; however, employers often ignored these standards. Workers at many heavy machinery plants did not wear even minimal safety gear. There is a state labor inspectorate, but the agency lacked authority to enforce employer compliance and



often ignored violations. The Ministry of Labor reported that 231 workplace fatalities occurred during the year, a 15.1 percent decline compared to 2006. For the year, 755 workers had been severely injured in workplace accidents or in work-related traffic accidents. The ministry reported that workplace accidents were caused by carelessness, poor conditions, malfunctioning equipment, and poor training and instruction. Thirty-two percent of workplace deaths and 10 percent of injuries occurred while workers were intoxicated. The ministry reported that these incidents led to the dismissal of 378 managers. The law does not provide workers the right to remove themselves from dangerous and unhealthy work environments without risking loss of employment.

---

## BELGIUM

The Kingdom of Belgium, with a population of approximately 10.5 million, is a parliamentary democracy with a constitutional monarch who plays a mainly symbolic role. The country is a Federal state with several levels of government, including national, regional (Flanders, Wallonia, and Brussels), community (Flemish, Francophone, and German), provincial, and local. The Council of Ministers (cabinet), led by the prime minister, holds office as long as it retains the confidence of the lower house (House of Representatives) of the bicameral Parliament. Federal parliamentary elections held in 2007 were free and fair. The elections were monitored by Organization for Security and Cooperation in Europe observers. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens, and the law and the judiciary provided effective means of addressing individual instances of abuse. The following human rights problems were reported: Overcrowded prisons, lengthy pretrial detention, the detention conditions prior to expulsion of children whose asylum applications were rejected, violence against women and ethnic and religious minorities, trafficking in persons, and racial and ethnic discrimination in the job market.

### RESPECT FOR HUMAN RIGHTS

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

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

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits such practices, and there were no reports that government officials employed them.

*Prison and Detention Center Conditions.*—Prisons met most international standards, but overcrowding remained a problem in a system where approximately 10,000 inmates occupied facilities with a capacity of 8,559. The Government upgraded some older facilities, but incarcerations outpaced construction. Almost half of all inmates were foreign nationals, with the latter also accounting for about half of those in pretrial detention. The large number of noncitizen inmates prompted the authorities to acknowledge cultural problems in the prisons.

In April 2006 a report by the Council of Europe's Committee for the Prevention of Torture (CPT) expressed concern about reports of mistreatment in police custody and about detention conditions at the special center of the Brussels national airport. This facility holds persons suspected of seeking to enter the country illegally. The report also noted that during a strike by prison wardens authorities failed to provide a decent quality of life for inmates. This failure occurred despite efforts by police, Belgian Red Cross, and civil protection teams to maintain security, family visits, and access to lawyers. In response to another concern raised by the CPT, the Government enacted legislation in March to provide better treatment of detainees in psychiatric wards, while transferring responsibility for deciding on their release from prison officials to sentence implementation courts.

During the year prison wardens staged several strikes to protest overcrowding and poor working conditions; similar strikes were carried out in 2006.

Juvenile prisoners between 16 and 18 years old who had committed serious offenses were sometimes held with adults.

The Government permitted visits by members of Parliament and independent human rights groups, and they visited during the year. A nationwide body, the Central Control Council, oversees the prisons.

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

*Role of the Police and Security Apparatus.*—The Federal Police Council, an anticorruption unit, and the Interior Ministry managed the operations of the Federal police forces. The Federal police were responsible for internal security and nationwide law and order. Local police operated branches in all 196 police districts. An independent oversight committee monitored police activities and compiled an annual report for Parliament. In May 2006 a Federal and local police code of conduct came into force. This development, which followed a scandal involving the Federal police's procurement service, led to creation of a national corruption monitoring committee.

In recent years a parliamentary oversight committee has handled over 2,000 complaints annually about police behavior. The complaints concerned discriminatory behavior, racism, failure to intervene, violations of privacy, and arbitrary detention. One in eight complaints led to formal action, including prosecution of some offenders. The oversight committee in 2006 also conducted an investigation into police conduct in connection with the expulsion of rejected asylum seekers. During the year the committee issued reports on police and prostitution, and on jail and detention conditions.

*Arrest and Detention.*—Under the Constitution, an individual can only be arrested while committing a crime or by order of a judge that must be served within 24 hours of the time of arrest. The law provides a person in detention the right to a prompt judicial determination of the legality of his detention, and the authorities generally respected this right. Detainees were promptly informed of charges against them. There is a functioning bail system, but during 2006 there was mounting controversy over the conditional release system, which was viewed by some as being too lenient.

The fundamental rights of inmates are protected through legislation enacted in 2005 and 2006. During the year newly established implementation courts became responsible for handling release issues. Legislation was enacted allowing the authorities to keep inmates imprisoned after they completed their sentences if the court determines that their release may endanger the public.

According to 2006 figures, pretrial detainees made up 34.7 percent of the prison population. The average length of pretrial detention was 90 days.

*e. Denial of Fair Public Trial.*—The Constitution and law provide for an independent judiciary, and the Government generally respected this provision in practice.

*Trial Procedures.*—The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. All defendants are presumed innocent and have the right to be present, to have counsel (at public expense if necessary), to confront witnesses, to present evidence, and to appeal.

Judges of juvenile courts have a wide range of possibilities for mediation and sentencing young offenders. Young offenders committing serious crimes can be tried by a regular court for adults, but with youth judges present, and these offenders can be incarcerated in special youth detention centers until the age of 23.

The law authorizes jurisdiction over war crimes and crimes against humanity outside the national territory when the victim or perpetrator is a citizen of, or resides in, the country. In July the Brussels Court of Assizes handed down a 20-year prison sentence to a Rwandan national living in Belgium for his role in the Rwandan genocide of 1994.

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

*Civil Judicial Procedures and Remedies.*—There is an independent and impartial judiciary in civil matters. Plaintiffs can seek damages either individually or through specialized organizations for human rights violations under the applicable anti-discrimination legislation.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law prohibits such actions, and the Government generally respected these prohibitions in practice. In March Parliament responded to public pressure for vigorous anticrime measures by enacting legislation giving a firm legal basis for the use of surveillance cameras in public areas (such as metro stations and shopping malls) and on private premises (such as stores). The law outlined stringent criteria for the use of cameras, including limitations on the retention of recorded images.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution and law provide for freedom of speech and of the press, and the Government generally respected these rights in

practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

The law prohibits public statements that incite national, racial, or religious hatred, including denial of the Holocaust. The maximum sentence for Holocaust denial is 1 year's imprisonment.

Individuals could criticize the Government publicly and privately without reprisal, and the Government made no attempts to impede criticism.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. In conjunction with the government, Child Focus, a government-sponsored center for missing and exploited children, developed programs to warn users of Web sites containing illegal content, especially child pornography.

Government incentives to expand Internet access increased the total number of Internet connections to 60 percent of all households.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*—The law provides for freedom of assembly and association, and the Government generally respected these rights in practice.

*c. Freedom of Religion.*—The Constitution and law provide for freedom of religion, and the Government generally respected this right.

The law accorded "recognized" status to six religions and a grouping of nonconfessional philosophical or secular organizations, each of which received benefits from the Federal and regional governments. The lack of recognized status generally did not prevent other religious groups from freely practicing their religions, and citizens generally practiced religion without official harassment or impediment. Scientologists, however, continued to experience a strained relationship with the Government. In September the Federal Prosecuting Office released an official statement announcing that it had completed its investigation into the case against Church of Scientology members and affiliated nonprofit organizations and was forwarding the file to the Chamber of Indictment, the body responsible for determining if there is sufficient evidence to warrant prosecution. A decision was pending at year's end. Lawyers associated with the church filed an official complaint against the public prosecutor for leaking news of the planned charge to the press.

Early in the year the Federal Government reached agreement on the text of a draft bill aimed at recognizing Buddhism as a "non-confessional" philosophical community meriting state support. The justice minister later announced that the Buddhist secretariat would begin receiving subsidies in 2008.

Since 1999 the Center for Information and Advice on Harmful and Sectarian Organizations (CIAOSN), an agency funded by the Justice Ministry that provides non-binding advice to the public, has produced 750 files on sectarian organizations, generally at the behest of members of the public requesting information about particular groups. Most queries handled by CIAOSN in 2006 and during the year concerned physical welfare and therapeutic organizations, Protestant denominations, Oriental faiths, small religions, New Age, Scientology, Catholic and dissident Catholic organizations, and Jehovah's Witnesses.

In December 2006, the Brussels Appellate Court ruled that the Interior Minister had wrongly denied a visa to Sun Myung Moon, founder of the Unification Church. The court ordered the Immigration Office to issue a visa, allowing Mr. Moon to attend a rally in the country.

During the year the Walloon regional government decided to recognize 43 mosques and the imams serving in them. The Flemish government recognized six mosques and another five were recognized by the Brussels regional government. The cities of Antwerp and Ghent issued bans on the wearing of headscarves for city employees having regular direct contact with the public.

*Societal Abuses and Discrimination.*—The Center for Equal Opportunity and the Fight Against Racism (CEOOR) counted some 50 anti-Semitic incidents between January and November. In 2006 and during the year there was a noticeable increase in Internet hate messages. In addition anti-Semitic graffiti on Jewish homes and insults against Jews on the streets were reported. The size of the Jewish community is estimated at 40–50,000.

The law prohibits public statements that incite national, racial, or religious hatred, including denial of the Holocaust. The maximum sentence for Holocaust denial is 1 year's imprisonment.

On January 2, Federal Employment and Labor Relations Minister Peter Vanvelthoven took Turkish youths from the town of Beringen on a visit to the Anne

Frank Museum in Amsterdam. This stemmed from an incident in November 2006 when the youths shouted abuse and threw stones at a group of Jewish boys visiting a coal mine museum. The youths were brought before a magistrate, who ordered them to perform community service, to pay damages, and to formally apologize to the Jewish boys.

In March a Hasselt judge handed down a community service sentence, or alternatively 7 months' imprisonment, to a man for shouting abusive anti-Semitic expressions and spitting at Israeli players during a soccer match between Belgium and Israel.

Anti-Muslim incidents also occurred during the year, but no data were available on their extent.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

The law prohibits forced exile, and the Government did not employ it.

*Protection of Refugees.*—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. The Government granted refugee status or asylum. In practice, the Government provided protection against “refoulement,” the return of persons to a country where there is reason to believe they feared persecution. This protection was granted to refugees coming from Ivory Coast, Iraq, Kosovo, Sudan, and Eritrea.

During the year 11,115 refugees applied for asylum, the lowest number since 2000. Most applicants came from Russia (Chechnya), Serbia, Iraq, Congo (DRC), and Afghanistan. Each year approximately 85 percent of applications are rejected.

During the year legislation came into force allowing the authorities to grant “subsidiary protection” to refugees not qualifying under the 1951 convention who could establish that upon return to their home country they would face the death penalty, torture, or other “inhuman” treatment. These refugees are entitled to material aid and have access to the labor market.

Regularization on the grounds of an unduly long application period, for urgent humanitarian reasons, and on medical grounds was granted to 11,630 applicants in 2006, and 11,335 during the year.

The Government cooperated with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

During the verification process by the Commissariat for Refugees and Stateless Persons, applicants for refugee status received housing from a municipal assistance commission and could establish residence anywhere in the country. They could be gainfully employed. If the application was rejected, the refugee could still be eligible for material aid.

Under legislation that came into force June 1, the vetting procedure was shortened, and, in order to expedite the growing number of pending cases, appeals were no longer handled by the Council of State, but by a separate body. Regularization of undocumented aliens remained under the jurisdiction of the Minister of the Interior.

Unaccompanied minor asylum seekers were assigned to designated special centers. Each individual applicant worked directly with a custodian whose task was to assist during the application process. School-age applicants were required to attend school.

Rejected asylum seekers were informed in writing and in person of the repatriation scenarios they could choose from. The government, in partnership with the International Organization for Migration, provided relocation assistance to unsuccessful asylum applicants who agreed to return voluntarily to their country of origin. Unsuccessful applicants who did not leave voluntarily were subject to forced repatriation.

During the year scores of asylum seekers took refuge in churches and went on hunger strikes. Most of them had stayed in the country illegally after their applications were rejected. The interior minister reiterated his position that individual asylum seekers could apply to regularize their status on humanitarian or medical grounds.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens aged 18 and older exercised this right through periodic, free, and fair elections held on the basis of universal suffrage. Voting in all elections is compulsory. Failure to vote is punishable by a nominal fine.

*Elections and Political Participation.*—General elections were held on June 11. The election resulted in losses for the Socialists and Flemish Liberals of the outgoing coalition of Prime Minister Guy Verhofstadt, and in gains for the opposition Flemish Christian Democrats and for the two Green parties. Following the election Yves Leterme, leader of the Flemish Christian Democrats, was tasked with forming a government. After 6 months of inconclusive negotiations, during which linguistic tension flared up, Leterme was forced to terminate his efforts. On December 21, an interim government of Christian Democrats, Socialists, and Liberals, headed by Prime Minister Verhofstadt, was sworn in by the king.

The law requires an equal number of male and female candidates on party tickets in European, federal, regional, provincial, and local elections. The Constitution and law require the presence of men and women in federal, regional, provincial, and local government executive positions. Failure to implement the law would nullify the elections and render any government created thereby illegal.

There were 51 women in the 150-seat Chamber of Representatives and 27 women in the 71-seat Senate; five of the outgoing 21 Federal cabinet ministers were women, and there were 12 female ministers among 34 regional ministers.

There were five members of minorities in the Chamber of Representatives and three in the Senate; one of the outgoing Federal cabinet ministers was a member of a minority group, and there were two minority regional ministers.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively. Corruption was not a serious problem, according to the World Bank's Worldwide Governance Indicators. Elected officials and high-level civil servants are required to disclose any regular private employment or public jobs they hold, and to provide confidential disclosure of their financial situation.

During the year 12 civil servants and 25 private contractors were formally indicted on active and passive corruption charges in connection with public building contracts.

In October 2006 authorities arrested a number of local officials in the Charleroi and Namur areas in connection with a public housing fund scandal made public the year before by investigative journalists. Other public utility agencies became implicated in the scandal as investigations continued.

With some exceptions, such as material involving national security, the Government provided unrestricted access to government information.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views.

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

The law prohibits discrimination based on race, gender, disability, language, or social status, and the Government generally enforced these laws; however, violence against women, trafficking in persons, and violence against minorities were problems.

*Women.*—Rape, including spousal rape, is illegal, and the Government prosecuted such cases. In 2006 police registered 2,832 rape cases. Of all cases registered between 2003 and 2005, 11 percent went to trial, 5 percent were under review by the chambers of indictment, and another 7 percent were still under investigation. A convicted rapist can be imprisoned for a minimum of 10 years to a maximum of life. The length of sentence is based on the age of the victim, the age difference between the offender and the victim, the relationship between the offender and victim, and the use or absence of violence during the commission of the crime.

Domestic violence against women, including spousal abuse, remained a problem. Reportedly, one in five women had ever been subjected to domestic violence. In 2006 (the most recent available data) the Federal police reported 13,646 cases of domestic violence, compared to 11,557 the previous year. The law defines and criminalizes domestic violence and provides for fines and incarceration. The law allows police to

enter a home without the consent of the head of household when investigating a domestic violence complaint; however, there were complaints that the police frequently declined to do this. By year's end the Government had not fully implemented provisions of the law that require it to establish and maintain a database of statistics on domestic violence.

In March 2006 the justice minister launched an updated version of her 2004–07 action plan for dealing with domestic violence, and the regional governments formally joined the effort. The plan required police forces and prosecuting magistrates to register all complaints and official actions taken in connection with domestic violence. The minister assigned the task of handling domestic violence cases to one magistrate within each judicial district of the country.

A number of government-supported shelters and telephone help lines were available across the country for victims of domestic abuse. In addition to providing shelter and advice, many offered assistance on legal matters, job placement, and psychological counseling to both partners.

Prostitution is legal; however, the law prohibits organizing prostitution or assisting immigration for the purpose of prostitution.

Sexual harassment is illegal, and the Government generally enforced the law. A victim of sexual harassment in the workplace can file a claim with a court of justice and claim damages. While the law provides victims of sexual harassment the right to sue their harassers and provides for financial remedies, most cases of sexual harassment were resolved less formally.

Women enjoy the same legal rights as men, including rights under family law, property law, and in the judicial system. The Federal Government's Institute for the Equality of Men and Women, which is tasked with promoting gender equality, is authorized to initiate lawsuits if it finds that equality laws have been violated.

Economic discrimination against women continued. In the public sector the average annual salary for women was 95 percent of that for men; it was 70 percent of that for men for female white-collar workers in the private sector, and 79 percent of that for men for female blue-collar workers in the private sector. Discrimination was greatest among older workers and in higher wage categories. There was also discrimination against women in access to leading positions in both the private and public sectors.

*Children.*—The Government was committed to children's rights and welfare.

Free full-time education is compulsory from ages 6 to 16; subsequent education remains compulsory until the age of 18, but students may continue on a part-time basis. More than 75 percent of children over 15 finish school with a secondary diploma. Girls and boys had equal access to education.

Boys and girls had equal access to government-funded health care.

There were reports of child abuse. In 2006 the Federal police registered 2,160 child abuse cases, compared to 1,922 for the previous year. As a result of awareness campaigns, specialized regional centers received growing numbers of reports of child abuse and neglect. The law provides for the protection of youth against sexual exploitation, abduction, and trafficking, and calls for severe penalties for child pornography and possession of pedophilic materials. The law permits the prosecution of residents who commit such crimes abroad and provides that criminals convicted of the sexual abuse of children must receive specialized treatment before they can be paroled and must continue counseling and treatment after their release from prison. During the year Child Focus started a new Internet-based public alert campaign called "stopchildporno.be."

According to official figures, in 2006 the Federal police investigated 197 child pornography cases, and international networks operating in several countries were dismantled with the help of Europol and Eurojust. In several cases, judges handed down prison sentences for downloading child pornography.

Child Focus reported that it handled 3,330 cases in 2006. There were 1,101 cases of runaways (involving 1,120 individual children); 45 percent of the runaways returned home within 48 hours. The center handled 26 cases of abduction by a third person. Also that year Child Focus handled 427 cases of abduction by parents, involving 602 children; 50 percent of the cases concerned children abducted to another country.

In selected municipalities the authorities started issuing electronic identification cards to children under age 12. The card has the Child Focus phone number and facilitates safe chatting on the Internet.

Although child prostitution was not widespread, it was a problem.

During the year human rights organizations repeatedly raised concerns about the conditions under which the children of rejected asylum seekers lived—in "closed" centers—prior to their repatriation. Because they were not permitted to go outside

the center they were unable to attend school. The organizations also argued that their stays in these centers were excessively long.

*Trafficking in Persons.*—The law prohibits trafficking in persons; however, there were reports that persons were trafficked to, through, and from the country. The country was a destination and transit point for women and children from Central Europe, Asia, and sub-Saharan Africa, primarily trafficked for the purpose of sexual exploitation. Men were trafficked for exploitive labor on construction sites and in restaurants and sweatshops. Reportedly, trafficking for forced labor and forced begging increased from previous levels. The country was listed as a destination country in the U.N. Office on Drugs and Crime's citation index. The Government fully complied with the minimum standards for the elimination of trafficking.

The law criminalizes recruiting, transporting, transiting, sheltering, and passing on to others the control over persons for the purpose of prostitution, child pornography, exploitation of poverty, economic exploitation, or organ transplant. The law also makes it illegal to force trafficked persons to commit crimes. Persons convicted of violating the antitrafficking law are subject to 1 to 5 years' imprisonment and are fined between \$730 and \$73,000 (500 to 50,000 euros). Repeat offenses, offenses of an organized nature, and those with aggravated circumstances are subject to higher penalties. If the offender belongs to a criminal organization or if the trafficking results in manslaughter, the punishment is 15 to 20 years' imprisonment and a fine ranging from \$1,460 to \$219,000 (1,000 to 150,000 euros).

The authorities continued to investigate and prosecute trafficking and provided victims with specialized protection and assistance. A Federal coordination agency included representatives from all concerned ministries. Agencies involved in combating trafficking were connected to a secure Web site, enabling them to exchange information and to have access to all relevant information. The Federal police in 2006 identified 129 criminal organizations involved in trafficking, and the Federal police intercepted 28,747 illegal immigrants, including victims of trafficking.

In 2006 Parliament overhauled the 1980 immigration act, bringing Belgian legislation in line with prevailing European Union (EU) directives, particularly on awarding residence to trafficking victims who cooperate with the authorities. As a result the prevailing protection system in the country obtained force of law and was extended to unaccompanied minors and other categories of vulnerable victims.

Victims have 45 days to decide whether to assist in the investigation of their traffickers and can qualify for a renewable 3-month staying permit or a 6-month permit, depending on the state of the judicial investigation. Victims can eventually obtain permanent residence when their traffickers are sentenced. Unaccompanied minors and victims willing to file a complaint immediately can skip the 45-day period and immediately apply for a 3-month staying permit.

The Government continued to subsidize three specialized trafficking shelters providing assistance to victims of trafficking, and NGOs continued to report excellent cooperation and coordination with law enforcement agencies. The shelters registered 446 victims in 2006, a decrease from the previous year, because many chose not to stay in the shelters.

*Persons with Disabilities.*—The law provides for the protection of persons with disabilities from discrimination in employment, education, access to health care, and the provision of other state services. The CEOOR reported that 30 percent of all complaints concerned discrimination against disabled persons. Most of them concerned housing, public transport, public utilities, and access to banks, bars, and restaurants. While the Government has mandated that public buildings erected after 1970 must be accessible to such persons, many older buildings were still inaccessible.

*National/Racial/Ethnic Minorities.*—Immigrant communities complained of discrimination. Members of the Muslim community, estimated at 450,000 and principally of Moroccan and Turkish origin, claimed that discrimination against their community, notably in education and employment and particularly against young men, was greater than that experienced by other immigrant communities. In 2006 the CEOOR, which investigates complaints of discrimination, racism, and hate instigation, handled 1,649 discrimination and racism complaints. The CEOOR noted a trend of increased racial violence. The most serious incident of 2006 occurred in May when a young man went on a racially-motivated shooting spree in Antwerp, killing a toddler and the child's nanny. During the year a jury of the Antwerp Assizes Court found the man guilty on all counts, and he was sentenced to life imprisonment. In October there were several ethnically motivated skirmishes between Turks and Kurds living in Brussels, apparently sparked by tension over activities of the PKK group in Turkey and Iraq. In November unidentified persons painted racist graffiti and demolished an Antwerp snack bar operated by Moroccans.

The CEOOR also noted discrimination regarding employment, housing, and restaurant access, and an increase of racism on the Internet and in e-mail.

Five percent of the complaints of ethnic discrimination resulted in litigation initiated by the CEOOR. In 2006 the courts ruled in several landmark racial discrimination cases and convicted Holocaust deniers and landlords who discriminated against foreigners. Judges convicted defendants for arousing racial hatred, including politicians for distributing racially offensive leaflets.

In May the Brussels Appellate Court sentenced two youths to 5 years' imprisonment for beating a Slovak youth unconscious.

The sentence was suspended for half the term, on condition that the convicts must not possess arms or have membership in youth gangs.

During the year four servicemen were removed from the armed forces after involvement in racial incidents.

*Other Societal Abuses and Discrimination.*—In its annual report for 2006, the CEOOR noted an increase in discrimination based on health or medical conditions, sexual orientation, and age. The CEOOR in 2006 registered 192 discrimination complaints based on disability. Most complaints were job-related. Courts have occasionally ruled against landlords who refuse to lease to same-sex couples.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law provides workers the right to associate freely, including the freedom to organize and to join unions of their choice, and workers exercised this right in practice. Approximately 58 percent of employed workers were members of labor unions. According to the International Trade Union Confederation (ITUC), employers preferred to pay fines rather than reinstate workers dismissed for union activities.

*b. The Right to Organize and Bargain Collectively.*—The law allows unions to conduct their activities without interference, and the Government protected this right in practice. The right to bargain collectively is recognized, and the Government also protected this right. The law provides for the right to strike, and workers exercised this right. In compliance with an EU directive, employers and unions reached a compromise during the year over improving collective representation in smaller enterprises. The ITUC stated that the scope of the right to strike was poorly defined.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The law and policies generally protect children from exploitation in the workplace. The minimum age of employment is 15. Youths between the ages of 15 and 18 can participate in part-time work and study programs and work full-time during school vacations. Trafficking of children occurred. The labor courts effectively monitored compliance with national laws and standards; no violations were reported during the year.

*e. Acceptable Conditions of Work.*—The monthly national minimum wage for workers over 21 years of age was approximately \$2,000 (1,360 euros). When combined with extensive social benefits, this provided a decent standard of living for a worker and family.

The standard workday is 8 hours and the standard workweek is 38 hours. Departure from these norms can occur under the terms of a collective bargaining agreement, but work time may not exceed 11 hours per day and 50 hours per week. An 11-hour rest period is required between two work periods. Overtime is paid at a time-and-a-half premium Monday through Saturday and at double time on Sundays. The Ministry of Labor and the labor courts effectively enforced these laws and regulations.

Workers have the right to remove themselves from situations that endanger their safety or health without jeopardy to their continued employment, and workers exercised this right in practice. In general regulations were enforced effectively by the Employment and Labor Relations Federal Public Service.

## **BOSNIA AND HERZEGOVINA**

Bosnia and Herzegovina (BiH) consists of two multiethnic constituent entities within the state, the Federation of Bosnia and Herzegovina (the Federation) and the Republika Srpska (RS) and Brcko District. As stipulated in the 1995 peace agreement (the Dayton Accords), a state-level Constitution provides for a democratic re-



public with a bicameral parliamentary assembly but assigns many governmental functions to the two entities. The Dayton Accords also provide for the Office of the High Representative (OHR) with the authority to impose legislation and remove officials. The tripartite presidency consisted of Bosnian Croat Zeljko Komsic, Bosnian Serb Nebojsa Radmanovic, and Bosniak Haris Silajdzic. In October 2006 BiH held general elections that international observers deemed free and fair. The country has a population of approximately 4 million; the Federation has a Bosniak (Muslim) and Croat (Catholic) majority, while the RS has a Bosnian Serb (Orthodox) majority. Civilian authorities generally maintained effective control of the security forces.

The Government's human rights record remained poor. Although there were improvements in some areas, serious problems remained. There were reports of increased deaths from landmines, police abuses, poor and overcrowded prison conditions, increased harassment and intimidation of journalists and members of civil society, discrimination and violence against women and ethnic and religious minorities, discrimination against persons with disabilities and sexual minorities, obstruction of refugee return, trafficking in persons, and limits on employment rights. Two war crimes suspects most wanted by the International Criminal Tribunal for the former Yugoslavia (ICTY), Ratko Mladic and Radovan Karadzic, remained at large.

#### RESPECT FOR HUMAN RIGHTS

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

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

Domestic courts and the ICTY continued to adjudicate cases arising from killings during the 1991–95 conflicts.

Although the Government supports an array of demining programs, outside observers questioned whether government corruption undermined the integrity and safety of demining projects in the country. During the year there were 30 landmine accidents that killed eight persons and injured 22.

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

An estimated 13,000 persons remained missing from the wars in 1991–95. The International Committee of the Red Cross (ICRC) reported that since 1995 it had received 22,387 requests from family members to trace relatives still missing from the war. By year's end, a total of 9,555 persons had been accounted for, including 454 located alive.

The missing person case of Colonel Avdo Palic continued to receive publicity during the year. Palic went missing in 1995 from the U.N. Protection Force compound in Zepa, where he was commanding the Bosnian government forces. The BiH Human Rights Commission issued a final ruling in January 2006, which stated that RS authorities failed to provide adequate details regarding Palic's disappearance. The OHR then ordered the RS to form a commission to investigate the Palic case. In December 2006 RS Prime Minister Milorad Dodik reactivated the work of the commission. In September the RS Ministry of the Interior issued an arrest warrant for two persons suspected in the Palic disappearance. At year's end there were no updates on Palic's whereabouts.

The state-level national Missing Persons Institute (MPI) was responsible for absorbing the entity-level missing persons commissions and continuing the search for missing persons in partnership with the International Commission on Missing Persons (ICMP). In June, following the contested appointment of MPI's steering board, the Council of Ministers passed the MPI statute and bylaws. By year's end the staffs of both entity commissions were fully integrated into the MPI, and joint exhumation teams had taken over functions previously split between the entities. The institute's goal was to establish a single, central list of all missing persons from the 1992–95 war.

During the year entity-level commissions carried out 210 exhumations of clandestine gravesites in 80 locations with the forensic support of the ICMP. These efforts recovered 1,238 total cases of which 1,027 were from Srebrenica mass graves. The cases had not yet been identified at year's end and no estimate on the number of persons they represented could be made.

From 2000 to year's end, the ICMP generated a total of 21,372 DNA matches relevant to 13,887 missing individuals and collected more than 85,634 blood samples representing 28,429 missing individuals.

During the year the BiH Prosecutor's Office and its War Crimes Department conducted investigations based on the findings of the RS Srebrenica Commission, a body created by the OHR in 2003 to investigate the events surrounding the Srebrenica massacre and the fate of missing individuals from those events.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits such practices, and the Government generally respected these provisions in practice; however, there were allegations of physical mistreatment of individuals by the police.

On March 19–30, a delegation of the Council of Europe’s Committee for the Prevention of Torture (CPT) made an official visit to examine conditions of detention and treatment of persons in a number of prisons in the country. During the visit the delegation reported receiving a “considerable number” of allegations of physical mistreatment by police, mainly involving kicks and punches to various parts of the body as well as blows with batons. The majority of these allegations concerned the time when suspects were questioned by crime inspectors, sometimes for prolonged periods, before being placed in holding cells. In one case, two persons alleged that they were repeatedly punched and kicked over a 48-hour period by police and threatened with broken bones; one person alleged police hit him with a pistol butt. The delegation noted that police should immediately remove baseball bats, replica pistols, and metal piping with wrist straps from premises where persons may be held or questioned.

During the year one person stated to the CPT that police officers repeatedly beat him during the time of his arrest and detention. The CPT confirmed his injuries with a forensic medical examiner. Another individual stated that the police beat him, leaving visible injuries that the prison doctor recorded. There was no action taken against the police officers or prosecutors involved in these beatings.

In October 2006 three police officers beat a man in front of television cameras after he and four others threw paint at the BiH presidency building and injured two guards. In March the court reduced the salary of the responsible police officers by 30.

*Prison and Detention Center Conditions.*—Overcrowding, inadequate nutrition, and poor hygiene were chronic problems in police detention facilities. Prison standards for hygiene and access to medical care met prisoners’ basic needs, but overcrowding and antiquated facilities remained serious problems. There were no proper facilities for treating mentally ill or special needs prisoners.

During its March visit, the CPT inspected several prisons in the country and reported numerous allegations of prisoner mistreatment by officials. For example, at Zenica Prison, the delegation received numerous allegations of mistreatment consisting mainly of kicks, punches, and blows with truncheons. The delegation stated the mistreatment apparently took place in, or during transfer to, disciplinary cells of Pavilion II. The CPT delegation noted that some allegations were backed by medical evidence.

There were some reports of allegedly ethnically-motivated violence among inmates, including a riot at Doboj Prison on March 28. During its March visit, the CPT delegation, after interviewing prison staff and inmates, reported learning that a group of prisoners at Doboj Prison had been using violence to control other prisoners “with seeming impunity.”

There were no specific reports of corruption among prison officials, but such corruption was presumed. In some cases, inadequate infrastructure, irregular staffing patterns and placement of prisoners in centers near their support networks facilitated prison escapes.

One prisoner died in custody of a drug overdose. The CPT requested a full investigation of the circumstances leading up to the death of that prisoner and of his medical treatment in prison.

Adult and juvenile female inmates were held together in separate wings of facilities for adult males. Male inmates aged 16 to 18 were held with adult male inmates, while male inmates under the age of 16 were held separately. Following its March visit, the CPT delegation noted that the practice of placing juveniles with older inmates in the admission ward of Foca Prison was contrary to the principle of separation of juveniles and adults and “totally unsafe.” The correction facility for RS juveniles aged 16 to 18 in the Banja Luka Prison had a 35-bed capacity, well below the space needed.

In addition to the CPT visit, the Government permitted visits by independent human rights observers and gave international community representatives widespread and unhindered access to detention facilities and prisoners. The ICRC continued to have access to detention facilities under the jurisdiction of the ministries of justice at both the state and entity levels and mainly visited persons under investigation or sentenced for war crime offenses.

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

*Role of the Police and Security Apparatus.*—The law gives the state-level government primary responsibility for law enforcement, but extends significant overlapping competencies to each entity and to the Brcko District, each of which has its own police force. The European Union Force continued to implement the military aspects of the Dayton Accords and provide a secure environment for implementation of the nonmilitary aspects of the settlement. The North Atlantic Treaty Organization headquarters in Sarajevo is responsible for overseeing defense reform, counterterrorism efforts, and cooperation with the ICTY. A European Union (EU) police mission monitored, mentored, inspected, and worked to raise the professional standards of the local police.

The Police Reform Directorate finalized a draft plan for BiH police reform in December 2006. This report was never approved due to highly divergent views of leading political parties over police reform. Despite numerous rounds of negotiations, the Federation and RS did not agree on a plan to reform local police structures. In November leaders of the six governing political parties instead issued the Sarajevo Action Plan, which called for the creation of seven, state-level police support bodies and postponed police reform at the local level until the completion of constitutional reform. In late December the Council of Ministers established a police reform working group tasked with drafting legislation by February 15, 2008 to create the seven state-level police support bodies. Entities did not meet target standards of ethnic representation on police forces, as mandated by their respective constitutions.

Police Standards Units (PSUs) functioned as internal affairs investigative units in each entity's Ministry of the Interior and in the Brcko District. The presence of these units led to the creation of standardized procedures for processing complaints of police misconduct and for disciplining police. There were continued reports of corruption within the entity and national security services. Crimes discovered included accepting bribes, inflicting serious injury, violating public law and order under the influence, assisting the escape of a prisoner during transport, forgery, and extortion; one individual was dismissed for war crimes charges.

By September the RS PSUs investigated 680 conduct-related complaints and determined that 86 were well founded. The unit forwarded recommendations for disciplinary action to prosecutors in 19 cases considered to be major violations. Additionally, nine felony reports and three misdemeanor reports were filed against 13 RS interior ministry employees for offenses including narcotics trafficking, forgery, theft, domestic violence, assault, extortion, and traffic violations, indicating a significant decrease from the previous year. During the year Federation PSUs investigated 375 cases and forwarded 43 complaints to prosecutors for disciplinary action. By September the Brcko District PSU had investigated 52 cases and concluded that five complaints were well founded. The two cases deemed to be major violations of duty were forwarded to prosecutors for disciplinary action.

*Arrest and Detention.*—Police generally arrested persons openly with warrants based on sufficient evidence. Authorities promptly informed detainees of the charges against them, and there was a functioning bail system. The law requires persons suspected of committing a crime to be brought before a prosecutor within 24 hours of detention. Police are also authorized to detain individuals for up to 6 hours at the scene of a crime for investigative purposes; this period is included in the 24-hour detention period allowed prior to being charged. The prosecutor has an additional 24 hours either to determine whether the person should be released or brought before a judge to decide whether they should remain in pretrial custody. Pretrial detention is generally limited to 1 year, but can be extended for an additional year under certain circumstances. Detainees are allowed to request a lawyer of their own choosing, have the right to be informed of the crime of which they are accused after an indictment, and have the right to a speedy trial. In practice, these requirements were generally observed. There were no cases of arbitrary arrest or detention reported during the year.

*e. Denial of Fair Public Trial.*—The state Constitution does not explicitly provide for an independent judiciary, but the laws of both entities do. The State Court is the highest court in the country for certain criminal cases, including war crimes, organized crime, terrorism, economic crime, and corruption. The country also has a State Constitutional Court and State Prosecutor's Office. Each entity has its own supreme court and chief prosecutors' offices. The BiH state-level court system does not exercise judicial supremacy over the individual entity-level court systems. Political parties sometimes influenced the judiciary in politically sensitive cases. Judicial reforms reduced the level of intimidation by organized crime figures and political leaders, but some intimidation remained.

The BiH High Judicial and Prosecutorial Council acts independently and regulates many of the most important affairs of the judiciary with clear, transparent cri-

teria for judicial and prosecutorial appointments and detailed disciplinary liability for judges and prosecutors.

Local officials and police generally cooperated in enforcing court decisions, but problems persisted as a result of inefficiency. Despite efforts to streamline court procedures, there was a large backlog of more than 1.9 million unresolved cases, mostly in noncriminal matters. Authorities generally respected and implemented constitutional court decisions.

*Trial Procedures.*—Under Federation and RS laws, defendants enjoy a presumption of innocence, trials are public, and the defendant has the right to counsel at public expense, if charged with a crime that is punishable by long-term imprisonment. However, courts did not always appoint defense attorneys for indigent defendants in cases where the maximum prison sentence was less than 5 years. The law provides that defendants have the right to confront or question witnesses, to present witnesses and evidence on their own behalf, to access government-held evidence relevant to their cases, and to appeal. The Government observed these rights in practice.

The BiH State Court made significant progress on adjudicating organized crime and war crimes cases and expanded the witness protection program. Since its inception, the Witness Protection Department provided support to more than 150 individuals. The February 23 killing of RS Helsinki Committee cofounder Dusko Kondor in Bijeljina raised questions about the safety of potential witnesses. Many individuals within the Bosnian nongovernmental organization (NGO) and international community questioned whether Kondor, who notified authorities that individuals threatened him for several weeks prior to his murder, was killed because he was a witness to the 1992 killing of 23 Bosniaks in Bijeljina and had been sharing his account with State Investigation and Protection Agency (SIPA) war crimes investigators.

The State Court War Crimes Chamber and entity courts continued conducting war crimes trials during the year. The ICTY transferred six new cases involving 10 defendants to the State Court. Six trials were underway, based on BiH indictments reviewed by the ICTY, at year's end. Eight additional trials began at the State Court based on local indictments not reviewed by the ICTY, involving nine defendants. The BiH State Prosecutor's office opened 17 new war crimes investigations involving 45 suspects and confirmed eight new indictments involving 14 accused. There was some contention between victims and the BiH State Prosecutor's office concerning case referrals because of the disparity between maximum sentences for war crimes as codified at the state level (45 years) and at the entity level (20 years) where only a regular murder charge was used.

In June RS police arrested ICTY indictee Zdravko Tolimir and transferred him to The Hague. The ICTY indicted Tolimir for crimes against humanity and violations of laws or customs of war as assistant commander for Intelligence and Security of the Bosnian Serb Army and his involvement in the planning and implementation of the Srebrenica genocide.

In early July, High Representative Miroslav Lajcak removed an RS police official for obstruction of justice regarding cooperation with the ICTY. Also in July the RS Ministry of the Interior suspended 35 RS police officers named by the Srebrenica Commission as persons possibly connected to the 1995 mass killings, and who were still employed in municipal, entity, and state institutions. Lajcak also ordered the seizure of travel documents of 93 persons under investigation for committing war crimes or aiding and abetting war criminals to evade justice. These actions catalyzed a series of protests in the RS led by Bosnian Serb war veterans associations.

In late August SIPA arrested and detained Ratko Bundalo and several others as part of an investigation into a 1992 war crimes case in Kalinovik.

In April 2006 the State Court War Crimes Chamber sentenced Nedjo Samardzic to 12 years' imprisonment for multiple acts of enslavement, rape, torture, and murder of non-Serb civilians in the Foca region in 1992–93. During the year the appellate panel confirmed the verdict and extended his sentence to 24 years.

In July 2006 the War Crimes Chamber sentenced Boban Simsic to 5 years in prison for crimes against humanity targeting Bosniak civilians in Visegrad in 1992. On August 14, the appellate panel affirmed the verdict and extended Simsic's sentence to 14 years.

On March 28, the Appellate Panel handed down a final verdict in Radovan Stankovic's conviction increasing his sentence from 16 to 20 years' imprisonment for multiple charges including crimes against humanity. On May 25, Stankovic escaped from Foca prison. According to official reports, six individuals were investigated for their connection to the Stankovic escape, including Ranko Vukovic, currently detained for war crimes charges at the BiH Court.

Also in November 2006 the court sentenced Marko Samardzija to 26 years' imprisonment for crimes against humanity, including the killing of over 144 Bosniak men and boys from the villages of Brkic and Balagic Brdo in Kluc Municipality in 1992. The verdict was overturned on appeal in April, and the case was sent to retrial. Samardzija was released from custody on October 1 pending retrial.

In November 2006 the Court sentenced Nikola Kovacovic to 12 years in prison for crimes against humanity against the Croat and Bosniak populations in the Greater Bosanska Krajina area in 1992. The verdict was confirmed on appeal in June.

In 2006 the BiH State Prosecutor's office initiated an investigation into the activities of ex-commander of the Fifth Corps of the BiH army, General Atif Dudakovic, and other unknown persons shown in a video, killing an unknown number of individuals from the Bosnian Serb Army during the war. The video, which shows events occurring during "Operation Storm" received wide distribution on Bosnian, Croatian, and Serbian media outlets. The investigation was ongoing at year's end.

Four ICTY indictees remained at-large, including Radovan Karadzic, Ratko Mladic, and Stojan Zupljanin.

Despite local- and international-level efforts to prosecute war crimes, many of the lower-level perpetrators of killings and other abuses committed in previous years remained unpunished. These included those responsible for the approximately 8,000 persons killed after the fall of Srebrenica, and those responsible for approximately 13,000 to 15,000 other persons who were missing and presumed killed as a result of ethnic cleansing.

In January and again in September, war crimes suspects, detained in Kula Prison outside Sarajevo, staged a hunger strike in a bid to have their cases reviewed and retried under the criminal code of the former Yugoslavia instead of current state-level laws they believed to be more harsh. In March the Constitutional Court ruled that the application of the BiH criminal code did not violate the European Convention on Human Rights. The inmates were later separated by moving them to different prisons.

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

*Civil Judicial Procedures and Remedies.*—The law provides for an independent and impartial judiciary in civil matters, and citizens could file civil suits seeking remedies for human rights violations. Individuals could also seek assistance from an ombudsman institution to hear and provide recommendations on cases of human rights violations. These recommendations, however, were not binding, and the politically-appointed ombudsmen were not always effective.

*Property Restitution.*—The country's four traditional religious communities had extensive claims for restitution of property that the communist government of the former Yugoslavia nationalized after World War II. The State Law on Religious Freedom provides religious communities the right to restitution of expropriated property throughout the country "in accordance with the law." In the absence of state legislation specifically governing restitution, return of former religious properties continued on an ad hoc basis at the discretion of municipal officials but was usually completed only in favor of the majority group.

Many officials used property restitution cases as a tool of political patronage, rendering religious leaders dependent on politicians to regain property taken from religious communities. Other unresolved restitution claims were politically and legally complicated. For example, the Serbian Orthodox Church continued to seek the return of the building that housed the University of Sarajevo Faculty of Economic Sciences and compensation for the land on which the state Parliament building was located. The Jewish and Muslim communities also asserted historic claims to many commercial and residential properties in Sarajevo. The Catholic community maintained a large number of similar claims in Banja Luka. Interested parties complained of additional and at times politically motivated parliamentary delays in legal reforms to property restitution.

Roma displaced during the war had difficulty repossessing their property as a result of discrimination and because they lacked documents proving ownership or had never registered their property with local authorities. The lack of documentation also prevented them from applying for reconstruction assistance.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law prohibits such actions, and the Government generally respected these prohibitions in practice.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The law provides for freedom of speech and of the press; however, the Government did not always respect press freedom in prac-

tice. Laws safeguarding freedom of the press were delegated to the cantons in the Federation and to the entity-level authorities in the RS. Defamation laws exist at the entity level, and freedom of information legislation exists at both the entity and state levels.

There are provisions against hate speech in the Federation Criminal Code, but not in the RS Criminal Code. The broadcasting code of practice also regulates hate speech by broadcasters. The Communications Regulatory Agency, charged with implementing the code, did not register any cases of hate speech during the year. The Press Council received 35 complaints concerning print media, of which eight complaints were rejected and seven were accepted. In some cases the Press Council instructed media outlets to publish a refutation or a retraction; mediation or self-regulation resolved seven cases. Most complaints referred to the absence of the right to denial or violations of privacy.

In March nationalist parties made efforts to influence the editorial policies of public broadcasters. There was widespread concern among human rights groups and journalists that nationalist political parties increasingly sought control of public media outlets.

Government respect for freedom of speech and the press declined during the year; some prominent individuals who criticized the Government were the target of government reprisals.

Many independent, privately owned newspapers were available and expressed a wide variety of views. Several printing houses operated in the country. Dnevni Avaz, whose editorial policy strongly reflected Bosniak interests, remained the largest circulation daily, followed by Banja Luka-based daily Nezavisne Novine, a paper predominantly reflecting the views of the RS ruling Alliance of Social Democrats party. A number of independent print media outlets encountered financial problems that endangered their operation, and independent media in the RS increasingly reported government interference with their operations.

Two public broadcasters, Federation Television (FTV) in the Federation, and Radio Television of Republika Srpska (RTRS) in the RS, remained the largest television broadcasters in the country. RTRS increasingly reported pro-RS ruling party views. BHT 1, a nationwide public broadcaster, gradually increased its audience and outreach. Most public broadcasters remained vulnerable to political influence. A local commercial network of five stations operated in both entities (Mreza Plus), as did the private television networks OBN and PinkBH. Dozens of small independent television stations broadcast throughout the country. Radio continued to provide a forum for diverse points of view. In many cases, news programs of independent broadcasters reflected opposition perspectives.

An increasing number of RS media outlets showed a distinct pro-RS government bias. Federation media outlets also exhibited political bias along ethnic lines, although not in support of any one political party.

Journalists increasingly faced threats in the course of their professional work. During the year the Free Media Help Line (a part of the Bosnian Journalists Association) registered 28 cases involving violations of journalist rights and freedoms in addition to pressure from government and law enforcement officials. There were 15 cases of pressure on and threats to journalists, four physical assaults on journalists, five labor disputes, two cases of denied access to a location, and one case of denied access to information.

Violations of the employment rights of journalists continued during the year. Private media owners and management were the most frequent perpetrators of violations of employee rights. In a number of cases, journalists worked without an employment agreement or social and health benefits, items mandated by law.

In some instances, officials subjected media outlets to overt pressure, such as threatening them with loss of advertising or placing limits on their access to official information. Politicians and government officials also pressured the media by accusing them of opposing the interests of a given ethnic group or betraying the interests of their own ethnic group. Some RS-based journalists complained of phone tapping, increased government surveillance, actual or threatened lawsuits, repeated visits from tax authorities, revocation of credit or loans, and denial of access to public hearings. In late December Federation media reported on the alleged existence of an RS government "blacklist" of individuals in the media and NGO sector.

In January the RS government announced that it would boycott BHT 1 accusing BHT 1 of a politically motivated and unprofessional view of events, institutions, and individuals in the RS. They cited a BHT 1 story on the celebration of RS Day, which they claimed demonstrated the political disdain of the network toward celebration of the RS-Day holiday. Additionally, the RS government complained of the "unfair treatment" of RS Prime Minister Dodik and the BiH Chairman of the Council of Ministers, Nikola Spiric, received on various news magazines.

On January 17, officials barred journalists from BHT1 from entering the building where former-RS president Milan Jelic was holding a press conference. The Organization for Security and Cooperation in Europe (OSCE) issued a report on the state of media freedom in BiH that noted: "The incident showed the RS Government's apparent failure to fully comply with the OSCE commitment, assumed by BiH as a participating state, to ensure the free flow of information to the citizens of the country." On January 30, the RS government and BHT 1 officials agreed to end the boycott.

In January several Web sites popular with radical Islamic groups posted a series of insults and threats addressed to the editor-in-chief and editorial staff of Dani magazine, calling them traitors and nonbelievers. Dani previously published several interviews and articles that criticized the Bosnian Islamic community for its mild response to Wahabbism.

On July 25, during a parliamentary session, a member of the Federation Parliament called FTV "a terrorist and criminal group" and called on members of Parliament to abolish the entity broadcaster. The same individual later added, "if we show that we are the bosses and the executive power, then we can create the programming scheme."

On October 1, FTV aired a threat made by Vitomir Popovic, BiH ombudsman from the RS for human rights, against FTV journalist Damir Kaletovic and FTV news director Bakir Hadziomerovic after the station criticized Popovic's reelection for the ombudsman position accusing him of corruption and involvement in war crimes. Kaletovic, who was wearing a wireless microphone during a follow-up interview, recorded Popovic saying they (Kaletovic and Hadziomerovic) "deserved a bullet to the head" for airing the discrediting story. The Association of "BiH Journalists" issued a press release the next day condemning Popovic's threats.

On November 7, the chief of the Individual Security Department of the Federation police, Jozo Andjic, attacked FTV journalist Sanjin Beciragic and broke his nose during a session of the Elektroprivreda (public electric company) Board. The federation prime minister, present at the session, condemned the police officer's action and called for an immediate investigation. The Journalist's Association filed a complaint with the director of the federation police, and Andjic was suspended from duty.

On December 16, RS Prime Minister Dodik was a guest on "Sunday at Two," a popular TV talk show on Croatian national TV channel HRT 1. At the end of the show the host invited FTV journalist and news director Bakir Hadziomerovic, who was openly critical of Dodik, to join the broadcast. Dodik began insulting Hadziomerovic and threatened to assault him. The Journalist Association wrote to the cabinet protesting such treatment of journalists, and the cabinet issued a response insulting both the association and Hadziomerovic. Both sides have since filed law suits against the other.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. The rate of Internet usage by the Bosnian population was estimated to be below 20 percent.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events; however, ethnic favoritism and politicization of faculty appointments constrained academic freedom. In Sarajevo, Serbs and Croats complained that Bosniaks received preferential treatment in appointments and promotions at the University of Sarajevo. The University of Banja Luka continued to limit faculty appointments almost exclusively to Serbs. The University of Mostar remained divided into two separate universities, reflecting the continued ethnic divide in the city.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The law provides for freedom of assembly, and the Government generally respected this right in practice. However, the Association of Old Foreign Exchange Savings Depositors threatened a lawsuit against the RS government for RS police officers' alleged use of excessive force during a protest in Gradiska on December 28.

*Freedom of Association.*—The law provides for freedom of association, and the Government generally respected this right in practice. A wide range of social, cultural, and political organizations functioned without interference.

The law allows NGOs to register freely at the Ministry of Civil Affairs and Communications and therefore to operate anywhere in the country; however, some NGOs and NGO associations experienced difficulties registering, including long delays and inconsistent application of the law. Some NGOs, frustrated by bureaucratic delays at the state level, chose instead to register their organizations at the entity level

in one or both entities. In April the Council of Ministers signed a formal Agreement on Cooperation with the NGO sector.

In December RS Prime Minister Dodik was quoted in the media saying that the sole intention of a Transparency International BiH report was “to do damage to the RS and halt its economic development” and that the RS Ministry of Justice would file a lawsuit against Transparency International BiH for its “tendentious” claims.

*c. Freedom of Religion.*—The law provides for freedom of religion; however, societal abuses and discrimination based on religious belief restricted the ability of adherents of minority religions to worship as they pleased. The Law on Religious Freedom provides for freedom of religion, ensures legal positions of churches and religious communities, and prohibits any form of discrimination against any religious community. The law also provides the basis for the establishment of relations between the state and religious communities. During the year Parliament ratified a concordat between the Holy See and BiH. In practice, respect for religious freedom improved slightly during the year, compared to the preelection climate of 2006.

Entity and local governments and police forces frequently allowed or encouraged an atmosphere in which abuses of religious freedom could take place. Compared to 2006, minor attacks on religious objects and religious officials decreased, but a systematic obstruction of religious freedom in several high-profile cases remained. The reluctance of police and prosecutors to aggressively investigate and prosecute crimes against religious minorities remained a major obstacle to safeguarding the rights of religious minorities.

Governments at the local level restricted religious services and ceremonies. In Bratunac in the RS, the Serb majority municipal assembly repeatedly denied a permit for the Islamic community to build a cemetery and memorial on its property surrounding a downtown mosque. Bosniak organizers planned to bury 98 victims of a 1992 massacre in Bratunac in which more than 600 persons, including the local imam, were killed. Organizers planned to hold the burials at the mosque on May 12, the 15th anniversary of the massacre, but Serb veterans’ associations and local residents protested the planned burials. The mayor and assembly denied the building permit, claiming that the proposed cemetery and memorial had not been envisioned in the town’s urban plan. After more than a year of repeated requests and appeals from Bosniak organizers, the RS government and the international community intervened, and the parties reached an agreement that enabled the burials to take place at a different location.

The law requires religious communities to register with the Ministry of Justice; any religious group can register if it has at least 300 adult members who are citizens. Local congregations of the four major religious communities (Muslim, Serbian Orthodox, Jewish, and Catholic) were registered, as were congregations of several smaller Christian denominations, including Baptist, evangelical Christian, and Jehovah’s Witnesses, although some Baptist communities encountered problems with registration.

The State Law on Religious Freedom guarantees the right of every citizen to religious education. The law calls for an official representative of the various religious communities to teach religious studies in all public and private schools. However, the law was not always fully implemented, particularly in segregated school systems or where there was political resistance from nationalist party officials at the municipal level. Schools often offered religious instruction only in the municipality’s majority religion. Authorities sometimes pressured parents to consent to religious instruction for their children. In some cases, children who chose not to attend religion classes were subject to pressure and discrimination from peers and teachers.

*Societal Abuses and Discrimination.*—Ethnically-motivated religious violence was reported in many municipalities and was directed at ethnic symbols, clerics, and religious buildings. Civil society representatives noted that members of the BiH Council of Ministers tended to condemn these incidents only in cases where their own ethnic group was the victim.

There were a number of acts of violence, vandalism, and theft against Islamic religious targets during the year. In June unidentified individuals damaged a display of dozens of obituaries of 80 Bosniak victims found and identified in a mass grave in Brcko 2 days before their burial ceremony. In September unknown perpetrators destroyed five tombstones at the graveyard of the Hadzi Omerova Mosque in Banja Luka. Also in September a man, allegedly encouraged by friends at a nearby cafe to provoke Bosniaks, urinated on the walls of the Osman Pasa Mosque in Trebinje at the beginning of a Ramadan prayer. Video equipment captured the incident, and police arrested a local Serb within days.

There were also attacks against Serb Orthodox religious targets. During the year unknown perpetrators broke into the Serb Orthodox Church in the Sarajevo neigh-



borhood of Pofalici more than 17 times. In June unknown perpetrators attempted to set fire to the Serb Orthodox Church in Potocari, near Srebrenica, partially burning the door and the entrance of the building. In July Orthodox monks in Sase, near Srebrenica, fearing attacks on the monastery, requested around-the-clock police protection.

Catholic religious objects were also the targets of attacks. In June a church in Donja Tramosnica was robbed, and a bronze cross and gold chalice were stolen. In July unidentified individuals destroyed several tombstones in the Catholic cemetery in Sultanovici, near Bugojno. Officials indicated that this was the fifth attack in a 2-month period.

There were a number of controversial and highly politicized cases involving the illegal construction of religious buildings or monuments on private or government-owned land. In these cases the buildings or monuments were built to send a political message to minority believers about the dominance of the majority group in that area, creating ethnic tensions and impeding the process of reconciliation.

A wooden Serb Orthodox church illegally built on private Bosniak-owned land in the town of Kotorsko continued to be the source of legal and ethnic conflict. Although multiple deadlines were set by authorities for removal of the church, no action had been taken by year's end. The cases of illegal construction of religious property in the towns of Divic, Konjevic Polje, and Stolac were ongoing at year's end.

There were no reports of anti-Semitic acts.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees and Stateless Persons.*—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice; however, some limits remained in practice. The Government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the Government did not employ it.

*Internally Displaced Persons (IDPs).*—The return of persons displaced by the 1991–95 wars was almost stagnant during the year, continuing a steady decrease in overall returns. According to the UNHCR, 6,532 persons, of whom 5,879 were minority returnees. Of 1,023,965 total persons who had returned since the end of the war in 1995, 464,695 were returnees to areas where they were an ethnic minority. Government officials and some NGOs, however, believed that the total number of returns was inflated, since the UNHCR determines returns based on property restitution rather than physical presence. According to the BiH Ministry of Human Rights and Refugees, there were 131,634 registered displaced persons in BiH still seeking return.

The difficult economic situation in the country remained the most significant factor inhibiting returns, with many rural areas experiencing official unemployment rates above 40 percent. When jobs were available, minority returnees often complained of discrimination in hiring. In returnee areas throughout the country, the percentage of minorities holding municipal employment was neither representative of current populations, nor consistent with legally mandated percentages based on the 1991 census, indicating local government failures to implement and enforce the provisions of the Law on Self Administration.

A hostile return environment remained in some places. During the year there were attacks against symbols of minority groups and away from attacks against individuals. Many returnees cited authorities' failure to apprehend war criminals as a disincentive to return. Many displaced persons created permanent lives away from their prewar homes, and only individuals with few other options (including a large number of elderly pensioners) tended to return.

Other factors inhibiting returns included a lack of access to social benefits, including healthcare, education and pension benefits. A lack of available housing and high municipal administration taxes on documents that were necessary for return, such as birth or land certificates, also affected the number of returns. Minority returnees often faced intimidation, discrimination, obstructionism in their access to education, health care, and pension benefits, poor infrastructure, and denial of utility services such as electricity, gas, and telephone.

In the RS, the Ministry for Refugees and Displaced Persons provided support to Bosniaks and Croats returning to the RS and to Bosnian Serbs returning to the Federation. The Federation Ministry for Refugees assisted Croats and Serbs returning to the Federation, and Bosniaks and Croats returning to the RS. Both entity-

level refugee ministries provided limited reconstruction assistance to returnees and also committed part of their budgets toward joint projects to be determined by the State Commission for Refugees.

A 10-month debate in appointing members to the State Commission of Displaced Persons and Refugees delayed implementation of reconstruction programs during the year. The commission was responsible for managing an estimated \$6.6 million in reconstruction and sustainability projects in 30 municipalities.

*Protection of Refugees.*—The law provides for the granting of asylum or refugee status to persons in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In September the Council of Ministers approved revisions to the Law on Movement and Stay of Aliens and Asylum to expedite asylum adjudication procedures. In practice, the Government provided protection against “refoulement,” the return of persons to a country where there is reason to believe that they feared persecution.

During the year the Government did not grant temporary protection to any persons considered not to qualify as refugees under the 1951 convention and the 1967 protocol.

Refugees with pending asylum applications, regardless of national origin, may remain in collective centers until their cases can be decided if private accommodation is not available. As a result of the 1999 conflict in the former Federal Republic of Yugoslavia (FRY), approximately 6,000 persons, half of them from Kosovo, fled the FRY and came to BiH. According to UNHCR statistics from September, there were 8,689 recognized refugees in Bosnia and Herzegovina, 7,190 from Croatia, 203 from Serbia/Kosovo, and 16 from other countries. There were 1,280 persons from Kosovo with “temporary admission,” a status that neither precludes nor facilitates asylum, residency, or naturalization under the 1951 convention and the 1967 protocol. The final extension of this admission status expired on September 30. All persons with temporary admission status after September were, if requested, transferred to asylum proceedings.

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

The law provides citizens with the right to change their government peacefully.

*Elections and Political Participation.*—Observers from the OSCE concluded that the 2006 general elections had been conducted largely in line with international standards, but noted problems, including the inability of numerous voters to find their names on voter registers, voters being directed to incorrect polling stations because of changes in the registration process, group voting, irregularities in the counting process, and a few cases of voter intimidation. The December 9 international observers also deemed free and fair RS special elections to replace RS President Milan Jelic, who died in office.

Political parties could operate without restriction or outside influence. While political parties did not compel individuals to become members, many viewed membership in the leading party of any given area as the surest way of obtaining and retaining jobs in government-owned companies and especially positions on steering boards of profitable, public companies including the electric, telecom, and media industries. Nevertheless, opposition parties were not excluded from participation in political life. Membership in large, well-funded parties conferred formal advantages, as nonparty members were often excluded from appointment to many key government positions.

Individuals and parties representing a wide spectrum of political views could freely declare their candidacies and stand for election. Under the state-level Constitution, members of the ethnic Serb, Croat, and Bosniak groups must be appointed to government positions on a proportional basis, as determined by the 1991 census. Separate from those groups, there were 16 recognized national minority groups.

Nationalist rhetoric dominated political exchanges. Bosniak nationalist politicians called for the abolition of the RS and the removal of Srebrenica from the RS. Serb politicians threatened to call a referendum in the RS to secede from the state. Croat politicians called for the establishment of a third entity. Although national elections took place in October 2006, the new Federation and State parliamentary assemblies were not constituted until March.

The election law requires that at least 30 percent of political party candidates be women. At year's end, seven of 57 BiH members of Parliament were women. There were no women in the nine-member Council of Ministers, although there were two female deputy ministers. At the entity level, only three of 20 leadership positions in the Federation and three of 22 leadership positions in the RS were held by women.

Minorities remained severely underrepresented in government. There were no members of a minority group in the BiH Parliament, but there was one minority member in the Council of Ministers. Representatives of the Jewish and Romani communities filed lawsuits before the European Court of Human Rights (ECHR) because of a provision in the Dayton Constitution that precludes “others” (i.e. those outside the three ethnic constituencies) from becoming president. A Bosniak from Srebrenica also filed a lawsuit at the ECHR because the RS Constitution also precludes non-Serbs from running for RS president.

*Government Corruption and Transparency.*—The law provides for criminal penalties for official corruption, however, the Government did not implement the law effectively, and officials frequently engaged in corrupt actions with impunity. The World Bank’s worldwide governance indicators reflected that corruption was a serious problem. There is no government agency with a mandate to combat government corruption.

While the law bars citizens from holding positions of public responsibility if they have pending criminal indictments against them, this prohibition was not always observed in practice. For example, Mato Tadic, whom authorities charged with accepting bribes in the tax evasion and bribery case involving former BiH presidency member and current Croatian Democratic Union president Dragan Covic, continued to serve as president of the constitutional court while the trial against him was underway. Tadic was later acquitted of all charges. In November 2006 the court convicted Covic of one count of abuse of office and sentenced him to 5 years in prison. In September the Appellate Panel ordered a retrial in the Covic case.

Only candidates for certain public offices were subject to financial disclosure laws.

Although the law provides for citizen access to government records, many government agencies did not comply with the law. However, according to the law, the Government must provide an explanation for any denial of access, and citizens may appeal denials in the court system or to the ombudsman’s offices. In practice, the Government sometimes failed to provide an explanation for denial of access to information as required by the law; however, if citizens appealed denials to the ombudsmen, the courts, or legal aid, the Government generally provided an explanation. Public awareness of the law remained low.

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

A wide variety of domestic and international human rights groups and NGOs generally operated without government restriction, investigating and publishing their findings on human rights cases. For example, the BiH Helsinki Committee and the Helsinki Committee of the RS continued to actively report on a wide range of human rights abuses. However, government officials were often inefficient and slow to respond to their recommendations.

The Government cooperated fully with international organizations such as OHR, which has special powers over the government, as well as other international organizations such as the UNHCR, ICRC, and the OSCE.

The Commission for Human Rights within the BiH Constitutional Court resolved 2,500 cases in 2006. In January the commission’s work was terminated, and the remaining 578 cases were forwarded to the Constitutional Court for adjudication. By July 31, all of those cases were resolved.

Citizens’ remedies for human rights violations included filing civil suits or seeking assistance from the Office of the Ombudsman. However, the ombudsman’s recommendations were not binding, and the office was not always effective. In April 2006 the BiH Parliament adopted a law establishing a single ombudsman institution composed of three members representing the country’s three constituent persons. The multiple ombudsman offices, already existing at the entity level, were abolished and folded into the new state-level office. At year’s end the political appointments of the new three-member BiH ombudsman remained in parliamentary procedure, delayed by political maneuvering.

The State Court continued during the year to cooperate with the ICTY by adjudicating cases transferred by the ICTY and proceeding on ICTY-reviewed indictments. During the year BiH authorities also assisted in the transfer of one ICTY indictee, Zdravko Tolimir, to The Hague. The RS municipalities of Bijeljina, Sokolac, Han Pijesak and Pale remained under sanctions for failing to cooperate with the ICTY.

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

The law prohibits discrimination based on race, gender, disability, language, or other social status; however, discrimination against minorities, women, sexual minorities, persons with disabilities, and others was pervasive.

*Women.*—Rape and spousal rape are illegal; the maximum penalty for either crime is 15 years' imprisonment. A sense of shame reportedly prevented some rape victims from complaining to authorities. While police generally responded to reports of sexual assault, they tended not to treat reports of spousal rape with the same seriousness.

Violence against women, including domestic violence and sexual assault, remained a widespread and underreported problem. According to general NGO estimates, one out of every three Bosnian women was a victim of domestic violence. In the Federation's Herzegovina-Neretva Canton, one NGO reported an increase of domestic violence cases during the year. Of 89 reported cases, 24 cases involved victims who were juveniles, 42 violators received criminal charges, and eight violators received misdemeanor charges. Both the Federation and RS have adopted laws on domestic violence that require police to remove the offender from the family home; however, domestic violence often was not reported to the authorities. Experts estimated that only one in 10 cases of domestic violence was reported to the police. As of October, the RS domestic violence hotline received 1,973 reports of domestic violence.

Police received specialized training in handling cases of domestic violence, and there were four hotlines operating in the Federation and RS that provided assistance and counseling to domestic violence victims. Reluctance on the part of victims to report domestic violence to authorities or to testify against their abusers contributed to lack of prosecutions. There were shelters in Mostar, Tuzla, Banja Luka, Sarajevo, and Modrica to assist victims of domestic violence, and local NGOs were trying to build additional facilities.

Prostitution is illegal. The law treats procuring as a major crime, but prostitution and solicitation are misdemeanors punishable by a fine only. Police raids on bars and brothels drove prostitution further underground, and prostitution frequently occurred in private apartments or on an outcall basis. Single mothers, minorities, or other vulnerable women, particularly from economically depressed rural areas, were at higher risk of being recruited for sexual exploitation.

The law prohibits sexual harassment, but it was a serious problem that was poorly understood by the general population. Many women surveyed by NGOs reported experiencing sexual harassment in their workplaces. Pornography in the workplace was common. Victims almost never filed complaints, largely because they did not recognize their experiences as harassment and were not aware of their legal rights.

The law prohibits gender-based discrimination. Women have equal legal status to men in family law and property law, and were treated equally in practice throughout the judicial system. The Government's Agency for Gender Equality worked to harmonize legislation with the Law on Gender Equality and to inform women of their legal rights. The Federation, the RS, and state-level parliaments had committees for gender equality.

Women served as judges, doctors, and professors, although few women held positions of real economic or political power. A small but increasing number of gender-related discrimination cases were documented. Anecdotal accounts indicated that women and men generally received equal pay for equal work at government-owned enterprises but not always at private businesses. Women in all parts of the country had problems with nonpayment of maternity leave allowances and the unwarranted dismissal of pregnant women and new mothers. Many job announcements openly advertised discriminatory criteria such as age (typically under 35) and physical appearance of female applicants. Women remained underrepresented in law enforcement agencies, although progress continued to be made.

*Children.*—The governments of both entities were generally committed to the rights and welfare of children; however, social services for children were extremely limited. The Ministry of Human Rights and Refugees had a role in enforcing children's rights. Children with disabilities lacked sufficient medical care and educational opportunities.

Education is free and compulsory through age 15; however, parents were required to pay for textbooks, lunches, and transportation, which some families could not afford, causing some children to drop out of school. A lack of reliable monitoring and statistics on enrollment and drop-out rates hindered efforts to ensure that school-age children received an education. Children with special needs were legally required to attend regular classes, but schools were often unable to accommodate them. Except for Roma, almost all children finished primary school through the ninth grade; the completion rate was lower for secondary school. Boys and girls attended school equally. On July 31, the BiH Parliament adopted a State Law on Higher Education that defines the organization of higher education in BiH, outlines the responsibilities of competent authorities, and defines measures for quality assurance.

According to the BiH Roma Council, less than 35 percent of Romani children attended school regularly. Many Romani children were unable to attend school because of extremely poor living conditions, lack of proper clothing, and the inability or unwillingness of families to pay school-related expenses. RS authorities provided textbooks, meal allowances, and transportation allowances for Romani children. Verbal harassment from other students, language problems, and registration costs and requirements also contributed to the exclusion of Roma from schools, despite the desire of many parents to enroll their children. Authorities failed to provide textbooks that included topics related to Romani culture and history.

Students in minority areas frequently faced a hostile environment. Obstruction by nationalist politicians and government officials slowed efforts to abolish school segregation and enact other reforms. Federation cantonal governments and the Ministry of Education in the RS pressured school directors at the primary and secondary level, and several schools were directed by hard-line political figures. In February Tuzla Canton officials began investigating a school in Gornja Maoca that violated national curriculum standards by allegedly following a Wahhabi curriculum and teaching in Arabic.

Administrative and legal unification of the 52 cases of “two schools under one roof,” with separate classes for Bosnian Croats and Bosniaks, did not lead to integrated classrooms, although shared extracurricular activities, school entrances and recreation facilities sometimes resulted. In some areas of the country, notably Vitez in central Bosnia and Prozor-Rama and Stolac in Herzegovina, local officials and parents sought to establish complete physical segregation of Bosniak and Croat students. Segregation and discrimination were entrenched in many schools. In the RS, non-Serbs made up less than 5 percent of the teaching staff in primary and secondary schools. In the Federation, minority teachers made up between 5 and 8 percent of all teachers, depending on the canton. By year’s end all children in primary and secondary schools studied from the same history and geography textbooks, which excluded mention of the recent war.

Family violence against children was a problem. Police investigated and prosecuted individual cases of child abuse. While there were no statistics available on the extent of the problem, some NGOs estimated that one in four families experienced some form of domestic violence. Municipal centers for social work were responsible for protecting children’s rights, but often lacked resources and alternative housing for children who ran away from home to escape abuse or who needed to be removed from abusive homes.

In certain Romani communities, girls married between the ages of 12 and 14. Apart from efforts to increase Romani participation in education, there were no programs aimed specifically at reducing the incidence of child marriage.

*Trafficking in Persons.*—The law prohibits trafficking in persons; however, women and children were trafficked for sexual exploitation, and children and adults, particularly from the Romani community, were sometimes trafficked for begging and labor. There were reports that public officials were involved in trafficking.

The country was a destination, transit point, and, to a greater extent, country of origin for women and girls trafficked for sexual exploitation. An increasing trend of victims being trafficked domestically was also observed during the year. The number of domestic victims increased and equaled the number of foreign victims. During the year Romani children were trafficked to and within the country for forced labor.

Child begging was common among Romani communities; infants (with adults) and children as young as 4 were sent out to beg on street corners, often begging 10 or more hours per day in all weather conditions.

During the year trafficking modalities continued to change. Due to effective legal mechanisms and vigorous actions to combat trafficking, the number of identified victims continued to decline. Trafficking moved further underground to private apartments, motels, and gas stations. NGOs also reported an increase in the use of rape drugs as a recruitment method. There were no reliable estimates on the number of victims trafficked during the year; police raids forced trafficking further underground, increasing the difficulty of estimating the scope of the problem. During the year the Office of the State Antitrafficking Coordinator registered 31 new trafficking victims through its referral mechanism.

The majority of women trafficked to the country came from Serbia or other East European countries. While no reliable estimates were available, a significant number may have been trafficked on to Western Europe. Most trafficked women entered the country through Serbia or Montenegro. Those who transited the country generally continued on via Croatia. Bosnian victims were also found in other parts of Europe. Traffickers came from a variety of backgrounds, including freelance operators and local organized crime networks.

Victims reported working in conditions akin to slavery, with little or no financial support. In some cases, traffickers paid victims wages so that they could send money home to their families. Traffickers coerced victims to remain in these situations through intimidation, verbal threats, seizure of passports, withholding of food and medical care, and physical and sexual assault. To keep victims in the country legally, some traffickers also made victims apply for asylum since, as asylum seekers, they were entitled to remain in the country until their claims could be adjudicated.

Under the law, trafficking is a state-level crime that carries a sentence of up to 10 years in prison. The Ministry of Security is responsible for coordinating anti-trafficking law enforcement at all levels of government, but it was understaffed and lacked the capacity and the essential funding to adequately manage antitrafficking activities. As a result, the international community funded almost all antitrafficking programs.

The BiH State Prosecutor's Office has exclusive jurisdiction over trafficking cases and can decide which cases to prosecute at the state level. The state antitrafficking coordinator, whose mandate included coordination of victim protection efforts among NGOs, police, and government institutions, as well as law enforcement, reported directly to the Ministry of Security. A nationwide interagency investigative anti-trafficking strike force was chaired by the chief state prosecutor and included prosecutors, police, and financial investigators and targeted trafficking and human smuggling.

If screening established that a person was a trafficking victim, authorities did not prosecute that person for immigration or prostitution violations. In most cases, foreign victims were voluntarily repatriated. Persons determined by law enforcement not to be trafficking victims were often deported and occasionally prosecuted for immigration and other violations.

There continued to be reports of police and other official involvement in trafficking, particularly at the local level. Victims' groups alleged that, because of strong local networks, local police often willfully ignored or actively protected consumers or perpetrators of trafficking activity, often accepting bribes in return. To date there have been only a few documented cases of official involvement in trafficking, and no official indictments have been made. On December 18, Bosnian authorities arrested nine individuals, including several local high school and social welfare center employees, suspected of trafficking three juvenile girls in the RS municipality of Derventa. The investigation was ongoing at year's end.

During the year authorities distributed an antitrafficking manual to teachers for use in the curriculum of all BiH schools. Authorities also continued their efforts to assist victims by working with local NGOs to support shelters and other services and by conducting extensive training for police, prosecutors, judges, teachers, and social workers.

On July 5, the Council of Ministers adopted the "Rules on Protection of Victims and Witnesses of Human Trafficking Who Are Citizens of Bosnia and Herzegovina." The rules provide a binding standard of protection for domestic trafficking victims and standard operating procedures for the prevention, identification, protection and assistance of victims and witnesses from BiH. Some antitrafficking NGOs criticized the new procedures for offering protections that were less than those available for foreign victims. Specifically, provisions that require parental notification for victims who were minors troubled NGOs because some girls were picked up by parents and then resold into sexual slavery. Also, some NGOs feared that the Centers for Social Welfare responsible for victim assistance did not have the resources or experience necessary to provide adequate care.

The Government has a formal victim referral mechanism and memoranda of understanding with six NGOs that ran shelters for trafficking victims. NGOs operated safe houses in Sarajevo, Zenica, Banja Luka, Mostar, Doboj, Modrica, and Bijeljina. At the shelters, victims received medical care, psychological counseling, legal assistance, repatriation assistance, and limited vocational training. Police effectively provided protection for the shelters.

*Persons with Disabilities.*—The law in both entities prohibits discrimination against persons with disabilities; however, there was discrimination against persons with disabilities in employment, education, access to health care and other state services.

In the Federation, the law mandates that all existing public buildings be retrofitted to provide access to persons with disabilities by November and that new buildings must also be accessible. This deadline passed without full implementation, and buildings were rarely accessible to persons with disabilities. The RS had comparable laws for public access, and progress on retrofitting older public buildings remained slow.

There was clear discrimination between different categories of persons with disabilities, although the vast majority of such persons were unemployed. For example, persons with disabilities resulting from service during the 1991–95 wars were given a privileged status above the civilian war victims and persons who were born with disabilities. Many individuals with disabilities lived in institutions, although a growing number of programs for children with disabilities were available in schools. One NGO estimated that 30 percent of persons with disabilities residing in institutions were capable of independent living if housing and resources were available.

*National/Racial/Ethnic Minorities.*—Ethnic differences remained a powerful force in the country, although mixed communities existed peacefully in a number of areas. Nationalist Bosniak, Serb, and Croat politicians sought to increase the ethnic homogeneity of the population in areas they controlled by discouraging IDPs of their own ethnicity from returning to their prewar homes if they would be in the minority there. The RS and Federation governments were both supportive of minority returns, but there was a significant decrease in returns nationwide.

Attacks on ethnic and religious objects continued during the year. Police conducted investigations and sometimes charged perpetrators of ethnically motivated hate crimes, but often blamed the attacks on radicals, intoxicated or mentally unstable individuals, or rowdy youth without additional investigation.

Recreational events were an additional forum for interethnic disputes. In August fans attending a BiH versus Croatia soccer game in Sarajevo clashed prior to the game at a downtown cafe. Thirteen persons were injured, and 10 persons were later arrested for damages caused during the fight.

Harassment and discrimination against minorities continued throughout the country, often centering on property disputes. These problems most often included desecration of graves, graffiti, arson, damage to houses of worship, verbal harassment, dismissal from work, threats, and assaults.

Ethnic discrimination in employment and education remained key obstacles to minority returns. Widespread firing of ethnic minorities during and after the war was not reversed in most cases, and members of the ethnic majority in a region often were hired over minorities in places where the minorities had been employed. Widespread ethnic discrimination in employment and failure on the part of state-level and entity-level officials to prevent such discrimination continued. Although the international community supervised the privatization of large state-owned enterprises, many smaller enterprises were sold to politically connected individuals, usually members of the majority group in their communities. These enterprises generally did not employ minorities.

In 2006 the U.N. Committee on the Elimination of Racial Discrimination (CERD) issued observations on the situation in BiH, citing concern over distinctions in the law between “constituent peoples” (Bosniaks, Bosnian Serbs, and Bosnian Croats) and “others” that precluded members of non-constituent groups from fully enjoying the right to vote and stand for office. The CERD also registered concerns over an absence of comprehensive antidiscrimination legislation in the country and the condition of the Romani minority.

The Roma population, estimated at 40,000 to 80,000, faced serious difficulties in exercising the full range of fundamental human rights provided to them under the law. Access to employment, education, and government services were particular problems. The BiH Helsinki Committee estimated that only 1 percent of the working-age Romani population was employed and indicated that Roma were usually the first to be let go during a reduction in force. Many Roma were also excluded from public life because they lacked birth certificates, identification cards, or a registered residence. Many Roma also could not access health care or register to vote. Only a small number of adult Roma were officially employed, and Roma were often denied social support; some families sent their children out to beg or relied on other sporadic sources of income. During the year the Roma Council and the Ministry of Human Rights and Refugees worked to develop action plans for the employment, health and housing of Roma, in efforts to fulfill preconditions for eligibility in the “decade of Roma inclusion” initiative in the EU. However, by year’s end the Government had not completed the action plans for housing, health care, and employment, while the implementation of the education action plan had been implemented only partially.

*Other Societal Abuses and Discrimination.*—While the law prohibits discrimination on the basis of sexual orientation, it was not enforced in practice, and there was frequent societal discrimination against gay, lesbian, bisexual, and transgender persons.

For example, in September RS Prime Minister Milorad Dodik publicly commented on the sexuality of the BiH Transparency International director, stating that he

would not permit him to enter his offices because “I simply do not allow various ‘fag-gots’ into my cabinet.” The Bosnian Gay and Lesbian community, led by the NGO Q Association, immediately condemned the statement as hate speech.

Gay and lesbians who were open about their orientation faced frequent harassment and discrimination, including termination from employment. In some cases, dismissal letters explicitly stated that sexual orientation was the cause of termination, making it extremely difficult for them to find another job.

According to unreliable government statistics, there were less than 200 officially registered cases of HIV/AIDS in the country. The NGO XY-Association for Sexual and Reproductive Health estimated that the actual number of cases was at least three times that, or approximately 600 cases, and the U.N. Programme on HIV/AIDS estimated the number at less than 1,000. There was a significant stigma against persons with HIV/AIDS, a general lack of awareness of HIV/AIDS, and extremely limited resources to identify and assist those affected.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law allows workers in both entities (except members of the military) to form and join unions of their choice without previous authorization or excessive requirements, and workers did so in practice. However, the BiH government refused to register the Confederation of Independent Trade Unions of Bosnia and Herzegovina, an umbrella organization of entity level unions at the state level, which effectively blocked the activity of the principal unions above the entity level. This failure was due in large part to differing legal interpretations from RS and Federation legal experts working in the Council of Ministers. The International Labor Organization (ILO) submitted a letter to the BiH Council of Ministers suggesting it register the Confederation of Independent Trade Unions as soon as possible, in accordance with applicable international conventions, or change the law, but the Council of Ministers had not done so by year’s end. In June the Government attended the ILO conference committee on application of standards.

The law prohibits discrimination by employers against union members and organizers; however, means of protection against retaliation for union activity were not strong and discrimination continued. Practical barriers to employees bringing complaints against employers included high unemployment, a backlogged court system, and the large number of workers in the gray economy.

*b. The Right to Organize and Bargain Collectively.*—The law provides for the right to organize and conduct union activities without interference; however, authorities did not impose sanctions against employers who obstructed union organizing and activity. In the prevailing atmosphere of high unemployment, many believed that worker rights were de-emphasized as workers struggled to keep jobs and the various levels of government seek to maintain inflows of wage contributions. Some unions reported that employees of private companies were threatened with dismissal if they joined a union. There was at least one report of a dismissal of a trade union leader following privatization of his employer.

The right to bargain collectively is provided by law in the RS and in a comprehensive collective bargaining agreement in the Federation. However, collective bargaining in both entities did not involve voluntary direct negotiation between a union and individual employers, but rather work agreements between the Government and workers in the public sector. In the Federation, there were no collective bargaining agreements between private employers and unions. In the RS, the general collective bargaining agreement applied to all workers and was negotiated between unions, the government, and employers. This general agreement applied to private companies, regardless of whether their workers were union members. During the year workers in Brcko bargained collectively for the first time.

The law provides for the right to strike, and workers exercised this right in practice.

There are no special laws or exemptions from regular labor laws in the country’s four export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children; however, there were reports that women and children were trafficked for commercial sexual exploitation and sometimes for begging and labor.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—Entity-level labor laws restrict child labor, and the entity governments implemented these laws in practice. The minimum age for employment of children in the Federation and in the RS is 15 years; minors between the ages of 15 to 18 must provide a valid health certificate in order to work. The law prohibits children from performing hazardous labor, such as night work. Although child labor was not generally a problem, chil-



dren sometimes assisted their families with farm work and odd jobs. Romani children often begged on the streets, particularly in larger cities.

Trafficking in children for sexual exploitation and sometimes for labor and begging was a serious problem.

Entity governments are responsible for enforcing child labor laws. Neither entity had inspectors dedicated solely to child labor inspections; rather, violations of child labor laws were investigated as part of a general labor inspection. Both entities' labor inspectorates reported that they had not found significant violations of child labor laws in the workplace, although they did not conduct reviews of children working on family farms.

*e. Acceptable Conditions of Work.*—The monthly minimum wage in the Federation was \$220 (308 convertible marks) and in the RS the “minimum price of work” used as a base for the salary scale of government employees was \$145 (205 convertible marks); however, neither provided a decent standard of living for a worker and family. Many workers had outstanding claims for back payment of salaries and pensions. The law requires employers in both entities to make substantial mandatory contributions to pension and health care funds; as a result, to avoid paying high social welfare benefits, employers often did not officially register their employees, leaving employees without access to public health care.

Many employees of public works and institutions had not received salaries or health and pension benefits from their government employers. In some cases, these employees had not been paid in the last 6 years.

The legal workweek in both entities is 40 hours; however, seasonal workers may work up to 60 hours per week. The law limits overtime to 10 hours per week in both entities; the Federation has no provision for premium pay, while the RS requires a 30 percent premium. An employee in the RS may volunteer for an additional 10 hours in exceptional circumstances. Federation and RS laws require a minimum rest period of 30 minutes during the workday.

Authorities did not adequately enforce regulations related to acceptable work conditions. While entity labor inspectorates made some effort to enforce registration of employees, they limited most inspections to conditions affecting the officially registered workforce. Since the courts only served as recourse for complaints involving registered workers, the RS labor inspectorate had to submit fines and penalties for court approval; because of court backlogs, this system was not effective, and many workers for practical purposes worked without protections. Implementation of the new RS Law on Health and Safety began by year's end. The law holds employers responsible for analyzing and improving working conditions.

In June the entity-level Federation government initiated inspections on the registration of employees. By September labor inspections had reached 12,358 companies. The Federation Pension Fund reported more than 40,000 newly-employed persons, and 15,138 names removed from the official tables of unemployed. An estimated 100,000 employed workers in the Federation remained unregistered.

The law provides workers the right to remove themselves from situations that endanger their health or safety without jeopardy to their employment; however, this right was not effectively enforced in practice. Worker's rights extended to all official, i.e. registered, workers, including migrant and temporary workers in this status.

---

## BULGARIA

The Republic of Bulgaria is a parliamentary democracy with a population of approximately 7.6 million. Legislative authority is vested in the unicameral National Assembly (Narodno Sabranie). The country is ruled by a coalition government headed by a prime minister. Presidential elections held in October 2006 were deemed generally free and fair. Municipal elections held in October 2007 were marred by reports of unprecedented vote buying. While civilian authorities generally maintained effective control of law enforcement organizations, there were some instances in which law enforcement officers acted independently.

The Government generally respected the human rights of its citizens; however, there were problems in several areas. They included: Severe police abuses, including beatings and other mistreatment of pretrial detainees, prison inmates, and members of minorities; harsh conditions in prisons and detention facilities; arbitrary arrest and detention; and impunity. There were limitations on freedom of the press; some restrictions of freedom of religion and discrimination against religious minorities; and corruption in the executive, legislative and judicial branches of government. Other problems included: Societal violence and discrimination against women and

children; trafficking in persons; discrimination against persons with disabilities; violence and discrimination against minority groups; and child labor.

RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—The Government or its agents did not commit any politically motivated killings.

On November 9, the Sofia Military Court sentenced one police officer to 19 years' and another to 4 to 18 years' imprisonment for the 2005 death of a man in police custody in Blagoevgrad. The victim, Angel Dimitrov, died of severe blows to the head received during his arrest. The police officers' appeal of the sentence to the Military Appellate Court was pending at year's end.

On November 30, the Varna district military prosecution terminated, for lack of evidence, its investigation into the August 10 death of Valentin Zhivkov, while in detention in the Balchik regional police department recovering from intoxication. A subsequent inspection by the Interior Ministry found no violation of procedures by police in this case. Witnesses had claimed that Zhivkov's body showed signs of severe beating.

During the year the Military Appellate Court confirmed the 16-year prison sentence rendered in 2006 against a Varna policeman convicted of the fatal beating of a 38-year-old homeless man in 2005.

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution and law prohibit such practices; however, police frequently beat criminal suspects, particularly members of minority groups.

Police often mistreated suspects in custody, especially during initial interrogation. Human rights observers charged that police sometimes dealt with minor offenses by arresting suspects, beating them, and releasing them within 24 hours so that no judicial involvement was required; however, a continuing decline in the number of complaints about this procedure suggested that it was used less frequently. Non-governmental organizations (NGOs) reported complaints of police brutality from Romani victims who were too intimidated to lodge official complaints with authorities.

On June 5, a court approved a settlement between the defendant and the prosecution and sentenced Anton Zlatanov to 1 year of probation for hooliganism. Zlatanov was detained for 24 hours in 2006 after he blew his horn at a police tow truck blocking the road. He claimed that police beat him while he was in custody.

Human rights groups continued to claim that medical examinations in cases of police abuse were not properly documented, that allegations of police abuse were seldom investigated thoroughly, and that offending officers were very rarely punished.

*Prison and Detention Center Conditions.*—Prison conditions generally did not meet international standards, and the Government did not allocate funds to make significant improvements.

Conditions in some prisons remained harsh and included inadequate toilet facilities and insufficient heating and ventilation. The daily food allowance amounted to approximately \$1.20 (1.6 lev). NGOs received complaints from prisoners about both the quality and quantity of food.

Overcrowding remained a problem, although the Ministry of Justice reported a slight decrease in the prison population following the introduction of a probation system in 2005. As of September, there were 10,792 prisoners in the country's 13 prisons, a figure that the Ministry of Justice estimated to be three times the system's intended capacity.

NGO prison monitors reported that guards' brutality toward inmates continued to be a problem. There were also reports of brutality among the inmates themselves. Some incidents were recorded on smuggled-in cell phones and broadcast on television. In March 2006, following one such broadcast, the director of the Sofia Prison was dismissed, and the prosecutors began an investigation against three prison guards for failing to exert control over the smuggling of cell phones in the prison.

Prisoners exercised their the right to report substandard conditions and mistreatment to prison authorities, but prison authorities, citing financial constraints, did little to address their concerns. NGOs observed that corruption and the Government's failure to allocate resources to improve conditions and increase prison capacity impeded reform.

As of September there were 1,005 detainees in the country's 45 detention centers. Despite some infrastructure improvements in several centers, there were serious

problems with sanitation. Six of the worst centers were closed in 2006, but many of the remaining detention centers still operated in basements with little or no access to sunlight.

Foreign prisoners (153 as of September) were held in a separate prison building in Sofia to provide easier access to consular services from diplomatic missions.

Men and women were held in separate prisons; the prison in Sliven is reserved for women. In all prisons pretrial detainees were held separately from convicted prisoners. Minors were also kept separately in the labor correction hostel in Boichinovtsi, which is used to hold persons under age 18 and is less restrictive than the prisons.

The prison administration noted a significant increase in the number of drug-dependent inmates, estimated to exceed 1,600 compared to an average of 500 in previous years. Citing financial constraints, the prison authorities acknowledged difficulties diagnosing and treating drug-dependent inmates and limiting their access to narcotics.

The Government generally permitted independent monitoring of prison conditions by independent observers, and visits took place during the year.

*d. Arbitrary Arrest or Detention.*—The Constitution and law prohibit arbitrary arrest and detention; however, there were reports that police at times ignored these prohibitions.

*Role of the Police and Security Apparatus.*—The Interior Ministry is responsible for oversight of internal law-enforcement organizations, including the national police Service, whose responsibilities included preserving order, investigating crime, combating organized crime, policing the border, and protecting strategic facilities. Other law enforcement-related bodies, such as the National Intelligence Service and National Protective Service, are directly subordinate to the president and are not subject to adequate judicial, executive, or legislative oversight of their activities or budgets.

A large percentage of crimes went unreported because victims had little confidence in police. A 2006 survey reported that police failed to treat one in four individuals they stopped with professionalism and respect, and that they consistently treated members of ethnic minorities worse than ethnic Bulgarians. Many survey participants expressed fear that filing a complaint would lead to further abuse should they encounter the same officers again.

From January through November, the Interior Ministry received 65 complaints of police corruption on its hot line and 205 posted to its Web site. During the same period, 44 police officers were dismissed and 40 were referred to the military prosecution service to face possible criminal charges.

Impunity remained a problem. All complaints involving interior ministry personnel and other police forces, as well as military personnel, are adjudicated by the military court system. The Sofia Military Appellate Court is the court of final appeal for cases involving interior ministry personnel. NGOs claimed that this separate court system encouraged a latent bias in favor of police and resulted in halfhearted prosecutions by military prosecutors, who were not eager to see their colleagues punished.

Human rights-related training was mandatory at the police academy and officers' schools.

*Arrest and Detention.*—Warrants are not always required for an arrest; however, police normally obtained them from a prosecutor prior to apprehending an individual. If a detainee is released within 24 hours without being charged, no judicial involvement in the case is required. While an investigator or police officer could not detain an individual more than 24 hours, detention could last up to 72 hours without bringing charges if ordered by a prosecutor, who is a member of the judicial branch. Prosecutors are not allowed to arrest military personnel without approval by the defense minister.

The law provides for bail, and bail was widely used.

Although the law provides for access to legal counsel from the time of detention, an August study by the Open Society Institute (OSI) indicated that lack of timely access to legal counsel remained a problem. Logistical reasons and poor knowledge of the law often resulted in police failure to inform detainees of their right to legal aid. The law provides some legal aid for low-income defendants in criminal cases, but the OSI study reported that many police precincts did not have an accurate list of public defenders, thus effectively hindering the program's implementation. Detainees were generally informed promptly of the charges against them. However, the OSI reported some instances when police did not inform detainees of the charges or their rights under the law.

Although the Government generally observed the statutory limit of 1 year for pre-trial detention (2 years for the most serious crimes), there were a few cases of more lengthy detention due to a backlog of cases. In the event of a conviction, time spent in pretrial detention was credited toward the sentence.

*e. Denial of Fair Public Trial.*—The Constitution and law provide for an independent judiciary; however, the effectiveness of the judiciary was hampered by corruption, inefficiency, and a lack of accountability.

The country's judicial system is governed by an independent 25-member Supreme Judicial Council, which has powers to appoint, discipline, and dismiss judges, prosecutors, and investigators.

Cases are reviewed through a three-tier court system, which consists of regional courts, district courts (which act both as trial and appeals courts), appellate courts, and two Supreme Courts acting as final review—the Supreme Court of Appeals and the Supreme Administrative Court. The 2006 Administrative Procedure Code established 28 courts that specialize in reviewing appeals of central and local government acts. The Constitutional Court, which is separate from the rest of the judiciary, is empowered to invalidate legislation that it considers unconstitutional, settle disputes over the conduct of general elections, and resolve conflicts over the division of powers among the various branches of government.

Judicial backlogs remained a serious problem, although observers noted some continuing, modest, improvement in efficiency. Long delays awaiting trial were common, and investigators and police continued to struggle with a large backlog of outstanding investigations. During the year the statute of limitations obliged prosecutors to dismiss charges in more than 20,000 cases.

The Center for Liberal Strategies reported that criminal trials took an average of 350 days, and civil trials took 835, with 541 days spent in pretrial proceedings. The courts often acceded to defense counsels' requests to delay hearings in order to avoid sentencing, with particularly notorious cases of alleged organized crime bosses excused for reported sudden illness. To address excessive delays in civil cases, in July the Parliament adopted a new Civil Procedure Code which was scheduled to take effect on March 1, 2008.

Constitutional changes adopted in March were designed to improve efficiency and strengthen disciplining of judges, prosecutors, and investigators. They mandated the creation of a permanent Supreme Judicial Council, allowing its members to focus entirely on governing the judiciary as opposed to their predecessors, who served on the council in addition to their regular duties and met only once a week. The amendments, supplemented by a new Judicial System Act, also introduced an internal audit mechanism through the creation of an 11-member inspectorate under the council. To ensure strict observance of legal procedures and increase accountability, the inspectorate was charged with investigating complaints of judicial misconduct and recommending disciplinary action to the council. In December the Parliament appointed nine of the inspectorate members in a highly politicized process that attracted widespread criticism.

Structural and personnel reforms in the prosecution service initiated in 2006 continued during the year. Investigations of prosecutors suspected of abuse of office continued, with eight prosecutors brought to court and 35 dismissed or administratively censured. However, observers believed that political influence and widespread corruption impeded efforts to establish a fair, impartial, and efficient judicial system.

*Trial Procedures.*—The law stipulates that all court hearings be in public unless proceedings could reveal national secrets, endanger public morals, or violate the privacy rights of juvenile defendants; authorities generally respected this provision. Defendants have the right to know the charges against them, to have government-provided legal representation if they are indigent, and to have ample time to prepare a defense. A defense attorney is mandatory if the alleged crime carries a punishment of 10 or more years in prison or if the defendant is a juvenile, a foreigner, a person with mental or physical disabilities, or is tried in absentia. Defendants in criminal proceedings have the right to confront witnesses, to examine evidence, and to present their own witnesses and evidence. The law provides for the right of appeal, which was widely used.

Defendants have the right to be present at trial. Juries are not used, although in cases involving more serious crimes, the judge is joined at the trial phase by two assessors, or lay judges, who are ordinary citizens chosen to serve as representatives of the public. If a crime entails imprisonment for more than 15 years, two judges and three assessors hear the case. In such circumstances verdicts are determined by majority vote of panel members.

Military courts handle cases involving military personnel, personnel of the Interior Ministry (including police), and certain national security matters. As part of the judiciary, military courts are separate from the armed forces, and permitted defendants the same rights as those in civilian courts. NGOs claimed that military judges were vulnerable to executive branch influence, as the defense minister technically had the power to confirm their appointment as well as to promote and demote them in military rank; however, there were no specific reports of outside pressure during the year.

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

*Civil Judicial Procedures and Remedies.*—The law provides for an independent and impartial judiciary in civil matters; however, civil cases were plagued by the same long delays as criminal cases. Allegations of human right abuses may be filed with courts and also with the Commission for Protection against Discrimination, which has the power to impose sanctions on violators. Reforms initiated in 2006 in the enforcement of court judgments allowed private enforcement agents to collect claims, greatly improving the efficiency of collection. From January to July 2006, approximately 20,000 collection cases were filed with private enforcement agents, while only 600 were filed with the state enforcement agents.

*Property Restitution.*—The Jewish community reported difficulties recovering properties returned to them through court proceedings, because government agencies continued to occupy them. Despite court decisions in their favor, the Jewish community was unable to take possession of a state-run hospital in central Sofia and a house in Varna formerly owned by a rabbi but occupied by the Ministry of Defense.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution and law prohibit such actions, and the Government usually respected these provisions in practice.

The authorities continued to look for alternative housing sites to replace housing built by Romani in the Vazrazhdane neighborhood of Sofia. Demolition of those houses, whose owners allegedly lacked proper land titles, was halted in June 2006 following international criticism and letters from four members of the European Parliament.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution and law provide for freedom of speech and press, and the Government generally respected these rights in practice; however, there were reports that individuals with political interests threatened and intimidated journalists. NGOs reported that significant numbers of journalists practiced self-censorship due to pressure by political and business leaders and organized crime on the journalists or their management. Some journalists allegedly accepted payments in return for positive coverage of politicians, prominent businessmen, and organized crime syndicates.

Individuals criticized the Government freely without reprisal, and the Government did not attempt to impede criticism.

Inciting racial or national enmity, hatred, or discrimination is a crime punishable by up to 3 years of imprisonment. Additionally, plaintiffs may file civil claims directly with the court for damages inflicted by discriminatory statements.

Six of eight cases in a complaint filed against Ataka party leader Volen Siderov remained under review by the Sofia regional court. The complaint originated with a coalition of 60 NGOs and charged Siderov with harassing and discriminating against persons from ethnic, religious, and sexual minorities. In the two cases that were decided, both in 2006, the court found in one that Siderov had incited discrimination on the basis of ethnicity but found in the other that his statements did not discriminate on the basis of sexual orientation.

A variety of newspapers were published freely by political parties and other organizations representing the full spectrum of public opinion. Private television and radio stations provided a variety of news and public interest programming. Although the state-owned media presented opposition views, observers believed that inadequate legislation to protect their programming independence left these media vulnerable to government pressure. The state-owned Bulgarian Telegraph Agency was generally regarded as unbiased, and the state-owned Bulgarian National Radio was often one of the most outspoken critics of the Government and its policies.

On May 16, police beat an Express Daily reporter, Emil Ivanov, who was photographing security measures being taken to protect a controversial witness in a high profile murder trial involving organized crime. The Sofia district prosecutor

declined to file charges against the officers, a decision criticized by domestic and international human rights groups.

In contrast with the previous year, no journalists were fired in apparent retaliation for criticizing government officials.

There were no developments in the investigation of the April 2006 explosion in the apartment of Vasil Ivanov, who had described wide-ranging abuses in Sofia's main prison, or in the May 2006 brake-in at the offices of the newspaper Novinar, and police had not identified any suspects in the 2005 fire in the Vratsa office of the national daily newspaper Trud.

Defamation is punishable under the law. Usually the courts interpreted the law in a manner that favored journalistic expression. Fines for libel ranged from approximately \$2,239 (3,000 leva) to \$7,465 (10,000 leva); fines for slander ranged from approximately \$3,732 (5,000 leva) to \$11,197 (15,000 leva). Although observers noted a slight increase in the number of defamation suits brought against journalists in recent years, only a small number resulted in fines. The majority of defamation cases were prompted by reporting about corruption or mismanagement, and the most frequent plaintiffs were government officials or other persons in public positions.

On February 23, Volen Siderov, leader of the nationalist and racist Ataka party, and a group of 50 supporters, broke into the offices of the 24 Hours daily and 168 Hours weekly newspapers and threatened employees. The intruders were reportedly angered by press reports about the sources of their party's funding. Authorities initiated an investigation of whether Siderov should be charged with hooliganism; the investigation was ongoing at year's end.

*Internet Freedom.*—There were no government restrictions on the Internet and no reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. During the year the NGO Access to Information and human rights activists strongly criticized the July 12 police interrogation of a blogger who reprinted a notice of an upcoming civil protest. Police warned that since the protest had not been authorized by municipal authorities, the blogger should not make mention of it.

According to the National Statistical Institute, Internet use increased to 30.8 percent of the population, or almost one in every three inhabitants. Internet service was available in 19 percent of households, although less-developed rural areas did not have the infrastructure to support Internet services.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The Constitution and law provide for freedom of assembly, and the Government generally respected this right in practice. The law requires groups requesting a permit for gatherings to give 48-hours' notice and those wishing to demonstrate to give 5-days' notice. Mayors can ban, dismiss, or suggest an alternative site for a gathering they regard as posing a threat to public order, security, or traffic.

*Freedom of Association.*—The Constitution and law provide for freedom of association, and the Government generally respected this right in practice. The law prohibits groups that endanger national unity or promote and incite racial, national, ethnic, or religious hatred, violate the rights of citizens, or seek to achieve their objectives through violent means. The Government generally respected the rights of individuals and groups to establish their own political parties or other political organizations.

Political parties based on religious, ethnic, or racial affiliation are illegal. In practice the prohibition did not appear to weaken the role of some ethnic minorities in the political process; a number of parties in reality represented various ethnic minority groups. Citizens' associations may not engage in political activity.

Under a 2005 law, a political party must have 5,000 members to be registered. The requirement has adversely affected the Macedonian activist group, Ilinden. On October 11, the Supreme Court of Appeals upheld the Sofia city court's decision rejecting Ilinden's registration citing numerous procedural violations in Ilinden's application, particularly in its collection of members' signatures.

Ilinden members continued to complain of hostile treatment by authorities after negative statements by the Blagoevgrad mayor in 2006 and an aggressive campaign by police who went door to door to question members about their affiliation with Ilinden. The decision of the Supreme Court of Appeals effectively precluded further appeals in domestic courts, and the group planned to file a new complaint with the

European Court of Human Rights (ECHR), where it had already won five judgments against the cancellation of its earlier registration.

*c. Freedom of Religion.*—Although the Constitution provides for freedom of religion, the law and the Government restricted this right for some religious groups not registered by the courts. The law designates the Bulgarian Orthodox Church as the “traditional” religion and the Government provided financial support to it, as well as to the Muslim, Catholic, and Jewish faiths perceived as holding historic places in society.

The law requires religious groups other than the Bulgarian Orthodox Church to register with the Sofia City Court if they wish to operate and be recognized as legal entities or to conduct religious activities outside of their places of worship. Groups or persons that have broken away from a registered religious group may not use the name or claim any property belonging to that registered group. Human rights organizations criticized the law’s preferential treatment of the Bulgarian Orthodox Church, citing as examples two court decisions, the most recent issued on February 7, that rejected registration for other Bulgarian Orthodox groups. From January through October, 13 new denominations were registered, bringing the total number of registered religious groups to 86. To register, groups must submit a statement of the denomination’s beliefs. The Bulgarian Helsinki Committee has expressed concern that this requirement constitutes an infringement on freedom of religion.

While there were Orthodox chapels or churches in all prisons, prison officials acknowledged difficulties in meeting the special requirements of other believers, particularly Muslims’ dietary restrictions and requirements for places to pray.

Some religious denominations reported that the Religious Confessions Directorate (RCD), which provides the courts with “expert opinions” on registration matters, became more active during the year in facilitating respect for religious freedom on the part of national and local authorities, and that the National Government was more receptive to their concerns. On February 23, for example, a Protestant group, the Bulgarian Chaplaincy Association, gained legal status. The association represents approximately 120 Protestant pastors and individuals mainly affiliated with the Church of God and Assemblies of God but also Baptists and Lutherans.

In May the Sofia City Court denied an application for reregistration by the Ahmadi Muslim Organization (the community had been rejected in 2005). The decision cited opinions of the RCD and the Chief Mufti’s Office maintaining that the registration of the Ahmadis would “lead to the rise and institutionalization of a very serious dissent in the Muslim community,” and promote the spread of an interpretation of Islam that was not traditional in the country. On November 21, the Sofia appellate court upheld the city court’s decision. The appellate court’s decision precluded further recourse in domestic courts, and the group planned to file a complaint with the ECHR.

The Ahmadi Muslim Organization reported that authorities in Blagoevgrad infringed its members’ right to practice their faith. In December 2006 the Blagoevgrad public prosecutor charged the Ahmadis with carrying out religious activities without proper national registration. After the 2005 rejection of its application to register as a religious group, the group resorted to registering as an NGO. The Blagoevgrad prosecutor challenged the group’s NGO status, claiming it had violated that status by proselytizing and holding religious meetings. The case was awaiting decision in Blagoevgrad District court at year’s end.

Some religious groups continued to report difficulties in gaining long-term registration and freedom to proselytize, although there were fewer such reports than in previous years. In contrast to previous years, there were no reports of missionaries being arrested or fined for proselytizing. During the year several municipalities, including Burgas, Pleven, Pernik, Stamboliyski, Haskovo, and Targovishte, relaxed decrees that prohibited the dissemination of religious literature “on the streets and at the houses of citizens” except by groups registered in the municipality.

Despite these improvements, the Jehovah’s Witnesses organization, which is registered nationally, reported that some local authorities prevented members from distributing leaflets and impeded their efforts to proselytize. On May 24, for example, police in Gorna Oryahovitsa questioned a 14-year-old member of Jehovah’s Witness who was preaching with an adult companion. A local newspaper published an article accusing the group of breaking the law by using underage children to distribute religious propaganda. On April 25, police in Gorna Oryahovitsa prevented two members of Jehovah’s Witnesses from preaching after asking them to produce proof that they had the right to preach publicly. The police officers warned the two to discontinue their public preaching or face serious consequences. In Plovdiv local officials restricted much of their proselytizing activity.

The country’s January 1 entry into the European Union (EU) led to the removal of visa restrictions for EU citizens, significantly improving access to the country by

missionaries from other EU member countries. In contrast to previous years, there were no reports of foreign missionaries being denied visas.

At year's end the Commission for Protection against Discrimination was reviewing a complaint by Muslim students that a ban on wearing of headscarves in schools that do not have school uniform requirements was discriminatory. The case follows an August 2006 decision by the commission to uphold the ban on headscarves imposed by a school in Smolyan that did require school uniforms.

The efforts of a court to resolve a leadership dispute within the Muslim community continued to result in charges that court procedures were opaque and politically influenced. In December the Supreme Court of Appeals upheld the Sofia appellate court's decision annulling the registration of Mustafa Alish Hadji as Chief Mufti. The ruling effectively reinstated rival Islamic leader Nedim Gendzhev, a former Chief Mufti from the Communist era who enjoys limited support within the Muslim community. The expected implementation of the court's ruling raised concerns among the community about potential mismanagement of its property for personal profit.

In 2005 the ECHR granted an accelerated hearing to the Alternative Synod, a splinter group of the Bulgarian Orthodox Church, which filed a complaint alleging that in 2004 the Government improperly intervened in an internal church dispute (the synod's member churches lost all of their property to the Bulgarian Orthodox Church in 2004). The case was pending in the ECHR at year's end.

*Societal Abuses and Discrimination.*—There were occasional manifestations of public intolerance of nontraditional religious groups and religious minorities. Human rights groups reported that discrimination against such groups gradually lessened in recent years.

During the year the extremist political party Ataka (Attack) continued its attacks on Roma, Jews, and Muslims. Ataka, which employed racist and discriminatory rhetoric during the 2005 and 2006 electoral campaigns, published anti-Semitic and anti-Muslim material in its newspaper, on its Web site, and on its cable television mouthpiece Skat. Ataka's newspaper, launched in October 2006, Web site, and cable television mouthpiece Skat, contained strong anti-Roma, anti-Semitic, and anti-Muslim material.

The country's Jewish community numbered approximately 3,500. According to the Jewish organization Shalom, anti-Semitism was not widespread, and Ataka's anti-Semitic media statements had limited impact on the overall tradition of tolerance with regard to the Jewish community.

The Chief Mufti's Office continued to report occasional cases of mosque desecrations. During the year the mosque in Pleven was vandalized with swastika graffiti at least 10 times. In December the windows of the mosque in Kazanluk were broken after it was torched in 2006. In May pigs' heads were hung on two mosques in Silistra. There were no reports of prosecutions in that incident or in a number of 2006 incidents, including the breaking of a window of the Banyabasi Mosqui in Sofia and the defacement of a mosque in Aytos with paint. The Chief Mufti's Office expressed concern that, while the vandals were usually apprehended, they rarely received legal penalties or punishments. In 2006 the National Assembly adopted a declaration condemning the escalating threats to religious tolerance and ethnic peace.

In April VMRO (formerly known as the Internal Macedonian Revolutionary Organization), a fringe political party, protested against a planned religious gathering of Jehovah's Witnesses in Varna, forcing the cancellation of the Witnesses' contract to hold their gathering at the Palace Cinema. Later in April VMRO gathered 1,000 protest signatures in an unsuccessful attempt to disrupt a large gathering of the Jehovah's Witnesses in Dobrich. In advance of the meeting, local media outlets publicized VMRO's negative views of the Jehovah's Witnesses, its demand that the municipality stop the gathering, and its threats to assemble "members and sympathizers" to protest. However, after intervention by the Religious Confessions Directorate, the municipality gave the Jehovah's Witnesses enough police protection to prevent disruptions. At year's end the Commission for Protection against Discrimination was reviewing the cancellation of the internship of a young female member of Jehovah's Witnesses by a private firm to determine whether she was a victim of discrimination. The Supreme Administrative Court overruled the commission's initial decision against her and returned the case for a new review.

During the October municipal elections, the Ataka party reinitiated a campaign to silence the loudspeakers on the Sofia Mosque, claiming that the prayer calls were disturbing residents of the capital's central area. In response to an earlier request of the Sofia mayor, the Chief Mufti's Office promised to turn down the volume "if [it] exceeded the permitted limit."



The investigation into the 2005 desecration of over 100 Turkish Muslim graves in Haskovo by three teenagers was ongoing at year's end, but it appeared unlikely that the perpetrators would be punished.

Two watchdog institutions, the Office of the Ombudsman, and the Commission for Protection Against Discrimination, were responsible for hearing and acting on complaints of discrimination. In 2006, 21 percent of admissible complaints filed with the Commission for Protection Against Discrimination were based on ethnic or racial discrimination.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees and Stateless Persons.*—The Constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

The Government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the Government did not employ it in practice.

*Internally Displaced Persons (IDPs).*—The Government continued to work with NGOs to assist persons rendered homeless by floods in 2005. While many of the 5,000 persons initially displaced were able to return home, some continued to live in temporary housing. There were increasing media reports that government officials misused and misappropriated relief funds.

*Protection of Refugees.*—The Constitution and law provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. The Government provided some protection against “refoulement,” the return of persons to a country where there is reason to believe they feared persecution. The UNHCR noted improvement in the Government's handling of claims for refugee and asylum status at the border and reported that the risk of bona fide refugees being turned away were limited. Nonetheless, observers remained concerned about the institutional capacity of the State Agency for Refugees to efficiently process requests and transfer applicants from the border to the shelters. According to lawyers, the practice of sending asylum seekers that enter illegally to the Centre for Temporary Accommodation of Foreigners in Busmantsi, allowed for them to be treated as illegal immigrants facing potential deportation.

The law requires that persons seeking refugee status file an application within “a reasonable time” after entering the country. During the year the Government granted refugee status to 13 out of a total of 975 applicants. The State Agency for Refugees reported that following the country's EU accession, the number of applicants increased from 639 (2006) to 975 (2007), with Iraq and Afghanistan as the top countries of origin. However, the total number of asylum seekers remained below the peak in 2002, when asylum seekers numbered 2,888. Asylum seekers were predominately single men but also included some women and children.

The Government also provided temporary protection to persons who may not qualify as refugees under the 1951 convention and 1967 protocol. This protection, described by the law as “humanitarian status,” was provided to 322 persons. The UNHCR and NGOs noted that during the year the Government granted humanitarian status to most Iraqi asylum seekers. Observers noted that in cases where the State Agency for Refugees denied asylum, the procedures for removing asylum seekers were unclear, resulting in prolonged detentions, often far in excess of 6 months.

The UNHCR, in cooperation with the International Organization for Migration (IOM), operated three transit centers near the Greek, Turkish, and Romanian borders to interview refugee applicants. They also assisted the Government with a small reception center in Banya.

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

The law provides citizens the right to change their government peacefully, and citizens generally exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage; however, municipal elections were marred by reports of large-scale vote buying.

*Elections and Political Participation.*—In contrast with the October 2006 presidential elections, which were widely regarded as free and fair, the municipal elections held on October 28 were marred by reports of an unprecedented vote-buying surge. The Center for the Study of Democracy estimated that the money spent buy-

ing votes exceeded \$149.3 million (200 million leva). Prosecutors initiated more than 10 investigations under the newly-amended criminal code, which criminalizes both vote buying and vote selling. Another significant type of violation was the organized busing of voters from abroad, usually referred to as "election day tourism." In addition to the busing of voters from Turkey, observed during previous elections, the October elections attracted "election tourists" from Macedonia. Observers noted that the surge in vote buying was prompted by efforts of business circles and organized crime figures to install local politicians as a way to gain greater access to expected EU funds.

There were 51 women in the 240-seat National Assembly. A number of women held elective and appointive office at high levels in the government, including one deputy prime minister and two ministers. Women held key positions in the National Assembly, including one deputy speaker and the chair of one of the 24 standing committees.

There were 31 members of minority groups in the 240-seat National Assembly, of whom 28 were ethnic Turkish, one was Roma, and two were ethnic Armenian. There were three ethnic Turkish ministers in the cabinet and two Romani deputy ministers. While the ethnic Turkish minority was well represented, Roma were underrepresented, particularly in appointed leadership positions. Pomaks (ethnic Bulgarians who are Muslims) held elected positions at the local level.

In the October local elections, approximately 30 municipal mayors of Turkish ethnicity were elected. No Romani mayors were elected, but more than 90 Romani municipal councilors were elected on Roma party tickets. Women's local council representation increased slightly, from 21 percent in 2003 to 23 percent.

*Government Corruption and Transparency.*—The law provides criminal penalties for corruption by government officials; however, the Government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. According to the World Bank's Worldwide Governance Indicators, government corruption was a problem. Public officials were subject to financial disclosure laws, but according to the National Audit Office, 195 officials did not fully comply with the requirements and failed to report all of their and their spouses' assets during the year.

During the year the Government undertook measures to fight low-level administrative crime, but did not aggressively prosecute high-profile organized crime or corruption. In April the minister of economy and energy, the chief of the National Investigative Service, and two deputy ministers lost their jobs after a highly publicized scandal which involved the exchange of corruption allegations. The prosecutor's investigation into the allegations was ongoing at the end of the year. The minister of economy and energy returned to his position as a member of the National Assembly and was appointed chair of its Budget Committee. One of the two deputy ministers was reinstated. The chief of the National Investigative Service remained in the service as head of department.

During the year the Government adopted a strategy for transparent governance and fighting corruption. An interministerial Commission for Preventing and Fighting Corruption, chaired by the interior minister, was responsible for coordinating government efforts to fight public sector corruption, including promotion of public awareness campaigns. The commission reported that between January and November, 131 civil servants were dismissed for corruption.

During the year the Interior Ministry and the chief prosecutor's office continued anticorruption campaigns. Investigations of possible misuse of funds were under way involving several senior government officials, including the head of the State Reserve, the head of fire protection, the chief of Sofia traffic police, and the head of the Sofia heating utility. As of July the Interior Ministry's corruption hot line received more than 5,000 tips.

The law provides for public access to government information; however, in practice the Government often restricted such access. During the year the Supreme Administrative Court reviewed approximately 60 appeals of denials. In almost half of the cases the court allowed greater access to government information. According to the NGO Access to Information Program the Government rarely implemented the courts' decisions.

#### *Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigations of Alleged Violations of Human Rights*

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Human rights observers reported uneven levels of cooperation from various national and local government officials during the year.

In 2006 the ombudsman received 2,516 complaints of violations of citizens' rights and freedoms, of which 78 percent fell within his jurisdiction. By law the ombudsman receives and reviews complaints filed by individuals of rights or freedoms abridged by government institutions. The ombudsman can request information from state authorities, act as an intermediary in resolving disputes, make proposals for terminating existing practices, and refer information to the prosecution service. Of the valid complaints received in 2006, 8 percent concerned human rights violations.

The nine-member Commission for Protection against Discrimination engaged more actively in public awareness campaigns, resulting in an increased number of complaints. The commission has the power to receive and investigate complaints, issue rulings, and impose sanctions on violators. Although the commission was more active during the year, some human rights groups remained concerned about its capacity and independence. As of December 10, the Commission had reviewed 582 complaints, the majority of which concerned labor discrimination.

During the year the ECHR issued 53 rulings related to Bulgaria. The Government paid over \$298,583 (400,000 leva) in compensation for damages imposed as a result of the Government's denial of fair trial, an unreasonably slow judicial process, inadequate prison conditions, mistreatment of detainees and prisoners, and other human rights abuses. The Government has generally complied with the ECHR rulings but did not do so with regard to its rejection of the cancellation of the ethnic Macedonian group Ilinden's registration as a political party.

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

The Constitution and law prohibit discrimination on the grounds of race, gender, disability, social status, and sexual orientation; however, the law does not prohibit discrimination on the basis of language. Societal discrimination continued to occur, particularly against women, sexual minorities, and ethnic minorities. Trafficking in persons continued to be a problem.

The Government raised public awareness and continued to implement administrative provisions of the 2004 antidiscrimination law, which provided two options for civil remedies against discrimination—through the courts and through the Commission for Protection against Discrimination. The law lists in detail the grounds on which discrimination claims could be filed, and these were widely used during the year.

*Women.*—The law criminalizes rape, which was underreported due to the stigma that society attached to the victim. Spousal rape is not specifically addressed in the law. It can be prosecuted under the general rape statute but was rarely prosecuted in practice. Sentences for rape range from 2 to 8 years in prison (from 3 to 10 if the victim is a blood relative). When rape results in serious injury or suicide, sentences range between 10 and 20 years' imprisonment. Authorities generally enforced laws against rape when violations came to their attention, and sentences tended to conform with statutory guidelines. According to NGOs, the social taboo experienced by rape victims discouraged them from reporting the crime and was a far more serious obstacle to prosecution than police reluctance to investigate.

Domestic violence was a serious problem, according to NGOs. Although there were no precise statistics on its occurrence, police believed that one of every four women had been a victim.

The law defines domestic violence as any act, or attempt at, physical, psychological, or sexual violence against members of one's family or between cohabitating persons. It empowers the court to deal with offenders by imposing fines, issuing restraining or eviction orders, or requiring special counseling. The courts reviewed 2,092 domestic violence complaints in 2006. The courts ruled in favor of the victims in 866, or about 40 percent, of the complaints.

Although in October 2006 the cabinet voted to make approximately \$201.543 (270,000 leva) available to municipalities for establishing shelters for domestic violence victims, none were built during the year, and the Government did not provide shelter or counseling for women. The Bulgarian Gender Research Foundation continued its efforts to promote coordinated community responses to domestic violence and trained over 120 police officers, judges, and other legal professionals on the provisions of the domestic violence law. Training helped alter traditional stereotypes of domestic abuse as a family matter rather than a criminal act. As a result, police were less reluctant to intervene in cases of domestic abuse when a woman sought police protection or assistance. Police and social workers referred victims of domestic violence to NGO-run shelters. There were 15 crisis centers to provide victim assistance and short-term shelter. The NGO Animus Association Foundation (AAF) operated a 24-hour hot line for women in crisis, including victims of trafficking, that provided access to professional therapists and help in obtaining medical attention, identity documents, and information on housing and employment.

Prostitution is not specifically addressed in the law and was commonly practiced; however, a variety of activities associated with prostitution, such as pimping, are illegal. Forced prostitution is illegal but remained a serious problem. Poor socioeconomic conditions contributed to a disproportionately higher number of Romani women in organized prostitution.

During the year, under international and NGO pressure, the Ministry of the Interior abandoned plans to legalize prostitution. Many human rights activists concluded that legal prostitution, even if regulated, would threaten antitrafficking efforts.

Sexual harassment is not specifically addressed in the criminal code but is punished under the code's other provisions. Charges are typically brought under prohibitions against coercion, which carry a punishment of up to 6 years in prison. Sexual harassment is also identified as a specific form of discrimination under the Anti-discrimination Act and the Commission for Protection against Discrimination reported an increasing number of sexual harassment cases, approximately 5 percent of all complaints. However, sexual harassment remained a widespread problem, and the Government did not effectively enforce the law.

At year's end a Sofia University lecturer who was alleged to have harassed female students was under criminal investigation. He had been dismissed in December following a television broadcast of a videotape of his misconduct taken by a hidden camera. A large number of cases from earlier years remained pending, including the alleged harassment of an actor by her director and of five female soldiers by army Colonel Petkov in 2006. The 2005 conviction of the chief of the Plovdiv sanitary control inspectorate for threatening to dismiss female employees who declined his sexual advances was upheld by a lower court, but a government appeal was pending at year's end.

Women have the same rights as men, including under family and property law and in the judicial system; however, women faced some discrimination in hiring and pay. In November the Ministry of Labor and Social Policy reported that women's salaries were 24 percent lower than men's, with some lower paid sectors, such as education and services, dominated by women. A National Council on Equality between Women and Men, headed by the minister of labor and social policy under the Council of Ministers, was tasked to safeguard the rights of women. Primarily a consultative body, the council is charged with promoting cooperation and coordination among NGOs and government agencies. In November 2006 the Government adopted a national plan for equal treatment of men and women.

In August 2006 the National Assembly adopted legislation stipulating that in hiring for government positions, all other factors being equal, the candidate of the minority gender should get preferential consideration. No assessment of the effectiveness of this legislation was available during the year.

*Children.*—The Government generally was committed to protecting children's welfare; however, government efforts in education and health were constrained by inadequate budgets and outmoded social care structures.

Public education is compulsory until the age of 16; however, the Government did not effectively enforce attendance requirements. Public education is free through the 12th grade, but children were required to pay for books, which was a problem for poor families.

The U.N. Children's Fund reported that school attendance from 2000 to 2005 averaged approximately 95 percent. According to a 2006 study, 76 percent of students completed high school. The study reported that school dropouts correlated to low household income, parental lack of interest, lack of motivation, and emigration. The number of school dropouts was highest in regions with large Romani populations.

Education for Romani children was generally inferior. A 2006 study indicated that 30 percent of Romani students attended completely segregated schools, partly as a consequence of a legacy of segregation. Nearly 10 percent of Roma had never attended school, and fewer than 1 percent had a university degree.

In 2005 the Sofia regional court found the city guilty of discrimination for failing to provide equal educational opportunities to Romani children, many of whom attended Sofia's three ethnically segregated Romani schools. In 2006 the Sofia City Court confirmed the decision and the city's appeal to the Supreme Court of Appeals was pending at year's end.

Boys and girls had equal access to state-provided medical care.

Violence against children was a problem. The State Agency for Child Protection registered 1,842 cases of such violence in 2006. The Government often removed children from abusive homes and prosecuted abusive parents; however, once away from their families children often fell victim to street violence or violence in specialized institutions.

According to NGOs, living conditions in reform boarding schools for children run by the Ministry of Education and Science remained poor.

Although no official statistics were available, the State Agency for Child Protection reported that child marriage was relatively rare nationwide but was common in the Romani community. The agency also voiced its concern that arranged marriages, a traditional aspect of Romani culture, were resulting in trafficking in persons.

In 2006, 283 children were registered as lacking parental care and oversight compared to 514 in 2005. The children were primarily involved in begging, prostitution, or car window washing, and many of these children were believed to be exploited for labor by adults. The National Statistical Institute reported that the number of children registered by police for vagrancy and begging decreased from 1,537 in 2005 to 975 in 2006.

During the year the Interior Ministry placed 211 children involved in begging and vagrancy in protective custody in five special shelters; however, children were usually not kept there for more than 24 hours unless remanded to protective custody by the special order of a prosecutor. Many were subsequently sent to state-run institutions for children.

Human rights monitors sharply criticized the deficiencies in government-run institutions such as orphanages, educational reform boarding schools, facilities for children with mental disabilities, and shelters for homeless children. Inadequate budgets, poorly trained or unqualified staff, and insufficient oversight plagued these facilities. Standards of hygiene and access to medical care were poor. One goal of a 2003 national action plan for children in institutions was to achieve a gradual reduction in the number of children housed in government-run facilities. According to the State Agency for Child Protection, the number of such children fell from 9,776 to 9,590 between 2005 and 2006; however, watchdog organizations disputed these figures. Social prejudice contributed to the practice by families of institutionalizing their children with disabilities.

In 2005 a 5-year-old blind child died from hot water burns sustained while left unattended in the bathroom of an institution for children with disabilities in Dobromirci. Following an inspection that confirmed procedural violations and insufficient oversight, the Ministry of Labor and Social Policy closed the institution in 2006, transferring the children to other facilities. In 2006 a 15-year-old girl died of complications from eating garbage after being left unattended. At year's end authorities were inspecting the institution for children with mental and physical disabilities in Mogilino, following a British Broadcasting Company documentary showing abysmal conditions and neglect.

*Trafficking in Persons.*—The Constitution and law prohibit all forms of trafficking in persons; however, trafficking was a serious problem.

The country remained a point of origin and transit and, to a lesser extent, a destination, for trafficking, with most victims trafficked for sexual exploitation. Police reported an upward trend in the number of persons being trafficked within the country.

The Chief Directorate for Combating Organized Crime and the IOM reported that victims came from within Bulgaria, and from Romania, Moldova, Russia, Ukraine, and the countries of Central Asia. The principal destinations of victims trafficked from and through the country were Greece, Turkey, the Czech Republic, Poland, Macedonia, Kosovo, and countries in Western Europe. Almost all victims were women and girls trafficked for sexual exploitation. Young women between the ages of 16 and 24 with modest education and weak family ties were most vulnerable, according to NGO and government sources. Minorities, particularly Roma, and women engaged in prostitution were also at particular risk. According to the IOM and AAF, there were also cases of trafficking in male children.

Most trafficking victims within the country were women. In 2006 police broke up a prostitution ring involving children from the Berkovitsa orphanage. The orphanage teenagers reportedly worked for the ringleader in their time off from school. Police blamed the lack of proper oversight at the institution for the incident. The case was under investigation at year's end.

During the year the Interior Ministry reported identifying 255 children as "at risk" of being forced into prostitution. Romani children were particularly vulnerable. There were reports of boys in prostitution.

The trafficking of pregnant women and forcing them to sell their children abroad remained an elusive problem because the women were free to travel and could not be stopped by border police. An amendment to the criminal code, which went into effect in October 2006, criminalizes the sale of unborn children. Police reported disrupting 13 cases of baby selling as of October.

After successful cooperation with Western counterparts, police reported a decline in the number of children being sent abroad to work as beggars and pickpockets. In 2006 more than 600 Bulgarian children were apprehended in Austria and repatriated. After the country's accession to the EU in January, the ability of all citizens, including juveniles between 16 and 18 years of age, to travel freely within the EU using only their domestic identity document posed new challenges to law enforcement officials.

The IOM reported that it assisted approximately 60 victims of trafficking during the year, but the actual number of victims may have been much higher. Police reported dismantling at least 16 trafficking rings during the first 9 months of the year. In 2006 authorities convicted 71 traffickers.

In larger cities organized criminal organizations controlled most trafficking for sexual exploitation. In smaller towns, small crime groups and freelance operators were involved.

Traffickers in foreign countries generally recruited their victims through promises of work, while victims of internal trafficking were most often recruited through close friends or acquaintances. Traffickers for sexual exploitation, both within the country and abroad, have shifted to call-girl operations and away from bars, complicating law enforcement efforts. Traffickers typically used genuine rather than forged travel documents for their victims.

The punishment for trafficking in persons includes prison terms of 1 to 8 years and maximum fines of approximately \$5,972 (8,000 leva). Aggravated circumstances increase the maximum penalties to 15 years and approximately \$14,929 (20,000 leva), and the court may confiscate a trafficker's assets. Other laws are used to prosecute persons for activities associated with trafficking, such as inducement to prostitution.

Two police units focused specifically on the problem of trafficking. One was within the National Border Police and the other was within the Chief Directorate for Combating Organized Crime. The Government participated in multinational antitrafficking activities, particularly within the Southeast Europe Cooperation Initiative. The law permits the extradition of citizens for crimes committed abroad, including trafficking.

During the year authorities energized the National Antitrafficking Commission that was intended to be the primary antitrafficking coordination and policy-making body, by appointing a functioning secretariat. In October, as part of the National Antitrafficking Program adopted on September 26, the Government opened the commission's new office and initiated an information campaign. The Government made some progress in implementing the 2004 witness protection legislation, although it did not provide special assistance to victims of trafficking as called for by the law.

Some law enforcement and other government employees, including local authorities and customs officials, allegedly facilitated trafficking, although there was no evidence of a pattern of official complicity. Officials often accepted bribes to ignore trafficking. Those involved in facilitating trafficking overwhelmingly were low-ranking and poorly paid officials in rural and border regions.

The Government operated three shelters for child victims of violence and trafficking, each of which had the capacity to host 10 children for a period of up to 6 months.

In association with NGOs, the Government conducted trafficking awareness programs for law enforcement personnel and consular officers in overseas Embassies. NGOs reported excellent working relationships with law enforcement officials to identify and assist trafficking victims. The IOM continued its trafficking awareness and capacity building program, which has developed several regional networks of police, prosecutors, and concerned NGOs to raise awareness of trafficking. The program included a referral mechanism to provide protection and assistance to returning victims. Several NGOs and IOM provided free housing, protection, and reintegration assistance to victims, including those willing to testify in the prosecution of traffickers. Pregnant women and women with children can be accommodated in one of 10 social homes for mother and child that were run by NGOs with financial assistance from the Ministry of Labor and Social Policy. The AAF operated a 24-hour hot line for women in crisis that received 186 calls regarding trafficking of women and children, up from 109 in 2006.

*Persons with Disabilities.*—Although the Constitution and law prohibit discrimination against persons with physical and mental disabilities in employment, education, access to health care, and the provision of other state services, the Government did not effectively enforce these provisions in practice. Societal discrimination against persons with disabilities persisted.

The law requires improved access to buildings for persons with disabilities, and public works projects have taken this into account; however, enforcement of this law

lagged in existing, unrenovated, buildings. According to the Psychological Center for Research, an advocacy group for rights of persons with disabilities, only 3 percent of the country's municipalities complied fully with the legal requirements for accessibility.

Conditions in institutions for persons with disabilities were poor. NGOs reported that staffing problems, particularly on night shifts in institutions for adults, posed a significant risk to residents, who complained of mistreatment and theft by staff.

In 2005, 24-year-old Ivailo Vakarelski was found beaten and strangled to death in the state psychiatric hospital in Karlukovo. During that year hospital authorities reportedly neither conducted an internal investigation nor performed a postmortem examination, which is generally mandatory in such cases. In December 2006 the regional prosecutor's investigation into the incident was terminated due to lack of evidence.

The law promotes the employment of persons with disabilities; however, enforcement was poor, and some provisions actually resulted in greater employer discrimination in the hiring process. The great majority of persons with disabilities were unemployed.

Persons with mental and physical disabilities, including very young children, were often segregated from the rest of society—for example, into special schools that lowered the quality of their education. The Ministry of Labor and Social Policy operated 26 institutions for children and youth with disabilities. A 2006 ministry study reported that the facilities and administration of 25 of the institutions needed to be reformed or restructured; the study recommended that one of them close. NGOs complained that the recommendations were not implemented, and conditions in these institutions remained poor.

*National/Racial/Ethnic Minorities.*—Societal discrimination against Roma and other minority groups remained a problem, occasionally resulting in incidents of violence between members of the ethnic Bulgarian majority and the ethnic Romani minority.

Although Roma were officially estimated to make up 4.6 percent of the population, their actual share was estimated to be between 6 and 7 percent. According to a 2002 Council of Europe report, there were 600,000 to 800,000 Roma in the country. According to a 2001 census, ethnic Turks made up 9 percent of the population. Ethnic Bulgarian Muslims, often termed Pomaks, are a distinct group of Slavic descent, whose ancestors converted from Orthodox Christianity to Islam; they constituted 2 to 3 percent of the population.

Popular prejudice against Roma continued to play a significant role in society and was often shared by law enforcement personnel. There were continuing reports that police harassed, arbitrarily arrested, and used violence against Roma; however, NGOs reported that police were generally more cautious in applying force than in previous years. Human rights groups contended that magistrates sometimes failed to pursue crimes committed against minorities.

On August 14, approximately 200 Roma rioted in the Sofia district of Krasna Poliana after rumors surfaced that they were about to be attacked by a group of skinheads. Reportedly chanting "Death to the Bulgarians," Roma smashed car windows and overturned garbage cans. Police detained four Roma for acts of hooliganism. Witnesses claimed the riot was retaliation for a clash that took place the evening of August 12, when a group of young men described as skinheads allegedly attacked three Romani teenagers, one of whom was severely beaten. Four ethnic Bulgarians were charged with hooliganism after the incident. Three of them were arrested and one was released on bail. Additionally, four Roma were detained and charged with hooliganism. In the immediate aftermath of the riot, nationalistic groups like Ataka and the Bulgarian National Union announced plans to form a voluntary guard to suppress mass disorders, but there were no reports that this group had become active at year's end.

On August 21, a 17-year-old Rom, Asparuh Atanasov, was beaten to death in Samokov by a group of teenagers. Police detained four suspects and the prosecution against them was ongoing at year's end. According to the European Roma Rights Center, the non-Romani youth were angered because they believed the Roma should not be in the center of the town.

During the year authorities halted their investigation of the highly publicized death of ethnic Bulgarian Stanimir Kaloyanov, who died of head injuries sustained during a race-related brawl in Sofia in 2005. The police was unable to identify the murderer and the evidence collected against four ethnic Romani suspects was not sufficient for prosecution.

Many Romani and other observers made credible allegations that the quality of education offered to Romani children was inferior to that afforded most other students.

The unemployment rate among Roma was nearly 65 percent, reaching 80 percent in some regions. Only 10 percent graduated from high school, and only 1 percent had a university degree. These factors, together with the generally unfavorable attitudes toward Roma among ethnic Bulgarians and Turks, contributed to strained relations between Roma and the rest of society. Workplace discrimination against minorities, especially Roma, continued to be a problem.

Many Roma lived in substandard housing and lacked legal registration for their places of residences. In July the Stara Zagora municipality started demolition of 25 Romani houses. Authorities claimed the houses were built illegally by nonresidents of the city and were a fire hazard. In June 2006 Sofia city officials ordered the demolition of the houses of 16 Romani families lacking legal deeds in the Vazhrazhdane district. The demolition was halted when local NGOs and the international community publicly criticized the mayor's office.

With the support of the European Bank for Reconstruction and Development, the Government finished building new apartment blocks in Sofia for Roma. However, some NGOs claimed the program had been mismanaged and its assets manipulated for private commercial gain. In an earlier project in Plovdiv, 80 percent of the allocated funds were used to build 30 percent of the planned housing, causing local officials to allege corruption in the central government and prompting the international donors to withdraw from the project.

NGOs reported that Roma encountered difficulties applying for social benefits and that local officials discouraged rural Roma from claiming land to which they were entitled under the law disbanding agricultural collectives. Many Roma suffered from inadequate access to health care.

During the year Roma rights organizations, continuing to use a 2003 antidiscrimination law, won several court cases. In a 2006 case, the Sofia City Court found a company liable when one of its employees advised Angel Assenov not to apply for a position since he was a Rom and would not be hired.

With the support of local NGOs and foreign donors, the Government continued its program of teaching Romani folklore and history to over 5,000 children of all nationalities in an effort to increase interethnic understanding and fight prejudice. Government integration programs also included busing over 2,000 Romani children from ghettoized neighborhoods to mixed-ethnicity schools. Assistant teachers from minority backgrounds were hired to help children from Turkish and Romani linguistic minorities to learn Bulgarian and to integrate into mixed classes.

During the year the Bulgarian Helsinki Commission expressed concern over increasing reports of violent, racially motivated incidents. On January 20, a soccer player of Nigerian origin sustained life-threatening injuries after a knife attack by persons allegedly associated with the skinhead movement. The UNHCR reported that on January 19 and May 13, three refugees, one from Nigeria and two from Sudan, were attacked with knives.

*Other Societal Abuses and Discrimination.*—The law prohibits discrimination on the basis of sexual orientation, but the Government did not effectively enforce this prohibition. Reports of violence against sexual minorities were rare, but societal discrimination, particularly discrimination in employment, although less common than in earlier years, was a problem. Although in 2006 the gay-rights organization Gemini won three cases it filed with the Commission for Protection against Discrimination, individuals continued to be reluctant to pursue legal remedies for discrimination due to the stigma of being openly identified as gay.

According to the Bulgarian Foundation for Aiding HIV/AIDS Patients, several HIV-positive patients were denied appropriate medical treatment. The main reason cited by doctors was the lack of the legislatively mandated isolation room. Patients reported hiding the fact that they were HIV-positive in order to receive medical care.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution and law provide for the right of all workers to form or join trade unions of their choice, and workers exercised this right in practice.

Approximately 18 percent of the workforce was unionized; according to individual trade unions and the Democratic Trade Unions Association, the percentage of the workforce that was unionized continued to decrease.

The law prohibits antiunion discrimination and includes a provision for a 6-month salary payment as compensation for illegal dismissal. Employees could use mediation and the judicial system to resolve complaints, although the burden of proof in such cases rested entirely on the employee.

There were reports of discrimination and harassment against trade union activists and members, who were relocated, downgraded, or fired. In the private sector, a few



employers had a policy of illegally prohibiting trade union membership within their enterprises. Although less frequent than in previous years, there were credible reports that some private employers also forced newly employed workers to sign declarations that they would not establish or join trade unions. There were reports of employers deducting dues from workers' salaries and not passing them on to the unions.

*b. The Right to Organize and Bargain Collectively.*—The law allows unions to conduct their activities without interference, and the Government generally protected this right in practice. The law provides a legal structure for collective bargaining, which was practiced nationally, but not always adhered to the local level. Labor unions alleged that many employers failed to bargain in good faith or to adhere to agreements that were concluded. NGOs reported that collective bargaining was not always effective in practice. Private employers reportedly often refused to negotiate collective agreements, delayed negotiations unnecessarily, or refused to sign agreements; in other cases, private employers signed agreements but did not apply them. A 2003 study published by the European Industrial Relations Observatory estimated that 40 percent of employees worked under collective bargaining agreements.

The law provides for the right to strike; however, key public sector employees (primarily military and law enforcement personnel) were subject to a blanket prohibition against striking. These employees were able to take the Government to court as a means of ensuring due process in protecting their rights.

On July 3, police used tear gas on striking miners who blocked a major road near Radnevo, resulting in the hospitalization of three protesters. One miner was beaten and one arrested, according to trade unionists. The interior minister firmly backed police actions, saying that the miners violated orders not to strike in certain areas.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred. Children were sometimes forced to work due to economic conditions or because of pressure from family members or criminal organizations. Women and children were trafficked for commercial sexual exploitation.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—There are laws and policies to protect children from exploitation in the workplace, including a prohibition on forced or compulsory labor and policies regarding acceptable working conditions. The Government was somewhat effective at implementing these laws and policies in practice. The law sets the minimum age for employment at 16 years and the minimum age for dangerous work at 18 years; employers and the Ministry of Labor and Social Policy are responsible for enforcing these provisions. Child labor laws generally were enforced well in the formal sector, but NGOs reported that children were exploited in certain industries (particularly small family-owned shops, textile factories, restaurants, family farms, construction, and periodical sales) and by organized crime (notably for commercial sexual exploitation and the distribution of narcotics). In 2006 the Ministry of Labor and Social Policy's general labor inspectorate found 219 violations of child labor regulations, all of which were forwarded for prosecution. The prosecution service declined to prosecute 34 cases and continued to review the rest.

Few official statistics on child labor were available. The latest data, published by the International Labor Organization (ILO) in 2000, showed that 14 percent of children ages 5 to 17 years were working. Children were engaged in paid work outside of the home in the commercial and service sectors, agriculture, forestry, transportation, communications, industry, and construction. According to the ILO, children's workdays often exceeded the 7-hour legal maximum, and sometimes children did not receive overtime pay for hours worked. Local NGOs reported that children worked on nonfamily-owned farms for meager monetary or in-kind wages, such as food, and that institutionalized children often sought modestly paid agricultural labor during periods when they were allowed out of residential facilities.

The worst forms of child labor occurred infrequently. Besides trafficking for commercial sexual exploitation, the worst forms of labor included heavy physical labor and health hazards on family tobacco farms, particularly among the ethnic Turkish minority. The Government continued programs to eliminate the worst forms of child labor using educational campaigns about the effects of child labor and intervened to protect, withdraw, rehabilitate, and reintegrate children engaged in the worst forms of child labor.

*e. Acceptable Conditions of Work.*—During the year the Government approved and implemented an increase in the national minimum wage to approximately \$134 (180 leva) per month. While this wage does not provide a decent standard of living for a worker and family, many workers were paid more under the table to avoid taxes.

The law provides for a standard workweek of 40 hours with at least one 24-hour rest period per week. The Ministry of Labor and Social Policy is responsible for enforcing both the minimum wage and the standard workweek. Premium pay for hours worked over 40 per week was supposed to be negotiated between employers and employees. The law stipulates that premium pay for overtime could not be less than 150 percent during workdays, 175 percent during weekends, and 200 percent during official holidays. The law prohibits overtime for children under age 18, pregnant women, and women with children up to age 6. Enforcement generally was effective in the state sector but was weaker in the private sector.

A national labor safety program, with standards established by law, gives employees the right to healthy and nonhazardous working conditions. The Ministry of Labor and Social Policy is responsible for enforcement. After particularly disturbing reports of unhealthy conditions in private factories, including the 2006 death of two seamstresses in a Dupnitsa shoe factory, the Government improved oversight. The law requires joint employer and labor health and safety committees to monitor workplace conditions; however, implementation was slow and these committees remained in the developmental stages at year's end.

The law gives employees the right to remove themselves from work situations that present a serious or immediate danger to life or health without jeopardy to their continued employment; however, refusal to work in such situations could result in the loss of employment.

---

## CROATIA

The Republic of Croatia is a constitutional parliamentary democracy with a population of 4.4 million. Legislative authority is vested in the unicameral Sabor (Parliament). The president serves as head of state and commander of the armed forces, cooperating in formulation and execution of foreign policy and directing operations of the intelligence service; he also nominates the prime minister, who leads the Government. Parliamentary elections on November 25 were conducted in accordance with electoral legislation, although out-of-date registers of voters living abroad created a problem. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. The judicial system suffered from a case backlog, although the number of unsolved cases awaiting trial was somewhat reduced. Intimidation of some witnesses in domestic war crimes trials remained a problem. Courts continued to hold in absentia group trials for war crimes in both Vukovar and Rijeka. The Government made little progress in restituting property nationalized by the Yugoslav communist regime to non-Roman Catholic religious groups. Societal violence and discrimination against ethnic minorities, particularly Serbs and Roma, remained a problem. Violence and discrimination against women continued. School officials continued to segregate Romani students into substandard schools. Trafficking in persons, violence and discrimination against homosexuals, and discrimination against persons with HIV/AIDS were also reported.

The chief state prosecutor and his counterparts in Bosnia and Herzegovina, Serbia, and Montenegro agreed in July to create parallel inventories of war crimes cases in coordination with the Office of the Prosecutor for the International Criminal Tribunal for the former Yugoslavia (ICTY). During the year the Government provided evidence in 10 war crimes cases involving 16 suspects to Serbian authorities for prosecution and transferred evidence in one high profile case that involved several suspects to Montenegro.

### RESPECT FOR HUMAN RIGHTS

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

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

During the year eight persons, including three mine removal experts, were involved in mine related explosions. Two civilians and one mine removal expert were killed by landmines.

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

In February the Government and the International Committee of the Red Cross (ICRC) reported that 2,144 persons remained missing from the 1991–95 military conflict, including 1,100 persons sought by Serbia. During the year the Government

exhumed the bodies of 191 persons and identified the remains of 76 persons found earlier.

To date the Government has exhumed 4,322 bodies and identified 3,446 missing persons. In 2006 Serbia and Montenegro provided the Croatian government a list of approximately 400 members of the military allegedly missing on Croatian territory. The Government Office for Missing Persons stated that at least 46 persons on the list actually disappeared in Bosnia and Herzegovina and that the identities of 14 persons on the list had already been established, and that it had initiated search procedures for 93 persons on the list. In May the Government unearthed a mass grave near Petrinja in central Croatia containing remains of 160 persons, mostly ethnic Serbs who died during Operation Storm in 1995. The Government exhumed the remains of an additional 31 persons of mixed ethnicity at different locations across the country.

During the year the Government had not determined the origin of the remains discovered in 2006 of six persons in a grave in Trokut Novska and at least 100 persons in two caves in the Plitvice area. The Government handled all exhumations and identifications, while the ICTY monitored only the sites related to cases it investigated. The International Commission on Missing Persons assisted in the recovery and identification of remains.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution and law prohibit such practices, and there were no reports that government officials employed them.

*Prison and Detention Center Conditions.*—Prison and detention centers did not meet international standards and suffered from overcrowding and poor hygienic conditions. The prison population increased by approximately 9.7 percent, of which a high percentage were persons in pretrial detention.

In July the European Court of Human Rights (ECHR) ruled that the Government did not provide sufficient treatment for Ksenija Testa, a female inmate at Pozega penitentiary, who was stricken with hepatitis. The court found that, owing to overcrowding and disrepair of the women's prison, she was held in an "unsanitary and unsafe environment." The court concluded that the prison subjected Testa to inhuman and degrading treatment and awarded her \$21,900 (15,000 euros) in damages.

Prison overcrowding due to the incarceration of pretrial detainees worsened during the year. In 2006 the Government's human rights ombudsman found overcrowding and substandard basic hygienic conditions in the country's prisons. Prisons in Varazdin, Osijek, and Split held twice their stated capacity.

In 2006 the Prison System Administration reported deterioration of the conditions in prisons and detention centers. Problems cited included overcrowding, poor staffing, corruption, and an increasing number of young inmates.

The Government permitted visits by independent human rights observers, including the ICRC. In May the Council of Europe's Committee for the Prevention of Torture carried out an 11-day visit to Croatia.

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

*Role of the Police and Security Apparatus.*—The intelligence service is under the authority of the prime minister and president. The national police have primary responsibility for national security; in times of disorder, the prime minister and the president may call upon the military to provide security. An independent oversight board monitors intelligence service performance.

Police corruption and dereliction of duty were problems.

In June 2006 two individuals beat Dutch photographer and journalist Ad van Dendern, who they suspected of taking inappropriate pictures of children. In August 2006 the photographer reported the Split police to the European Parliament for mistreatment and failure to grant protection. Police began disciplinary proceedings against the officers in August 2006. No further information on this case was available.

During the year police and intelligence officials, the chief state prosecutor, and the Office for Organized Crime and Corruption carried out a major operation against high-level corruption and organized crime in which authorities arrested seven officials of the Croatian Privatization Fund, including three fund vice-presidents. An investigation was ongoing and broadened by year's end.

During the year the Interior Ministry renewed its focus on community policing by employing crime prevention strategies and best practices.

*Arrest and Detention.*—Police normally obtained arrest warrants by presenting evidence of probable cause to an investigative magistrate; however, police can make arrests without a warrant if they believe a suspect might flee, destroy evidence, or commit other crimes. The police have 24 hours to justify an arrest to a magistrate.

Police must provide detainees access to an attorney of their choice within 24 hours of arrest. An attorney is appointed by the magistrate to represent an indigent detainee if the case involves a crime for which the sentence is over 10 years' imprisonment. The Government generally enforced this in practice. The magistrate must decide whether to extend a detention for further investigation within 48 hours of an arrest. Investigative detention generally lasted up to 30 days; however, trial courts could extend the period up to 12 months in certain cases. The courts may release detainees on their own recognizance pending further proceedings, although held most criminal suspects in custody pending trial. The option of posting bail after an indictment is available but detainees did not commonly exercise the right. Detention centers also allowed visits by family members.

According to the Office of the Chief State Prosecutor the average length of pretrial detention was between 4 and 5 months. The law allows 6 months pretrial detention, but a court can extend it to 12 months in certain cases, primarily war crimes and organized crime cases, at the state prosecutor's request.

In a high profile case, Mitar Arambasic, an ethnic Serb, was extradited to Croatia in January 2006, based on a 1997 in absentia war crimes conviction, for which he successfully requested a retrial. In 2006 Arambasic's attorney filed a complaint with the Constitutional Court arguing that any further detention was excessive since the defendant spent 3 years in detention prior to extradition. The Constitutional Court found that the previous detention period was not part of the pretrial detention, citing the extradition of Arambasic's codefendant, Dragan Arnaut, from Russia as part of the reason for the delay. The trial began in March in the Split County Court. In May the presiding judge requested arrangements for testimony of witnesses from Serbia. The Split court extended Arambasic's detention every 2 months; Arambasic's attorney unsuccessfully challenged the court's June detention extension in the Supreme Court. The trial was ongoing at year's end.

*Amnesty.*—The law provides for amnesty except for war crimes. In practice, when investigations failed to substantiate original charges of war crimes, courts convicted the defendants on reduced charges, thereby facilitating amnesty. This practice resolved the case for the court without further investigation and allows the defendant to go free, but disregarded the future repercussions that a criminal record could have on potentially innocent defendants, particularly with regard to employment.

During the year the Organization for Security and Cooperation in Europe (OSCE) reported that courts granted amnesty to Tihomir Golic and Dragoljub Stork, two Serb returnees. In May the Slavonski Brod County Court granted Tihomir Golic amnesty and released him in June. In 2002 the court convicted Dragoljub Stork in absentia and sentenced him to 15 years' imprisonment. The Supreme Court annulled the verdict in 2006 and remanded the case for retrial. In March the deputy county prosecutor reduced the charges against Stork, who was arrested in 2006, to armed rebellion. The court invoked amnesty and released Stork.

*e. Denial of Fair Public Trial.*—The Constitution and law provide for an independent judiciary. The Judiciary continued to suffer from a heavy backlog of cases. The Ministry of Justice reported 1,014,646 unresolved cases before courts. The public perceived the judiciary to be one of the main sources of corruption in the country.

The judicial system consists of municipal and county courts, commercial and misdemeanor courts, an administrative court, and the Supreme Court. The Constitutional Court determines the constitutionality of laws, governmental acts, and elections. A parallel commercial court system adjudicates commercial and contractual disputes. The State Judicial Council appoints, disciplines, and, if necessary, removes judges. Parliament appoints the chief state prosecutor, who appoints chief state attorneys at the county and municipal level; the State Prosecutorial Council, a disciplinary body appointed by Parliament, appoints and disciplines deputy prosecutors.

During the year Serb leaders continued to express concern about discrimination in the appointment of judges and reported that, on occasion, the State Judicial Council either refused candidates or left positions vacant rather than appoint ethnic Serbs to the bench. A leading Serb parliamentarian, Milorad Pupovac, stated in September that minority employment in both the judiciary and the police was a problem and that minorities continued to face difficulties in finding employment as judges. According to government data, 42 out of 1,930 judges, or 2.2 percent, were ethnic Serbs, while 1.8 percent were from other minorities. Of the 7,787 judicial employees, 96.1 percent were Croat, 2.4 percent were Serb, and 1.5 percent belonged to other national minorities.

*Trial Procedures.*—The Constitution and law provide for the right to a public trial, and an independent judiciary generally enforced this right. The legal system uses panels of judges, which in some cases include lay judges, rather than juries, to make

convictions. Defendants have the right to counsel, to be present at trial, to confront or question witnesses against them and present witnesses and evidence on their behalf. Defendants have access to evidence relevant to their cases, enjoyed the presumption of innocence, and the right to appeal.

Excessive court delays remained a problem, and the Constitutional Court awarded damages to persons who had experienced unreasonable court delays. In previous years the Supreme Court noted that such delays threatened the integrity of the legal system and called into question the court's ability to provide effective legal remedies.

Many observers questioned the impartiality of war crime trials in jurisdictions where the crimes occurred, since external factors could influence judges, prosecutors, and witnesses there. The Supreme Court changed the venue for several war crimes trials. Defendants did not have a role in the proceedings which determined whether the venue would be changed. Using legal provisions unique to courts designated to accept war crimes case transfers, the Supreme Court transferred cases pending in several courts to a single court. For example, in April the president of the Supreme Court granted the request of the chief state prosecutor to transfer two separate indictments against then-Yugoslav Defense Minister Veljko Kadijevic and others from Bjelovar and Vukovar county courts to the Osijek County Court, where a third indictment against Kadijevic was also pending. The court transferred the case on the grounds that the charges against Kadijevic were similar, hence trying them in one court would conserve judicial resources.

The Croatian government officially protested the ICTY's verdicts for three individuals charged with involvement in the deaths of 193 individuals at the Ovcara farm outside Vukovar in 1991. In November, the Osijek State Prosecutor issued an indictment against Miroslav Radic, the one member of the "Vukovar Three" who had been acquitted by the ICTY, charging him with other crimes connected to the siege of Vukovar.

During the year the OSCE reported that, of cases decided, the Supreme Court reversed trial court verdicts and remanded for retrial 58 percent of individual appeals, reflecting a continued upward trend in reversal rates. During the year the OSCE monitored 36 cases at the Supreme Court involving appeals of trial court verdicts for 78 individuals (49 ethnic Serbs, 28 ethnic Croats, and one ethnic Bosniak). Of these, the court decided on 10 appeals involving 31 persons (18 Croats, and 13 Serbs), confirming five trial court verdicts involving 13 individuals, and reversing five trial court verdicts involving 18 individuals. One of the appeals had been pending for 53 months. The other appeals were pending for periods ranging between 5 months and 38 months. The OSCE Mission reported that Supreme Court delays in deciding some appeals continued. As of the end of the year, seven war crimes appeals had been pending for over 3 years. The longest pending cases tended to be prosecution appeals of acquittals and defense appeals of in-absentia convictions.

Courts tried almost half of defendants for war crimes in absentia, with one group trial in Rijeka fully in absentia and two partially in absentia in Vukovar. Two trials in the Vukovar County Court involving crimes committed by Serb paramilitaries against civilians in Lovas and Miklusevci were ongoing at year's end after 4 and 3 years, respectively.

During the year State prosecutors continued to review all open war crimes cases, eliminating unsubstantiated charges. In May the chief state prosecutor issued a report indicating that, since 1991, the state initiated war crimes proceedings against 3,666 persons. More than 98 percent of the charges involved persons associated with Yugoslav Army or Serb paramilitaries, while less than 2 percent involved members of the Croatian armed forces.

Since constitutions in most countries involved in the 1991-95 conflict prohibit extradition of that country's citizens, the chief state prosecutor signed agreements with counterparts in Montenegro and Serbia to enable the transfer of evidence in such cases, thereby allowing suspects to be tried where they lived rather than where the crime was committed. During the year the Chief State Prosecutor's Office worked with counterparts in Serbia and Montenegro to transfer investigative materials and evidence needed for prosecution of persons suspected of war crimes by Croatia. The office stated that it had provided evidence in several cases to Serbian prosecutors. The Croatian chief state prosecutor also transferred investigative materials and evidence to Montenegrin authorities related to allegations of torture of Croat prisoners in the Morinj prison camp in Montenegro.

Cases before domestic courts included several partially in absentia trials with large groups of defendants. Persons convicted in absentia regularly made use of their right to a retrial. Voluntary return was the only way that persons who had been convicted in absentia could challenge the conviction under the law.

Limited witness and victim protection and support services were a problem, particularly in high-profile war crime and organized crime cases. Although the need for witness support was widely acknowledged by the judiciary and the Justice Ministry, the legal and organizational framework and funding for such services were inadequate. A 2007 U.N. Development Program (UNDP) survey on support to victims and witnesses of crimes stated that Croatian regulations remained inadequate, particularly with regard to the provision of free legal aid, payment of compensation for damage, and protection of witnesses and their privacy. In 2005 the Ministry of Justice established a witness support unit, while the Ministry of Interior had an established witness protection unit. The Ministries of Justice and Interior have separate units to support and protect witnesses. In addition to assisting witnesses involved in interstate cases, the witness support unit provided assistance to some witnesses in local court cases. In April the Justice Ministry established a witness waiting room in the Osijek County Court and trained volunteers to provide support services in several courts. The OSCE reported that the failure of witnesses to appear to testify continued to delay a number of trials, requiring repeated efforts to locate and bring witnesses before the court.

Croatian courts opened two trials or retrials of persons for war crimes during the year.

During the year authorities indicted independent parliamentarian Branimir Glavas for war crimes. Parliament lifted Glavas's immunity, allowing two separate investigations by Osijek and Zagreb prosecutors to proceed into allegations of detention, torture, and killing of Serb civilians in Osijek in 1991. Glavas and his attorneys aggressively challenged the investigations in the media, and Glavas's attorney publicly accused police of witness tampering. In April the Osijek Municipal Court sentenced a senior member of the political party associated with Glavas, the Croatian Democratic Union of Slavonia and Baranja, to 6 months' imprisonment for making a death threat against an Osijek-based journalist who wrote extensively about Glavas. Upon the request of the chief state prosecutor, in 2006 the Supreme Court president allocated the investigation one of two cases against Glavas to the Zagreb County Court to prevent potential witness tampering during the investigation phase. Upon completion of both investigations, in early May the chief state prosecutor requested the two cases be adjudicated in the same court. The request was based on the explanation that a combined trial in Zagreb would prevent potential pressure against witnesses if a separate trial remained in Osijek. In late May the president of the Supreme Court accepted the chief state prosecutor's request, and the cases were merged under the jurisdiction of the Zagreb County Court. The trial of Branimir Glavas and six codefendants began in mid-October in the Zagreb County Court and remained ongoing at year's end.

In July authorities extradited Antun Gudelj from Australia to Croatia for the 1991 murder of several persons, including Josip Reihl-Kir, prewar chief of police in Osijek. Gudelj was convicted in absentia in 1994, extradited for retrial from Germany in 1996, and granted amnesty by the Supreme Court in 1997. In 2001 the Constitutional Court invalidated the amnesty. The retrial of Antun Gudelj for the 1991 war related killings of the Osijek police chief and two local Serb officials commenced in mid-October at the Osijek County Court. The OSCE reported that half of the witnesses scheduled for November hearings failed to appear to testify. Rejecting Gudelj's request to be released from detention, the Osijek County Court, determined that release with bail was not an option for Gudelj due to the gravity of the charges against him. The trial was ongoing at the year's end.

During the year there were developments in a number of war crimes cases discussed in previous years' reports.

In February the Supreme Court upheld the 2006 Split County Court conviction of eight soldiers (four of whom were tried in absentia) in the 1992 torture and murder of ethnic Serb civilians in Lora prison and upheld their 6- to 8-year sentences.

In March the Karlovac County Court acquitted Mihajlo Hrastov, a former member of the Karlovac special police, for a third time of killing 13 unarmed Yugoslav Army soldiers in 1991. Consistent with the two previous acquittals that the Supreme Court overturned since 1992, the court found that Hrastov killed the soldiers in self defense as part of a legitimate military action. In May state prosecutors lodged an appeal at the Supreme Court. The appeal was pending at year's end.

In April the Supreme Court overturned the acquittal of four soldiers charged with killing two elderly Serb civilians near Sibenik in 1995 and remanded the case to a different panel of judges for retrial. The court accepted the Sibenik County state prosecutor's request for detention of the defendants; three defendants were in custody, and one was at large at year's end. The chief state prosecutor requested that the Supreme Court president relocate the case to one of four county courts designated to accept war crimes case transfers.

During the year the Vukovar County Court ordered the detention of five former Croatian soldiers for the 1992 murder of the Olujic family, whose members were ethnic Serbs, in the village of Cerna. In January the court indicted the defendants, who were all members of the war-time Croatian Defense Army. At year's end the defendants remained in detention, and the trial was ongoing.

In May Serbian authorities arrested 12 persons suspected of participating in the torture and killing of numerous Croat civilians in Lovas. The court did not indict the 12 by year's end. The Vukovar County Court requested Serbian authorities to provide more details about the arrested persons.

The Vukovar County Court trial, which began in 2003, of 16 former members of a Serb paramilitary unit, 14 in absentia, for genocide and war crimes in the town of Lovas in Eastern Slavonia was ongoing at year's end. During the year police arrested one suspect; only two defendants were present at the hearings. In 2005 OSCE trial monitors cited the trial as an example of genocide charges being brought for acts that were not of the gravity associated with international genocide verdicts. The indictment alleged that defendants took actions intended to exterminate ethnic Croats.

The trial continued in Vukovar of 25 persons accused of war crimes against civilians from Miklosevci, a mainly Ruthenian-populated village. The defendants were 15 Serbs, five Ruthenians, four persons of unknown ethnicity, and one Roma. Seven defendants were present at the hearings, while the courts tried 18 in absentia. Prosecutors accused the defendants of genocide, murder, and intimidation of non-Serbs in 1991 and 1992.

During the year the state prosecutor worked with counterparts in Bosnia and Herzegovina, Serbia, and Montenegro to investigate alleged war crimes that were videotaped near Dvor na Uni in 1995 and to identify perpetrators. The prosecutor determined the videotape contained evidence of crimes against civilians and prisoners of war.

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

*Civil Judicial Procedures and Remedies.*—There was an independent and impartial judiciary in civil matters.

*Property Restitution.*—During the year the Government worked towards completion of its program to return illegally occupied homes to their owners; however, the property law implicitly favors ethnic Croats over ethnic Serbs by giving precedence to the right of temporary occupants, who were mainly ethnic Croats, to that of original owners, predominantly ethnic Serbs. Owners generally could not repossess their property unless someone secured housing for the temporary tenants. At year's end the OSCE estimated that 17 private houses belonging to ethnic Serbs remained occupied, along with approximately 100 agricultural land plots with unclear ownership title. Restitution of property seized during World War II and the communist era remained an issue. Croatian law does not permit the restitution of property to individuals who were not Croatian citizens at the time the law was passed. Many claimants have since acquired Croatian citizenship, but still cannot file claims. The Government agreed to correct this situation with new legislation, but did not take action on this matter during the year.

Restitution of communal property remained a problem for all major religious groups except the Islamic Community. The Government has not returned any property to the Serbian Orthodox community, the second largest claimant of property in the country. The Government also has not returned Jewish properties, including some buildings in Zagreb, although it did return one property in Osijek.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution and law prohibit such actions, and the Government generally respected these prohibitions in practice.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution and law generally provide for freedom of speech and the press; however, media remained under government influence.

In June 2006 Parliament increased criminal penalties for "hate speech" to no less than 6 months' and no more than 5 years' imprisonment. Hate speech committed over the Internet is punishable by 6 months' to 3 years' imprisonment.

A wide range of private newspapers and magazines were published without government interference. The privately owned Tisak distributed approximately 75 percent of the print media. Political parties, private companies (some foreign owned), and the Government owned or influenced various newspaper and magazine outlets. Foreign newspapers and journals were available in urban areas throughout the

country; however, they remained largely inaccessible to many persons due to their high cost. Despite the 4-year-old media law, media ownership was not fully transparent, making it possible for political or other interests to conceal their influence on media outlets.

The Government owned and operated the national television (HTV) and radio (HRT) network. The appointment of Hloverka Novac-Srzic, a journalist often criticized for openly favoring the ruling center-right Croatian Democratic Union (HDZ) in the 1990s, HTV editor in September was strongly criticized by the Croatian Journalist Association and independent journalists. Independent television and radio stations operated in the country, and two of the three national television stations were private.

Local governments partly or fully owned approximately 70 percent of the media, making local broadcast media particularly vulnerable to political pressure. Approximately 46 percent of local radio stations depended on the financial support of local authorities.

In October police in Zagreb arrested freelance journalist Zeljko Peratovic, searched his apartment, and seized some computer equipment, his mobile phone, and some documents. Police charged Peratovic with posting classified documents on his Web site; he was released the next day. At year's end the case remained in the investigative stage, and authorities had not announced an indictment. By year's end the police had not returned the seized items to Peratovic. Human rights groups protested the arrest and seizures and asserted that they endangered media freedom. The president and prime minister expressed regret over the incident, indicating that they wished that it could have been handled differently.

In April the Croatian Journalists Association (CJA) and Trade Union of Journalists of Croatia issued a statement protesting the removal of Croatian Radio Karlovac editor, Milorad Bozic, as a politically motivated decision in an election year. The CJA noted that the station replaced Bozic with a journalist who had advocated voting for the Croatian Democratic Union in local elections.

In July the Electronic Media Council initiated legal proceedings against local Zagreb television station Z1 and eight other local television stations for airing the Croatian Democratic Union's general convention. The Electronic Media Law only permits television stations to broadcast programs that political parties sponsored during election campaigns. Violations are subject to fines of up to \$200,000 (1 million kunas).

War crime topics remained a sensitive issue for media, and journalists faced pressure because of their reporting. In April Jutarnji List journalist Ivan Zvonimir Cicak reported that he had received death threats from Boro Gotovina, the brother of detained war crimes suspect, Ante Gotovina. The CJA requested an immediate investigation of the threats against Cicak. The press reported that the police reacted in accordance with the law and police practice.

In March Nova TV journalist Robert Valdec reported that he had received anonymous death threats because of his program's dramatization of crimes committed in the early 1990s. The CJA urged authorities to investigate these threats. Police investigated the threats but made no arrests in the case, according to the press.

In April the Osijek Municipal Court found Davor Boras, president of the Croatian Democratic Council of Slavonia and Baranja, guilty of making death threats against Feral Tribune journalist Drago Hedl in May 2006 and sentenced him to a suspended 6 months' prison sentence, with 3 years probation.

According to the press, Joso Mraovic, who is on trial for sexual assault, verbally attacked and threatened journalists from the Rijeka daily newspaper Novi List at a press conference in Gospic on August 10. The Rijeka state prosecutor has requested an investigation of the incident. At a later proceeding at the Rijeka County Court in December, Mraovic threw animal bones at and allegedly verbally assaulted journalists. The county branch of the CJA expressed outrage with the incident.

In October two NGOs, Croatia's Women's Network and Women Infoteka, initiated legal proceedings against the Government Office for Gender Equality before the Administrative Court. The NGOs claimed that the Government denied information about state funding of NGO projects in violation of the Access to Information Law.

Libel is a criminal offense; in recent years there were no reports of politically motivated libel cases. However, a large number of libel cases from previous years remained unresolved due to judicial backlogs. Courts may fine, but not imprison, persons convicted of slander and libel.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Internet access was widely available and used by citizens throughout the country.



*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The Constitution and law provide for freedom of assembly, and the Government generally respected this right in practice.

*Freedom of Association.*—The Constitution and law provide for freedom of association, and the Government generally respected this right in practice; however, the law grants discretionary power to the Ministry of Justice over the establishment and internal governance of foundations. While it was applied equally to all organizations, the law itself is restrictive and controlling. For example, the law provides that organizations may not register if their statutory goals are deemed trivial or if their property is not deemed sufficient to carry out their statutory activities. The law also permits the Government to influence the appointment of an organization's management body.

*c. Freedom of Religion.*—The Constitution and law provide for freedom of conscience and religion and free public profession of religious conviction, and the Government generally respected these rights in practice. There is no official state religion; however, the Roman Catholic Church has a historic and close relationship with the state that was not shared by other religious groups. The Vatican signed a concordat with the country granting it a number of benefits. The Serbian Orthodox Church, Islamic community, and other smaller Christian denominations subsequently reached similar agreements, but the Government had not signed such an agreement with either the Coordinating Committee of Jewish Communities in Croatia or the newly registered Jewish religious community, Bet Israel.

The law requires a group to have at least 500 members and to have been registered as an association for 5 years to register as a religious community. Registered communities have the status of a legal person and enjoy tax and other benefits. Some international groups have criticized the restrictiveness of the Government conditions for registration of new religious communities. However, all religious groups in the country prior to the 2003 passage of the law were in the process of registering without conditions. By year's end, a total of 42 religious communities registered, and 13 additional communities were awaiting registration. The Montenegrin Orthodox Church and Bet Israel registered in 2006.

In 2005 the Church of the Full Gospel, the Alliance of Churches Word of Life, and the Protestant Reformed Christian Church challenged in the Constitutional Court the Government's refusal to conclude agreements that would provide them benefits similar to those provided by agreements with other churches. The Government maintained that the three churches did not meet government requirements to have a minimum number of members and to have been continuously active in the country since 1941. In June the Constitutional Court rejected the appeal, claiming that the case was outside its jurisdiction because the disputed Government's decision did not fall into the category of laws that the court adjudicates. In November The Church of Full Gospel and the associated churches filed a lawsuit against the Government before the Human Rights Court in Strasbourg.

The Government required schools to provide religious training, although attendance was optional. Because 85 percent of the population is Roman Catholic, the Catholic catechism was the predominant religious teaching in public schools. Schools that met the quota of seven students per class of a minority faith allowed separate religion classes to be held for the students.

The Government made little progress restituting property nationalized during the World War II era to most major religious communities, with the exception of the Roman Catholic Church, which had considerable success in receiving restituted property in 2006. In May 2006 the prime minister and the Zagreb archbishop agreed to sign a contract under which government property would cede as compensation for an unspecified Catholic Church property in Zagreb. In the same year, Prime Minister Ivo Sanader signed a contract with Zagreb Archbishop Josip Bozanic to hand over the King Tomislav army barracks complex as an exchange for over 200 previously church owned apartments in Zagreb. In 2006 a Roman Catholic group received a property to be used as a home for mentally disabled children. In the same month the Government returned a property on the Island of Mali Losinj to the Sisters of the Holy Cross. In addition an abandoned hospital building was returned to the Djakovo diocese. In the previous year the City of Zagreb returned theater property to the Franciscan monastery, while the City of Varazdin returned a monastery building to the order of Ursuline nuns. The Serbian Orthodox Church, the second largest claimant of property after the Catholic Church, reported that its joint sub-commission had difficulty in convening in 2006 despite repeated requests to meet with the Government. Subsequently the Serbian Orthodox Church Metropolitan

Jovan Pavlovic met with the prime minister to discuss accelerating property restitution, but made no progress by year's end. The church stated in September that resolution of most of its outstanding issues, including property restitution, had stalled. There was no progress returning nationalized property to the Coordinating Committee of Jewish Communities in Croatia in Zagreb; however, one property was returned in Osijek in April. In 2006 the prime minister announced partial government funding for the reconstruction of the synagogue in Zagreb, which was destroyed during World War II. The Islamic community had no property claims.

After years of delays, an acceptable site to build a mosque in Rijeka was found in cooperation with local authorities, and in June local authorities adopted a zoning plan for construction. In November a mosque was opened in the village of Bogovolja near the town of Karlovac.

*Societal Abuses and Discrimination.*—Societal violence and physical abuse of religious minorities were problems.

In September the media reported that individuals threw stones at a house of the Orthodox parish priest in Vinkovci, the seventh such attack since the end of the war in 1995. Some stones fell into the room where the priest's three children slept, but there were no injuries. The police arrived quickly but allegedly refused to file criminal charges on grounds that the material damage was minimal. The priest also complained that the city mayor failed to publicly condemn repeated attacks against his property.

Incidents involving harassment of clergy and desecration and vandalism of Serbian Orthodox Church property continued to occur sporadically. Orthodox Church sources from the Dalmatian hinterlands assessed that violence was at similar levels as in the past year, claiming that police performance was mixed depending on the area.

In February the fence of the Serbian Orthodox cemetery in Biljane Donje near Zadar was torn down. The unidentified perpetrators lit fires and used a bulldozer to pile rubble on two sites prepared for future tombs.

The press reported in August that offensive graffiti, such as "Kill the Serb" and "Serbs should hang," was written in large letters near a Catholic church in Sinj at the time of the procession on the Feast of the Assumption of Mary on August 15. A police investigation did not yield any results.

Also in September unidentified vandals broke into the St. George Church in Knin, stealing a small amount of money and removing a copper lightning rod from the belfry. This church was vandalized twice in 2006. The police investigated but did not identify suspects in any of the attacks.

Police had no suspects in 2006 and 2005 cases of vandalism or theft from Orthodox churches in Zadar, Bjelovar, the village of Toranja, Novi Pavljani, Knin, Split, and Osijek.

Serbian Orthodox clergy in Dalmatia and ethnic Serb leaders continued to remark that the positive overtures of the central government stood in contrast to that of local authorities, law enforcement, and judiciary, who persistently discriminated against Serbs. For example Serbian Orthodox clergy who arrived from Serbia, Bosnia and Herzegovina, and Montenegro continued to face bureaucratic obstacles in obtaining a longer-term residency permit that entitled holders to benefits such as health care and pensions. The priests were required to renew their status at relatively short intervals that interrupted their stay, preventing them from accumulating the years of residency needed for a more permanent status.

The Jewish community has approximately 2,000 members, and anti-Semitic acts were rare, but in February a sugar company in Pozega produced and locally distributed sugar packets with an image of Adolf Hitler and offensive jokes about Holocaust victims in concentration camps. The state prosecutor's office and the police were still investigating the case at year's end.

In June Jewish community leaders expressed outrage at a display of pro-Ustasha symbols among audience members at a Zagreb concert by popular ultranationalist singer Marko Perkovic. Following the event, the head of the Simon Wiesenthal Center, Efraim Zuroff, wrote a letter to the president protesting the open display of World War II-era fascist symbols, banners, and uniforms by fans at the concert. The Coordination of Jewish Communities in Zagreb also criticized the event and the Government's limited response to the display of the symbols. In a July concert in Split by the same performer, police prevented fans wearing Ustasha insignia from entering the stadium.

In 2006 police pressed charges against a 21-year-old student for sending two threatening e-mails to the Zagreb Jewish Community. In the messages the author denied the Holocaust and expressed hope for "the Iranians to complete a nuclear bomb as soon as possible and launch it on Haifa and Tel Aviv," after which celebrations would be held in Zagreb's streets.

Also in 2006 two youths wearing shirts with Nazi insignia verbally and physically assaulted Avi Eliezer Aloni, the rabbi of the Jewish community in Zagreb, yelling “Jews out.” Police were still investigating at year’s end.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Statelessness.*—The Constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the Government did not employ it.

Refugees returning to the country as citizens of another former Yugoslav Republic rather than as Croatian citizens encountered obstacles obtaining permanent residency status. The law permitted former habitual residents who returned and applied by June 2005 to be reinstated to their prewar status as habitual residents without further requirements, such as meeting housing and financial criteria, and could subsequently apply for citizenship. However, this provision was not consistently applied; causing uncertainty and delaying integration of returnees. In July the Parliament adopted the Law on Foreigners, which includes a clause that exempts refugees from rigid requirements under the previous law. The law was scheduled to enter into force in January 2008. Prior to the adoption of this law, temporary measures existed that allowed former habitual residents to regularize their status on humanitarian grounds, but the police did not apply them uniformly. The UNHCR estimated there were approximately 800 potential claimants in Bosnia and Herzegovina and 234 in Serbia.

The OSCE reported the arrests of three Serb returnees during the year. Sasa Pocuca was arrested in April for crimes allegedly committed in the Knin Prison in 1991. Milan Pekic was arrested in February for allegedly committing war crimes against civilians in Bacin in 1991, but was released from detention in June. An investigation was ongoing at year’s end. Tihomir Golic was arrested in May.

The Government did not take steps to recognize or “convalidate” legal and administrative documents issued by entities not under Croatian control during the 1991–95 conflict. Without such documents, citizens, almost exclusively ethnic Serbs, experienced a wide range of problems, including accessing pensions and disability insurance and establishing work experience.

By November the UNHCR registered a cumulative total of 142,594 minority returns to the country, including 2,050 persons returning up to that point in the year. The UNHCR noted that the number of returnees diminished during the year due to the difficulty of their locating permanent housing. Approximately 12,000 former tenancy rights holders who applied for housing represented the bulk of potential returnees. International organizations that monitored the return of refugees considered the decline in returnees to be within expectations, since most of the remaining refugees willing to return were former tenancy rights holders who were waiting to be provided housing. According to a 2006 UNCHR study, approximately 60 percent of returns were sustainable, and the remainder were either one-time or “commuter” returns. Refugees were also deterred from returning to Croatia by the poor state of the regional economy, ethnic incidents in return areas, and slow implementation of return programs. Hostility of residents to returning ethnic Serb refugees continued to be most pronounced in the Zadar hinterland region in Dalmatia.

Limited access to housing, slow resolution of some bureaucratic obstacles, and lack of employment opportunities hampered the ability of refugees to return to the country. Repossession of Serb houses was almost complete, and reconstruction of Serb houses continued. In May the Government adopted a procedure to resolve the problem of some 14,000 long pending appeals by returnees who were declared ineligible. Under the procedure, such persons, mainly ethnic Serbs, would be allowed to apply for another housing program with less strict criteria, which would provide them with construction material. An estimated one-fifth of houses returned to their owners were looted beforehand. In 2005 the Government adopted a protocol for looted properties but completed instructions for its implementation only in March of this year. At the end of 2005 the Government selected 400 properties as eligible for damage repair of which 253 were undergoing renovation by year’s end.

There were cases of persons attempting to use the courts to recover alleged investments they had made while illegally occupying property. There were 24 such cases pending in the courts. Although the Government adopted a process in 2006 to re-

solve the cases out of court with investors, it remained reluctant to actively offer settlements to investors before they reached courts.

The Government slowly began to resolve the claims of persons who, prior to the war, held tenancy rights in socially owned apartments. Claimants, who were mainly ethnic Serbs, were unable to return to their prewar apartments. Approximately 12,616 claims were submitted, 4,425 of which were in urban areas. According to the UNHCR, by July the Government provided housing in approximately 43 humanitarian cases identified by the international community. By year's end the Real Estate Agency (APN) had purchased 408 apartments outside the areas of special state concern, and claimed to have delivered 307 to individuals or families. By November the UNHCR and the OSCE verified that 133 families had moved into the apartments. Outside the urban areas, the Government allocated housing to 4,477 former tenancy rights holders, or slightly more than half the program applicants. About 3,000 families were waiting for housing to be provided through the program.

*Internally Displaced Persons (IDPs).*—Authorities took an inconsistent and non-uniform approach to minority IDPs, hampering their return. A significant number of IDPs remained in the country, although not all were under the Government's direct care. By November 2,954 (1,644 of Serb ethnicity) IDPs had registered with the UNHCR.

The Government allowed free access to all displaced persons by domestic and international humanitarian organizations and permitted them to provide assistance.

*Protection of Refugees.*—The law generally provides for the granting of asylum in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice, the Government provided protection against "refoulement," the return of persons to a country where there is reason to believe they feared persecution. In July the Parliament adopted a law on asylum, which observers believed was in line with asylum provisions of the U.N. refugee convention. Croatia was generally considered a country of transit by persons seeking protection and a significant number of asylum seekers often left the country before courts made first or second instance decisions.

During the year 195 persons applied for asylum, out of which 66 persons were rejected, 80 persons were dismissed and 44 persons appealed.

In 2006 the Government temporarily established a reception center for asylum seekers in Kutina, near Zagreb. A permanent reception center was scheduled to be established in Zagreb County.

A government appeals commission conducted substantive reviews of cases of asylum seekers whom it initially rejected; however, the UNHCR expressed continued concern that the Government commission influenced appointments. The UNHCR closely followed cases of individuals whom the Government deported or whom authorities returned to their country of origin.

There were no reports of persons requesting temporary protection during the year.

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

The Constitution and law provide citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections on the basis of universal suffrage.

*Elections and Political Participation.*—Parliamentary elections were held on November 25, producing no immediate winner. In December, President Mesic gave the mandate to form a government to Ivo Sanader, the incumbent prime minister, whose HDZ won a plurality of seats. At year's end, coalition negotiations were still ongoing between the HDZ and its potential partners, including ethnic minorities. While no significant irregularities were reported, the local NGO Citizens Organized to Monitor Elections (GONG) estimated that registrations of approximately 20 percent of voters abroad (mainly in Bosnia-Herzegovina) were outdated on Election Day.

Political parties could operate without restriction or outside interference.

Of 153 elected members, 31 were women. There were four women in the 15-seat cabinet, including a deputy prime minister, the minister of justice, and the foreign minister. There were four women among the 10 Constitutional Court justices, and 18 women among the 41 Supreme Court justices.

There were 10 members of minorities among the 153 members of Parliament. Eight were elected under special arrangements guaranteeing seats to minority representatives. The law requires that ethnic minorities have representation in local government bodies if the census shows that a minority group constitutes at least 5 percent of the local population. While authorities generally implemented this pro-

vision, the Government did not take updated voter lists into account in calculating the number of elected minority representatives, as required by law. Use of the voters' lists could have resulted in greater minority representation due to the return of refugees since the 2001 census.

At year's end, the Constitutional Court had still not reached a decision on the 2005 government instruction to local authorities to exclude voters' lists in determining the proportion of minorities in these communities. The National Minorities' Council asked the Government to withdraw the instruction on grounds that it contradicted the law. The Serb community and NGOs expressed similar concerns, and GONG challenged the instruction in the Constitutional Court.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption; however, the Government did not implement the laws effectively, and officials sometimes engaged in corrupt practices with impunity. The European Commission's 2007 Report and the World Bank's worldwide governance indicators both reflected that corruption was a problem.

In a survey conducted in January, Bura, a network of NGOs combating corruption, found that individuals country-wide have encountered corruption in almost every facet of daily life. Over 45 percent of the respondents had personal experience with corruption in the health care system, while 33 percent had encountered corruption with police, almost 29 percent in the judiciary, over 27 percent in local government, and over 26 percent in education.

During the year the former prefect of Pozega-Slavonia County was convicted of defrauding the county of \$55,600,000 (278 million kunas). The court sentenced him to 4½ years in prison.

In June the Government's Office for the Prevention of Corruption and Organized Crime (USKOK) was involved in its largest anticorruption action to date. Seven persons employed by the Croatian Privatization Fund were arrested on allegations that they accepted bribes and sold state-owned companies without legal bids. At year's end, one suspect was still at large.

USKOK continued to improve its capacity and authority to manage criminal investigations. In August changes to the law came into force that expand USKOK's jurisdiction, making it responsible for prosecuting the criminal act of the abuse of power or position by a government official.

During the year USKOK continued its 2005 investigation of possible large-scale illegal sales of refugee Serb houses to the Government's Agency for Refugee Property (APN). In September the Administrative Court ruled in favor of an appeal by the NGO Association for Civil Alternatives and Ethnic Relations (ACAER) which had requested access to contracts the APN made with home owners, and mediating agencies in purchasing refugee Serb houses. ACAER, which mediates on behalf of defrauded home owners, filed the appeal in 2005, anticipating that the opening of APN files would enable them to initiate another 1,000 court procedures in which their clients would seek compensation. Since 2004, the ACAER, which was contacted by 1,200 parties who suspected fraud had occurred, collected documentation and initiated lawsuits in the name of 72 persons whose property has been sold without their knowledge. By year's end there had been 11 first instance decisions and one final verdict in an owners' favor. One local NGO that represented ethnic Serb refugees and assisted them in filing charges complained that the agency had violated the law by refusing to allow refugees access to files, including to contracts that might reveal fraud. The NGO provided legal assistance to more than 250 individuals whose houses were allegedly sold without their knowledge or at prices different from those in specified contracts. The NGO also asserted that the state prosecution was slow to respond to related charges that it filed in 2005 against the head of the APN. The USKOK investigated allegations that some APN employees, along with intermediary agencies based in Serbia, were accomplices to this fraud. In November the Zagreb Municipal Prosecutor's Office charged former APN manager Damir Rajcic with unlawful operation of the APN and causing damage to the budget exceeding \$2 million (10 million kunas).

The law requires public officials to declare their assets. Most government officials complied, although there were questions as to thoroughness and effectiveness of the system and imprecision as to the types of assets covered.

The law provides the right of public access to government information; however, NGOs complained that the law was not implemented efficiently or effectively.

In April GONG expressed concern that the parliamentary report on implementation of the 2003 Access to Information Law did not reflect reality and that some state institutions had not been functioning transparently. GONG also noted that the Government provided inaccurate statistics on the number of information requests it had received and answered and that some state institutions had not filed any of the required reports.

During the year NGOs strongly criticized a confidentiality law passed by Parliament in July expanding the Government's ability to deny requests for public information on confidentiality grounds. Freedom of information advocates asserted that the law potentially could block public access to nearly all government information. Groups critical of the draft law included the Croatian Journalists Association, GONG, Transparency International Croatia, and the OSCE.

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

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were often cooperative and responsive to their views.

The office for cooperation with NGOs and other government ministries and offices was active in coordinating and promoting NGO and governmental efforts on human rights and civil society. The Human Rights Center received both U.N. and government funds during the year.

While threats against NGOs were generally rare, in March unknown vandals wrote insulting graffiti and placed pro-Ustasha material in the mailbox of Center for Peace Studies. Police investigated the incident.

The Office for Human Rights was the primary government body responsible for developing, coordinating, and implementing the Government's human rights policies. While the office did not have authority to directly investigate alleged human rights abuses, it cooperated effectively with NGOs and the international community to conduct awareness campaigns to promote gender equality and women's rights, encourage general tolerance, and prevent trafficking in persons. The office also served as a liaison body between governmental offices and citizens who reported different violations and complaints. The office awarded project grants to NGOs to address various human rights problems. It was adequately funded and enjoyed the cooperation of other government agencies.

During the year the Office of the Chief State Prosecutor prosecuted war crimes committed by ethnic Croats, including several high profile cases and continued its cooperation with the ICTY. Trends indicated that the Office of the Chief State Prosecutor, courts and the police were generally handling war crimes cases in a more balanced and fair manner. During the year the trial involving high-ranking military officers Mirko Norac and Rahim Ademi, who were accused of responsibility for the killing of Serb civilians in 1993, started in the county court in Zagreb. Generals Ademi and Norac were the highest-ranking Croatian officers to be tried for war crimes in the country to date. Norac was serving a 12-year sentence, while Ademi was not in detention but had restricted movement. The trial was ongoing at year's end.

Although Serbs continued to represent the majority of individuals prosecuted, international trial monitors reported that Serb defendants generally had a better chance of receiving a fair trial than in the past. The state prosecutor continued to work closely with the ICTY.

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

The law prohibits discrimination based on gender, age, race, disability, language, or social status; however, discrimination against women, ethnic Serbs, and Roma continued.

*Women.*—Rape, including spousal rape, is a crime punishable by 3 to 10 years' imprisonment; however, according to NGOs, many women did not report rape or spousal rape. The law provides longer sentences for sexual violence against persons with disabilities. In rape cases under aggravated circumstances that result in death or pregnancy or if the victim is a minor, sentences may be between 3 and 15 years. Due to social pressure and stigmatization, rape and sexual violence were under-reported. Some NGOs that specialized in sexual violence remained concerned that there appeared to be no uniform application of rape kits or a uniform gynecological protocol for the treatment of rape victims. The availability of victim assistance services, such as rape crisis centers, varied widely from community to community.

In the first half of the year, 60 rapes and 17 attempted rapes were reported to police. NGO officials estimated that for every reported rape, there were three unreported; on average 100 to 140 cases of sexual violence and rape occur annually. Other leading women's NGOs estimated that the number of unreported rapes was much higher. The NGO Women's Room stated that women frequently did not report rape and spousal rape because they lacked information about available legal protections, felt ashamed, feared reprisal, or, in case of spousal rape, were concerned over the economic consequences. Victims were often reluctant to report rape, particularly

spousal rape, because it was difficult to prove in court and because medical staff, police, and judiciary were not trained to treat such victims. Women's NGOs asserted that sentences for spousal rape tended to be lenient.

Violence against women, including spousal abuse, continued to be a problem. According to 2006 UNDP data, there was a rising trend of reported cases of family violence.

The law provides that persons other than the victim, including the police, may initiate a domestic violence case, which is treated as a misdemeanor. Penalties range from \$200 to \$2,000 (1,000 to 10,000 kunas) or up to 60 days in prison. Under the criminal law, perpetrators can face up to 3 years in prison for the same acts. Police officials tended to classify domestic violence against women as misdemeanors, resulting in minimal sentences. Minimum sentences were particularly common in cases of rape. NGOs complained that the courts were slow to schedule hearings, issued few convictions, and administered only minimum prison sentences and fines in family abuse cases. Police officers in most urban areas were trained to handle family violence and to provide quick intervention, secure victims' safety, and remove perpetrators from families; in rural areas police officers were generally less trained in handling family violence cases.

In 2006 police began keeping gender-specific statistics; however police officials in rural sections of Dalmatia were known to leave reports of domestic violence against women stuffed in desk drawers rather than forwarding them to judicial authorities.

Support for victims of violence was limited. In general, private donations financed most services, with limited government contributions. During the year Croatia actively participated in the Council of Europe's campaign to combat violence against women, raising awareness of the problem using both billboard and television advertisements. The Government continued a program to increase employment opportunities for victims of violence, single parents, and unemployed mothers of three or more children.

There were 10 shelters operated mainly by NGOs and financed by donations for victims of domestic violence. The shelters could accommodate 225 adults and 57 children and were available to both women and children who were victims of family violence. Hot lines, counseling, and legal assistance were available to victims of domestic violence.

Prostitution is illegal but widespread. Women's organizations claimed that prostitutes were abused, stigmatized, publicly humiliated, and have to pay fines.

The law prohibits sexual harassment in the workplace; however, it remained a problem. In 2006 the International Unions' Confederation conducted a regional survey that showed approximately 18 percent of women reported harassment at work. According to trade unions, the problem was most pronounced in the textile and leather, trade, and catering industries. The ombudsman for gender equality and unions reported that they worked on sexual harassment cases, although many women were reluctant to take action for fear of reprisal.

Women generally held lower paying positions in the work force. During the year the Government's Office for Gender Equality, Central Bureau of Statistics, and the Faculty of Sociology carried out research that revealed 61.2 percent of the unemployed population were women, an increase from 57 percent in 2006. Salaries differed for women and men with the same qualifications. For example, in education, health care, and public administration, women received approximately 20 percent less than men. In May a senior official noted in a public address that because women were paid less than men for the same job, their inequality later extends to the pensions they received upon retirement. In a May conference on gender equality organized by the Government's gender equality office, it was estimated that the average monthly gross salary for women was \$1,161 (5,806 kunas) and \$1,298 (6,492 kunas) for men. Women were generally employed in the four most poorly paid sectors of the economy (textiles, education, social care, and services).

Women experienced discrimination in finding employment. Employers often asked women humiliating questions about marital status, number of children, and plans to have more children. A March meeting of the parliamentary Equal Rights Committee and NGOs concluded that the position of women on the labor market had not improved. Women between the ages of 40 and 50 faced the highest risk of discrimination.

The Government cooperated with NGOs to promote gender equality; however, NGOs remained concerned that the budget for such programs was small and unstable. NGOs complained that while the Government organized conferences and events to raise public awareness, it did not make significant substantive changes towards the promotion of gender equality.

The Office for Gender Equality is responsible for implementing the Gender Equality Law and formulating the Government's gender policy; the ombudsman for gender

equality monitored implementation of the law, including the submission of mandatory action plans for state institutions and public companies. During the year the Government distributed several publications designed to raise public awareness and familiarize the public with both U.N. and EU strategies for promoting gender equality.

In 2006 the Government adopted a national gender equality policy for 2006–10 that was drafted with the participation of prominent women's NGOs. The policy addressed women's status with regard to human rights protection, securing equal treatment for women in the labor market, introducing gender-sensitive education, suppressing violence against women, and increasing women's participation in the political process.

The ombudsman for gender equality took an active role in raising the profile of women's human rights.

*Children.*—The Government was generally committed to the rights and welfare of children.

Education is free and mandatory through grade eight; the majority of students continued their education until the age of 18, with Roma being the only notable exception. Romani children faced serious obstacles to continuing their education, including discrimination in schools and a lack of family support. An estimated 10 percent of Romani children graduated secondary school, while up to 39 percent were illiterate. According to a 2005 UNDP-financed survey, 17 percent of Romani children over the age of 12 completed primary education, compared to 74 percent of non-Romani children living close to Romani settlements.

Since 2004 the number of Romani children in preschool education programs increased from 345 to 707, while the number of those attending primary and secondary school tripled from 1,013 to 3,010. The Ministry of Education ascribed the increase to incentives from the Government's action plan Decade for Roma which included a \$100 (500 kunas) monthly scholarship for high school students and a \$200 (1,000 kunas) monthly scholarship for university students. International organizations and local NGOs reported that school authorities continued to provide segregated, lower quality classes for Romani students in the northern part of the country. In February the Constitutional Court rejected a complaint by the parents of 15 Roma children that the creation of separate classes for Romani students in several elementary schools in the northwestern county of Medimurje was discriminatory. The court found that segregated classes were in accordance with "accepted and legitimate educational principles aimed at adjusting the elementary school curriculum to the abilities of pupils who lack the requisite Croatian language and social skills" and that the ethnic or racial origin of the students was not the motivation for segregation. The court cautioned that, if the students remained in segregated classes in higher grades without sufficient justification, by which time it was presumed they should have learned Croatian, it might violate the Constitution. A similar complaint remained pending at the ECHR at year's end.

In 2006 the Council of Europe Human Rights Commission noted that the Government continued efforts to promote preschool education with the aim of integrating Roma children into the school system. Parents of non-Roma children sometimes opposed government desegregation efforts. In June, to stimulate cooperation and help create an atmosphere of tolerance, the Osijek Red Cross continued a project that allowed children from 30 ethnically mixed schools in Osijek-Baranja and Vukovar-Sirmium Counties to participate in literary and art workshops. In 2006 the Ministry of Science, Education of Sports established a special department for educational needs of ethnic minorities.

Child abuse, including sexual abuse, was a problem. In 2006 courts finalized 47 convictions for crimes committed against children, 29 for sexual abuse against minors, nine for charges of lewd behavior involving a minor, seven for abuse of minors for pornography, one for Internet child pornography, and one for exposure of children to pornography.

In April the ombudsman for children published over 1,000 copies of the Convention on the Rights of the Child in two Roma languages, Romany Chib and Limba d'Bjas.

There were no nationwide statistics on child marriages among Roma, but social welfare services in Medimurje County, where a substantial Romani minority resided, reported that common law marriages were customary among partners at the age of 16 and above. According to their estimates, as much as 60 percent of female teenagers entered such marriages, which were often prompted by pregnancies. These marriages were in some cases made official when partners reached adulthood.



*Trafficking in Persons.*—The law prohibits trafficking in persons; however, Croatia was a source, destination, and transit country for trafficked women and children.

The country is mainly a transit country for women and girls trafficked to other parts of Europe for prostitution and labor exploitation and increasingly a source and destination country for trafficked women. Women from Serbia, Moldova, Bosnia and Herzegovina, and other countries were trafficked through Bosnia and Herzegovina and Serbia into Croatia, where some remained to work as prostitutes while others were trafficked onward. Women were transported mainly by vehicles. In January 2008 the Government reported that 15 trafficking victims were identified during the year; nine victims were Croatians, three were Serbians, two were Bosnians, and one was a citizen of Moldova. One of the victims was a minor. Since 2002, 69 victims have been identified. During the year the Government reported that the victims cooperated with police investigations and NGOs.

Recent trends indicated that 20- to 30-year-old women were most at risk of being trafficked. Anecdotal information indicated that transnational and domestic organized crime groups were responsible for trafficking. Victims were subject to violence, intimidation, withholding of documents, and threats by traffickers.

The law defines trafficking in persons as a crime separate from slavery and provides penalties between 1 and 10 years' imprisonment for traffickers. The minimum penalty for trafficking crimes committed against a minor is 5 years' imprisonment. If a criminal organization committed the crime and it resulted in death, the penalty is 5 years' to life imprisonment. During the year Parliament amended the trafficking law to provide criminal sanctions of 3 months' to 3 years' imprisonment for using the services of trafficked persons.

The Ministry of Interior arrested and instituted criminal proceedings against 20 persons during the year. The Government also reported one final trafficking conviction in which the defendant was sentenced to 3 years' imprisonment. The Government also reported ongoing investigations against five individuals.

The Government has a national committee for the suppression of trafficking in persons and a national coordinator for trafficking issues, who is also the head of the Government's human rights office. Agencies responsible for the suppression of trafficking included the ministries of foreign affairs, justice, interior, health, social care, and education, and the Office of the State Prosecutor. Police participated in international investigations through the Southeastern European Cooperative Initiative (SECI) regional center in Bucharest. During the year police participated in an international investigation in conjunction with Swiss police codenamed "Operation Blonde" that resulted in the identification of eight alleged perpetrators and seven trafficking victims. Police also cooperated with law enforcement officials in Slovenia and Serbia throughout the investigation. In March officers from the Organized Crime Department met with their Slovenian counterparts and civil society groups to discuss improving regional cooperation. The Interior Ministry reported active police participation on two International Center for Migration Policy Development antitrafficking projects. The police continued to cooperate with both short- and long-term advisors from Germany and Austria. In addition, police had an active role in the Mirage working group from the SECI regional center and reported strong cooperation with EUROPOL and Interpol in combating trafficking in persons.

There were no reports that government officials were involved in trafficking.

During the year the Government did not deport or punish victims of trafficking and cooperated with NGOs and with the International Organization for Migration (IOM) mission to offer all necessary assistance to victims. While the law criminalizes international prostitution and unauthorized border crossings, it exempts trafficking victims from prosecution. Similarly, the law allows authorities to charge foreign prostitutes with a misdemeanor and initiate deportation proceedings if they do not fulfill legal requirements for their stay in the country, but exempts trafficking victims from deportation.

The Government has a legal framework to provide for victim assistance, and there were support services available for trafficking victims. The Government continued to finance shelters for adult and minor trafficking victims. The Croatian Red Cross, in cooperation with the government, operated four reception shelters for victims. The Government offered assistance to all victims. The Government provided services jointly with local NGOs and the IOM. During the year 30 social workers responsible for reception centers were trained on trafficking.

In July the Parliament adopted the Law on Foreigners that regulates the status of foreign victims of trafficking. The law defines methods of identification and the scope of assistance and the respective bodies which are responsible for offering victim assistance. The law establishes a "reflection period" for adult victims of 30 days and for minor victims of 90 days. The law specifies different forms of assistance

which should be offered to foreign victims, including safe accommodation, financial support, education and training, assistance with regard to work, etc. The law also provides for temporary residence permits, initially from 6 months to 1 year, which can be extended based on a subsequent needs assessment. In addition, a New Law on Social Assistance was adopted by the Government and forwarded to the Parliament for consideration defining procedures and scope of assistance for domestic trafficking victims.

The Government continued to broadcast public awareness campaigns produced during the previous years and continued to support an NGO hot line, alternative shelters, and two traditional shelters. One government information campaign targeted children as potential trafficking victims, while the other targeted adults.

*Persons with Disabilities.*—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and in the provision of other state services; however, discrimination occurred.

The Government maintained 10 counseling centers that offered assistance to persons with disabilities and their families. During the year the Employment Institute trained its employees across the country to work with persons with disabilities, and facilitated the employment of 1,037 persons with disabilities.

In May the Government adopted the National Strategy for Persons with Disabilities (2007–15). Parliamentarian Vesna Skulic criticized the lack of transparency in the management of the Government's fund for professional rehabilitation and employment and the lack of progress in employing persons with disabilities outside Zagreb. Skulic also criticized the lower quality education that children with disabilities often received in specialized schools. The practice of placing personal assistants with persons with grave disabilities remained a pilot project.

In May the UNDP issued a report stressing the need for reducing dependence on institutional care, especially for children with disabilities and adults with intellectual and physical difficulties. In March the Government signed a joint memorandum on inclusion, which listed priorities that would lead to de-institutionalization of patients with mental disabilities. The number of such persons in institutions has not decreased during the year despite some efforts to develop community based alternatives. In June the Government passed the Foster Care Act to reduce the placement of children with disabilities in government institutions, while increasing the compensation provided to foster care families.

The law mandates access to buildings for persons with disabilities; however, the Government did not always enforce these provisions, and the law did not mandate that facilities be retrofitted. As a result, access to public facilities was limited.

In September a man with cerebral palsy, who was unable to use his arms or hands, was not allowed to take an oral entry exam at the Psychology Department of the Zadar Faculty of Philosophy, which effectively denied him entrance to the faculty. The applicant appealed his denial of admission to the Ministry of Education. The ministry, which had earlier granted him permission to take the oral exam, promised to investigate this decision, but there were no conclusive results at year's end.

In August the Administrative Court confirmed the state attorney council's 2006 decision to dishonorably dismiss the deputy state prosecutor in charge of children and youth for disregarding evidence and terminating a 2004 investigation into charges of neglect of children and sexual abuse in a home for mentally incapacitated children operated by the charity Caritas.

*National/Racial/Ethnic Minorities.*—While constitutional protections against discrimination applied to all minorities, open discrimination and harassment continued against ethnic Serbs and Roma.

According to the NGO Serb Democratic Forum, one of the most serious ethnically motivated incidents during the year took place in July at the home of Serb returnees in Gornji Vrhovci, a village in the Pakrac area. Two young men visited a father and his adult son in their yard and asked them for a drink. During the conversation the visitors turned violent, verbally abusing and slapping both the father and the son on the face. Then they locked their hosts into the bathroom, started fires in the house, and left. The house owners managed to escape and put out the fire. Most of the furniture burned and the victims had injuries that required hospitalization. The police quickly apprehended the suspects, whom they later released pending trial. The first hearing was scheduled for December, but was postponed as one of the suspects was still in the hospital.

Five minors were arrested in early October after they vandalized six newly reconstructed and uninhabited houses belonging to Serb owners in the villages of Ceranje Donje and Pristeg. The Serb Democratic Forum (SDF), the largest Serb NGO in the country, commended the police for the fast identification of culprits, which they saw

as an expression of the Government's growing political will to improve its record in curbing interethnic violence.

In September a bomb went off underneath a parked car belonging to Serbian citizens vacationing in the coastal town of Omis. The bomb destroyed the front of the car but caused no injuries. The police questioned several suspects but did not immediately identify culprits. The media speculated on a connection between the incident and the location of the car, which was parked in front of a building mainly inhabited by Croatian war veterans.

Other ethnically based incidents occurred around the country; however they were usually sporadic in nature, involving primarily verbal abuse, threats, and occasional acts of graffiti and vandalism. For example, near Pakrac a Serb farmer complained that he was verbally abused and threatened by his neighbor following a dispute over a fence. In July graffiti glorifying the Ustasha regime and its leader Ante Pavelic appeared on an otherwise uninhabited Serb house in Plaski on the night when the family was preparing the house for the wake of the deceased mother. An additional example of ethnically based violence occurred in August, when a group of young men attacked a Serb returnee's house in Smilic near Benkovac.

Four persons from the Croat village of Skabrnja detained in 2006 for throwing stones at and attempting to set fire to the homes of three Serb returnee families in the village of Biljane Donje, near Zadar, were released after the Serb families dropped charges.

Police investigated but made no arrests in other ethnically motivated attacks against Serbs reported in 2006 that resulted in injury or involved attempted arson, theft, and vandalism in Smokovic, Zemunik Donji, and Ostrovica. Police investigated but had no suspects in the 2006 vandalism of a monument to Croatia war victims in Lovas near Osijek.

At year's end police had not identified any suspects in connection with the 2005 killing of an elderly Serb in Karin; the 2005 beatings of two elderly Serbs in Ostrovica; and the 2005 killings of two Serbs in Lipik.

Leading human rights NGOs and the UNHCR noted that violence against ethnic Serbs remained at the same level of frequency as in 2006, but that the number of grave incidents declined due to improved police performance in investigating and identifying culprits. The Croatian Helsinki Committee Executive Director Ranko Helebrant stated that ethnic incidents had not diminished in number, but that local police were more prompt and vigorous in processing reported cases and in using all available instruments to identify culprits. The SDF noted better police performance in places where ethnically motivated incidents had occurred over the past 2 years. According to Igor Palija, SDF spokesperson, the police were more professional in their conduct and responded to calls related to such cases, which was not common practice in the past. However, the SDF criticized local authorities, particularly in Zadar hinterlands, for showing little will to support interethnic reconciliation.

Disputes over the ownership of agricultural land were almost always a factor prompting ethnic incidents in the region. Ethnic Serbs in the Zadar area encountered difficulties in repossessing their land for a combination of reasons, including investments by temporary users, unregulated cadastre books, and slow court processing. According to police statistics, in areas of more intense refugee return, agricultural land issues remained the primary cause of interethnic incidents.

Discrimination continued against ethnic Serbs in several areas, including the administration of justice, employment, and housing. Ethnic Serbs in war-affected regions continued to be subject to societal harassment and discrimination. A 2006 European Commission report noted that there was gross under-representation of Serbs in local and regional governments, state administration, and judicial bodies. Local authorities sometimes refused to hire qualified Serbs even when no Croats applied for a position.

Five years after the Constitutional Law on National Minorities was passed, authorities have not implemented its provision on proportional minority employment in the public sector in places where a minority constitutes at least 15 percent of the population. Ethnic Serbs, the largest minority, were most affected by the slow implementation of the law. During the year government ministers participated in several discussions organized by the OSCE on implementation of the Law. In May the Government adopted the Civil Service Employment Plan, which sets a goal of bringing the percentage of minority hires in state administration to the level of minorities in the general population. During the year the Central State Administration Office prepared for the first time a plan to employ minorities in state administration; with targets to hire 286 minorities in the central administration, and 50 minorities at regional offices. Of approximately 21,200 civil servants employed at the national level, around 3 percent were ethnic minorities, while minorities made up 7.5 percent of the population. Members of minorities accounted for almost 4,000, or 6 percent,

of civil servants at the county level. The State National Minority Council received \$7.4 million (37 million kunas) for its activities during the year, a 25 percent increase from 2006.

The law provides that minority participation is to be taken into account when appointing judges in regions where minorities constitute a significant percentage of the population. According to an OSCE report, as of May, members of minorities made up approximately 4 percent of the country's judges, with Serbs comprising only 2.5 percent. The report noted that minorities needed to invoke their minority status during the recruitment process to benefit from this provision of the law.

Human rights and Serb NGOs noted several cases of ethnic Serb judges who, although fully qualified, were unable to secure positions in areas with a significant Serb minority population, and the Government appointed persons without experience or from other towns instead. In 2005 one ethnic Serb judge appealed the State Judicial Council's decision when it turned down his bid for the position at the Municipal Court in Gvozd. The administrative court wrote in its response that the applicant indicated his Serb ethnicity, but did not indicate that he was a minority member, and thus failed to invoke his minority rights. An appeal was pending at year's end. The same judge applied for and was refused a position at the Vojnic municipal and misdemeanor courts; his case was pending before the ECHR.

Members of the Serb community complained about an HTV show broadcast after the evening news on the Day of the Homeland Thanksgiving in August that contained elements of hate speech. The documentary contained voiceovers stating that "Serbs were people without faith" and posed specious rhetorical questions over footage of elderly Serb women such as "where are your butcher sons?"

Some discrimination occurred against minorities in schools. In 2006 local authorities in Vukovar and the Ministry of Education integrated 4 secondary schools that previously held separate classes for over 2,000 ethnic Croat and Serb children. With the exception of one school that continued to divide students into separate shifts according to language and ethnicity, all of Vukovar's primary schools had integrated joint shifts.

Societal violence, harassment, and discrimination against Roma continued to be a problem. While only 9,463 persons declared themselves to be Roma in the 2001 census, an OSCE report issued in 2006, estimated the country's Roma population to be much larger. Officials and NGOs estimated that the Romani population was between 30,000 and 40,000. In 2006 the ECHR agreed to review a complaint against the country for allegedly failing to adequately investigate skinhead violence against Roma.

Roma faced many obstacles, including language, lack of education, lack of citizenship and identity documents, high unemployment, and widespread discrimination. Many Roma women in particular had only limited Croatian language skills. Romani NGOs estimated that 25 percent of Roma did not have citizenship documents and thus could not obtain social benefits, employment, voting rights, and property restitution. According to the Council of Europe, only 6.5 percent had permanent jobs, while the Ministry of Social Welfare estimated that 20,000 to 30,000 Roma were receiving some form of social assistance. A 2006 UNDP report on social exclusion estimated that, while Roma constituted less than 1 percent of the population, they accounted for 13.6 percent of the recipients of social assistance.

On occasion ethnic Croats were targets of interethnic violence. In September the media reported interethnic incidents directed against Croats in Vukovar when vandals sprayed graffiti in Cyrillic script on the wall of the post office and a movie theater. Some of the graffiti read "the Republic of Serb Krajina" and "we will do Ovcara Again," alluding to a mass war crime against ethnic Croats. The police investigation was still underway at the year's end.

In 2006 the National Council for National Minorities filed a complaint against the city of Daruvar over an alleged violation of the Law on National Minorities and the Law on the Use of the Minority Language and Script. There were no updates on the case by year's end. While the Czech minority comprised approximately 20 percent of the local population, the script on the street signs and on public buildings largely remained in Croatian.

*Other Societal Abuses and Discrimination.*—There was some societal violence and discrimination against homosexuals.

During an annual Gay Pride parade in July in Zagreb, approximately 20 participants claimed that antigay groups followed them during and after the parade and beat some of them on side streets away from the event. Among the persons beaten at the event or later were Italian Senator Gianpaolo Silvestri and citizens from other European countries. Despite over 500 police protecting some 300 participants, a group of young persons attempted to throw five or six Molotov cocktails into the event. Police arrested a 25-year-old man and charged him with a hate crime for the

incident. In October the state prosecutor indicted the suspect. This was the first time that someone was indicted for a hate crime since this type of crime was introduced into the Criminal Code in June 2006.

Societal discrimination against homosexuals was frequently present in the form of insults, stereotypical jokes and societal prejudices. According to a 2006 national survey conducted on a random sample of 200 sexual minority members, 14.4 percent of interviewees had experienced physical violence over a period of 36 months. More than 56 percent had been exposed to insults or threats. More than half had a friend or partner who had been the victim of violence because of their sexual orientation. Such violence and harassment most frequently occurred in open public places and the perpetrators usually did not know the victim. The survey found that 22 percent of persons who experienced violence because of their sexual orientation reported it to the police, but that for one in four of these, going to police resulted in further embarrassment, humiliation, and inappropriate police behavior towards the victims.

Police investigated but made no arrests in the 2006 attack by a dozen persons on two homosexual British tourists in a bar in which one of the tourists sustained a concussion, ear injury, and loss of teeth. Police also investigated but made no arrests in the 2006 attack by at least three persons on two German homosexual tourists in Split while they walked on the waterfront holding hands; one of the victims sustained a nose fracture and the other a slight chest injury.

Societal discrimination against persons with HIV/AIDS remained a problem. The Croatian Association for HIV (HUHIV) reported that there were instances of dentists and general practitioners refusing to treat HIV positive patients and that some hospitals postponed surgeries because doctors were reluctant to operate. If an HIV patient did not go through the infectious disease hospital, he or she often waited for treatment, and surgery was sometimes delayed indefinitely. There were allegations that transplant centers refused to put HIV patients on their list of potential organ recipients.

According to HUHIV representatives, the lack of public assistance, such as hot lines, for HIV-positive patients was a problem. According to the U.N. theme group on HIV/AIDS, analysis of laws regarding HIV indicated that they contain discriminatory provisions. The group cited legal provisions that require testing under medical supervision for certain professions and in certain cases involving prisoners, and restrictions on HIV-positive persons with regard to employment. According to the analysis, most cases of discrimination occurred outside the scope of the law or was due to insufficient enforcement of privacy laws, lack of consistent adequate medical care, and discrimination in school or the workplace.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—Workers are entitled by law to form or join unions of their own choosing, and workers exercised this right in practice. Approximately 50 percent of workers were members of unions; however, not all the unions were associated with each other and this percentage could vary. Unions generally were independent of the Government and political parties.

The law prohibits antiunion discrimination and expressly allows unions to challenge firings in court. However, in general, the inefficiency of the court system seriously hampered citizens' attempts to seek redress through the legal system.

*b. The Right to Organize and Bargain Collectively.*—The Constitution and law protect collective bargaining and the right to organize, and workers exercised these rights in practice.

The law provides for the right to strike, with some limitations, and workers exercised these rights during the year. Members of the armed forces, police, government administration, and public services were not permitted to strike. Workers may only strike at the end of a contract or in specific circumstances mentioned in the contract after they have gone through mediation. When negotiating a new contract, workers are required to go through mediation before they can strike over a new contract. Labor and management must jointly agree on a mediator if a dispute goes to mediation. If a strike is found to be illegal, any participant may be dismissed, and the union held liable for damages.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits all forced or compulsory labor, including by children; however, there were reports that children were occasionally trafficked for commercial sexual exploitation and labor.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—There are laws and policies to protect children from exploitation in the workplace and provide for acceptable working conditions. While the Government for the most part implemented these laws and policies effectively, child labor remained a problem.

In 2006 the State Inspectorate recorded 130 violations of labor-related laws involving 59 children under the age of 17. Of the total violations, four involved children under the age of 15. The violations occurred in the hospitality, tourism, retail, industrial, agricultural, construction, and media sectors.

The minimum age for employment of children is 15 years. The Ministry of Economy, Labor, and Entrepreneurship, in conjunction with the ombudsman for children and the State Inspectorate, is responsible for enforcing this regulation. Minors under the age of 15 may work if they receive prior approval from the Labor Inspectorate and if it is determined that the child will not suffer physically or mentally from the work. Approval is usually requested for filming movie scenes or play rehearsal. The law prohibits workers under the age of 18 from working overtime, at night, or under dangerous conditions.

There were reports that children were occasionally trafficked for commercial sexual exploitation and labor.

The law proscribes the worst forms of child labor. Recent changes to the criminal code criminalize trafficking in children for purposes of sexual exploitation and labor. The national ombudsman for children coordinates the country's efforts to prevent the exploitation of children and to assist in removing children from exploitative situations. The State Labor Inspectorate has 97 inspectors whose duties include inspection for illegal employment of minors. The inspectorate forwards all cases of violations involving minors to the office of the ombudsman for children.

*e. Acceptable Conditions of Work.*—Minimum wage, as determined by the government, is \$420 (2,100 kunas) per month; the net wage is between \$280–\$300 (1,400–1,500 kunas), depending on exemptions, and does not provide a decent standard of living for a working family. Government statistics from August indicated the average wage was \$948 (4,743 kunas), and the minimum cost of living for a family of four in rented housing was 1,154 (5,774 kunas). The Labor Inspectorate enforces the minimum wage, while the Ministry of Finance determines the level.

Nonpayment and late payment of wages continued to be a problem, as was nonpayment of overtime or for work on holidays. According to the State Labor Inspectorate, it is no longer required by law to record the number of persons who did not receive payment of salaries and that workers have the right to bring court proceedings against those employers who did not issue pay slips to their employees. At least 2,581 employees did not receive payment for their work in 2006.

The Labor Inspectorate reported that, in 2006, 401 employers were shut down for a period of at least 30 days. Violations of labor law included illegally employed workers and foreigners who did not have work permits, workers who were not registered with the pension fund, and workers who were not registered with a health insurance agency.

The law provides for a standard workweek of 40 hours. Workers are entitled to a 30-minute daily break, 1 day off out of seven, and a minimum of 18 days of paid vacation annually. The law provides that workers are entitled to time-and-a-half pay for overtime and limits overtime to 10 hours per week. The labor inspectorate must be notified if overtime work by an employee continues for more than 4 consecutive weeks, for more than 12 weeks during a calendar year, or if the combined overtime of employees of an employer exceeds 10 percent of the total working hours in a particular month. In 2006 the inspectorate processed 15,418 violations of labor law. After processing, the inspectorate sent 6,360 violations to misdemeanor courts for proceedings. Infractions included violations related to labor contracts, payment for work, annual leave, and unpaid and unreported overtime. Pregnant women, mothers of children under 3 years of age, and single parents of children under 6 years of age may work overtime only if they freely give written consent to perform such work.

The Government set health and safety standards, which the Health Ministry enforced; the ministry's inspectorate has jurisdiction over enforcement of health and safety laws at the workplace. In practice, many industries often did not meet worker protection standards. In 2006 the inspectorate initiated 1,680 requests for misdemeanor proceedings covering a total of 3,427 violations of safety standards. During 2006 misdemeanor courts issued 898 violations, of which one was declared a criminal act and referred to court. Under the law, workers may remove themselves from hazardous conditions and have recourse through the courts if they believe that they have been dismissed wrongfully for doing so; however, according to the state inspectorate, workers did not exercise this right in practice and normally only reported employers after they had left their job.

## CYPRUS

Since 1974 the southern part of Cyprus has been under the control of the Government of the Republic of Cyprus (ROC), while the northern part, administered by Turkish Cypriots, proclaimed itself the "Turkish Republic of Northern Cyprus (TRNC)" in 1983. The United States does not recognize the "TRNC," nor does any country other than Turkey. A substantial number of Turkish troops remain on the island. A buffer zone, or "green line," patrolled by the U.N. Peacekeeping Force in Cyprus (UNFICYP) separates the two parts.

## REPUBLIC OF CYPRUS

The Republic of Cyprus is a constitutional republic and multiparty presidential democracy. The area under control of the Government has approximately 786,800 inhabitants. In May 2006, 56 representatives were elected to the 80-seat Vouli Antiprosopon (House of Representatives) in free and fair elections. This election marked the first time since 1963 that Turkish Cypriots residing in the government-controlled area were permitted to vote in elections and run for office. President Tassos Papadopoulos was elected in 2003 in free and fair elections. Civilian authorities maintained effective control of the security forces.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. There were some reports of police abuse and degrading treatment of persons in police custody and of asylum seekers. Violence against women, including spousal abuse, was common, and there were several incidents of violence against children reported. There were some incidents of discrimination against members of minority ethnic and national groups. Trafficking of women to the island, particularly for sexual exploitation, continued to be a problem.

## RESPECT FOR HUMAN RIGHTS

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

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

In 2005 the chief of police reported that the 2005 killing by the police of a Syrian asylum seeker was in self-defense. An independent investigation of the incident was completed during the year, and the Attorney General's Office was reviewing the outcome at year's end. The coroner's investigation was ongoing at year's end.

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

The Government participated in the autonomous, tripartite (UN, Greek Cypriot, Turkish Cypriot) U.N. Committee on Missing Persons (CMP) in Cyprus as part of its continuing efforts to account for persons missing as a result of the intercommunal violence in 1963–64 and the conflict in 1974.

In August 2006 the CMP launched its project to exhume, identify, and return remains. As of December the CMP identified and returned to their families for burial the remains of 38 Greek Cypriots. Exhumations continued in different parts of the island. According to the CMP, 1,430 Greek Cypriots and 483 Turkish Cypriots remained missing.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution and law prohibit such practices; however, there were reports that police abused detainees.

There continued to be reports that police engaged in heavy-handed tactics and degrading treatment of suspects.

In January three Syrian immigrants (Imbrahim Kasem, Ahmad Kasem, and Ahmad Kasem) alleged that 10 police officers beat them shortly after they visited their former employer to demand payment of money due. They claimed that their car was intercepted by the officers, who beat them as they lay face down on the ground. Police then took them to Paphos police station, where they allegedly continued to beat them for several hours. A fourth Syrian immigrant, who was in the car at the time of the alleged beating, managed to escape. The immigrant support group Action for Equality, Support, Antiracism (KISA) filed a complaint with the Attorney General's Office and asked for an investigation. The police charged the three individuals with resisting arrest and hindering police officers from carrying out their duties. Authorities charged two with residing illegally in Cyprus and charged the driver of the car with reckless driving and driving without a license and insurance. Authorities released all three. KISA claimed that, had the three appeared in court, the judge would have seen their injuries and ordered an investigation. Independent investigators appointed by the attorney general decided that the criminal charges filed by the police against the immigrants should be withdrawn and that the immi-

grants should be deported. The independent investigators also decided that the case against the police officers involved in the incident should be "filed."

In January 2006 members of the police antinarcotics unit (YKAN) allegedly beat a Turkish Cypriot suspect during the execution of a search warrant at his house in Larnaca. A criminal investigation ordered by the chief of the police concluded that the police used the necessary force under the circumstances. Based on the results of the investigation, the attorney general declined criminal prosecution.

In March 2006 a police officer allegedly beat prisoner Georgios Georghiou in his cell. Authorities charged the officer with assault causing actual bodily harm. The case was set for a February 20 hearing. Police initiated disciplinary procedures against the officer, but they were interrupted in August 2006 when the ombudsman asked to review the case. In November 2006 the ombudsman's investigation was terminated because criminal charges were brought against the accused police officer. During the court hearing, Georghiou stated that he had no complaint against the police, and the court withdrew the charges against the officer. Following this development, the chief of police ordered the discontinuation of the disciplinary action.

In 2005 plainclothes police officers stopped two cars in Nicosia and proceeded to handcuff and beat the drivers, 27-year-old students Marcos Papageorghiou and Yiannos Nicolaou. Authorities charged 11 police officers with numerous offenses, including assault and torture. The hearing of the case started in September 2006 and was ongoing at year's end.

*Prison and Detention Center Conditions.*—Conditions in prisons, detention centers, and other government institutions generally met international standards, although there were some problems.

On January 18, a Polish detainee was found dead in his cell in Ayia Napa Police station. The police officer on duty found him hanging from a bed sheet. The police ordered an internal investigation, which concluded that there was no negligence or irregularity on the part of the police officers on duty.

In February 2006 police reported that final toxicological results showed that the 2005 death of prisoner Jevor Hakorian in police custody was caused by drug use and suffocation induced by the swallowing of stomach fluids. During the year the coroner's report was completed and confirmed the toxicological results. It also stated that there was no evidence of criminal liability.

Unlike in previous years, there were no complaints received by the ombudsman or nongovernmental organizations (NGOs) that police subjected foreign inmates to physical abuse. However, in 2006 and during the year the ombudsman received several complaints from Turkish Cypriots and third-country nationals that they were subjected to discriminatory treatment by prison officials. The complaints concerned rejection of their request for admission into the "open prison," a special detention section outside of the strictly guarded prison area where low-risk prisoners receive special privileges. As a result of the ombudsman's intervention, the prison director issued a new policy stipulating that Greek Cypriots and Turkish Cypriots are equally eligible for admission into the "open prison." The director did not grant third-country nationals the same privileges due to security reasons and because purpose of the "open prison" is to ease reintegration of prisoners into Cypriot society. Turkish Cypriot and foreign prisoners also complained to the ombudsman that prison personnel assaulted them verbally "in relation to their ethnic origin or nationality." Following the ombudsman's intervention, the prison director instructed prison staff to treat every prisoner with respect and fair treatment. At year's end the ombudsman continued to examine complaints from Greek Cypriot prisoners that prison officials tolerated, and in some cases supported, violence among inmates.

During the year overcrowding remained Nicosia's Central Prison's greatest problem despite renovation and expansion. The prison's capacity was 350, although at times it held up to 691 inmates. Approximately 76 percent of the detainees were foreigners imprisoned for entering or living in the country illegally, theft and/or drug trafficking. The ombudsman reported that due to overcrowding, it is often not possible to separate convicted criminals from pretrial detainees or long-term from short-term prisoners. The Government provided assistance for the rehabilitation of drug abusers through the use of multidisciplinary therapeutic teams consisting of a psychiatrist, a psychologist, two occupational therapists, a social worker, and four nurses. The Social Welfare Services offered limited support for the reintegration for former inmates.

A March 2006 report by the Council of Europe's (COE) commissioner for human rights noted that, while prison conditions were generally satisfactory, overcrowding remained a problem. The report also expressed concern over the Government's failure to provide facilities and resources for the psychiatric treatment of prisoners. The report noted government efforts to improve the professional training of the prison staff and the abolition of imprisonment for nonpayment of civil debt.



A May 2006 report by the COE's European Commission against Racism and Intolerance (ECRI) expressed concern with the extensive use of detention for both migrants and asylum seekers and the conduct of law enforcement officials, including alleged cases of mistreatment.

The Government permitted prison visits by independent human rights observers, and such visits, unrestricted and unannounced, occurred during the year. During the year the ombudsman, the law commissioner, and the commissioner for the protection of personal data visited the prison on a regular basis. The parliamentary human rights committee also visited the prison compound to examine the living conditions of the detainees.

In September 2006 Cyprus Mental Health Commission President Christodoulos Messis criticized conditions at the Athalassa Psychiatric Hospital as being "unacceptable."

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

*Role of the Police and Security Apparatus.*—The Cyprus police enforce the law and address criminal activity. The Greek Cypriot National Guard (GCNG), backed by a contingent of Greek military forces, protects national security. The GCNG reports to the Ministry of Defense, which in turn reports to the president. The police report to the Ministry of Justice and Public Order. The president appoints the chief of police. The police force is composed of a headquarters with six functional departments, six geographic district divisions, including one inactive district for the area administered by Turkish Cypriots, and seven police units that provide specialized services. Although there were reported cases of misconduct, there were no serious cases of police corruption or bribery.

In April 2006 the Council of Ministers appointed an independent committee to investigate complaints of police bribery, corruption, unlawful financial gain, violation of human rights, abuse of power, preferential treatment, and conduct unbecoming of police officers. Previously, the assistant chief of police for administration handled investigations and recommended appropriate disciplinary measures to the chief of police. In August 2006 the committee chair complained that the body could not handle the workload and suggested that it instead supervise investigations to be carried out by the police. A July amendment to the law gave the committee the right to appoint independent investigators from a list submitted by the attorney general. As a result, the investigation of cases was expedited. From January 1 to September 30, the committee received 69 complaints. In 34 cases members of the committee or independent investigators appointed and supervised by the committee investigated the cases, resulting in the attorney general and the police chief requesting further action. In 11 cases the committee asked the attorney general to appoint criminal investigators to carry out the investigation. In 14 cases the committee rejected the complaints because they did not fall under the jurisdiction of the committee. In one case, the complaint was withdrawn. In nine cases, complaints remained pending due to inadequate information provided by the complainants. The committee chair confirmed that the attorney general adopted all the recommendations made by the committee.

There were 32 criminal investigations against 49 members of the police during the year. Fourteen of the cases were presented to a court and were pending adjudication at year's end. During the year the attorney general ordered criminal investigations into 11 cases of alleged police misconduct against civilians. Out of the 10 investigations completed during the year, three were still being evaluated, one resulted in the initiation of criminal proceedings, and in the remaining six the attorney general decided that no criminal proceedings were warranted.

*Arrest and Detention.*—The law requires judicially issued arrest warrants, and authorities recognized this requirement in practice. Persons may not be detained for more than 1 day without referral of the case to a court for extension of detention. Most periods of investigative detention did not exceed 10 days before formal charges were filed. The attorney general generally made efforts to keep pretrial detention to a minimum, especially in cases of serious crimes; however, aliens arrested for illegal entry without identification were detained indefinitely when authorities did not know where to deport them. Attorneys generally had access to detainees. Bail was permitted. The Government claimed the right to deport foreign nationals for reasons of public interest whether or not they had been charged with or convicted of a crime.

At year's end there were 69 persons in detention awaiting trial.

On September 10, a group of eight long-term detainees, comprised of seven Iranians and one Afghani, climbed onto the roof of Nicosia's Central Prison and threatened to commit suicide if they were not immediately released. They ended their protest a day later when the minister of interior assured them that, with the ombuds-

man, he would examine their demands and come up with concrete decisions. Since then the Government deported one detainee and released another. The Government promised to release the remaining six detainees pending their acceptance of a proposal sponsored by the minister of interior. Details of the proposal were not available. All eight had applied for asylum, and had been rejected, but remained on the island without a residency permit. They were consequently arrested for deportation; however, their deportation was not possible, as they all had destroyed their travel documents. Some of the detainees had been in detention for almost 3 years. In a 2005 report, the ombudsman described the detention of foreigners when there was no prospect for deportation as "arbitrary and unjustified." She had recommended that detention be restricted to a maximum of 15 days, after which detainees should be conditionally released. The Government did not adopt her recommendations by year's end.

The Government arrested persons crossing the green line in possession of evidence of purchasing or developing Greek Cypriot property in the area administered by Turkish Cypriots. In June 2006 the Government arrested Turkish Cypriot architect Osman Sarper, crossing from the north to the south, who was allegedly found to be in possession of architectural blueprints for structures being built on Greek Cypriot properties in the area administered by Turkish Cypriots. Authorities charged him with intent to commit a crime, illegal possession and use of property, and attempt to conceal a crime and released him on bail. Sarper failed to appear, citing a medical condition, in three successive hearings. On September 27, the attorney general suspended charges against Sarper due to his condition. A psychiatric examination subsequently showed that he was suffering from manic depression.

In October 2006 the Government passed a law making the purchase, rent, or sale of property without consent of the registered owner a felony. In November 2006 the Government arrested a foreign couple in possession of a contract for the purchase of Greek Cypriot property in the area administered by Turkish Cypriots. The wife, who had signed the documents, was charged with conspiracy to commit a felony and faced up to 7 years' imprisonment. In November 2006 authorities released her on a bail of approximately \$120,000 (50,000 pounds). In December 2006 her trial began but was discontinued shortly afterwards because the prosecution could not sufficiently prove that the accused was aware that the Greek Cypriot owners had not given their consent for the sale of their property.

*e. Denial of Fair Public Trial.*—The law and Constitution provide for an independent judiciary, and the Government generally respected this provision in practice.

Most criminal and civil cases begin in district courts, from which appeals may be made to the Supreme Court. There are no special courts for security or political offenses. There are military tribunals that have jurisdiction over members of the GCNG.

*Trial Procedures.*—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. The Constitution provides for public trials, albeit not by jury, and defendants have the right to be present and to consult with an attorney in a timely manner. An attorney is provided for those who cannot afford one, and defendants are allowed the right to question witnesses against them and present evidence or witnesses on their behalf. The law also guarantees that defendants and their attorneys have access to government-held evidence related to their cases. Defendants enjoy a presumption of innocence and have a right of appeal. The Government generally respected these rights in practice.

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

*Civil Judicial Procedures and Remedies.*—There is an independent and impartial judiciary for civil matters, permitting claimants to bring lawsuits seeking damages for human rights violations, and citizens successfully availed themselves of it.

*Property Restitution.*—Turkish Cypriots have filed a total of 43 cases in the courts to reclaim property located in the government-controlled area, eight of which were new cases filed during the year. During the year the courts dismissed five property cases because they concerned Turkish Cypriot properties that are under the guardianship of the Ministry of Interior. According to the law, these properties cannot be returned unless the owners resettle permanently in the government-controlled area. The applicants filed appeals and the cases were pending before the Supreme Court at year's end.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law prohibits such actions, and the Government generally respected these prohibitions in practice.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

Individuals could criticize the Government publicly or privately without reprisal, and the Government did not attempt to impede criticism.

Opposition newspapers frequently criticized authorities. Independent newspapers and periodicals proliferated. Several private television and radio stations competed effectively with government-controlled stations. International broadcasts were available without interference throughout the island, including telecasts from Turkey and Greece.

In 2006 there were multiple reports that ultranationalist Greek Cypriot groups verbally harassed Turkish Cypriot journalists.

In early November 2006 the Council of Ministers rejected a 2005 decision by the Board of Cyprus News Agency to appoint Christoforos Christoforou as its new director. Some newspapers and opposition parties attributed the rejection to Christoforou's authorship of articles criticizing government policies regarding the U.N. efforts in 2004 to reunify the island. The Cyprus Journalists' Union called on the Government to reverse its decision and approve the appointment. Christoforou appealed to the Supreme Court. Court proceedings began in August and were ongoing at year's end.

The Government imposed significant restrictions on Turkish (as opposed to Turkish Cypriot) journalists crossing the green line to cover news events in the government-controlled area.

During the year Turkish Cypriot advertisers repeated claims initially made in 2004 by the vice chairman of the Turkish Cypriot Advertisers Association that Greek Cypriot newspapers refused to carry advertisements for businesses located in the area administered by Turkish Cypriots.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including e-mail. The Internet was easily accessible and widely available to the public.

*Academic Freedom and Cultural Events.*—There were generally no government restrictions on academic freedom or cultural events; however, certain oversight efforts threatened academic independence and activities.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The law and Constitution provide for freedom of assembly, and the Government respected it in practice.

*Freedom of Association.*—The law and Constitution provide for freedom of association, and the Government generally respected it in practice. However, there were examples of the exertion of government pressure on NGOs and universities. Parliamentary hearings in 2006 purportedly aimed at providing government oversight over NGOs, particularly those involved in bicomunal programs, threatened the independence and activities of such civil society groups and academic institutions as well. The hearings ceased in 2006, and no action resulted from them.

The Government continued to exert political pressure on universities to refrain from any contact with universities in the Turkish Cypriot community because the Government considered universities in the Turkish Cypriot community to be "illegal." Academic freedom was, accordingly, restricted. In early 2007, Eastern Mediterranean University organized a peace journalism conference and invited representatives from universities in the government-controlled area. The Government sent a circular to rectors on the "illegal" status of Turkish Cypriot universities, and most Greek Cypriot participants declined to participate in the conference.

In his June report the U.N. secretary general noted with regret that he was "unable to report any meaningful improvement in the atmosphere in which Cypriots from both sides are allowed to engage in bicomunal contacts."

*c. Freedom of Religion.*—The law and Constitution provide for freedom of religion, and the Government generally respected this right in practice.

The law and Constitution specify that the Greek Orthodox Church of Cyprus, which is not under the authority of the mainland Greek Orthodox Church, has the exclusive right to regulate and administer its internal affairs and property in accordance with its holy canons and charter. The law also states that the Turkish Cypriot religious trust, the Vakif, the Muslim institution that regulates religious activity for Turkish Cypriots, has the exclusive right to regulate and administer its internal affairs and property in accordance with Vakif laws and principles. No legislative, executive, or other act may contravene or interfere with the Orthodox Church

or the Vakif. Armenian Orthodox, Maronite Christians, and Roman Catholics (“Latins”) are also recognized by the law and Constitution. On January 9, the Ministry of Defense announced it would lift an exemption that allowed these three “official religious groups” to avoid compulsory military service on religious grounds. After some initial resistance by the Maronites, the groups accepted the lifting of the exemption as a public obligation.

The Government required other religious groups to register as nonprofit companies if they desired to maintain a bank account or engage in other financial transactions.

Missionaries have the legal right to proselytize, but the Government closely monitored missionary activities. It is illegal for a missionary to use “physical or moral compulsion” to make religious conversions. Police may investigate missionary activity based on a citizen’s complaint. Police can also open an investigation if missionaries are suspected of involvement in illegal activities threatening the security of the government, constitutional or public order, or public health and morals. No detentions or arrests were reported under these laws during the year.

The Government required children in public primary and secondary schools to take instruction in the Greek Orthodox religion. Parents of other religions may request that their children be excused from such instruction and from attending religious services.

*Societal Abuses and Discrimination.*—In May 2006 an NGO reported that it had filed complaints with the ombudsman’s office and an independent investigatory committee regarding police treatment of Muslim asylum seekers. Some asylum seekers reportedly had difficulty securing employment, and one asylee alleged that he could not secure housing because of religious discrimination. Late in 2007, the ombudsman submitted a report to the Government proposing reconsideration of the whole policy concerning the right of employment for asylum seekers. The ombudsman reported no receipt of complaints relating to discrimination on religious grounds.

In November 2006, 15 to 20 Greek Cypriot teenagers, believed to be members of the ultranationalist group National Voice of Youth with a Greek Soul, entered the grounds of The English School and attacked a group of the school’s Turkish Cypriot students, causing minor injuries. Criminal charges were brought against 13 suspects in the case. Ten of the accused pleaded guilty to the offenses; nine of them, all minors, were sentenced to perform social work for 12 months. The sentencing of the tenth was adjourned pending presentation to the court of all facts relevant to sentencing. The court scheduled a hearing in January 2008 for the three remaining suspects.

Although Turkish Cypriots claimed that unused mosques in the government-controlled area had been vandalized, the Government routinely carried out maintenance and repair of mosques in the area under its administration. At year’s end authorities had not identified any suspects in a 2005 vandalism of a Turkish Cypriot cemetery in Larnaca.

There were no reports of anti-Semitic acts. The Jewish community included approximately 300 expatriate residents and fewer than 10 Cypriots.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The law provides for freedom of movement within government-controlled areas, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

The Government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and persons entitled to subsidiary protection.

The Government did not restrict Greek Cypriots from traveling to the area administered by Turkish Cypriots, but it generally discouraged them from spending the night at Greek Cypriot properties, gambling in the area administered by Turkish Cypriots, or buying or developing property there. The Government in many cases prohibited Turkish nationals from crossing from the area administered by Turkish Cypriots to the government-controlled area in the south.

The Government allowed European Union (EU) citizens and citizens of other countries not subject to a visa requirement who entered Cyprus from ports of entry in the area administered by Turkish Cypriots to cross the green line into the government-controlled area; however, the Government maintained that all ports of entry in the area administered by Turkish Cypriots are illegal.

Greek Cypriots and Turkish Cypriots were required to show identification cards when crossing the green line. Members of each community were required to obtain

insurance coverage in the community where they planned to drive their vehicles. Turkish Cypriots flew in and out of Larnaca and Paphos airports without obstruction.

The Government arrested persons crossing the green line in possession of contracts or blueprints related to purchasing or developing Greek Cypriot property in the area administered by Turkish Cypriots.

The Government issued 5,028 passports to Turkish Cypriots during the year.

The law prohibits forced exile, and the Government did not employ it.

*Internally Displaced Persons (IDPs).*—Although Greek Cypriots who were displaced as a result of the 1974 division of the island fall under the U.N. definition of IDPs, the Government considered them refugees. At the end of 2006 these individuals and their descendants numbered approximately 238,000. Depending on their income, IDPs and their descendants are eligible for financial assistance from the Government. They have been resettled, have access to humanitarian organizations, and are not subject to attack, targeting, or return under dangerous conditions.

*Protection of Refugees.*—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against “refoulement,” the return of persons to a country where there is reason to believe they feared persecution, although one NGO claimed that some asylum seekers were deported before final adjudication of their application by the proper authorities. The ombudsman confirmed that there have been cases of unjustified deportations of asylum seekers. At the same time, the ombudsman’s office reported that, acting on its recommendations, the Government asylum department took action in many cases to ensure respect of the rights of the asylum seekers and refugees. The Government granted refugee and asylum status to individuals during the year.

Those individuals determined to be refugees were permitted to stay and given temporary work permits but were not granted permanent resettlement rights. During the year no refugees were deported, and authorities granted refugee status to 36 persons.

The Government provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol and provided temporary protection to 185 persons during the year. According to the ombudsman and NGOs, the inmates in detention centers were exclusively foreign and often asylum seekers who were arrested for illegal entry. Similar to the previous years, the NGO KISA maintained that police violated the law and the human rights of asylum seekers by carrying out illegal arrests, detentions, and deportations. The group claimed that authorities treated asylum seekers as illegal immigrants or economic migrants and jailed or deported them. Another local NGO Apanemi reported that several asylum seekers made complaints to the ombudsman alleging that they were physically and psychologically abused by police, and one third NGO reported that asylum seekers complained about the denial of state medical care. During the year NGOs and asylum seekers also filed complaints with the ombudsman alleging that the state was permitting the exploitation of asylum seekers as cheap labor by restricting their employment to the farming sector.

In 2005 the ombudsman recommended that the Government increase access to lawyers for detained asylum seekers, and in 2004 she recommended that the Government provide detained asylum seekers increased access to places where they could apply for asylum. Legislation adopted in 2005 provides the right of persons under detention to communicate with lawyers, the UNCHR, and NGOs.

In May 2006 Asian and Middle Eastern detainees, some of whom were asylum seekers and all of whom were being held as illegal immigrants, set fire to their cells in Nicosia Central Prison in protest of their long detention, more than 20 months for some. Five detainees and two police officers were sent to the hospital with injuries.

In February the Supreme Court rejected the 2005 appeal of the Somali asylum seeker who claimed that he was illegally arrested and deported to Israel despite a pending asylum application.

A number of persons, mostly Iranians, who destroyed their travel documents and denounced their nationality or refused to divulge their country of origin, remained in long-term detention in Nicosia Central Prison. All were former asylum seekers whose applications were denied and were consequently arrested on detention and deportation orders for residing in the country illegally.

Seven of the eight long-term detainees who staged a protest in Nicosia Central Prison on September 10 were Iranians who had destroyed their travel documents to prevent their deportation to Iran.

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

The law and Constitution provide citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage. Only Turkish Cypriots residing permanently in the government-controlled area are permitted to vote and run for office.

*Elections and Political Participation.*—In May 2006 elections were held for the 56 seats assigned to Greek Cypriots in the 80-seat House of Representatives. In April 2006 two leading members of the group of 78 Turkish Cypriots not residing in the government-controlled area who had been denied the opportunity to run, Ali Erel and Mustafa Damdelen, sued the Government for failure to fully reinstate the Turkish Cypriot community's rights to vote and run for office. On April 30, the Supreme Court dismissed their application. On September 3, Erel and Damdelen applied to the ECHR for redress.

In December 2006 free and fair elections for local authorities were held.

Women held eight of the 56 seats filled in the House of Representatives and two of the 11 ministerial posts. They also held senior positions in the judicial branch.

There were no members of minorities in the House of Representatives, and the 24 seats assigned to Turkish Cypriots went unfilled. However, the small Armenian Orthodox, Maronite Christian, and Roman Catholic ("Latin") communities elected special nonvoting observer representatives from their respective communities to the House of Representatives.

*Government Corruption and Transparency.*—There were isolated reports of government corruption. In June the minister of interior ordered an investigation into allegations that civil servants or government officials had tipped off land developers about future changes in development zones in the Akamas area. As a result developers bought large pieces of farm land in the area that were later included in the development zones and whose value increased 20-fold. In December authorities arrested and charged an official of the road transport department with soliciting a bribe in order to expedite the registration of an imported used motor vehicle. In November 2006 a local newspaper published the names of politicians who allegedly had asked the Ministry of Defense for favorable transfers of National Guard recruits. The list included prominent officials such as the president of the House of Representatives, members of the Council of Ministers, party leaders, and members of Parliament. The president asked the minister of defense to investigate whether such requests constituted nepotism. At year's end it was unclear if the investigation had been undertaken, and no results had been publicly announced.

In August the 2004 charge against European Parliament member Marios Matsakis for illegal possession of historical artifacts was dropped.

The Constitution provides for the right of access to government information; however, there are no specific laws that assure public access. Civil servants were not allowed to give access to government documents without first obtaining permission from the relevant minister. There were no reported cases during the year of persons being denied access to government information.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. There is a government ombudsman, whose portfolio includes human rights, and a legislative committee on human rights.

The NGO KISA complained in February that the police applied discriminatory and intimidating tactics against it and its chairman, Doros Polykarpou, for the activities of the organization. In 2002 and 2006 the police filed two criminal cases against KISA and Polykarpou for a fundraising drive that KISA carried out in 2001 to cover the expenses of a migrant worker's medical emergency. KISA's application for a permit to carry out the drive was rejected because there is no legislation regulating the issue of money collections for health reasons. The first case resulted in a fine. In December 2006 police filed the second criminal case against Polykarpou for "disobeying a court order and receiving stolen goods," for having spent the money raised in the 2001 drive. In April the attorney general rejected an appeal by KISA to discontinue criminal proceedings against Polykarpou. The trial started in October and was ongoing at year's end.

A number of NGOs considered themselves to be human rights groups; most, however, were concerned exclusively with alleged violations of the rights of Greek Cypriots by Turkey. Other NGOs included groups promoting migrant support and awareness of domestic violence and those concerned with allegations of police brutality. Domestic NGOs were numerous but had limited impact on public opinion or specific legislation. Few international NGOs were active in Cyprus.

Referring in part to the parliamentary hearings in 2006, the U.N. secretary general's December 2006 report on country operations stated, "[T]here has been a disturbing trend impinging on the ability of organizations and individuals to carry out activities and projects designed to contribute to bicomunal contacts and cooperation throughout the island. As a result, the U.N., particularly the U.N. Development Program, has been hampered in its ability to support and implement such projects benefiting both Greek Cypriots and Turkish Cypriots in areas of common concern."

The U.N., through the CMP, continued its efforts to account for persons missing after the intercommunal violence in 1963–64 and the conflict of 1974.

During the year the ombudsman received complaints from citizens and foreigners living on the island who believed their rights had been violated by the Government. During her independent investigations, the ombudsman generally enjoyed good cooperation with other government bodies. The ombudsman's annual reports focused on police brutality, treatment of patients at state hospitals and of asylum seekers and foreign workers, and gender equality in the workplace. The office of the ombudsman was well respected and considered effective; however, the Government had not implemented many of its recommendations.

The legislative committee on human rights, which was generally considered by most local NGOs as effective, is made up of 10 members of the House of Representatives who serve 5-year terms. The committee discusses wide-ranging human rights issues, including trafficking in persons, prison conditions, and the rights of foreign workers. The executive branch did not exercise control over the committee.

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

The law prohibits discrimination based on race, gender, disability, language, or social status, and the Government generally effectively enforced it. However, violence against women, child abuse, trafficking in persons, discrimination against Turkish Cypriots living in the government-controlled area, and discrimination against Roma and members of minority ethnic and national groups were problems.

*Women.*—The law criminalizes rape and spousal rape with a maximum sentence of life in prison. Most convicted offenders received considerably less than the maximum sentence. The police indicated that 114 cases of sexual assault were reported during the year.

Violence against women, including spousal abuse, was common. The law establishes clear mechanisms to report and prosecute family violence and provides that the testimony of minors and experts, such as psychologists, may be used as evidence to prosecute abusers. The law provides for prison terms for the abuse of family members. Doctors, hospital workers, and education professionals are required to report all suspected cases of domestic violence to the police. However, many victims refused to testify in court, and by law spouses cannot be compelled to testify against each other. In cases of domestic violence where the spousal victim was the only witness and refused to testify, the courts were forced to drop the case.

An NGO working with domestic abuse victims estimated a 62 percent increase in the number of telephone calls to its hot line compared to 2006. The NGO reported that 1052 individuals, of whom 80.5 percent were women, 13.5 percent children, and 6 percent men, called claiming to be victims of domestic violence. The NGO also operated a shelter in Nicosia that served 119 victims of domestic violence during the same period.

The law does not prohibit "voluntary" prostitution; however, it is illegal to live off the profits of prostitution, and police routinely arrested pimps under this section of the criminal code. Procuring a woman for prostitution is a misdemeanor. The police reported the arrest and investigation of 27 individuals on prostitution-related charges. At year's end authorities continued to investigate three of those cases and prosecuted 24.

The law prohibits sexual harassment in the workplace, but there were reports that it was a widespread problem with most incidents going unreported to authorities. In 2006 authorities investigated and prosecuted one of the country's ambassadors, Costas Papademas, for sexually harassing two female employees at the overseas mission he headed. In December 2006 the court found him guilty, and sentenced him to 7 months' imprisonment. However, on May 24, the Supreme Court acquitted Papademas, ruling that the main witnesses' testimony was unreliable. He

served 4 months in prison in the interim. Although the case was widely reported in the press, reaction to his acquittal was muted.

Women generally have the same legal status as men under family law, property law, and in the judicial system. The National Mechanism for Women's Rights under the Ministry of Justice and Public Order is tasked with the promotion, protection, and coordination of women's rights. Laws requiring equal pay for men and women performing the same work were enforced effectively at the white-collar level, but, despite a strong legal framework, the Ministry of Labor and Social Insurance's enforcement was ineffective at the blue-collar level. Research from one NGO suggested that remuneration for female blue-collar workers was 25 to 30 percent less than for their male counterparts.

During the year an NGO representing divorced mothers worked with police to encourage efforts to collect delinquent child support payments. The courts may garnish wages and assets and ultimately imprison persons to enforce child support payments.

*Children.*—The Government was strongly committed to children's rights and welfare.

The Government provided free education through the age of 18. Education was compulsory up to the age of 15, or 9 years of education. Approximately 60 percent of children completed some form of university or other post-secondary education.

Child abuse was a problem. The Welfare Department stated that the majority of cases, which increased over previous years, were linked to domestic violence, alcohol abuse, and psychological illness. The police reported that, as of the end of August, there were 18 criminal prosecutions pending before the courts for child abuse or sexual exploitation. In 2006 the police investigated a total of 114 cases of child abuse.

*Trafficking in Persons.*—In July the Government enacted a law prohibiting all forms of trafficking in persons; however, there were widespread reports that persons were trafficked through and within the country. There were also allegations of police corruption related to trafficking.

Cyprus was primarily a destination point for women trafficked for sexual exploitation, and authorities were aware of and generally tolerated the situation despite adoption in 2005 of a plan of action to combat trafficking in persons and sexual exploitation of children. STOP International alleged that Cyprus was being used as a transit point for trafficking, but there were no definitive reports of the country being used as a transit point for trafficking. The country was a destination for women trafficked from Eastern Europe, primarily Ukraine, Romania, Moldova, Russia, Poland, and Bulgaria, as well as from the Philippines, China, Morocco and the Dominican Republic. There was evidence that female victims coming from China on student visas engaged in prostitution and, in some cases, were victims of sexual exploitation. NGOs reported that female domestic workers from India and Sri Lanka were forced to work long hours. There were no reliable statistics on the number of trafficking victims; however, 54 women pressed charges during the year.

Traffickers fraudulently recruited victims using the "artiste" employment permit category and often rotated victims among different cabarets and cities. In some cases, women reportedly were arbitrarily denied part or all of their salaries, forced to surrender their passports, and pressed into providing sexual services for clients. Some NGOs alleged that government officials with oversight and policing responsibility over the sex industry themselves frequented cabarets and nightclubs.

It is a felony to engage in the exploitation and trafficking of persons. The court may order persons convicted of trafficking to pay part or all of the expenses incurred for the provision of protection, temporary shelter, medical care, and psychiatric care for victims, as well as compensation to the victim, including repatriation expenses. The ministries of interior, labor and social insurance, justice, health, and education and the attorney general, share responsibility for combating trafficking, with the Ministry of Interior as the lead.

During the year police arrested 105 individuals involved in cases related to prostitution and sexual exploitation. Of those, 78 were arrested specifically on trafficking charges. Police statistics showed that 90 cases were prosecuted and 15 were still under investigation at year's end for possible prosecution. Of the 90 prosecutions, 6 resulted in acquittals, 4 were dropped by prosecutors, 15 were suspended by the attorney general with the option to re-indict the defendants if new evidence arises, 7 were dismissed, 4 were otherwise processed, and 45 were pending trial. The remaining 9 concluded in convictions with prison sentences ranging from 1 to 6 months.

The police participated and assisted in 23 international trafficking investigations. The new antitrafficking legislation expanded victims' rights. According to the new law, identified victims of trafficking are granted at minimum, a 1-month residency



permit to give them time to recover from their experience and to decide whether or not they wish to cooperate with the police in the investigation of the crime and to testify at trial. The law obligates the Government to provide protection and support for trafficking victims, including financial assistance, shelter, medical and psychiatric care and psychological support, as well as legal aid and access to government-funded training and educational programs. The Government is obligated to facilitate the victims' repatriation under safe and dignified conditions.

By year's end police had identified 54 victims of trafficking, all of whom pressed charges against their traffickers. As of October 31, government welfare services had provided financial aid, counseling, and temporary shelter to 87 victims.

The Government maintained that most women who qualified as trafficking victims chose to return voluntarily to their home countries without testifying in court. There were reports that cabaret owners and agents for dancers pressured women to withdraw complaints to police or not to follow through with their intention to testify in court. Of the 54 women who requested police protection during the year, the Government reported that 21 returned to their home countries and 28 were waiting to testify at trials. The remaining five were residing in Cyprus at year's end, either because they were EU citizens or testified in court and awaiting completion of the trials. On average victims waited for about 1 year before the commencement of their trials.

NGOs that protect the rights of women and immigrant workers were available to assist trafficking victims and reported that they received one to two requests for assistance per month.

The NGO Stigma in Limassol operated a shelter for trafficking victims. A Russian-speaking psychiatrist was available to assist victims. During the year a total of 30 trafficking victims stayed in the shelter. All of them cooperated with the police, and 21 of them testified in court against their traffickers. Although the remaining nine victims gave testimony to the police, the testimony was not deemed substantive enough to build a legal case for prosecution against the traffickers. Only one of the court cases was completed and the defendant was acquitted. The two victims that testified in the completed trial remained in the country. One married a Cypriot, and the second one applied for asylum but was rejected and remained in the country illegally. According to Stigma, two other victims were bribed by the traffickers and left the country while the trial was still in process. Another victim was declared by the court as a hostile witness because she changed the testimony she gave to the police. She was sentenced to 2 months in prison and deported. Another victim that was in the country waiting to testify in court returned home while the trial was still in process. No formal referral process existed between the police and the shelter. Until the opening of the government-run shelter on November 26, social welfare services typically housed victims in government-subsidized homes for the elderly or in hotels.

An 18-year-old Ukrainian who in 2005 was fraudulently recruited to work in a rural cabaret and forced to have sex with clients testified in court against her employer. During the year the trial ended, and the accused was acquitted. The individual married a Cypriot and resides permanently in Cyprus.

*Persons with Disabilities.*—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services, and in practice the Government generally enforced these provisions. The law mandates that public buildings and tourist facilities built after 1999 be accessible to all; however, government enforcement of the law was ineffective, and older buildings frequently lacked access for persons with disabilities. There were no appropriate institutions for adults who suffer from mental disabilities and are in need of long-term care.

The amended People with Disabilities Law, which extended the ombudsman's authority to cover discrimination based on disabilities in both the private and public sectors, had not been fully implemented by year's end. Problems facing persons with disabilities included narrow or nonexistent sidewalks, lack of transport, and absence of parking spaces, accessible toilets, and elevators. The Government budget reportedly included approximately \$90,000 (40,000 pounds) to improve access to government buildings.

There were no long-term care facilities specifically for persons with mental disabilities, but many such persons were housed at the Athalassa psychiatric hospital. In September an association representing the parents of children with Down's syndrome complained that the Government did not respond to their repeated calls for the creation of a specialized center for the treatment of their children, particularly those in need of temporary hospitalization. Some were housed at Athalassa psychiatric hospital, where they allegedly received inadequate care. The parents claimed that the children were naked, locked in their wards for too many hours each

day, and were under the influence of sedative medication. The hospital rejected their allegations.

In September 2006 Cyprus Mental Health Commission President Dr. Christodoulos Messis criticized Athalassa psychiatric hospital, calling it “unacceptable.”

The Ministry of Labor and Social Insurance’s Service for the Care and Rehabilitation of the Disabled was responsible for protecting the rights of persons with disabilities. In addition the minister chaired the Pancyprian Council for Persons with Disabilities, which included representatives of government services, organizations representing persons with disabilities, as well as employer and employee organizations. The council monitored action for the protection of the rights of persons with disabilities and served as a forum for persons with disabilities to contribute to public policy.

*National/Racial/Ethnic Minorities.*—There were reported incidents of government and societal discrimination against members of minority national and ethnic groups, particularly Turkish Cypriots and Roma.

The 1975 Vienna III Agreement remains the legal source of authority regarding the treatment of Turkish Cypriots living in the government-controlled area. The Government generally effectively enforced the agreement, which provides for the voluntary transfer of populations, free and unhindered access by UNFICYP to Turkish Cypriots living in the south, and facilities for education, medical care, and religious activities.

Some Turkish Cypriots living in the government-controlled area reportedly faced difficulties obtaining identification cards and other government documents, particularly if they were born after 1974. Turkish Cypriots made few formal complaints to UNFICYP about their living conditions in the south. Complaints most often concerned the lack of affordable accommodation.

After complaining repeatedly about the lack of a Turkish-language school in Limassol, the Turkish Cypriot teachers’ union filed suit, seeking a declaration from the Supreme Court that a decision taken by the Council of Ministers in 2005 to operate a mixed elementary school in Limassol with a specialized program and staff to serve the needs of the Turkish-speaking students, was null and void. The union argued that, under the 1960 Constitution, the Council of Ministers has no competence in matters of education of Turkish Cypriots. The Supreme Court trial began in May 2006. The court last adjourned the trial on October 12 and did not set a new trial date. The Government stated that, according to surveys of Turkish Cypriots in the government-controlled area, none had requested a Turkish-language school.

A local NGO continued to report complaints that the Government ignored the law mandating automatic citizenship for children of Turkish Cypriots married to Turkish citizens. Instead of granting citizenship automatically, the Ministry of Interior routinely sought approval from the Council of Ministers before confirming the citizenship of such children. In 2006 the Council of Ministers approved 113 cases.

In September the Turkish Cypriot press reported that a Greek Cypriot individual verbally harassed and threatened Turkish Cypriot Mustafa Guven and his family while driving their car in the government-controlled part of Nicosia. The Greek Cypriot individual allegedly caused extensive damage to Guven’s car with a metal bar. In 2006 such incidents occurred repeatedly, specifically at bicomunal activities, including the January 2006 “Together for Peace” and the February 2006 “Cyprus Literature Union” events. In 2006 there was also a physical attack on Turkish Cypriot students in Nicosia by a group of Greek Cypriot teenagers.

*Other Societal Abuses and Discrimination.*—Despite legal protections, homosexuals faced significant societal discrimination, and few homosexuals in the country were open about their sexual orientation. One NGO reported that there were complaints of discrimination toward homosexuals and persons with HIV/AIDS. NGOs were reluctant to initiate awareness campaigns.

*Incitement to Acts of Discrimination.*—The Government continued to use textbooks at the primary and secondary school levels that included language biased against Turkish Cypriots and Turks or that refrained from mentioning the Turkish-Cypriot community altogether from 1971 to 1975. This was a particularly serious concern with history textbooks. Anecdotal evidence indicated that teachers used handouts and held discussions that included inflammatory language in the classroom.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—All workers, except for members of the police and military forces, have the legal right to form and join unions of their own choosing without prior authorization, and workers did so in practice. Police officers were per-

mitted to join only associations that have the right to bargain collectively but not to go on strike. More than 70 percent of the workforce belonged to independent unions. Antiunion discrimination is illegal, but union leaders contended that private sector employers were able to discourage union activity because the enforcement of labor regulations was sporadic and penalties for antiunion practices were minimal.

*b. The Right to Organize and Bargain Collectively.*—The law allows unions to conduct their activities without interference, and the Government generally protected this right in practice. The law provides for collective bargaining, and workers exercised this right in practice; however, collective bargaining agreements were not legally enforceable. Collective bargaining agreements covered all workers, citizen and foreign, with the exception of housekeepers and cabaret workers; approximately 60 percent of workers were covered by such agreements. All workers have the right to strike; however, authorities have the power to curtail strikes in “essential services,” although this power was used rarely in practice. The law provides that members of the armed forces, the police, and the gendarmerie do not have the right to strike, but the right to strike is recognized for all other providers of essential services. There have been strikes in the past at government-run hospitals and airports, as well as by police; the Government did not take any actions against these workers. An agreement between the Government and essential services personnel provides for dispute resolution and protects workers in the sector.

There are no special laws for or exemptions from regular labor laws in the export processing zone at the port of Larnaca.

*c. Prohibition of Forced or Compulsory Labor.*—The Government prohibits forced or compulsory labor, including by children; however, there were reports that women were trafficked for commercial sexual exploitation and that women were trafficked for domestic labor.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The law prohibits the employment of children, defined as persons under 15, except in certain cases such as a combined work-training scheme for children who have attained the age of 14, and employment in cultural, artistic, sports or advertising activities subject to certain rules. The law permits the employment of adolescents, defined as persons between the ages of 15 and 18, subject to certain rules and restrictions.

The Government effectively enforced laws and policies to protect children from exploitation in the workplace; however, there were reports that children were trafficked for commercial sexual exploitation. The minimum age for employment in an “industrial undertaking” is 16. Ministry of Labor and Social Insurance inspectors are responsible for enforcing the child labor laws and did so effectively. There were isolated examples of children under 16 working for family businesses.

*e. Acceptable Conditions of Work.*—The minimum wage was approximately \$1,010 (409 pounds) per month for shop assistants, practical nurses, clerks, hairdressers, and nursery assistants. The minimum wage rose to approximately \$1,072 (434 pounds) after 6 months’ employment. Neither amount provided a decent standard of living for a worker and family. All other occupations, including unskilled workers, were covered under collective bargaining agreements between unions and employers within the same economic sector. The wages set in these agreements were significantly higher than the minimum wage. Migration services of the Ministry of Interior set the starting salary for foreigners working as housekeepers at approximately \$370 (150 pounds) per month, plus approximately \$100 (40 pounds) for lodging if the worker was not a live-in, and an additional 16 percent, which employers were required to pay directly to the Government in the form of social insurance. Foreign workers were allowed to claim pensions, and in some cases there were bilateral agreements that allowed workers to claim credit in their home countries. Unions and labor confederations generally effectively enforced negotiated wage rates (collectively bargained rates), which were generally much higher than the minimum wage. Migration services were responsible for enforcing the minimum wage for foreign workers but did not actively do so.

The legal maximum workweek was 48 hours, including overtime. Unions and employers within the same economic sector collectively determined the actual working hours. In the private sector, white-collar employees typically worked 39 hours a week, and blue-collar employees worked 38 hours a week. In the public sector, the workweek was 38 hours in the winter and 35 hours in the summer. The law does not require premium pay for overtime or mandatory rest periods; this is usually stipulated in the contracts of workers and in the collective agreements in larger sectors. The same conditions applied to foreign workers. Ministry of Labor and Social Insurance inspectors are responsible for effectively enforcing these laws. However, labor unions reported problems in their enforcement in sectors not covered by collective agreements.

The Ministry of Labor and Social Insurance experienced a substantial increase in the number of complaints of labor exploitation. Foreign workers, primarily from Eastern Europe and East and South Asia, reportedly were forced to work up to 13 hours a day, 7 days a week, for very low wages. NGOs and the ombudsman also confirmed that employers often retained a portion of foreign workers' salaries as payment for accommodations.

There were reports of mistreatment of maids and other foreign domestic workers. Such reports usually involved allegations that maids, primarily from East or South Asia, were mistreated by their employers or fired without cause in violation of their contracts. Although the law protects domestic workers who file a complaint with the Ministry of Labor and Social Insurance from being deported until their cases have been adjudicated, NGOs reported that many of them did not complain to authorities out of fear of deportation.

Health and safety laws apply to places of work in all economic sectors and were enforced by government inspectors. Factory inspectors processed complaints and inspected businesses to ensure that occupational safety laws were observed. Their inspections were supported by close government cooperation with employer/employee organizations. However, the law does not apply to private households where persons were employed as domestic servants. Workers have the right to remove themselves from work situations that endanger health or safety without jeopardy to their continued employment, and authorities effectively enforced this right.

#### THE AREA ADMINISTERED BY TURKISH CYPRIOTS

Since 1974 the northern part of Cyprus, with a population of approximately 256,000 persons, has been run by a Turkish Cypriot administration that proclaimed itself the "Turkish Republic of Northern Cyprus (TRNC)" in 1983. The United States does not recognize the "TRNC," nor does any country other than Turkey. Mehmet Ali Talat was elected "president" in April 2005 in free and fair elections. Elections to the "Assembly of the Republic" in February 2005 were also free and fair and resulted in the formation of a coalition "government." The June 2006 elections for two empty seats in "Parliament," together with the municipal elections, were generally free and fair. The "TRNC government" was restructured in September 2006 when a minority coalition partner left. The "TRNC constitution" is the basis for the laws that govern the area administered by Turkish Cypriots. Police and security forces were ultimately under the operational command of the Turkish military, per transitional article 10 of the "TRNC Constitution," which cedes responsibility for public security and defense "temporarily" to Turkey.

Turkish Cypriot authorities generally respected the human rights of citizens living under their control; however, there were problems in some areas. Police abuse of detainees and arbitrary arrest and detention continued to be problems. There were also restrictions on citizens' privacy rights and on the rights of asylum seekers. In 2006 the "government" proposed legislation to govern the treatment of asylum seekers, but by year's end there was still no regulatory infrastructure developed to handle asylum applications or specifically to protect the rights of asylum seekers. Trafficking in persons was a problem.

#### RESPECT FOR HUMAN RIGHTS

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

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

*b. Disappearance.*—There were no reports of politically motivated disappearances. The authorities participated in the autonomous, tripartite (UN, Greek Cypriot, Turkish Cypriot) U.N. Committee on Missing Persons (CMP) in Cyprus as part of its continuing efforts to account for persons who remained missing after the intercommunal violence in 1963–64 and the conflict of 1974. In August 2006 the CMP launched its project to exhume, identify, and return remains. By year's end the CMP returned the remains of 19 Turkish Cypriots to their families. Exhumations continued in different parts of the island. According to the CMP, 1,430 Greek Cypriots and 483 Turkish Cypriots remained missing.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits such practices; however, there were reports that police abused detainees.

Kudret Celebi, charged with rape, claimed that he was tortured by police in November 2006 after his escape and recapture. Celebi stated that police guards handcuffed him naked to a bunk and beat him, and that the guards forced him to walk through crowds of inmates so that they could hit him. After hearing Celebi's com-

plaints, the judge ordered a medical examination. The case was presented to the “attorney general’s” office, where the case was closed due to the lack of a witness to prove Celebi’s claims.

The authorities had no record of a complaint regarding a police beating reported by the press in September 2005. The press made no further mention of the case.

*Prison and Detention Center Conditions.*—Prison conditions did not meet international standards. Inmates complained of overcrowding at the prison, and the authorities publicly acknowledged the problem. Inmates also raised complaints, via the media, regarding unsanitary living conditions and prison authorities’ negligence. In the 263-person capacity prison, there were 395 prisoners, 61 percent of whom were foreigners, mostly Turkish citizens. More than 30 percent of the prisoners were awaiting trial.

Juveniles were not held separate from adults.

The authorities permitted prison visits by independent human rights observers and journalists. A group from the Turkish Cypriot Doctors Association visited the prison in May to observe and investigate.

On May 8, a riot broke out at the prison. The prison authorities summoned the special riot police to restore order. According to reports, the violence broke out over drug dealing. However, police allegedly targeted not only rioters, but the general prison population, subjecting scores of prisoners to truncheon blows. The Turkish Cypriot Doctors’ Association obtained permission from the “Ministry of Interior” and on May 10 entered the prison to examine the inmates. Of a random sample of 60 prisoners, 54 had heavy bruising of their legs, consistent with blows from truncheons. On May 16, the “prime minister” announced that the police intervention would be investigated. No results from the investigation were reported by year’s end.

*d. Arbitrary Arrest or Detention.*—The law prohibits arbitrary arrest and detention, and the authorities generally observed these prohibitions.

*Role of the Police and Security Apparatus.*—Police are responsible for law enforcement. The chief of police reports to a Turkish Cypriot general, who is nominally under the supervision of the “prime ministry,” holding the “security portfolio.” However, the police and security forces are ultimately under the operational command of the Turkish military per transitional article 10 of the “TRNC Constitution,” which “temporarily” cedes responsibility for public security and defense to Turkey. Security forces were generally cooperative with civilian authorities and effective in matters of law enforcement. The police are divided into eight functional divisions and five geographic divisions.

The office of the “attorney general” continued to work in conjunction with the inspection division (or occasionally the criminal investigative division) to conduct investigations into allegations of police misconduct. There were no investigations resulting in the prosecution of officers for the abuse of detainees during the year.

*Arrest and Detention.*—Judicially issued arrest warrants were required to arrest a person. No person could be detained for more than 24 hours without referral of the case to the courts for extension of the period of detention. The authorities generally respected this right in practice. Detainees were usually promptly informed of charges against them, although individuals believed to have committed a violent offense were often held for longer periods of time without charge. Judges could order that suspects be held for investigative detention for up to 10 days before formal charges are filed, or up to 3 months for those accused of serious crimes. Bail was permitted and routinely used. Detainees were usually allowed prompt access to family members and a lawyer of their choice. The authorities provided lawyers to the indigent for violent offenses only. Particularly at the time of arrest, police sometimes did not observe legal protections. Some suspects were not permitted to have their lawyers present when testimony was taken, in contravention of the law. Suspects who demanded the presence of a lawyer were sometimes threatened with stiffer charges or physically intimidated.

The media reported that in October the police arrested a man for not standing up when the Turkish national anthem was played at a public ceremony celebrating the Turkish Republic Day. After his arrest, police found the man had illegal drugs and prosecuted him for the possession of illegal substances.

*e. Denial of Fair Public Trial.*—The law provides for an independent judiciary, and the authorities generally respected judicial independence in practice.

Most criminal and civil cases begin in district courts, from which appeals are made to the “Supreme Court.” There were no special courts for political offenses. New legislation was passed transferring jurisdiction from military to civilian courts for cases in which civilians are accused of violating military restrictions, such as filming or photographing military zones.

*Trial Procedures.*—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. The “TRNC constitution” guarantees public trials, the defendant’s right to be present at those trials, and the defendant’s right to consult with an attorney in a timely manner. The authorities provided lawyers to the indigent for violent offenses only. Defendants are allowed to question witnesses against them and present evidence or witnesses on their behalf. The law also guarantees that defendants and their attorneys have access to “government”-held evidence related to their cases. Defendants enjoy a presumption of innocence and have a right of appeal. The authorities generally respected these rights in practice.

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

*Civil Judicial Procedures and Remedies.*—There was generally an independent and impartial judiciary for civil matters, permitting claimants to bring lawsuits seeking damages for human rights violations. There were generally no problems enforcing domestic court orders.

*Property Restitution.*—During the year Greek Cypriots continued to pursue property suits in the European Court of Human Rights (ECHR) against the Turkish government for the loss since 1974 of property located in the area administered by Turkish Cypriots. Under ECHR rules, an appellant does not have standing to bring a case before the ECHR until that appellant exhausts all local remedies, unless no adequate local remedy exists. In response to the ECHR’s 2005 ruling in the landmark Xenides-Arestis case that Turkey’s “subordinate local authorities” in Cyprus had not provided an adequate local remedy, Turkish Cypriot authorities established a new “Property Commission” to handle claims by Greek Cypriots. In May 2006 the “Property Commission” began reviewing Greek Cypriot claims and reportedly received more than 290 applications by December 2007. By year’s end three applicants had received restitution of their properties outright; one received restitution pending a future settlement of the Cyprus problem, while 22 accepted compensation in lieu of restitution. Two property exchange decisions were also taken. In December 2006 the ECHR ruled that the commission had satisfied “in principle” the ECHR’s requirement for an effective local remedy.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law prohibits such actions; however, there were reports that police subjected Greek Cypriots and Maronites living in the area administered by Turkish Cypriots to surveillance. Although the authorities reported otherwise, a Maronite representative confirmed that houses in three enclaved villages were occupied by the Turkish military during the year.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The law provides for freedom of speech and of the press, and the authorities generally respected these rights in practice; however, journalists were at times obstructed in their reporting, fined, and threatened with more serious charges.

Individuals can and did publicly criticize the authorities without reprisal. There were no reports of the authorities attempting to impede criticism.

The independent media were active and expressed a wide variety of views without restriction. International media were generally allowed to operate freely. Bayrak Radyo Televizyon Kurumu (BRTK) is the only “government”-owned television/radio station.

In August a journalist who reported alleged nepotism regarding promotions within the police force as well as police abuse of prisoners on his weekly television program had his program cancelled by the network owner. The journalist claimed that the owner was intimidated into cancelling the program.

In November 2006 two French journalists were arrested for filming in the military zone of Varosha near Famagusta and fined approximately \$700 (1,000 lira) each. A local press nongovernmental organization (NGO) paid their fines.

In December 2006 eight Turkish Cypriot journalists were arrested while filming a house fire next to the military zone on the green line in Nicosia. The journalists were held for a few hours and subsequently released without charge.

*Internet Freedom.*—The authorities did not restrict access to the Internet, and there were no reports that they monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. The Internet was easily accessible and widely available to the public.

*Academic Freedom and Cultural Events.*—The authorities did not restrict academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*—The law provides for freedom of assembly and association, and the authorities generally respected this right in practice.

*c. Freedom of Religion.*—The law provides for freedom of religion, and the authorities generally respected this right in practice.

Greek Cypriots and Maronites were still prohibited from visiting religious sites located in military zones. Greek Cypriots and Maronites were required to apply for permission to conduct church services anywhere other than the seven churches designated by the authorities.

Missionaries have the legal right to proselytize, but the authorities closely monitored such activities.

*Societal Abuses and Discrimination.*—Greek Cypriots living in the government-controlled area continued to assert that vandals damaged vacant Greek Orthodox churches and removed religious icons in the area administered by Turkish Cypriots in previous years; there were no reported investigations of these incidents. Greek Cypriot claims included alleged Turkish Cypriot misuse of a Greek Orthodox church in the village of Trimithi as a ceramics showcase. Turkish Cypriot authorities denied the claim that using the church as a ceramics showcase constituted misuse.

There were no reports of anti-Semitic acts. The Jewish community is very small and composed primarily of nonresident businesspeople.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The law provides for freedom of movement within the area administered by Turkish Cypriots, foreign travel, emigration, and repatriation, and the authorities generally respected these rights in practice.

Turkish Cypriot authorities' cooperation with the Office of the U.N. High Commissioner for Refugees (UNHCR) in providing protection and assistance to asylum seekers was uneven, due at least in part to complications arising from the unrecognized status of the "TRNC." No law exists regarding the handling of asylum applications, but procedures were conducted in accordance with an annually renewed project agreement between the UNHCR and the Turkish Cypriot authorities on the rehabilitation of asylum seekers. There is a Turkish Cypriot UNHCR representative in the area administered by Turkish Cypriots. Asylum seekers, if they qualify after a preliminary investigation, are referred to the UNHCR representative. During the year 60 Iraqis and 11 Palestinians applied for asylum, 42 of whom escaped to the government-controlled areas before a UNHCR decision. The remaining 29 Iraqis were under the auspices of the UNHCR at year's end.

Greek Cypriots and Turkish Cypriots were required to show identification cards when crossing the green line. In addition Greek Cypriots and foreigners crossing into the area administered by Turkish Cypriots were required to fill out a "visa" form.

In 2006 the immigration law was amended, and the authorities reported that all illegal immigrant workers were registered. According to the new law, all employers who wish to bring foreign workers need official permission from the "Department of Labor" to register workers. As a result of the new law, the number of illegal workers, and thus illegal immigrants, in the area administered by Turkish Cypriots decreased dramatically. The authorities deported illegal immigrants found without work permits. All illegal immigrants without work permits were barred from entering the "TRNC" at the ports of entry. Asylum seekers were generally treated as illegal immigrants, and were either deported or denied entry.

The authorities no longer maintained general restrictions on visitors to the 369 Greek Cypriots and 124 Maronites living in enclaves in the area administered by Turkish Cypriots, although there were reports that specific refugees from the enclaved villages were barred from returning to their villages. In 2006 a Maronite representative reported that the two Maronites barred from returning to their enclaved village in 2005 after visiting the government-controlled area were allowed to return.

Turkish Cypriots had difficulty traveling to most countries because only Turkey recognizes travel documents issued by the "TRNC." Some Turkish Cypriots used Turkish travel documents, but many obtained travel documents issued by the ROC. Turkish Cypriots born after 1974 to parents who were ROC citizens before 1974 obtained ROC passports relatively easily, compared to Turkish Cypriots born after 1974 to one Cypriot parent. Children of Turkish Cypriot mothers and Turkish fathers were usually denied citizenship by ROC authorities. It was reported that children of Turkish Cypriot fathers and Turkish mothers also faced some obstacles.

“TRNC” citizen children born to “TRNC” citizen parents of Turkish origin could not receive ROC citizenship and passports.

The law prohibits forced exile, and the authorities did not employ it.

*Internally Displaced Persons (IDPs).*—Although they would fall under the U.N. definition of IDPs, Turkish Cypriots considered those displaced as a result of the division of the island to be refugees. These persons and their descendants numbered approximately 90,000 to 100,000 in the north. They were resettled, had access to humanitarian organizations, and were not subject to attack, targeting, or return under dangerous conditions.

*Protection of Refugees.*—The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees or its 1967 protocol, and the authorities neither granted refugee or asylum status and did not establish a system for providing protection to refugees. In practice the authorities did not provide protection against “refoulement,” the return of persons to a country where there was reason to believe they feared persecution. Individuals who requested asylum were supposed to be directed to the UNHCR. However, the authorities’ cooperation with the UNHCR was uneven, due at least in part to complications arising from the unrecognized status of the “TRNC.” There were reports that the authorities at times refused entry to persons who arrived with or without proper documentation at ports of entry, denying them the opportunity to apply for asylum through the UNHCR.

In September 17 Iraqis and Palestinians who were arrested for trying to enter the “TRNC” through illegal means in a fishing boat were arrested and handed over to the UNHCR. There were also reports of Syrians and other nationalities utilizing newly established ferry links between Syria and the “TRNC” to arrive on the island with the intent of later crossing illegally into the government-controlled area.

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

The law provides Turkish Cypriots the right to change their government peacefully, and they exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

*Elections and Political Participation.*—Turkish Cypriots choose a leader and a representative body every 5 years or less. In the 2005 “parliamentary” elections, which were free and fair, parties favoring a solution to the division of the island based on the U.N. settlement plan, known as the Annan Plan, took a near majority of seats. Municipal elections held in June 2006, together with by-elections for two empty seats in “Parliament,” were also generally free and fair.

Greek Cypriots and Maronite residents were prohibited from participating in Turkish Cypriot “national” elections; they were eligible to vote in Greek Cypriot elections but had to travel to the government-controlled area to exercise that right. In December 2006 Greek Cypriot and Maronite communities in the area administered by Turkish Cypriots directly elected municipal officials for the first time; previously, the ROC appointed these representatives. The Turkish Cypriot authorities did not recognize these ROC officials.

Authorities did not restrict the political opposition, and membership or nonmembership in the dominant party did not confer formal advantages or disadvantages. However, there were widespread allegations of societal cronyism and nepotism.

There were three women in the 50-seat “Parliament,” including the “speaker.”

There were no minorities represented in the “Parliament.”

*Government Corruption and Transparency.*—Corruption, cronyism, and lack of transparency were generally perceived to be serious problems in the legislative and executive branches.

In June recurrent and serious allegations of corruption led to the dismissal of the “minister of economy and tourism,” who represented the junior coalition partner. The “minister” was replaced with a “member of parliament” from the same party. Many accounts claimed that the “minister” was soliciting bribes from individuals and companies which applied for licenses, land allocation and other services. The details and scope of the corruption was unknown. No investigation was carried out regarding the allegations by year’s end.

Opposition parties claimed that the “government” mostly hired supporters of the two ruling coalition parties for public sector jobs during the year.

The “Constitution” provides for the right of free access to “government” information; however, there are no specific laws that assure public access. Civil servants were not allowed to give access to “government” documents without first obtaining permission from their directors or “minister.” There were no reported cases of persons being denied access to “government” information during the year.



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

A number of domestic and international human rights groups generally operated without restriction from the authorities, investigating and publishing their findings on human rights cases. The authorities often were cooperative and responsive to their views.

Local human rights groups were concerned almost exclusively with alleged violations of Turkish Cypriot rights by Greek Cypriots. Other NGOs included groups promoting awareness of domestic violence, women's rights, and trafficking in persons. These groups were numerous but had little impact on public opinion or specific legislation. A few international NGOs were active in the area administered by Turkish Cypriots, but many were hesitant to operate there due to political sensitivities related to working in this unrecognized area.

The U.N., through the CMP, continued its efforts to account for persons who remained missing after the intercommunal violence beginning in 1963–64 and the conflict of 1974.

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

The law prohibits discrimination based on race, gender, disability, language, or social status, and the authorities generally effectively enforced it; however, violence against women, trafficking in persons, and discrimination against Greek Cypriots and Maronites were problems.

*Women.*—The law provides for no minimum sentence for individuals convicted of rape, including spousal rape; the maximum sentence is life imprisonment. The authorities and police effectively handled and prosecuted rape cases, including cases of spousal rape. There were no NGOs to support rape victims.

Kudret Celebi and Erkut Latif were arrested for raping a 14-year-old girl in the village of Akdogan in February 2006. Prior to the trial, the two men escaped from prison to the government-controlled area. In November 2006 they were caught and in June were sentenced to 12 years in prison for the kidnapping and rape.

Turkish taxi driver Mucahit Yanarates was sentenced in March 2006 to 4 years' imprisonment for raping Moldovan Mariana Gaiduc in Famagusta in 2005. After Yanarates' prison escape in June 2006, media reported that he was captured by ROC police and deported to Turkey via Greece.

Violence against women, including spousal abuse, was a problem. The law prohibits domestic violence. Even though claims were usually considered a family matter and settled out of court, there were eight domestic violence cases tried during the year, resulting in prison sentences for four persons and fines for six persons. The authorities considered a case credible only if there was at least one witness in addition to the victim.

The law does not specifically prohibit prostitution; however, encouraging or forcing a person to engage in prostitution is illegal, and procurement of a prostitute is a misdemeanor. The law regulating the hiring of women at nightclubs and cabarets provides penalties for women and employers who "partially or completely earn a living from prostitution."

In July 2006 the Nicosia District Court ordered the first prostitution-related imprisonment in the area administered by Turkish Cypriots. After pleading no contest to the charges, the manager of Mexico nightclub, Mesut Kilicarslan, was sentenced to 15 days in prison for encouraging and profiting from prostitution. By year's end three more suspects were sentenced to imprisonment for encouraging and profiting from prostitution.

The law does not specifically prohibit sexual harassment; however, victims could pursue such cases under other sections of the law. Sexual harassment was not discussed widely, and any such incidents largely went unreported.

Women generally have the same legal status as men under property law, family law, and in the judicial system. Laws requiring equal pay for men and women performing the same work were generally enforced at the white-collar level; however, women working in the agricultural and textile sectors were routinely paid less than their male counterparts. There were several NGOs, but no functioning "government" agencies, that worked to protect women's rights.

*Children.*—The authorities were generally committed to children's rights and welfare.

Education through the age of 15 was free and compulsory. Approximately 90 percent of children attended school up to the secondary level. It is estimated that approximately 70 percent completed some kind of post-secondary education. Unlike in previous years, the Greek Cypriot school, Rizokarpasso Gymnasium, a primary and secondary school in the enclaved communities, did not report any obstacles. The

Turkish Cypriot authorities continued to screen all textbooks sent to Rizokarpasso Gymnasium, but unlike in previous years, did not send textbooks deemed as derogatory back to the government-controlled area. Unlike in previous years there were no reports of administrative harassment of school employees.

There were no reported cases of child abuse; however, as with domestic violence, there were social and cultural disincentives to seek legal remedies for such problems, which observers believed were underreported.

*Trafficking in Persons.*—The law does not prohibit trafficking in persons, and there were widespread reports that women were trafficked to and within the area administered by Turkish Cypriots for the purpose of sexual exploitation. The green line reportedly serves as a porous crossing point for traffickers to move victims into the south.

The authorities issued worker “visas” to women, primarily from Eastern Europe, permitting their entry into the area administered by Turkish Cypriots to work in nightclubs and cabarets. There were credible reports that many of these women engaged in prostitution and that some women were coerced. The authorities acknowledged the existence of trafficking; however, they often confused it with human smuggling or illegal immigration. According to researchers, women working in nightclubs and cabarets often were sold by agencies that had advertised for models, babysitters, or elder caregivers. They also said that large casinos had offered women as “gifts to their richest customers.” By year’s end authorities had charged 55 suspects with 40 prostitution-related crimes. Fourteen cases were completed, resulting in the sentencing of three persons to prison terms, seven to fines, and four to bail. Cases against two persons were withdrawn. At year’s end 26 cases against 30 persons were pending.

The authorities examined the extent of the trafficking problem and began to offer some assistance to victims. In 2005 the “Ministry of Health” began collecting questionnaires on working and living conditions from nightclub and cabaret employees and hired a Russian-speaking staff member to interview the women in private to ascertain whether they were coerced or forced to engage in prostitution. In April 2006 the “ministry” established a hot line number for victims, but it did not publicize the number adequately. In December 2006 the NGO Prologue Consulting Ltd. released a report concluding that many women working at nightclubs and cabarets were trafficked. Release of the report sparked numerous press reports and public debate.

The police reported that they had assisted international trafficking investigations through Turkish authorities.

There were no NGOs available to provide assistance to trafficking victims.

*Persons with Disabilities.*—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services, and in practice the authorities effectively enforced these provisions. The “government” employed 761 persons with disabilities and provided financial aid to the remaining 2,986 of the approximately 3,747 known persons with disabilities in the area administered by Turkish Cypriots. The law does not mandate access to public buildings and other facilities for persons with disabilities. A local NGO reported that this remained the greatest problem for persons with disabilities in the area administered by Turkish Cypriots.

*National/Racial/Ethnic Minorities.*—The law prohibits discrimination, and the 1975 Vienna III Agreement remains the legal source of authority regarding the treatment of Greek Cypriots and Maronites; however, the authorities’ noncompliance with some of the agreement’s provisions made daily life difficult for the 369 Greek Cypriot and 124 Maronite residents.

Greek Cypriots and Maronites in the area administered by Turkish Cypriots alleged that they were subject to surveillance, although less so than in previous years, and representatives of both communities claimed that their telephones were tapped.

Under the Vienna III agreement, the U.N. Force in Cyprus visited the enclaved Greek Cypriots weekly and the Maronites twice a month; any additional visits had to be preapproved by the authorities. Although the Vienna III Agreement provides for medical care by a doctor from the Greek Cypriot community, the authorities only permitted care provided by registered Turkish Cypriot doctors; enclaved persons also traveled to the government-controlled area for medical care.

Greek Cypriots and Maronites were able to take possession of some of their properties but were unable to leave any of their properties to heirs residing in the government-controlled area. The authorities allowed the enclaved residents to make improvements to their homes and to apply for permission to build new structures on their properties. Maronites living in the government-controlled area could use their

properties only if those properties were not under the control of the Turkish military or allocated to Turkish Cypriots.

A majority of foreign workers in the area administered by Turkish Cypriots were Turkish. One NGO reported that Turkish workers were often targeted by police investigations during the year, albeit less frequently after the authorities registered all foreign workers. The same NGO also reported that many Turkish workers lived in derelict buildings in Nicosia, with up to 20 persons sleeping in one room. Those working in the agricultural or construction sectors reportedly were forced to sleep on the ground, and those working at restaurants were seen sleeping after hours on chairs in the establishments where they work.

*Other Societal Abuses and Discrimination.*—The law criminalizes homosexuality in the area administered by Turkish Cypriots. Homosexuality remained highly proscribed socially and rarely discussed.

There were no reports of discrimination against persons with HIV/AIDS.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—All workers except members of the police and military forces have the legal right to form and join unions of their own choosing without prior authorization, and workers did so in practice. Approximately 1 percent of private sector workers, 60 to 70 percent of semi-public sector workers, and nearly all public-sector workers belonged to labor unions.

Some companies pressured workers to join unions led or approved by the company. Officials of independent unions claimed that the authorities created rival public sector unions to weaken the independent unions.

The law does not prohibit antiunion discrimination, and union leaders claimed that private sector employers were able to discourage union activity because the enforcement of labor regulations was sporadic and penalties—such as reassignment to an undesirable location or denial of promotion—for antiunion practices were nominal.

*b. The Right to Organize and Bargain Collectively.*—The law allows unions to conduct their activities without interference, and the authorities generally protected this right in practice. The law provides for collective bargaining, and workers exercised this right in practice; however, collective bargaining agreements were not legally enforceable. The “Ministry of Economy” and union officials estimated that 98 percent of workers in the public sector, 60 to 70 percent of workers in the semipublic sector, e.g., the “state” university, and 1 percent of workers in the private sector were unionized. Public and semipublic employees made up approximately 30 to 35 percent of the work force and benefited from collective bargaining agreements. Although the law provides for the right to strike, employers have an unrestricted right to hire replacement workers in the event of a strike, which limited the effectiveness of the right to strike. The law does not ensure due process for essential service workers and, in fact, states that judges and members of the police and the armed forces do not have the right to strike. The authorities have the power to curtail strikes in “essential services” and, although this power was rarely used in practice, in October the “government” invoked its right to postpone a strike for 60 days at the “state” university, citing the crucial need of students to continue their education without interruption. The wage-related dispute between the “government” and the unions was subsequently mostly resolved.

There are no special laws for or exemptions from regular labor laws in the export processing zone at the port of Famagusta.

*c. Prohibition of Forced or Compulsory Labor.*—The authorities prohibited forced or compulsory labor, including by children; however, there were reports that such practices occurred. Women were trafficked for commercial sexual exploitation. Legal and illegal migrant workers were subject to reduced wages or nonpayment of wages, beatings, and the threat of deportation.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The authorities effectively enforced the laws and policies to protect children from exploitation in the workplace.

The minimum age for employment in an “industrial undertaking” is 16, and children may be employed in apprentice positions at 15. There were labor inspectors who enforced the law effectively. It was common in family-run shops for children to work after school, and children as young as 11 worked in orchards during school holidays.

*e. Acceptable Conditions of Work.*—As of February the minimum wage was approximately \$815 (950 lira) per month, which did not provide a decent standard of living for a worker and family. On December 27, the minimum wage was raised to approximately \$910 (1060 lira), effective January 1, 2008. Migrant workers were

often offered substandard accommodation as part of their compensation or were made to pay for accommodation. The “Ministry of Labor and Social Security” is responsible for enforcing the minimum wage, and it was generally enforced. However, one NGO reported that legal foreign workers in general were paid below the minimum wage.

The legal maximum workweek was 38 hours in the winter and 36 hours in the summer. Labor inspectors generally enforced these laws, except in the case of migrant workers, who worked irregular hours and at times reportedly were required by their employers to work up to 14 hours per day, 7 days a week. The law requires overtime pay, but it was not uniformly enforced.

As part of an overall scheme to better regulate legal foreign workers, the “Ministry of Labor and Social Security” and police routinely checked restaurants, hotels, nightclubs, casinos, and construction sites to make sure that workers had valid work “permits,” that they had signed a contract with their employers, and that working conditions were safe and sanitary.

In September the “government” amended the labor law, prohibiting the employment of workers in the construction sector and related fields on Sundays. The “Ministry of Labor and Social Security” stated the amendment was needed in part to prevent employers from forcing employees to work 7 days a week. The authorities and the police jointly implemented the law and warned or fined employers in contravention of it.

The authorities sporadically enforced occupational safety and health regulations. Although factory inspectors processed complaints and inspected businesses to ensure that occupational safety laws were observed, workers who filed complaints did not receive satisfactory legal protection and could face dismissal. Workers did not have the legal right to remove themselves from situations that endangered health or safety without risking their continued employment.

## CZECH REPUBLIC

The Czech Republic is a parliamentary democracy with a population of approximately 10.2 million. In 2003 the bicameral Parliament elected Vaclav Klaus as president and head of state. In June 2006 free and fair parliamentary elections produced an even split between right and left parties in the Chamber of Deputies. Several months of political stalemate followed, during which a series of short-term governments executed routine government functions. In January a coalition government led by the conservative Civic Democratic Party (ODS) and Prime Minister Mirek Topolánek emerged. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected and protected the rights of its citizens; however, problems with both law enforcement and judicial corruption persisted, and high-level political intervention sometimes resulted in investigations being prematurely closed or reassigned to other jurisdictions for handling. There were some reports of police mistreatment of detainees and official tolerance of inmate-on-inmate abuse in one prison. There were reports that police failed to provide detainees access to an attorney. Child abuse and trafficking in persons for sexual exploitation and forced labor continued to be problems. Random violence, rallies, and vandalism by neo-Nazis and skinhead groups against Roma occurred throughout the year. Societal discrimination against minorities, especially Roma, continued, and a lack of equitable education, housing, and employment opportunities for Roma persisted.

### RESPECT FOR HUMAN RIGHTS

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

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

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits such practices, and there were no reports that government officials employed them during the year. Police did not generally use excessive force. Although there were individual cases of police brutality in recent years, none were reported during the year.

On July 12, the Council of Europe’s Committee for the Prevention of Torture (CPT) released its report on visits carried out by a CPT delegation to the country in March–April and June 2006. While most persons interviewed during the visits about their experience in police custody indicated they had not been mistreated, the

delegation received and investigated a few allegations of police mistreatment consisting of being punched, kicked, and struck with various objects during police interrogation. Juveniles were among the persons making such accusations. The report also expressed concern over the use of physical restraints in prisons. At the Valdice Prison, the CPT delegation reported that physical restraints appeared to be used for punishment. In one case, prison officials strapped an inmate to a bed for 26 hours, released the inmate for 3 hours to an isolation cell, then strapped the inmate to a bed for another 17 hours. The delegation also heard reports that police had handcuffed persons to metal rings in uncomfortable positions in certain police stations and that persons in police custody, in the districts of Liberec and Ostrava, were given either no food or meager amounts of food during detention, particularly during weekend periods.

In July the Government responded to the CPT Report and stated they had adopted the majority of the CPT's recommendations as part of new, more rigorous written protections for prisoners.

In October a Prague court acquitted police officer Tomas Cermak of abuse of power in connection with a 2006 assault on the former head of the Government's human rights section, Katerina Jacques, who was protesting against a neo-Nazi rally in Prague. A journalist recorded Cermak beating Jacques while other officers stood nearby during the assault. Police also detained the journalist who photographed the incident. The Ministry of Interior meted out light punishments, such as demotions, to accountable individuals and closed its internal investigation of the incident after concluding that a crime had not been committed. An initial review of the case by the Supreme Prosecutor's Office supported this conclusion. The case, however, had not been officially closed by year's end.

*Prison and Detention Center Conditions.*—Prison conditions generally met international standards, and the Government permitted visits by independent human rights observers.

Following its 2006 visits to the country, the CPT delegation reported that prison overcrowding continued to be a problem. The CPT recommended that detention facilities provide each prisoner with a minimum of 12 square feet. The delegation documented several cases of prisoners who had been physically and sexually abused by other prisoners at the Valdice Prison and noted that allegations of sexual abuse did not appear to have been taken seriously by prison officials. The report also highlighted the need to ensure that nonviolent prisoners were held separately from prisoners convicted of violent crimes.

While the Government disputed some of the CPT's findings, it adopted many of the report's recommendations for improved prison conditions, such as hiring and training more staff, offering inmates better work and leisure activities, and increasing the number of refurbished facilities. Additionally, the Government provided sensitivity training to prison staff on how to identify and better protect "at-risk" prisoners from violent inmates.

The Government permitted independent monitoring of prison conditions. In April 2006 the Czech Helsinki Commission found that while prisons met domestic regulations, half of the country's prisons were filled beyond capacity and did not meet international standards for physical conditions and activities for prisoners. The commission also reported a lack of adequate medical treatment.

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

*Role of the Police and Security Apparatus.*—The national police are responsible for enforcing laws and maintaining public order. While they were generally effective, corruption throughout law enforcement bodies remained a problem. The Ministry of Interior oversees police actions and is responsible for investigating allegations of police misconduct. Observers believed that the ministry often whitewashed wrongdoing or prematurely terminated investigations of units under its control. Investigations that were carried to conclusion rarely resulted in lengthy sentences.

According to the Ministry of Interior, police conducted 75 bribery investigations during the year and investigated 97 public officials for abuse of authority. During the same period, Ministry of Justice records indicated that 78 public officials were convicted of crimes relating to abuse of power, but only one was sentenced to prison. There were 59 persons convicted of bribery-related offenses, but only one was punished with a sentence of up to 5 years' imprisonment.

In June the country's most significant criminal proceeding, the trial of the "Berdych" gang, resumed in Prague. The case involved an elaborate conspiracy, established in the late 1990s, between elements of the criminal underworld and members of the country's organized crime task force to kidnap, assault, and ransom wealthy businessmen. Associates of the gang, posing as police force commandos and

wearing uniforms, weapons, and carrying search warrants supplied by their police coconspirators, robbed, kidnapped, and killed one of the victims. In another case, the victim was never found and was presumed to be dead. At year's end authorities prosecuted 51 persons, including five former police officers. Authorities found 42 individuals guilty and sentenced them to 7 to 13 years in prison. Authorities sentenced the head of the gang, David Berdych, to 15 years in prison for blackmailing officials and he also faced additional charges.

During the year Minister of Interior Ivan Langer implemented a series of police reforms intended to streamline the bureaucracy and raise management qualifications of police officers. In some cases the reforms led to vacancies in key positions, but while staffing shortfalls in the general force reportedly existed, the country had a high ratio of police per capita. There were no reported instances in which police forces failed to respond to societal violence.

*Arrest and Detention.*—Persons suspected of crimes were apprehended openly, with warrants based on sufficient evidence and issued by a prosecutor, and brought before an independent judiciary. Police may detain persons without charge for up to 48 hours, during which time they have the right to counsel at government expense, although they may not contact family members. After 48 hours, police must receive determination from a judge and prosecutor that the suspect will be charged before they can detain the suspect further. When the judge and prosecutor decide to charge the suspect, the suspect may contact family members. In some instances a judge may allow a person to be detained for up to 90 days before charges are formally filed to allow further criminal investigation (investigative detention). The law provides for bail except for certain serious crimes or to prevent witness tampering.

During its 2006 visits to the country, the CPT delegation found that the right of access to an attorney at times became effective after a person had been detained. Many persons interviewed by the delegation claimed they had not been permitted to contact a lawyer or even informed of their rights until after they had been questioned by criminal police. The delegation found that, in most cases, detained persons were not allowed to contact a lawyer until a protocol specifying the charges against them had been drawn up and presented to them to sign.

Lengthy pretrial detention was a problem. However, in its July response to the CPT report, the Government replied that the majority of detained persons made initial contact with an attorney soon after charges were brought.

Under the law, except for "exceptionally grave" offenses, pretrial detention may last no longer than 2 years. According to prison service data in July, the average length of pretrial detention was 145 days. Twenty-seven detainees, or approximately 1.1 percent of the pretrial detainee population, had been held for over 2 years. A suspect may petition investigating authorities at any time for release from detention.

*Amnesty.*—Through the end of the year, the president granted 52 persons amnesty for humanitarian reasons.

*e. Denial of Fair Public Trial.*—The law provides for an independent judiciary, and the Government generally respected judicial independence in practice; however, judicial effectiveness was hampered by complicated procedural rules that often kept cases tied up for years in judicial uncertainty. Political influence, structural deficiencies, and a lack of specialized judicial training and resources also contributed to delays and undermined effectiveness. Credible allegations persisted of corruption throughout the judiciary, particularly in commercial and bankruptcy courts, and there was high-level political interference in sensitive public corruption cases.

During recent years several incidents have eroded confidence in the independence of the judiciary. In March President Klaus refused to appoint dozens of new judges to the bench. Though an exception in the law allows judges younger than 30 to be appointed to the bench, Klaus has regularly blocked promotions of younger judges since he came to office in 2003. Critics charged that the failure to appoint younger judges has blocked court reform efforts, while President Klaus maintained that younger judges lacked the experience for full judicial responsibilities. In June the Prague city court ordered Klaus to provide a legal justification for his refusals or begin appointments within 6 months. Criticism from the Ministry of Justice and additional lawsuits followed; in September Klaus relented and appointed 22 trainee judges.

In 2006 President Klaus removed the chief justice of the Supreme Court, Iva Brozova, from her post, alleging that she failed to carry out her official duties in a satisfactory manner. Brozova, regarded as politically independent, alleged that Klaus's attempt to remove her was politically motivated. The Constitutional Court reinstated Brozova, holding that while the president has the authority to appoint Supreme Court justices, he lacks the power to remove them. In December Brozova

faced disciplinary proceedings for unrelated charges of financial mismanagement. The disciplinary case was pending at year's end.

In September the regional court in Tabor resumed the trial of former bankruptcy judge Jiri Berka, who was arrested in 2005 on charges of criminal conspiracy and fraud. This was the first case of a sitting judge being indicted for criminal conspiracy. The Government alleged that a criminal group associated with Berka embezzled nearly \$16.8 million (300 million korunas) from domestic companies and that Berka approved the dissolution of companies based on documents he knew to be fraudulent. The trial was ongoing at year's end.

The court system consists of district, regional, and high courts. The Supreme Court is the highest court of appeal and a separate Constitutional Court adjudicates the legality of legislation. Judges are nominated by the minister of justice and appointed for life by the president. The Senate confirms constitutional court judges. Defendants may appeal decisions of the district courts through appellate layers to the Supreme Court. Civil cases are handled by the administrative court system, of which the highest court is the Supreme Administrative Court.

During the year the Ministry of Justice received 34 calls on its anticorruption hot line, compared with 18 calls during the same period in 2006 and 57 calls in 2005. Through June the ministry received 16 written complaints of corruption, compared with 26 in the same period last year and 47 in 2005. Observers attributed the decreasing number of corruption reports to an increase of official and NGO-sponsored hot lines and a public perception that persons reported would ultimately not receive punishment. Of the corruption complaints received in 2006, 57 percent concerned judges, 12.5 percent involved prosecutors, and 31.5 percent concerned other officials.

*Trial Procedures.*—The laws provide for the right to a fair trial, and the judiciary generally enforced this right.

Trials are public, but juries are not used. In serious cases a panel of judges rules on the guilt or innocence of the defendant, while less serious cases are heard by a single judge. Defendants have the right to be present at trial and to consult with an attorney in a timely manner, and at state expense if they cannot afford their own representation. Defendants may confront adversarial witnesses and present witnesses and evidence on their own behalf. The accused and their attorneys are entitled to access government-held evidence relevant to their cases. Defendants are generally presumed innocent and have a right of appeal.

There was a significant backlog of cases throughout the judicial system, the impact of which was compounded by numerous judicial vacancies. During 2006 the European Court of Human Rights (ECHR) received approximately 2,755 complaints concerning the Czech judicial system, mostly relating to court delays. This was approximately a three-fold increase over 2005.

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

*Civil Judicial Procedures and Remedies.*—The Constitution provides for a separate, independent judiciary in civil matters; however, inefficiency and issues with resource management caused significant delays in case resolution. Available remedies include monetary damages, equitable relief, and cessation of harmful conduct.

*Property Restitution.*—The law provides for restitution of properties confiscated under the communist regime as well as restitution of or compensation for Jewish property wrongfully seized during the Nazi era. However, the law requires claimants to hold Czech citizenship. This requirement disadvantaged individuals who lost their Czech citizenship under a 1928 U.S.-Czech bilateral treaty, part of which required the surrender of Czech nationality upon becoming a United States citizen. Although the treaty was repealed in 1997, the deadline for filing claims already passed. There were also outstanding claims for Jewish communal properties.

In November 2006 the Government enacted an amendment to the restitution law to abolish the deadline for filing art-related restitution claims.

After years of disagreement between the Government and churches, a comprehensive compromise settlement was reportedly reached over the restitution of religious properties or compensation in cases where restitution cannot be accomplished. The proposal must still clear several administrative hurdle, and was not expected to become law before 2009. In September the Supreme Court ruled that Prague castle's St. Vitus Cathedral belongs to the state, not the Catholic Church, ending a 13-year legal battle. Negotiations between the two sides over control of the property had not concluded by year's end.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law prohibits such actions, and the Government generally respected the privacy of individuals in practice. However, there were reports that local governments used various methods to evict Romani residents.

In October the regional court in Ostrava ruled for the first time that a local hospital was liable for the wrongful sterilization of a young Roma woman, Iveta Cervenakova, in 1997, establishing a precedent with regard to victims of forced sterilization. According to the ruling, Cervenakova will receive \$28,000 (500,000 korunas). Eighty-seven mostly Romani women have complained to the ombudsman for human rights that they were forcibly sterilized over the last 30 years, most prior to 1989. In 2005 the ombudsman examined the sterilization cases and concluded that sterilizations without informed consent occurred both before and after 1990. In July the Government decided to compensate each victim approximately \$11,000 (200,000 korunas).

In November 2005 the district court in Ostrava ordered the Ostrava hospital to apologize to Helena Ferencikova, a Romani woman sterilized in 2001 following the birth of her second child. Ferencikova appealed the decision to seek monetary damages. The case was pending at year's end.

*Section 2. Respect for Civil Liberties:*

*a. Freedom of Speech and Press.*—The law provides for freedom of speech and press, and the Government generally respected these rights in practice. Independent media actively expressed a variety of opinions without outside restriction; however, members of the media complained that the country's weak libel protection law for journalists promotes an atmosphere of self-censorship, which discouraged serious, in-depth investigative reporting.

The law mandates prison sentences of 6 months to 3 years for persons who deny Communist-era crimes or the Nazi Holocaust. Speech inciting hatred based on race, religion, class, nationality, or other group affiliation is also illegal and carries a sentence of up to 3 years in prison.

In October a Prague court convicted Denis Gerasimov, a member of a Russian neo-Nazi rock band, in absentia. Authorities charged Gerasimov with possessing Nazi-related materials during a 2004 visit to the country, for which he was sentenced to 15 months in prison.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or chat rooms. Individuals and groups could and did engage in the peaceful expression of views via the Internet, including by e-mail. According to the Government statistical office, approximately 50 percent of persons age 10 and older reported using the Internet in the last 3 months of the year, and 70 percent of the population under the age of 55 reported using the Internet regularly.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The law provides for freedom of assembly, and the Government generally respected this right in practice; however, the Government may legally restrict meetings that promote hatred or intolerance, advocate suppressing individual rights, or jeopardize the safety of participants. Protesters are required to have permits for demonstrations, but police generally did not interfere with spontaneous, peaceful demonstrations during the year.

The Government can ban concerts, gatherings, or activities that promote hate speech. In October the Prague city council rejected a petition by a right-wing extremist group to march through the Jewish quarter of Prague to protest the country's involvement in Iraq. Based on the planned timing of the protest on November 10, which coincided with the anniversary of Kristalnacht, the council declared the demonstrators' intent was to incite racial hatred. The organizers filed legal action to compel the city to permit the march, and in October the Prague city court overturned the city's decision to ban the march. Prominent leaders, such as President Klaus and former president Havel, publicly opposed the marches and appealed to the courts to deny permission for the march. In October an appeals court ruled that the organizers' petition was invalid and the city was within its rights to deny the permit.

Criminal charges were dropped against 25 neo-Nazis who were arrested in August 2006 for possession of weapons during a march in front of the Israeli Embassy in Prague.

During the year there were neo-Nazi and skinhead rallies in several cities. In October approximately 500 neo-Nazis and their sympathizers gathered at a mostly peaceful rally in Brno. On May 1, riot police in Prague were called on to separate large groups of right wing extremists and anarchists during May Day rallies there. In late 2006 police terminated a concert of approximately 120 neo-Nazis in Ceske Budejovice when one of the bands played music with racist lyrics; police arrested



seven persons for incitement to hatred. No information was available at year's end about these cases.

Clashes between police and individuals at an annual outdoor techno concert in the town of Mlync, "CzechTek," in 2005 resulted in no criminal action against the police. Many NGOs and observers alleged that the several hundred police officers present used excessive force in breaking up the concert. Following widespread criticism, the ombudsman launched an independent investigation into the police crackdown. In January 2006 the ombudsman's office formally criticized the police for excessive use of force. A 2006 review by the Supreme Prosecutor's Office, however, validated an internal police report that found insufficient evidence to bring charges against the officers involved.

*Freedom of Association.*—The Constitution and law provide for freedom of association, and the Government generally respected this right in practice. Organizations, associations, foundations, and political parties were required to register with local officials or the Ministry of Interior. While the law prohibits political party activities on university campuses, students are permitted to form their own political associations.

*c. Freedom of Religion.*—The Constitution and law provide for freedom of religion, and the Government generally respected this right in practice.

Religious groups registered with the Ministry of Culture were eligible for limited tax benefits if they qualify for first-tier status. To qualify for this status, religious groups must show that they have 300 adult permanent resident members. If a group wishes to attain second-tier status, which confers additional rights, including teaching its religion in public schools, performing religious services in public institutions, and receiving government-subsidized salaries, the group is required to be registered with the ministry for 10 years and obtain approximately 10,000 signatures. Few smaller or less-established religions were able to obtain the required signatures to obtain second-tier registration.

In November the Constitutional Court rejected a 2006 petition filed by 25 senators, mainly Christian Democrats, who complained that the law on religious registration violates the constitutional separation of church and state. Several unregistered groups had also criticized the law as discriminatory, as they were unable to meet the membership requirements. Religious groups that were registered prior to 1991, such as the small Jewish community, were not required to meet these conditions.

There were 29 officially recognized religious groups, of which nine were officially permitted to teach in state schools. In late 2006 the Armenian Apostolic church withdrew its application for registration without providing a reason.

The small Czech Muslim community, of approximately 10,000 members, generally operated freely and maintained two religious centers in Prague and Brno. Plans for a mosque in Teplice were put on hold pending submission of construction diagrams. A similar project in Orlova was abandoned. In 2006, after being registered for only 2 years, representatives of the Muslim community filed a special request for accelerated second-tier status. The community sought the right to hold classes on Islam in schools, have spiritual leaders in the army and prisons, administer schools, and conduct weddings. The application was denied based on opposition from the ministries of interior, justice, education, and defense.

Unregistered religious groups were free to assemble and worship as they chose, and members issued publications without interference. Unregistered religious groups, however, could not legally own communal property and often formed civic-interest associations for this purpose.

After years of disagreement, the Government and the Catholic Church reportedly reached a compromise over the restitution of Church properties.

While most cities and towns returned communal properties to Jewish associations, there were two significant restitution cases pending in Brno at year's end.

*Societal Abuses and Discrimination.*—There continued to be some reports of societal abuses and discrimination. While estimates varied, the country had an approximate Jewish population of 10,000 persons. In general, public expressions of anti-Semitism were rare, but a small, fairly well-organized ultra-nationalist movement with anti-Semitic views was active around the country. The Ministry of Interior continued to counter such movements, monitoring their activities, increasing cooperation with police from some neighboring countries, and shutting down unauthorized neo-Nazi and skinhead rallies.

Several groups advocating violence against Jews and other minorities operated in the country. In October one such group, Narodni Odpor (National Resistance), was denied permission to march through Prague's historical Jewish quarter on the anniversary of Kristalnacht. However, hundreds of neo-Nazis, including from neigh-

boring countries, defied the ban and clashed with anarchists during the demonstrations.

There were several anti-Semitic incidents during the year. While police investigated all reported incidents, arrests were rare.

In February vandals damaged a memorial to the Jewish victims of a 1945 death march in the northern town of Ceska Lipa. A bronze menorah, 17 stars of David used to commemorate each victim who died during the march, and bronze plaques with the names of the victims were stolen.

In April vandals desecrated a Jewish cemetery in Hranice na Morave, a small town in the east of the country, during Passover. Several tombstones were destroyed. Also in April vandals sprayed Nazi and racist symbols through the city of Rychnov nad Kneznou. The graffiti, including swastikas, SS symbols, and the German phrase "Judens raus" (Jews get out), appeared on a memorial to victims of World War II, storefront windows, and streets.

In July dozens of gravestones in a 19th century Jewish cemetery in Pisek were overturned, and five of the tombstones were destroyed.

The Government made positive attempts to promote religious and social tolerance throughout the year. In May President Klaus honored the victims of the Holocaust by attending a memorial service at the former Nazi concentration camp in Terezin. Prime Minister Topolánek attended the unveiling of a restored "hidden" synagogue inside the camp, and the Education Ministry sponsored a number of seminars on Holocaust education at the camp. The Ministry of Culture also funded several interfaith dialogue efforts. A number of ministers and parliamentarians also took part in protests against neo-Nazis in November on the anniversary of Kristallnacht.

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

*b. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government cooperated with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the Government did not employ this practice.

*Protection of Refugees.*—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention on the Status of Refugees and its 1967 protocol. The Government established a system for the protection of refugees, including protecting them against "refoulement," the return of persons to a country where there is reason to believe they feared persecution. During the year the Government adjudicated 1,675 individual claims for asylum or refugee status and granted protection to 183 individuals.

The Government also provided temporary protection to individuals who did not qualify as refugees under the 1951 convention and the 1967 protocol and provided it to approximately 144 people in the first 6 months of the year.

In July Czech authorities, acting on an Interpol arrest warrant, detained two Uzbek nationals after they crossed the border from Germany. In 2005 the Uzbeks had been given political refugee status by Germany after they fled political unrest in their home country. Uzbek authorities had demanded Czech authorities extradite the pair to face charges for murder. The Czech government conducted a full investigation and, after 3 weeks, agreed to release the Uzbeks to Germany.

During 2005 the Czech Republic settled 15 Uzbek nationals in the country.

Immigration and refugee law established a list of "safe countries of origin" from which applicants were unlikely to be granted refugee status. However, this designation did not automatically bar applicants from consideration. Applicants whose cases are denied have a right of appeal to the appropriate regional court. The law requires regional court decisions to be reviewed by a five-judge panel that has the authority to refer cases requiring further consideration to the Supreme Administrative Court. The law also stipulates that only exceptional cases may be appealed to the Supreme Administrative Court following a rejection by the regional court.

Under a 2005 Constitutional Court ruling, the Government must conduct asylum hearings in a language comprehensible to applicants or provide them with an interpreter.

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

The Constitution and law provide citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

*Elections and Political Participation.*—The most recent national elections were held in June 2006 for the Chamber of Deputies, the lower chamber of the Parliament, and in October 2006 for one-third of the seats in the Senate and municipal governments. The elections were considered free and fair. Individuals and parties freely declared their candidacy and stood for election, and political parties operated without restriction or outside interference.

Women and ethnic minorities were significantly underrepresented in politics and government. There were 30 women in the 200-seat Chamber of Deputies and 11 women in the 81-seat Senate. There were two women in the 15-member cabinet and five women on the 15-member Constitutional Court.

There was only one minority, an ethnic Kazakh, in elected chambers or in cabinet positions. One justice on the Constitutional Court was an ethnic Slovak. Few of the country's estimated 200,000 Roma were integrated into political life. Some Roma have been appointed to regional advisory councils dealing with Roma affairs.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption; however, the Government did not always implement the law effectively and investigations suggest that public officials at times engaged in corrupt practices with impunity. Political pressure and ineffective police investigative tools contributed to the lack of prosecutions of high-level corruption cases. For example, under the law disclosure of the origin of financial assets is voluntary. Since the end of Communist rule in 1989, there have been few prosecutions and rarely any convictions of high-level figures for corruption.

Corruption remained a widespread problem in the country. The absence of successful prosecutions or public exonerations has contributed to public disenchantment and concerns over impunity. The World Bank's worldwide governance indicators reflect that corruption was a problem; these World Bank governance and anticorruption studies have charted a steady deterioration in the country since 1996 in the areas of government effectiveness, regulatory quality, rule of law, and combating corruption. These reports concluded that bribery was on the rise and estimated that more than a quarter of businesses bribed public officials to receive preferential treatment to secure public tenders.

Several major corruption scandals occurred or resurfaced during the year. In September anticorruption police opened an investigation into a questionable multi-million dollar stock deal by former prime minister Stanislav Gross. According to the investigation, Gross allegedly netted several million dollars after he sold his shares of a Czech power company, Moravia Energo. Media reports also alleged that a third party repaid Gross's initial investment debt. In 2005 Gross was forced to resign his post after media reports uncovered his unexplained ownership of a Prague luxury apartment on a modest government salary. Police closed the case for lack of evidence, a decision which generated considerable public criticism.

Based on what it stated was a lack of evidence, the State Attorney's Office in July halted a sweeping investigation into allegations that lobbyists offered bribes to several government officials to secure a limited number of state-issued licenses to sell biofuel, a move that was criticized in the media. In 2005 former prime minister Gross' administration created the potential for corruption when it announced that only contractors with licenses could compete for the lucrative alternative fuel rights. This arrangement was unusual in the European Union (EU), where open bidding for bio-ethanol contracts was the norm. After the arrest of six individuals associated with the transaction, the Government abandoned the licensing requirement. The Prosecutor's Office, in dismissing the investigations, stated that the underlying acts were committed by local and regional officials acting in their private, as opposed to their official, capacities.

In December the supreme state prosecutor concluded that there was insufficient evidence to prosecute Jiri Cunek, former vice prime minister and chairman of the Christian and Democratic Union-Czechoslovak People's Party (KDU-CSL) party on bribery charges. According to police, Cunek, as mayor of the city of Vsetin in 2002, accepted a \$25,000 (450,000 koruna) bribe from a real estate development company, raising questions of impunity. Critics allege that the case was closed due to political pressures.

In February Czech and Swedish police and the United Kingdom's Serious Fraud Office began investigating allegations by Swedish Television that the British-Swedish aerospace firm BAE Systems/SAAB bribed several members of the Czech Parliament and officials in certain ministries in 2002 to gain their approval for a multi-million dollar deal that would have replaced the country's fighter jet fleet. Three parliamentarians at that time acknowledged that they were approached and asked to accept large bribes, but refused. The case remained ongoing at year's end.

Current law only mandates voluntary financial disclosures for public figures. In January the Ministry of Interior disbanded the well-regarded financial police as part

of Minister Langer's police reform efforts. Their functions were taken up by other parts of the police apparatus. In general economic conditions in the country were sufficiently strong that, with the possible exception of cases involving low-paid civil servants, corruption could not be considered a function of financial need.

In August the Prague city court ordered a new hearing for former parliamentarian Vladimir Dolezal who was acquitted of attempted bribery charges in March after allegedly soliciting \$39,000 (700,000 korunas) from a member of the Prague zoning committee in 2006. In August Dolezal's accomplice, Tomas Hrdlicka, was acquitted of related charges.

Former member of Parliament (MP) and Social Democratic party whip Michal Kraus, who gave up his seat in Parliament when he was accused in 2006 of money laundering, fraud, and circumventing bankruptcy proceedings, reentered local politics during the year. While police conducted investigations into the circumstances of the case, no formal charges against him were filed.

In July 2006 Radka Kafkova, a member of the board of directors of the Czech Consolidation Agency, a government institution that buys problematic assets from state-owned and other companies, was arrested and charged with large-scale corruption for insider trading and bribery. The police seized more than \$21.25 million (380,000,000 korunas) in accounts held by the three main suspects and froze securities worth more than \$12.3 million (220,000,000 korunas). While prosecutions began in 2006, the cases remained open at the end of the year.

In December the head of the police unit fighting organized crime, Jan Kubice, resigned from his position. In October 2006 the Interior Ministry inspection office accused Kubice of abuse of official power. Shortly before the June 2006 elections, Kubice presented a report to Parliament that alleged a link between organized crime and top officials of the ruling Social Democratic Party, who subsequently lost power. While no further action was taken regarding the merits of Kubice's contentions, the political outcry that followed made it difficult for him to remain in his post.

In the first 7 months of the year, the Interior Ministry received 310 calls to its anticorruption hot line; there were 600 and 450 calls in 2006 and 2005, respectively. Most calls were requests for information on corruption. Only 48 complaints were filed in 2006, and 23 in the first 7 months of the year. The Ministry of the Interior operated an anticorruption Web page ([www.korupce.cz](http://www.korupce.cz)), which provided information on corruption and anticorruption measures, events, and how to file a complaint. In September the Ministry of the Interior established a new anticorruption hot line which was administered by the country branch of Transparency International.

In 2005 former prime minister Jiri Paroubek dismissed his chief aide, Zdenek Dolezel, over allegations of corruption involving the privatization of the oil and refining company, Unipetrol. A parliamentary inquiry into the case authorized by Paroubek produced no results. Criminal proceedings against Dolezel and four other officials, including a deputy minister, a member of Parliament, and a mayor, on charges of attempting to divert large amounts of money from EU structural funds also failed to lead to any prosecutions.

The law provides for public access to government information. The Government provided such access in practice. Applicants may appeal rulings to restrict access to information within either 15 days of the decision, or if the time limit for processing a request has been exceeded.

#### *Section 4. Government Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

A number of domestic and international human rights groups generally operated without government interference, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to human rights inquiries.

The amended law on the ombudsman, formally called the Public Defender of Rights, came into effect January 2006. The ombudsman has greatly expanded responsibilities under the new law, including performing regular visits to government facilities, examining the treatment of individuals, and ensuring respect for their fundamental rights. The ombudsman issued quarterly and annual reports on his office's efforts in addition to reports on topics of special concern. The ombudsman operated without government or party interference and was reappointed during the year to a 6-year term.

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

The laws prohibit discrimination based on race, gender, disability, language, or social status; however, significant societal discrimination against Roma and women

persisted. Trafficking in persons remained a problem, although the Government made progress during the year to address the issue.

In June the cabinet approved a new antidiscrimination bill; a third reading in Parliament is required for the bill to be enacted. In harmony with EU directives, the bill expands the authority and staff of the Ombudsman's Office to provide legal assistance to victims of discrimination, including by providing wide investigatory powers.

*Women.*—The law prohibits rape, including spousal rape, and the Government effectively enforced these provisions in practice. The law provides penalties for rape of 2 to 15 years in prison. While many experts considered rape to be significantly underreported, they noted an upward trend in the number of rape convictions since 2001. This trend was attributed to improved police training, public awareness campaigns, and greater interaction between police and NGOs. In the first 6 months of the year, there were 591 reported rapes, 396 of which were investigated. Courts convicted 70 offenders, giving suspended sentences to 21 individuals and prison sentences from 5 to 15 years to 14 individuals.

Experts believed that violence against women was much higher than the number of abuses reported to authorities, due to the stigma associated with reporting abuse. A 2006 sociological survey jointly conducted by the Czech Academy of Sciences and Charles University indicated that 38 percent of women suffered physical abuse by their partners at some point in their lives.

Domestic violence is a distinct crime that is punishable by up to 3 years in prison, with longer sentences under aggravated circumstances. Government efforts to investigate and prosecute cases of domestic violence improved during the year. Police received extensive training on identifying domestic violence cases. Starting this year police can remove violent abusers from their home for 10 days. According to a report released by the NGO Bily kruh bezpeci (White Circle of Safety), a total of 665 offenders, mostly males, were removed from their homes in the first 9 months of the year. In 32 cases the eviction was ordered twice in the same household.

In 2006, according to an Interior Ministry report released in June, courts tried about 82 percent of all domestic violence cases. In 2005 the rate was 77 percent. While most prosecutions resulted in convictions, the majority of convictions did not involve jail time. Three quarters of the incidents involved domestic partners or married couples, with women constituting 91 percent of the victims. Children mainly accounted for the remaining cases. Alcohol played a major role in many domestic violence cases.

Koordona, an association of 13 NGOs dealing with domestic violence, provided specialized training manuals for health care workers, and distributed materials to inform victims of their rights. Police continued to train select personnel to handle cases and work with social service agencies. Victims of rape and domestic abuse could also seek psychological counseling through a number of hot lines and crisis centers. Between 2001 and the first 6 months of 2007, the Dona line, for example, received 16,916 calls, 10,521 of which regarded domestic violence.

The Government continued to investigate allegations from previous years of the forced sterilization of Romani women.

The law does not prohibit prostitution, but it may be limited or regulated by local governments. "Pimping" is prohibited under the law. Prostitution was widespread in border areas and major urban areas throughout the country. Sex tourism was also a problem and involved both female and male prostitutes, some of them juveniles. There are no national laws addressing sex tourism, although the Prague city government took action in 2005 to ban advertising of brothels at tourist destinations.

The law prohibits sexual harassment; however, the Government did not effectively enforce this provision in practice, and sexual harassment remained a problem. A 2005 survey commissioned by the Ministry of Labor and Social Affairs found that 28 percent of women and 22 percent of men had been sexually harassed at work. The law places the burden of proof on the person accused of sexual harassment. Those found guilty of sexual harassment can be fined up to \$3,750 (70,000 korunas), dismissed from work, or sentenced to prison.

The law grants men and women equal rights, including for family and property law matters. Women constituted 43 percent of the labor force. While their rate of employment grew faster than that of men, women's salaries lagged behind men's by almost 25 percent, and women were more likely to work in professions with lower median salaries than those chosen by men. The Council for Equal Opportunities for Men and Women monitored gender issues and advised the Government on enforcing equal gender rights.

In July an appellate court upheld a decision to reject a woman's claim that she had been denied a management promotion based solely on her gender. The case, the first gender discrimination action brought in the country, was tried in 2006.

*Children.*—The Government is generally committed to children's rights and welfare.

The Government provides free, compulsory education through age 15. While most children continued through secondary school, education opportunities for Romani children were limited and often insufficient. A 2005 U.N. Development Program survey on education of minorities found that only 25 percent of Roma completed primary education, compared with 73 percent of the majority population. Romani children were enrolled at disproportionately high rates in remedial school systems, which effectively segregated them into a substandard education.

While the law prohibits family violence, sexual abuse, and other forms of mistreatment of minors, child abuse remained a problem. During the first half of the year police investigated 116 cases of child negligence or endangerment; 53 offenders were prosecuted, and 46 were convicted. Of these 11 were sentenced to time in prison. The Ministry of Labor and Social Affairs registered 7,500 cases of abuse or neglect in 2005; of these, 643 cases were criminally investigated, resulting in 442 convictions.

Social protection agencies reported that approximately 1,900 children were removed annually from their homes due to mistreatment. Both domestic and foreign NGOs criticized the high number of children living in social care facilities. There were approximately 20,000 children living in children's facilities. Of these, more than 10,000 lived in social care institutes, almost 7,500 in orphanages and correctional institutions, and more than 1,900 in special homes for infants.

Although some members of the Romani community married before reaching the legal age of 18, underage marriage was generally not a significant problem.

Children were engaged in prostitution for survival without third-party involvement. NGOs reported that many teenage prostitutes were either runaways or products of orphanages and the foster care system. NGOs working with high-risk children largely attributed the problem of child prostitution to problems in the foster care system, which often failed to provide adequate job skills and promote the adoption of unwanted children by capable parents.

*Trafficking in Persons.*—The law prohibits trafficking in persons; however, trafficking to, from, and, to a lesser extent, within the country for sexual exploitation and forced labor continued to be a problem, despite government efforts to improve the situation.

The Czech Republic was a transit, destination point, and a source country for trafficking victims. Eastern Europe, the Russian Federation, China, and Vietnam were the largest sources of trafficked persons. In most cases, these individuals were trafficked onward to Western Europe and in some cases the United States. Czech women were trafficked to Western Europe. Foreign and Czech women, as well as children, were trafficked inside the country, particularly to border regions, and were occasionally sold between organized trafficking syndicates. Small numbers of men were trafficked to the United States for coerced labor. By some estimates, 80 percent of all trafficking victims entered the country legally.

Romani women were at the highest risk of internal trafficking, and girls raised in state homes, were also at particular risk. According to government authorities women already working as prostitutes were also particularly vulnerable to traffickers. Trafficked women were often promised jobs as models, maids, waitresses, and dancers through employment agencies; some victims were already working as prostitutes. Traffickers coerced victims' compliance by confiscating their travel documents, using isolation, drug and alcohol dependence, violence, threatening violence toward the victim or her family, and threatening the victim with arrest and deportation.

Most traffickers were also involved in organized crime and came from Ukraine, Russia, and East Asia. Domestic traffickers often served as links between East European traffickers and those in Western Europe.

Penalties for trafficking range from prison terms of 2 to 15 years and are generally similar to penalties for rape and sexual assault. Traffickers may also be prosecuted for organized prostitution and pimping, which are punishable by up to 12 years. Courts imposed significantly lower punishments, which were often suspended. Observers stated that the negligible sentences follow from the judiciary's failure to fully appreciate trafficking's wide-ranging negative social consequences.

In October President Klaus enacted a law banning possession of child pornography; previously only the manufacture and distribution of child pornography was prohibited.

During the year police investigated 20 trafficking cases; five offenders were prosecuted and four convicted, one of whom received a suspended sentence. Through June police conducted 39 investigations of pimping. The Government often utilizes other criminal statutes to prosecute traffickers, making an accurate estimate of the number of actual trafficking cases difficult to ascertain. Fifty-five perpetrators were prosecuted, leading to 34 convictions, 28 of which resulted in suspended sentences.

The national police have an organized crime unit specifically to combat trafficking. The unit worked closely with its counterparts in Interpol and Europol and also cooperated extensively with the EU and other foreign governments in the investigation and prosecution of trafficking cases.

The Government continued to make combating trafficking a priority by implementing the national strategy against trafficking. The Ministry of Justice organized several training sessions in trafficking issues for judges and prosecutors, and the Ministry of Interior continued offering specialized training to police. In 2006 the Government issued an updated national plan to fight the sexual exploitation of children. A special police team in Cheb, a town on the German border where sex tourism was common, was established to fight this growing phenomenon. The interdisciplinary committee on trafficking, which included representatives from various ministries and NGOs, met regularly during the year to coordinate efforts to implement the national antitrafficking plan.

Labor trafficking, which the Interior Ministry reported was the most common form of trafficking in the country, remained a problem. In 2006 the national police organized crime unit created a section that solely investigates cases of forced labor. In July the unit had its first major success when it broke up a labor trafficking syndicate operated by Ukrainian nationals. Police stated that since 2004 the Ukrainians had lured 50 compatriots and workers from Bulgaria to the country with promises of agricultural employment. When they arrived, the gang seized their passports and forced them to work under inhumane conditions. According to the Ministry of Interior, most victims paid traffickers the equivalent of \$900 to \$1,400 (16,000 to 25,000 korunas) to have employment and housing arranged. Although there were no accurate estimates, the Government and NGOs stated that the trafficking of persons for forced labor was widespread.

While there was no evidence of government tolerance of or involvement in trafficking in persons, some NGOs believed that members of the border police assisted illegal border crossings that facilitated trafficking. In June President Klaus signed into law an amendment that provides stricter punishments for those who support and organize illegal migration. The stricter standards are a precondition for the country's entry into the EU's Schengen zone.

The Government also cooperated with NGOs to provide services to trafficking victims and train police and investigators on how to handle trafficking cases and refer victims to counseling. The Government assisted with international investigations, and law enforcement authorities regularly cooperated with their counterparts in Europe and elsewhere.

The Government provided psychological and social assistance to trafficking victims for 60 days, a significant increase over the former 30-day period. During this period, victims must decide whether to cooperate with authorities or return to their home countries. Victims choosing to cooperate are eligible for residency visas for the duration of the criminal proceedings and can thereafter apply for permanent residency on humanitarian grounds. Starting in October the Government eased procedures for trafficking victims to apply for permanent residency even when the support they provide falls short of testifying against traffickers. Since 2006 seven men and women have obtained permanent residency through the program.

The Ministry of Interior worked with the International Organization for Migration to produce a campaign aimed at reducing demand for commercial sexual services in the areas along the country's border with Germany. The NGO Caritas visited schools and asylum centers to conduct awareness campaigns among potential victims. Other NGOs that also received government funding, such as La Strada and Rozkos Bez Rizika (Pleasure without Risk), conducted seminars and distributed literature about the dangers and tactics of traffickers. NGOs also led a large multilingual antitrafficking public relations campaign on Prague's mass transit system.

*Persons with Disabilities.*—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services, and the Government generally enforced these provisions. However, persons with disabilities faced a shortage of public accommodations and were unemployed at disproportionately high rates.

An ombudsman is required to regularly visit all government facilities where persons with physical restrictions work to examine conditions, ensure fundamental rights are respected, and advocate for improved protection against mistreatment.

In 2005 the Government approved a 4-year national plan to aid persons with disabilities. The plan was drafted with the participation of the Government council for citizens with disabilities, a permanent advisory body. The plan has resulted in programs aimed at bringing more handicapped persons into the workforce and reducing physical barriers to employment. In the first 9 months of the year, the Government approved 14 projects to build barrier-free street crossings and entrances to institutions. Funding will mostly come from local budgets.

Approximately 60 percent of Prague's metro stations were handicapped-accessible, and many buses and new tram cars have been configured to accommodate persons with disabilities. However, the majority of stations inside the city center still contained barriers. There were 294 barrier-free high schools across the country as well as 50 barrier-free institutions of higher learning, including universities.

In 2006 the Czech Helsinki Committee noted that more than 17,000 adults and children with mental disabilities lived in social care homes, the majority of these under guardianship. In many cases the guardian was also the institute's director, giving rise to claims of conflict of interest.

Following heavy international criticism in 2004, the Government passed legislation ordering the removal of all caged beds from state psychiatric and other facilities. The removal of the beds took several years to complete, and there was some dispute over whether the beds remained in use. In 2007 the Government amended this legislation to add permissible alternatives to the use of caged beds. A media investigation during the year alleged that five social care facilities continued to use caged beds, though the findings were disputed by the government, which launched its own investigation. Caged beds were used to restrain patients with mental disabilities deemed threats to themselves or others. Beds covered with protective netting, however, remain legal for use in long-term care facilities for adults and children.

*National/Racial/Ethnic Minorities.*—The largest minority groups in the country were Slovaks, 225,000 persons; Roma, 200,000 persons; Poles, 52,000 persons; Germans, 40,000 persons; Ukrainians, 22,000 persons, and Vietnamese, 20,000 persons. Of these, Roma faced disproportionately high levels of poverty, unemployment, and illiteracy and continued to face widespread discrimination from potential employers and local and school officials.

Latent societal discrimination against the country's Roma population occasionally manifested itself in violence. Members and sympathizers of skinhead organizations were the most frequent perpetrators of acts of interethnic violence, particularly against Roma. An estimated 7,000 skinheads were active in the country, although some observers put the actual figure much higher.

In November a regional court in Brno convicted four men of the assault and killing of Jan Toth, a 26-year-old Romani man. On May 17, the four attacked Toth, kicked and beat him, and eventually set him on fire. Toth died 5 days later. While the assailants claimed they attacked Toth because he was a drug addict, some of the gang, including the main attacker, admitted they had previously supported neo-Nazi causes. While stating that the racial motive for the crime was not established by the evidence, the court noted the especially brutal nature of the murder and sentenced the main attacker, Juraj Lukas, to 13½ years in prison. The court gave the other accomplices 1-year suspended sentences for assault.

In July the Supreme Court confirmed the 2-year prison sentences of two Brno police officers for abuse of office after they assaulted and pistol-whipped a 14-year-old Romani youth in 2006. The officers were previously convicted of assault at the trial level but given only suspended sentences.

In August the regional court in Olomouc sentenced two skinhead youths who beat a Romani couple in 2003 in their home, causing the woman to miscarry, to 24 months in prison. In 2004 the local court had sentenced the attackers to probation.

In October the Ostrava court sentenced two skinheads to 18 and 22 months, respectively, for attacking and brutally beating seven Roma in 2005. The court acquitted two other individuals in the incidents due to poor police investigations.

The law prohibits employment discrimination based on ethnicity; however, Roma continued to face discrimination in both employment and education. Precise figures were unavailable, but the unemployment rate was estimated to be approximately 75 percent. Some employers refused to hire Roma and requested that local labor offices not send them Roma applicants. Continuing a trend from recent years, the Roma community was better organized in its efforts to confront discrimination through the legal process.

Roma faced widespread discrimination in housing and other accommodation. Human rights groups reported that some municipalities attempted to force Romani families to leave, employing such tactics as evicting them from municipally owned homes for alleged lapses in rent payments or coercing them to sign complex agree-



ments they did not understand, which were then used to curtail existing housing contracts. While the human rights commissioner publicly criticized these evictions, the law affords municipalities substantial autonomy in such actions. Restaurants, bars, and other public places at times refused to serve Roma.

In 2006 then-mayor of Vsetin, Jiri Cunek, evicted 360 Romani from their homes in the city. Many Roma were moved outside city limits and given substandard housing. Cunek subsequently won a Senate seat in the 2006 elections. Although his actions were criticized by the press, human rights activists, and even members of his own party, Cunek was later elected as chairman of the small but influential KDU-CSL and became the vice premier in the Government. In September police closed an investigation after concluding that Cunek's actions did not violate the law. The Vsetin Roma filed an administrative appeal.

In 2006 the Ministry of Labor and Social Affairs issued a study of living standards in the Romani community, which found that more than 330 ghettos were almost exclusively inhabited by Roma, and that the number of ghettos continued to grow. The study put the population in these ghettos at 80,000, more than a third of the country's Romani population. The study found the ghettos were blighted by substandard housing and poor health conditions.

The Government continued taking steps to address discrimination in the education of Romani children during the year. However, the European Monitoring Center on Racism and Xenophobia (EUMC) released a 2006 report criticizing the Government's de facto segregation of Romani children by sending many of them to special schools for children with learning difficulties. The EUMC released another report which further criticized the country for segregating Romani in their access to education.

The Government continued closing or integrating remedial schools by transferring "slower" students into new, special education classes pursuant to a 2005 law that abolished remedial schools. However, NGOs asserted that the new special classes were still discriminatory and constituted a superficial "rebranding" of the old system. While some regions successfully implemented the new policy, others experienced an exodus of non-Romani families concerned that their children would have to attend school with Roma.

In November the appeals body of the ECHR reversed an earlier decision by the court and found that the Government had engaged in indirect discrimination against Roma children in the field of education. The appellants, 18 Czech children of Roma origin from the Ostrava region, had requested review of the ECHR's 2006 decision, which held that placing Roma children in special schools for children with learning difficulties did not amount to discrimination, as these schools were not specifically established for Romani students. On appeal, however, the ECHR reversed the original finding and concluded that the practice disproportionately affected Romani children, as nearly 90 percent of the students assigned to the school were Roma. The court ruled that this situation violated the antidiscrimination provisions of the European Convention on Human Rights.

In May the court ruled that the city of Mlada Boleslav must pay a fine of \$4,500 (80,000 korunas) to the regional government for forcibly evicting a number of Roma. In 2006 the city sold some of its publicly-owned housing to a Romani entrepreneur, who then forced Roma tenants out. City police cooperated in the action by enforcing the evictions. The chief of police later apologized for his role in the removals.

The Government failed to remove a large pig farm on the site of a World War II concentration camp for Roma in Lety, citing a lack of funds. The pig farm became an election issue in 2006, when the small ultra right National Party erected commemorative markers reflecting its view that the site was not a concentration camp but merely a work camp. The markers were removed by local authorities after a national and international campaign.

Allegations persisted that forced sterilization of Romani women had taken place in previous years.

Positive actions taken by the Government to ease the hardships of Roma included passage in 2006 of a long-term Roma integration plan which makes use of affirmative action. The program provided for state-paid advisers to assist Roma in finding employment and special stipends for Romani secondary school students. Additionally, the National Gallery in Prague hosted an exhibit devoted to the history of the Roma during the Holocaust; Parliament hosted a photo exhibit of Romani victims of forced sterilization; and the media began paying greater attention to the living conditions of the Roma. During the year the Ministry of Labor and Social Affairs worked with NGOs to increase services to the Romani community and analyze the best means of utilizing EU Structural Fund monies for that purpose.

The Interministerial Commission for Romani Community Affairs, which included 12 government and 14 Romani representatives as well as the commissioner for

human rights, continued to take an active role in resolving disputes between Romani communities and their non-Romani neighbors. The commission also promoted antidiscrimination initiatives in housing and education. The Romani affairs coordinator of the Ministry of Foreign Affairs continued to function as the Ministry's liaison with Romani groups, NGOs, and the diplomatic community.

The minister for human rights, Džamila Stehliková, was designated the Government's point person on problems affecting Roma and other minorities.

*Other Societal Abuses and Discrimination.*—There were no reported cases of violence or discrimination against persons based on sexual orientation or who were HIV-positive.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law protects the worker's right to form and join unions of their choice without authorization or excessive requirements, and workers exercised this right in practice. Continuing a declining trend, less than 15 percent of the current workforce was unionized. Prior to 1989, workers were strongly encouraged to become members of labor unions, but since 1989 there has been a steady decline in labor union membership rates as a result of economic transformation and privatization, as well as efforts to get rid of the stigma of the former communist regime. About 75 percent of union members were affiliated with the Czech-Moravian Confederation of Trade Unions, a national umbrella organization.

The law prohibits antiunion discrimination; however, in practice individual cases of discrimination were reported. Common complaints of discriminatory practices included firing of union leaders, forcing members to cancel their membership, and disparaging unions in statements to employees. If found guilty of antiunion discrimination, employers are required by law to reinstate workers fired for union activity, although the court procedure was generally slow to resolve complaints. According to the Confederation of Trade Unions, in some instances hidden forms of discrimination persisted and court redress was often slow.

*b. The Right to Organize and Bargain Collectively.*—The law allows unions to conduct their activities without interference, and the Government protected this right in practice. The law provides for collective bargaining, which generally was carried out by unions and employers on a company basis. The scope for collective bargaining is more limited for civil servants, whose wages are regulated by law.

Workers have the legal right to strike if mediation efforts fail, with the exception of those in critical sectors such as health care, nuclear energy, oil and gas pipelines, air traffic control, firefighting, and telecommunications; workers in these industries have access to mediation. The law requires unions to provide employers with a list of strikers at least 1 day before a strike.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children; however, there were reports that persons were trafficked for commercial sexual exploitation and agricultural labor. According to the Ministry of Labor and Social Affairs, in keeping with international sanctions against North Korea, the Government has ended its program of bringing North Korean workers to the country for work in textile and food processing factories. In previous years, as many as 400 North Korean women had worked in bakeries and factories around the country. Most of their earnings were deposited into an account controlled by the North Korean Embassy. While some observers claimed that the program amounted to forced labor, NGO and government investigations concluded work conditions were "within the law." According to police, as of the end of the year, 130 workers remained in the country. Their work visas were scheduled to expire in February 2008, and the Government stated it would not issue any additional visas to North Korean workers.

*d. Child Labor Practices and Minimum Age for Employment.*—The Government effectively enforced laws and policies to protect children from exploitation in the workplace. The law stipulates a minimum working age of 15 years, though children with disabilities who have completed special training can work at the age of 14. Employment conditions for children ages 15 to 18 were subject to strict safety standards. The Ministry of Labor and Social Affairs effectively enforced these regulations in practice. The trafficking of children for commercial sexual exploitation was a problem.

*e. Acceptable Conditions of Work.*—The Ministry of Labor and Social Affairs sets and enforces minimum wage standards. The national minimum wage was approximately \$450 (8,000 korunas) per month and provided a decent standard of living for a worker and family when combined with social benefits for low-paid workers. The law provides for a 40-hour workweek, 2 days of rest, and a paid break of at

least 30 minutes during the standard 8-hour workday. Subject to the consent of the employee, employers may establish up to 8 hours per week of mandatory overtime; the local employment office may permit additional overtime. Premium pay for overtime is governed by the provisions of employment contracts.

The Office of Labor Safety effectively enforced health and safety standards. Workers have the right to refuse work endangering their life or health without risking the loss of their employment, and they exercised this right in practice.

## DENMARK

Denmark, with a population of approximately 5.4 million, is a constitutional monarchy with democratic parliamentary rule. Queen Margrethe II is head of state. The cabinet, which is accountable to the unicameral Folketing (Parliament), heads the Government. The minority center-right coalition government led by the Liberal Party (Venstre) won a plurality of seats in the 2005 elections, which were deemed free and fair. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. Reports of religious and ethnic discrimination against minority groups have remained relatively constant over the past several years, while domestic violence against women and trafficking in women and children continued to be reported.

### RESPECT FOR HUMAN RIGHTS

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

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

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits such practices, and there were no reports that government officials employed them.

*Prison and Detention Center Conditions.*—Prison conditions, for the most part, met international standards; however, pretrial detainees were often held with convicted criminals. The Government permitted visits by independent human rights observers.

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

*Role of the Police and Security Apparatus.*—The national police, under the Ministry of Justice, have sole policing authority in the country. On January 1, the Government initiated a reform of the police, with the objective of achieving a more modern police service with sustainable police districts capable of carrying out major investigations and providing large-scale emergency and support services. As part of the reform, the previous 54 police districts were consolidated into 12 districts (plus the Faroe Islands and Greenland) and a national commissioner's office. The minister of justice, with the approval of Parliament, appoints the police chiefs of each district and the national commissioner. Corruption was not a problem. There was continued police training in recognition, reporting, and investigation of racially motivated cases during the year.

*Arrest and Detention.*—By law the police are allowed to begin investigations and make arrests either based upon visual evidence without a warrant, or on the basis of indictments filed by public prosecutors with the courts. A court may either summon the accused to appear or order police to arrest the accused based upon an application filed by a public prosecutor. If an individual is taken into custody, the law provides for an initial appearance before a judge within 24 hours; however, noncitizens may be detained for up to 72 hours before being given a court appearance. Authorities generally respected the right to a prompt judicial determination. The country does not have a bail system; rather, a judge decides within 24 hours of detention either to release the detainee on his or her recognizance or to keep the detainee in jail until a trial is held. According to the Office of the Director of Public Prosecution, of the total number of pretrial detainees in 2006, 88 percent served less than 3 months in pretrial custody, whereas 12 percent served more than 3 months in pretrial custody. Arrestees have the right to counsel at the initial hearing, and the Government provided counsel for those who could not afford legal representation. The law does not allow any visitors during the first 24 hours of detention except for legal

counsel. However, depending upon the charges, the police generally did not restrict visitor access in practice.

Over several weeks in March, authorities arrested more than 700 protesters in response to a series of Copenhagen street riots sparked by the closing of a youth center on March 1. Most Danish detainees were quickly released for a later trial date, while foreigners were held in lengthy pretrial custody. Three Americans, for example, were held in pretrial custody for nearly 3 months after their initial appearance before a judge. The Copenhagen courts were not prepared to process the large number of detainees resulting from the riots.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the Government generally respected judicial independence in practice. The judicial system consists of local courts, which hear cases in the first instance; two regional high courts, which address appeals; and the Supreme Court, which is the highest and final court of appeal.

*Trial Procedures.*—The Constitution and law provide for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are public. Juries are required for criminal cases in which the maximum penalty is greater than 4 years' imprisonment. The law provides for defendants' right to timely consultation with an attorney, at public expense if needed. Defendants and their attorneys have access to government evidence relevant to their case. Defendants have the right to question witnesses against them and to present their own witnesses; they are presumed innocent until proven guilty; and the right of appeal encompasses both procedural matters and sentences imposed. The law provides that criminal sentences can be increased when bias is proved as a motive. Bias can be based on race, ethnicity, gender, sexual orientation, or religion.

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

*Civil Judicial Procedures and Remedies.*—There is an independent and impartial judiciary in civil matters, including access to the court system to bring lawsuits seeking damages for, or cessation of, a human rights violation. There were no problems enforcing domestic court orders.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution and law prohibit such actions, and the Government generally respected these prohibitions in practice.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. Individuals are able to criticize the Government publicly and privately without reprisal. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

The law prohibits any public speech or dissemination of statements or other pronouncements by which a group of persons is threatened, derided, or degraded because of their race, skin color, national or ethnic background, faith, or sexual orientation; offenders may be fined or imprisoned for up to 2 years. The law also prohibits "blasphemy" and provides that a person who publicly mocks or insults a legally existing religious community's tenets of faith or worship may be fined or imprisoned for up to 4 months.

In 2005 the Jyllands-Posten newspaper cartoon controversy began after 12 editorial cartoons depicting the Islamic prophet Muhammad were published. The newspaper explained that this publication was a contribution to debate regarding criticism of Islam and self-censorship. Nonviolent protests occurred in the country in reaction to the cartoons. Security guards were hired to protect the paper's journalists, and in January a bomb threat was made against the Copenhagen branch of the newspaper. Death threats were made against the cartoonists, forcing them into temporary hiding. Police closed the case after investigations did not produce any significant leads.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. As of July approximately 83 percent of the population had access to the Internet from home.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

The Evangelical Lutheran Church is the official state church and enjoys some privileges not available to other faiths, such as receiving state subsidies or funds directly through the tax system. Members of other faiths, notably Catholics, have asserted that the system is unfair, and that the Government does not provide religious equality, despite providing religious freedom. Allowing other religious organizations to be given the same status and privileges as the Evangelical Lutheran Church would require changes to the Constitution. While the Government does not require that religious groups be licensed, the Government's recognition is required for religious ceremonies, such as weddings, to have civil validity or for such religious groups—at year's end numbering more than 100—to receive tax exemptions.

Religious history, with special emphasis on the Evangelical Lutheran faith, was taught in public schools, but students could withdraw from religious classes with parental consent.

*Societal Abuses and Discrimination.*—There were isolated incidents of societal abuses and discrimination, including antiimmigrant (mainly Muslim and African) graffiti, desecration of ethnic minority gravesites, and low-level assaults, as well as some denial of service and hiring on racial grounds. Societal discrimination against religious minorities was difficult to distinguish from discrimination against ethnic minorities. The Government criticized the incidents, investigated several, and brought some cases to trial.

In February 2006 more than 20 Muslim graves were desecrated in a cemetery in Esbjerg. Police interrogated three juveniles, who were later released to social authorities to be reprimanded. There were no further developments in the case.

In July 2006 vandals desecrated the country's first Muslim graveyard prior to its official opening, painting swastikas on the grass and driving cars across the site. In September 2006 the cemetery opened without incident. In November 2006 the cemetery was vandalized when markers indicating where graves were to be situated were removed and replaced with pigs' heads on poles. The subsequent investigation did not lead to any arrests and police closed the case.

There were no developments in the 2005 desecration of nearly 100 Muslim graves in Venstre Kirkegaard (Cemetery) in Copenhagen. Unknown vandals pushed over 50 headstones and smashed another 50. The vandals only targeted Muslim headstones, leaving the Christian headstones untouched. Police investigated the scene but did not find enough evidence to pursue charges.

In 2005 authorities closed local radio station Radio Holger for 3 months after it challenged listeners to kill Muslims. In February 2006 Radio Holger announcer Kaj Wilhelmsen was given a suspended 2-week prison sentence for violating an anticacism law; Wilhelmsen appealed the verdict and continued broadcasting via the Internet, for which no license is required. In November 2006 Radio Holger's license was revoked by the Radio and Television Board for its alleged racist programming in August 2006, in the wake of the conflict involving Israel and Lebanon. The courts rejected Wilhelmsen's appeal of the November 2006 decision to revoke the station's license. The station continued to broadcast, via the Internet, at year's end.

The Jewish population was estimated at 7,000 persons. There were isolated incidents of anti-Semitism, apparently perpetrated primarily by immigrants, according to victims' reports. Most incidents involved vandalism, such as graffiti, or nonviolent verbal assaults.

The Copenhagen synagogue on Krystalgade was vandalized on the night of January 21. Unknown perpetrators threw two rocks at two of the synagogue's windows; both were smashed.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government cooperated with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, asylum seekers, stateless persons, and other persons of concern.

The Constitution and law prohibit forced exile, and the Government did not employ it.

*Protection of Refugees.*—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against “refoulement,” the return of persons to a country where there is reason to believe they fear persecution. The Government granted refugee status or asylum. Through November 1,050 of 2,020 asylum seekers received asylum and were granted residency permits. This total included temporary protection provided to certain individuals who fell outside the definition of the 1951 U.N. convention and the 1967 protocol; the Government provided such protection to 417 persons during the year through November, including 305 out of 309 Iraqi interpreters and their families.

There was no update in the cases of 39 criminal immigrants detained at Sandholm refugee center in 2005 after they refused to return to their home countries upon receiving deportation orders.

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

The Constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

The territories of Greenland and the Faroe Islands have democratically elected home rule governments whose powers encompass all matters except foreign and national security affairs, police services, and monetary matters. Greenlanders and Faroese have the same rights as other citizens. Each territory elects two representatives to the Parliament.

*Elections and Political Participation.*—Prime Minister Anders Fogh Rasmussen, leader of the Liberal Party, was reelected in November in free and fair elections.

In 2005 free and fair municipal elections were held following Parliament’s adoption of a structural reform plan, which reduced the number of municipalities from 271 to 98 in January 2007. As a result of the elections, the number of municipal council members from ethnic minority backgrounds significantly increased.

Political parties could operate without restriction or outside interference.

There were 67 women in the 179-seat Parliament and seven women in the 19-seat cabinet. Women also accounted for 44 percent of the public council board and committee members.

There were four members of minorities in the 179-seat Parliament. There were no members of minorities in the 19-seat cabinet.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption, and the Government generally implemented the law effectively. There were isolated reports of government corruption during the year. Public officials are not subject to financial disclosure laws, but a government official is not allowed to work on cases in which he or she has a special personal or economic interest, or represents or has close relations to someone with a special interest in the case. Officials are obligated to inform superiors of any possible disqualification issues related to a case. The Ministry of Justice and the State Employer’s Authority (within the Ministry of Finance) are responsible for combating government corruption.

The law provides for public access to government information, and the Government provided access in practice for citizens and noncitizens, including foreign media.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views.

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

The Constitution and law prohibit discrimination based on race, gender, disability, language, or social status; however, violence against women and trafficking in persons were problems.

*Women.*—Rape, including spousal rape, is a criminal offense, and the Government effectively prosecuted those accused of such crimes. There were 471 reported rapes and 364 official charges of rape in 2006. Preliminary figures indicated that there were 492 reported rapes and 393 charges filed in 2007.

Violence against women, including spousal abuse, remained a problem. During the year the Institute for Public Health and the National Organization of Women’s

Shelters estimated that 64,000 women in the country are exposed to domestic violence or the threat of domestic violence annually and that, in 2006, 29,000 children aged 15 or younger were living in homes where the mother was exposed to violence. The National Organization of Shelters for Battered Women and Their Children reported that in 2006 shelters provided a safe haven for 4,242 women and children, in an increase over the previous year; 43 percent of the women supported were non-citizens, which was also a proportional increase over the previous year.

Prostitution is legal, but subject to restrictions; pimping, coercion into prostitution, solicitation of prostitution from a minor, and trafficking are illegal. According to a 2005 report published by the Ministry for Social Welfare and Gender Equality, an estimated 3,750 persons were engaged in legal prostitution in 2004, while an unknown number participated in illegal prostitution, including streetwalking.

The law prohibits sexual harassment and provides for awards of monetary compensation for victims of sexual harassment. The Government effectively enforced the law, and there were few reported cases during the year.

Women have the same legal status as men, including under family law, property law, and in the judicial system. The law requires equal pay for equal work, but in 2006 female workers earned approximately 21 percent less on average than male workers in the private sector, while the wage gap was approximately 16 percent in the local government and 8 percent in the central government. Even when adjusted for maternity leave, differences in education, and other relevant factors, women earned approximately 2 to 6 percent less than their male counterparts for the same work. Women held positions of authority throughout society, although they were underrepresented in senior business positions and as university professors. Amendments to the Act on Equal Pay to Men and Women came into effect on January 1 that, among other things, oblige employers to report wages by gender.

*Children.*—The Government was strongly committed to children's rights and welfare. Education was compulsory through the ninth grade and free through the university level; school attendance was nearly universal. Slightly more women than men completed postsecondary education.

In 2006 there were 276 reports of sexual abuse of children that resulted in 260 official investigations.

In 2005 the U.N. Committee on the Rights of the Child expressed concern regarding societal discrimination against, and racist attitudes toward, children of ethnic minorities and migrant families as well as refugee and asylum-seeking families.

*Trafficking in Persons.*—The law prohibits trafficking in persons; however, there were reports that persons were trafficked to the country.

The country was both a destination and a transit point for women and children who were trafficked from the former Soviet Union, the Baltic countries, Eastern Europe, Southeast Asia, and West Africa for the purposes of sexual exploitation and occasionally to work as thieves. There were approximately 4,000 to 5,000 prostitutes in the country, including an estimated 2,000 foreign women, a number of whom were believed to be trafficking victims.

Traffickers lured victims with the prospect of higher wages and a better life, then forced them into prostitution, often withholding their passports. Authorities suspected traffickers had ties to organized crime, specifically in Russia and the Baltic countries, and subjected them to police investigations and prosecutions.

The law criminalizes trafficking and provides for a maximum prison term of 8 years for those convicted of trafficking in persons.

Police conducted 11 trafficking investigations and prosecuted 23 trafficking cases. There were 10 convictions on trafficking charges, with some resulting from prosecutions in previous years. The authorities also conducted 23 procurement investigations and prosecuted 29 procurement cases. There were 21 convictions on procurement charges.

In December 2006 a 39-year-old Nigerian woman was arrested for involvement in a major trafficking operation. On July 3, she was convicted and sentenced to 2 years in prison, to be followed by extradition. According to Copenhagen police, women were recruited in their native countries and then transported to Denmark and forced into prostitution.

The national commissioner for police maintained an internal task force on trafficking in persons, assisted local police constabularies with investigations, and trained officers to recognize and investigate trafficking cases. The Government cooperated with international investigations of trafficking and exchanged information with neighboring countries.

According to national police, trafficking victims generally returned voluntarily to their home countries with NGO support and were not officially deported or pros-

ecuted for immigration violations. By returning to their home country they avoid a possible 1-year ban on reentry into Denmark.

In March the Government adopted a new trafficking action plan for 2007 through 2010 based on the recommendations of an independent audit of the previous action plan. The Government created the National Antitrafficking Center during the year to implement the new action plan and coordinate efforts to combat trafficking.

The Government funded three nongovernmental organizations (NGOs) that provided social, medical, and legal services to trafficking victims. Government funding was also used for NGO outreach programs as well as hot lines to support victims, prevent trafficking, and gather data on the extent of the problem. The Ministry of Social Affairs conducted an antitrafficking awareness campaign in all major newspapers, subsidized a hot line and Web site, and funded an NGO program to identify trafficking victims and provide them with information on obtaining help.

*Persons with Disabilities.*—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and the provision of other state services, and the Government effectively enforced it in practice. The law mandates access to buildings for persons with disabilities, and the Government generally enforced these provisions in practice. The responsibility for protection of the rights of persons with disabilities is shared by all government ministries. The Danish Disability Council, a government-funded organization, monitored the status of persons with disabilities and advised the Government and the Parliament on issues relating to disability policy. The Equal Opportunities Center for Disabled Persons is a government-funded entity that alerts the Government to and documents inequalities in society that affect persons with disabilities.

*National/Racial/Ethnic Minorities.*—In 2006 there were 85 cases reported of racial discrimination or racially motivated violence; however, some incidents went unreported. Reported cases involved graffiti, vandalism, theft, and racist Internet and written messages. According to police, the victims were “Jews and people of an ethnic origin other than Danish” (usually meaning both African and Middle Eastern ethnic groups). Minority group members were also sometimes the perpetrators of the incidents. The Government effectively investigated and dealt with cases of racially motivated violence.

The inflow of ethnically and racially diverse refugees and immigrants (mostly Iraqis, Palestinians, Pakistanis, Sri Lankans, Somalis, and refugees from the former Yugoslavia) caused some tension between citizens and immigrants, which was reflected in press reports on the failure of the immigrants to integrate and on the perceived correlation between immigration and crime levels.

*Indigenous People.*—The law protects the rights of the indigenous inhabitants of Greenland. Greenland’s legal system seeks to accommodate Inuit customs, and it provides for the use of lay persons as judges and sentences most prisoners to holding centers (rather than to prisons), where they were encouraged to work, hunt, or fish during the day. Education in Greenland is provided to the native population in both the Greenlandic and Danish languages.

In 1999 a Danish court ordered the Government to compensate Greenlanders (and their descendants) whom the Government forcibly resettled in 1953 from a village adjoining a foreign military base. The plaintiffs appealed the decision, seeking inter alia greater compensation, but it was upheld by the Supreme Court in 2003. In 2004 the Greenlanders filed an appeal with the European Court of Human Rights; the appeal was still pending at year’s end.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law states that all workers, including military personnel and police, may form or join unions of their choosing. Approximately 77 percent of wage earners belonged to unions that were independent of the Government and political parties.

*b. The Right to Organize and Bargain Collectively.*—The law allows unions to conduct their activities without interference, and the Government protected this right in practice. Collective bargaining is protected in law and was freely practiced. Approximately 85 percent of the workforce was covered by collective bargaining agreements. These collective bargaining agreements also indirectly influenced wages and working conditions for the rest of the workforce. The law provides for the right to strike, and workers exercised this right by conducting legal strikes. There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children; however, there were reports that children were trafficked for commercial sexual exploitation.



*d. Prohibition of Child Labor and Minimum Age for Employment.*—The law prohibits the exploitation of children in the workplace, and the Government effectively enforced it in practice.

The minimum legal age for full-time employment is 15 years. The law sets a minimum age for part-time employment of 13 years; however, school-age children are limited to less strenuous tasks. The law contains provisions that limit work hours and set occupational health and safety restrictions for children. The law is enforced by the Danish Working Environment Service (DWES), an autonomous arm of the Ministry of Labor.

There were reports that children were trafficked for commercial sexual exploitation.

*e. Acceptable Conditions of Work.*—The law does not mandate a national minimum wage; minimum wages are negotiated between unions and employer associations. According to the terms of the country's largest collective bargaining agreement, negotiated in the spring and covering almost the entire industrial sector, the minimum wage is approximately \$18 (98.15 kroner) per hour, exclusive of pension benefits. The wage provided a decent standard of living for a worker and family. Workers generally worked a 37-hour workweek, which was established by contract rather than by law. Workers were not subjected to compulsory overtime and received premium pay for overtime. Working hours are determined by collective bargaining agreements, which adhere to the European Union directive that an average workweek not exceed 48 hours.

The law also prescribes conditions of work, including safety and health; the DWES ensured compliance with labor legislation. In the first half of the year, the DWES conducted 24,756 company screenings and inspections, which resulted in 11,829 notices of varying severity for required improvements. Workers may remove themselves from hazardous situations without jeopardizing their employment, and authorities effectively enforced this right in practice. Similar work conditions were found in Greenland and the Faroe Islands, except that there the workweek was established by contract at 40 hours.

---

## ESTONIA

With a population of 1.34 million, Estonia is a constitutional parliamentary democracy with a unicameral Parliament, a prime minister as head of government, and a president as head of state. Parliamentary elections held on March 4 were generally free and fair. On April 5, a coalition government headed by Prime Minister Andrus Ansip took office. It consists of the Reform Party, the Pro Patria and Res Publica Union, and the Social Democratic Party. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of citizens and the large ethnic Russian noncitizen community; however, there were problems in some areas. There were allegations that police used excessive force, including against riot participants, during protests against the relocation of a Soviet-era statue in April; authorities investigated and brought charges against alleged offenders. Prison conditions remained poor, although there were some improvements. Domestic violence and child abuse continued to be problems.

### RESPECT FOR HUMAN RIGHTS

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

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

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits such practices; however, there were reports that police used excessive physical force and verbal abuse during the arrest and questioning of suspects.

During the year prosecutors or police authorities processed 35 criminal cases related to police officers' excessive use of force. Charges were dropped in 21 cases, 12 were pending, and two were sent to the prosecutor's office for further action.

Eight of these 35 cases involved the alleged use of excessive physical force during the riots on the nights of April 27 and 28. Charges were dropped in six cases after it was determined that no criminal act had taken place. Two cases were pending at the end of the year.

The police internal control department investigated other cases, involving 10 officers, on allegations of excessive force. Three officers were found guilty, one was sus-

pending, and the others were given disciplinary punishment. Charges were dropped in six cases, and one remained pending.

Two police officers were charged in January 2006 in Viru district with assaulting a suspect. One was convicted and fined, a decision subsequently upheld by the Viru District Court in April. In December 2006 a Harju county court case was terminated by agreement of both parties after an officer acknowledged that he had used excessive physical force against three juveniles suspected of using drugs.

*Prison and Detention Center Conditions.*—Prison conditions remained poor, and the majority of prisons for men were overcrowded. On April 24, the chancellor-ombudsman criticized the limited availability of medical aid in detention houses in Narva and elsewhere. Shortages of funds and trained staff continued to be serious problems. Detention houses remained overcrowded. Authorities reported that 9 to 10 percent of crimes committed in prisons included violence or verbal abuse, either towards fellow prisoners or authorities.

On June 27, one inmate killed another in Tartu Prison. During the year, a prosecutor filed charges of negligence against the acting director of Murru Prison and his deputy as a result of events that took place in November 2006. No trial had begun by year's end.

The Government permitted prison visits by independent human rights observers, and such visits occurred. There were no visits by the International Committee of the Red Cross during the year. On May 9–18, the Council of Europe's (COE's) Committee on the Prevention of Torture visited the country.

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

*Role of the Police and Security Apparatus.*—The national police, security police, tax and customs board, and national border guard have responsibility for law enforcement and the maintenance of order. Except for the tax and customs board, which is subordinate to the Ministry of Finance, these agencies are subordinate to the Ministry of Internal Affairs. Prison personnel are subordinate to the Ministry of Justice. The army is responsible for external security but also has domestic security responsibilities in case of a threat to constitutional order. The police board is the central and supervisory authority that manages, directs, and coordinates the activities of the three police agencies and four regional police prefectures.

Corruption among law enforcement officials was not generally a problem, but there were reports of corruption among the traffic police. An investigation begun in 2006 of 26 traffic police officers alleged to have taken bribes led to a court case that was pending at year's end.

Impunity was generally not a problem. The Government has effective mechanisms to investigate and punish abuse and corruption. When an allegation of police abuse is made, the internal control department of the police investigates and reports its findings. If the investigation substantiates the allegations, police initiate disciplinary procedures against the responsible officer.

Civilian authorities maintained effective control over the national police, security police, tax and customs board, and national border guard.

*Arrest and Detention.*—Under the law authorities must possess warrants issued by a court to make arrests. They must inform detainees promptly of the grounds for their arrest. There is a functioning bail system. Authorities may hold a person for 48 hours without charging him; further detention requires a court order. Police rarely violated these requirements. Detainees must be given immediate access to legal counsel, and the Government pays for legal counsel for indigents. A person may be held in pretrial detention for 2 months, which may be extended by court order to a total of 12 months. Lengthy pretrial detention was a problem. Approximately 28.5 percent of the prison population was in pretrial detention, and the average length of pretrial detention was 8 months.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the Government generally respected judicial independence.

There is a three-tier court system. County and city courts and administrative courts adjudicate matters in the first instance. Appeals against the decisions of these courts are heard by three courts of second instance, sometimes called district courts or courts of appeal. The Supreme Court is the court of highest instance and is also the court for "constitutional supervision."

*Trial Procedures.*—The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right.

Trials are public. Juries are not used. A judge and public assessors hear cases. Defendants have the right to be present and to consult with an attorney in a timely manner. In criminal proceedings an attorney is provided for all individuals at public

expense; in civil proceedings an attorney is provided for indigents. Defendants may confront or question witnesses against them and present witnesses and evidence on their own behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases. Defendants enjoy a presumption of innocence and have a right of appeal. The law extends these rights to all residents, whether or not they are citizens.

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

*Civil Judicial Procedures and Remedies.*—There is an independent and impartial judiciary in civil matters. There is access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation. Administrative as well as judicial remedies are available for alleged wrongs. There were no problems with enforcement of human rights-related domestic court orders.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and the press.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

*Freedom of Assembly.*—The Constitution provides for this right, and the Government generally respected it in practice, but there were exceptions.

While authorities have wide discretion to prohibit public gatherings on public safety grounds, they did so only under exceptional circumstances. Government plans to move a Soviet-era monument were a focus of public controversy during the year, and the Government sometimes denied permission for protests at the monument on security grounds. On April 27, an unauthorized demonstration protesting the relocation of the monument was followed by two nights of looting in the center of the capital. Police detained approximately 1,200 persons for violations of public order. Some police allegedly used excessive force against riot participants. Authorities opened eight criminal cases against police officers in connection with these events. In six cases the charges were dropped, and two cases were pending at year's end.

A gay rights parade took place in Tallinn on August 11 without incident. The Government had failed to protect participants of a gay rights parade in 2006.

*Freedom of Association.*—The Constitution provides for this right for citizens, and the Government generally respected it in practice. However, the law specifies that only citizens may join political parties.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

The law prohibits activity that publicly incites hatred, violence, or discrimination on the basis of a variety of characteristics, including religion, if it causes a threat to a person's life, health, or property.

*Societal Abuses and Discrimination.*—Relations between the various religious communities were generally amicable; however, the Estonian Apostolic Orthodox Church and the Estonian Orthodox Church under the Moscow Patriarchy continued to have differences over the disposition of Orthodox Church property.

The size of the Jewish community was estimated at approximately 2,500 members. There were no reports of anti-Semitic acts.

On July 28, veterans of the Estonian Waffen SS division, which was formed by Nazi Germany during World War II to fight Soviet forces, met in the area of Sinimae. The defense minister sent a private letter of support to the group. Some observers, particularly some foreigners, criticized the letter as legitimizing a military unit organized by Nazi Germany in World War II. However, others noted that the letter was written in the context of defending Estonia from foreign invaders, and

that the unit held its reunion at the site of important battles against the Soviet Union.

The media reported that the security police had begun investigating a neo-Nazi Internet site, located outside Estonia, which advertises and sells an Estonian-language anti-Jewish propaganda book for children.

In June, according to media reports, the security police started an investigation into activities of a dual Estonian-Finnish national suspected of working to establish an "anticonstitutional right-wing organization." According to the media, he had used Nazi symbols and ideology and planned a paramilitary wing of the organization.

There were several acts of vandalism against graveyards. In April vandals damaged two grave plaques in a Jogeva County cemetery and 13 crosses and grave plaques in a Laane County cemetery. Police launched a criminal investigation; however, no further information was available about the outcome. Also in April, the Tartu Rural Court sentenced a graveyard vandal to probation for 2 years for stealing metal figures from Raadi cemetery.

The Government took a number of steps to associate itself with commemoration of the Holocaust and to encourage best practices in teaching about it in schools. In December the country became a member of the Task Force for International Cooperation on Holocaust Education, Remembrance, and Research.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

The Constitution prohibits forced exile, and the Government did not employ it.

*Protection of Refugees.*—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against "refoulement," the return of persons to a country where there is reason to believe they feared persecution. The Government granted refugee status or asylum to two individuals. It also provided temporary protection to two individuals who did not qualify as refugees under the 1951 convention and the 1967 protocol.

The Government cooperated with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

The Government has a "safe country of origin or transit" policy; it regarded countries that were parties to the U.N. refugee convention as safe countries, but all asylum seekers were granted individual interviews.

*Stateless Persons.*—Approximately 115,274 persons, or 7.8 percent of the population, were de facto stateless. This represented a decline from 32 percent in 1992. Citizenship is derived from one's parents (*jus sanguinis*). The majority of stateless persons were long-term residents and, as such, could vote in local but not in parliamentary elections. Authorities have adopted policies, such as funding citizenship and language courses and simplifying the process for persons with disabilities to facilitate acquisition of citizenship by those stateless persons who wish it. Children whose parents are stateless and have lived in the country for 5 years are eligible to acquire citizenship at their parents' request. In addition, the naturalization process has been considerably shortened.

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

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

*Elections and Political Participation.*—Parliamentary elections held on March 4 were generally free and fair and led to the formation of a three-party coalition government of the Reform Party, the Pro Patria and Res Publica Union, and the Social Democratic Party, which took office on April 5. Andrus Ansip became prime minister.

Only citizens may vote in parliamentary elections and be members of political parties. Resident noncitizens and those who have lived permanently in the country for at least 5 years preceding the election may vote in local elections, although they may not run for office.

There were 21 women in the 101-seat Parliament. There were three women in the 14-member cabinet.

There were nine members of ethnic minorities in the 101-seat Parliament.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively. There were isolated reports of government corruption during the year.

Public officials are subject to financial disclosure laws. The Justice Ministry was responsible for coordinating anticorruption activities.

In October media reports alleged that certain property exchange deals in which nature conservation lands were bartered for state properties in other locations with the approval of a former minister, were illegal. The security police and prosecutor's office started criminal cases against several individuals allegedly involved in these transactions, including a few well-known politicians and businessmen.

The law provides the public access to government information and allows for monitoring of the public sector's performance. The Government provided access for citizens in practice.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were usually cooperative and responsive to their views.

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

The Constitution prohibits discrimination for any reason, and the Government generally enforced it. However, violence against women and child abuse were problems.

*Women.*—Rape, including spousal rape, is illegal and was prosecuted. The sentence for rape is up to 15 years' imprisonment. Police reported 75 rapes and 17 attempted rapes. During the year, 25 persons were convicted of rape.

Violence against women, including spousal abuse, was a problem. The law prohibits physical abuse but does not differentiate between acts committed against men or women. The police reported more than 3,200 cases of physical abuse, including domestic violence. During the year 1,185 persons were convicted of this abuse.

According to nongovernmental organizations (NGOs), one in four women has suffered from physical, sexual, or emotional domestic violence, and NGOs considered domestic violence a serious problem. Domestic violence is punishable by a fine or imprisonment of up to 3 years and up to 5 years in the case of longstanding and unremitting violence. Victims of domestic violence may obtain help, including counseling and legal assistance, from local social workers and specialized NGOs.

Prostitution is not prohibited and was common, but pimping is illegal.

There were reports that women were trafficked for purposes of sexual exploitation.

The law prohibits sexual harassment. Sexual harassment in the workplace occurred but was not considered a serious problem. According to the law, disputes over sexual harassment are resolved in court, in an administrative hearing by the legal chancellor-ombudsman, or by the gender equality commissioner. An injured party may demand compensation for damages and termination of the harmful activity.

Although women have the same legal rights as men under the law and are entitled to equal pay for equal work, these rights were not always observed in practice. While the average educational level for women was higher than for men, their average pay was generally lower, and there continued to be female- and male-dominated professions.

*Children.*—The Government was committed to children's rights and welfare. Under the law, school attendance is mandatory and free from the age of 7 until students complete basic education, generally after 9 years or until 17 years of age. Approximately 99 percent of school-age children attended school. According to the Government's statistical office, the highest level of education achieved by most students was high school plus 2 years of higher education.

Boys and girls had equal access to government-sponsored medical services.

Child abuse was a problem. Police reported 664 cases of violence against children, including domestic and school violence, during the year.

During the year there were 19 reports of rape and seven attempted rapes committed against minors. Police registered 86 cases of sexual abuse of persons under 18 years of age, including 28 cases involving victims below the age of 14. During the reporting period, 36 persons were convicted of sexual assaults of minors.

There were reports that children were trafficked for sexual exploitation.

*Trafficking in Persons.*—There is no specific law criminalizing all forms of trafficking; however, authorities prosecute traffickers under the law prohibiting enslavement, abduction, and pimping.

The country is a source, destination, and transit point for trafficking victims, who were trafficked primarily for sexual exploitation. Women and girls were trafficked primarily to countries in northern Europe. During the reporting period, the Government registered eight trafficking victims, mainly women and girls. A 2005 study of trafficking for sexual exploitation conducted by the International Organization for Migration estimated that there were 100 victims of these forms of trafficking between 2001 and 2004. This figure included persons trafficked through the country. Persons were also trafficked to the country. The overall trafficking pattern appeared to be unchanged from earlier years, although authorities in both Finland and Sweden noted considerable declines in Estonians trafficked to their countries. Travel-friendly regulations, short distances, low travel costs, and the draw of legitimate employment lowered the barriers to trafficking to Nordic and other European Union countries.

Traffickers included individuals, small groups, and organized criminals who ran the prostitution industry and lured victims with the promise of legitimate employment or the opportunity to live and study abroad. Traffickers tended to befriend victims or attempted to pass themselves off as legitimate job mediators. Due to generally liberal travel regulations around the region, false documentation was not always necessary.

Penalties for trafficking-related offenses range from 5 to 15 years' imprisonment, and fines may also be applied.

The fight against trafficking was a government priority, and reports of declines in Estonians trafficked to Finland and Sweden suggest that some of its measures were effective. During the year the Government used the statute outlawing enslavement to convict three individuals.

A court case that was opened in 2006 against five individuals charged with pimping continued at year's end. The prosecution was the result of cooperation with Finnish authorities in investigating a ring that trafficked Estonian women to Finland for prostitution.

The ministries of interior, social affairs, foreign affairs, education and research, finance, and justice have responsibilities for combating trafficking.

Authorities cooperated actively with regional and international efforts to fight trafficking, including participation in the work of the Nordic and Baltic Task Force on Trafficking in Persons.

The law provides protection, as well as legal and medical compensation rights, to victims of all crimes, including trafficking. During the year six victims received assistance at a government-supported shelter established specifically for victims of trafficking. Each county had an assigned victim assistant to provide trafficking victims access to the public assistance system. The assistants received specific training on trafficking in persons issues from NGOs during the year.

The Government continued to support an NGO-operated trafficking hot line that provided information on trafficking risks to persons interested in working abroad. The hot line generated over 370 calls.

Throughout the year the Ministry of Social Affairs engaged in educational outreach programs to governmental organizations, NGOs, and individuals, including lectures, seminars, and preparation of training materials.

*Persons with Disabilities.*—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services, and the Government generally enforced these provisions. The law does not mandate access to buildings for persons with disabilities; older buildings were inaccessible, although new or renovated buildings were generally accessible. In 2006 the Government increased support to children with disabilities by 25 percent. The Ministry of Social Affairs is responsible for protecting the rights of persons with disabilities.

*National/Racial/Ethnic Minorities.*—Instances of overt hostility based on ethnicity or race were infrequent, but they occurred. The tension, and ultimately violence, that attended the Government's decision to move a Soviet-era monument from the center of Tallinn demonstrated that fissures remained between some of the country's ethnic Russians and the rest of the population (see Section 2 b.).

While there is no specific law prohibiting hate crimes, the law prohibits incitement to hatred, violence, or discrimination on a variety of grounds, including nationality, race, skin color, language, and social origin. In April a 16-year-old youth verbally abused a Chinese student in Tartu, and police fined him for violating public

order. In September, also in Tartu, skinheads threw stones in the direction of a French student of African origin.

On January 17, police fined a 36-year-old person as a result of insults directed toward an African PhD candidate in a Tartu night club.

The Government provides for the protection of the cultures of minority groups. At the same time, some observers alleged a law related to minority cultural autonomy is discriminatory because it does not apply to noncitizens. In districts where more than one half of the population speaks a language other than Estonian, the law entitles inhabitants to receive official information in that language.

Russians, Ukrainians, and Belarusians are the largest ethnic minorities, making up 29 percent of the population. The Government encouraged social integration through a policy which promotes learning Estonian and naturalization. Knowledge of Estonian is required to obtain citizenship, and all public servants and public sector employees, service personnel, medical professionals, and sole proprietors must know the Estonian language. Actual proficiency is usually determined through examination; however, citizenship applicants who have previously passed the basic level Estonian language proficiency examination or the basic school final examination for Estonian as a second language do not have to take the citizenship language exam. Some noncitizen residents, particularly ethnic Russians, continued to allege that the language requirement resulted in job and salary discrimination.

In September the Government began implementation of a plan that calls for providing 60 percent of all instruction in the country's 63 Russian-language high schools in the Estonian language by 2011; however, a shortage of qualified teachers who could teach their subjects in Estonian at Russian-language schools remained a problem.

Romani communities, with a total of under 1,000 members, were located primarily in three areas in the country. A 2006 COE report noted their high unemployment level, due in part to the fact that very few attend school. However, the report also concluded that Roma faced discrimination in employment and other areas. The Government took steps to emphasize the importance of education for Romani children.

*Other Societal Abuses and Discrimination.*—There were no reports of societal violence or discrimination based on sexual orientation or against persons with HIV/AIDS.

In April police fined four persons and issued warnings to several others for verbally and physically attacking participants in a 2006 gay rights parade. A similar parade took place on August 11 without incident.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law provides for the right of workers to form and join a union or employee association, although some workers found it difficult to exercise this right in practice. Approximately 10 percent of the total workforce belonged to trade unions. The law prohibits antiunion discrimination; however, the Confederation of Estonian Trade Unions (EAKL) continued to report that antiunion behavior was rife in the private sector. According to the EAKL, violations of trade union rights in the country were frequent, and labor inspectorates were not efficient in enforcing the law. In some enterprises, workers are advised against forming trade unions, threatened with dismissal or a reduction in wages, or promised benefits if they do not join unions. Both employees and employers have the right to request that labor dispute committees or the courts resolve individual labor disputes.

*b. The Right to Organize and Bargain Collectively.*—The law allows unions to conduct their activities without interference, and the Government protected this right in practice. Collective bargaining and collective dispute resolution are provided for by law.

Collectively bargained contracts covered approximately 15 percent of workers, including some nonunion members. The law provides for the right to strike, and workers exercised this right in practice. Public servants at the state and municipal levels are denied the right to strike.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children; however, there were reports that women and girls were trafficked for sexual exploitation.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The Government effectively enforced laws and policies to protect children from exploitation in the workplace.

The law sets the minimum age for employment at 18 years, although children aged 15 to 17 may work with the consent of a parent or guardian, and children aged 13 to 15 may work with the consent of a parent or guardian and a labor inspector.

Children under the age of 18 may not perform hazardous or dangerous work. The law limits the hours that children may work and prohibits overtime or night work. The labor inspectorate was responsible for enforcing these laws and did so in practice. There were no separate inspections regarding the age of child workers.

*e. Acceptable Conditions of Work.*—The national monthly minimum wage of \$336 (3,600 kroon) did not provide a decent standard of living for a worker and family; however, approximately 94 percent of the workforce earned more than the minimum wage. The poverty line was \$194 (2,081 kroon) per month in 2006.

The standard workweek is 40 hours, and there is a mandatory 24-hour rest period per week for those working in shifts. Reduced working time is required for minors and for employees who perform underground work, work that poses a health hazard, or work of an otherwise special nature. Work hours, including overtime, may not exceed an average of 48 hours per week. The law required overtime pay of not less than 150 percent of the hourly wage of the employee. These requirements were effectively enforced.

The Government set occupational health and safety standards. The labor inspectorate, health protection inspectorate, and technical inspectorate were responsible for enforcement of these standards and made efforts to enforce them. Workers have the right to remove themselves from situations that endangered health or safety without jeopardizing their continued employment, and they exercised this right in practice. During the year, 3,634 occupational accidents occurred, a ratio of 549 occupational accidents per 100,000 employees. During 2006, 3,651 occupational accidents occurred, a ratio of 565 occupational accidents per 100,000 employees.

## FINLAND

Finland is a constitutional republic of 5.3 million persons with a directly elected president and a unicameral Parliament (Eduskunta). The prime minister is head of government. Parliamentary elections held on March 18 were free and fair. Civilian authorities maintained effective control of military and security forces.

The Government generally respected the human rights of its citizens, and the law and an independent judiciary provided effective means of addressing individual instances of abuse. Human rights problems included violence against women, trafficking in persons, and societal discrimination against foreign-born residents and Roma.

### RESPECT FOR HUMAN RIGHTS

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

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

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law and Constitution prohibit such practices, and there were no reports that government officials employed them.

*Prison and Detention Center Conditions.*—Conditions in prisons and detention centers generally met international standards, and the Government permitted visits by independent human rights observers.

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

*Role of the Police and Security Apparatus.*—Civilian authorities maintained effective control over the military and the national police force, which is under the centralized control of the Ministry of Interior. The Government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving security forces during the year.

*Arrest and Detention.*—The law requires police to have a warrant issued by a prosecutor to make an arrest. If an individual is arrested while committing a crime, a warrant must be obtained within 3 days; arrested persons must receive a court hearing within 3 days. Detainees must be promptly informed of the charges against them, and lawyers must be provided for the indigent. Authorities generally respected these rights in practice. There is no system of bail, but most defendants awaiting trial were eligible for conditional release based on personal recognizance. Criminal detainees were allowed prompt access to counsel of their choice and to family. There were no reports of preventive detention, which the law allows only in



exceptional circumstances, such as during a declared state of war or for narrowly defined offenses, including treason, mutiny, and large-scale arms trafficking.

*e. Denial of Fair Public Trial.*—The law and Constitution provide for an independent judiciary, and the Government generally respected judicial independence in practice.

*Trial Procedures.*—The law and Constitution provide for the right to a fair public trial, and an independent judiciary generally respected this right in practice.

Defendants are presumed innocent until proven guilty. The law does not provide for trial by jury. Defendants have a right of appeal, to be present at trial, and to consult with an attorney in a timely manner; attorneys are provided at public expense if defendants face serious criminal charges that can result in imprisonment or significant fines. Defendants can confront and question witnesses against them and present witnesses and evidence on their own behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases.

The law extends these rights to all citizens and legal residents. Illegal immigrants enjoy the same rights as citizens but may be removed from the country or deported in a separate process.

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

*Civil Judicial Procedures and Remedies.*—The Constitution provides all citizens with a fundamental right to live under the rule of law and to have the law applied equally and without discrimination. The country had an independent and impartial judiciary in civil matters, and there was access to courts to bring lawsuits seeking damages for, or cessation of, human rights violations.

*f. Arbitrary Interference with Privacy, Family, Home or Correspondence.*—The law prohibits such actions, and the Government respected these prohibitions in practice.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The law and Constitution provide for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press. The independent media were active and generally expressed a wide variety of views without restriction, with the exception of hate speech.

Publishing hate material and any public speech intended to incite discrimination and/or violence against any racial or ethnic group is a crime.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. The country had one of the world's highest rates of Internet connectivity, and virtually all citizens had access to the Internet.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*—The law and Constitution provide for freedom of assembly and association, and the Government generally respected these rights in practice.

*c. Freedom of Religion.*—The law provides for freedom of religion, and the Government generally respected this right in practice. According to the law, the Evangelical Lutheran Church (ELC) of Finland and the Orthodox Church are established state churches.

Citizens who belong to one of the two state churches pay a 1 to 2 per cent “tithe” as part of their income tax, but may opt out by officially disassociating from the ELC or Orthodox Church. Nontraditional religious groups that were registered and recognized by the Government as religious communities were also eligible to receive tax funds to help defray operating costs.

Religious instruction in Lutheran or Orthodox doctrine was part of the public school curriculum; however, students could substitute philosophy or world religion courses. In some urban communities, students may receive Islamic religious instruction in public schools.

In March the NGO War Resisters' International reported that 15 conscientious objectors were in prison for refusing to perform either compulsory military service or alternative civilian service. Some of those imprisoned stated that their objection to performing compulsory military or civilian service was based on religious conviction. However, there was no evidence that the Government singled out any individuals for prosecution because of their religious beliefs or their membership in a religious minority. Regular military service is 180 days; however, the law provides that con-

scientious objectors must perform 395 days of alternative civilian service. Amnesty International and other human rights groups criticized the length of alternative civilian service for conscientious objectors as punitive and discriminatory.

*Societal Abuses and Discrimination.*—According to the Helsinki Jewish Congregation, the country's Jewish community numbered 1,157 at the end of 2006, the last date for which figures were available. In contrast with the previous year, there were no reports of isolated anti-Semitism, such as swastikas spray-painted in public locations.

In early January three persons were convicted of violating the law on publishing hate material. The case stemmed from a July 2006 incident involving a letter containing anti-Semitic language that was sent to two regional newspapers. Jewish groups and government authorities criticized the two regional newspapers for publishing the letter. The court ordered one editor-in-chief to pay a fine of \$584 (400 euros), the other was fined \$1,530 (1,050 euros), and the letter writer was fined 832 (570 euros).

The Ministry of Education continued to integrate tolerance and anti-bias courses and material into the public school curriculum. Students begin studying the Holocaust and the Europe-wide phenomenon of anti-Semitism in the eighth grade.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The law and Constitution provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

The law prohibits forced exile, and the Government did not employ it.

*Protection of Refugees.*—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. However, the Government automatically denied asylum to anyone who previously was denied asylum by another European Union (EU) state.

In practice the Government provided protection against “refoulement,” the return of persons to a country where there is reason to believe they feared persecution.

The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol and provided it to 21 persons during the year.

The Government included the number of persons who received temporary protection in overall asylum statistics. As of November the Government's immigration secretariat reported a total of 1,501 applications for asylum. Of that number, 39 persons were granted asylum, 372 received residence permits based on the need for protection, and 179 received residence permits for other reasons.

The Government cooperated with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

There were reports of societal discrimination against foreign-born residents, including refugees and asylum seekers.

*Stateless Persons.*—There were no reports of significant problems of legal statelessness in the country. Finland has a significant Roma population. However, virtually all are Finnish citizens. The Government has statutory procedures in place that offer opportunities to gain legal residence status or citizenship.

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

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

*Elections and Political Participation.*—The parliamentary elections held on March 18 were considered to be free and fair and resulted in a four-party coalition government led by the Center Party. Political parties could operate without restriction.

There were 84 women in the 200-seat Parliament and 12 women in the 19-member Council of State (cabinet). The president was a woman.

There were 13 members of minorities in Parliament and two in the cabinet. The indigenous Sami (Lapp) minority enjoys semiautonomous status and has its own legislative body.

*Government Corruption and Transparency.*—There were no reports of government corruption during the year.

All citizens, including public officials, are subject to public disclosure laws; by law, income and asset information from all tax forms must be made public each year. The Office of the Chancellor of Justice has overall responsibility for oversight of government activities.

The law provides for public access to government information, with the exception of national security information and documents covered by privacy laws, and the Government provided such access in practice.

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

A number of domestic and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

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

The law prohibits discrimination based on race, gender, disability, language, or social status; however, violence against women and children, trafficking in persons, and societal discrimination against foreign-born residents and Roma were problems.

*Women.*—The law criminalizes rape, including spousal rape, and the Government enforced the law effectively. The maximum sentence for rape is 7 years. As of October 1, a total of 599 cases of rape were reported to the police. Justice Ministry officials estimated that the actual number of rape cases was higher, noting that as many as 75 percent of unreported rapes each year were committed by a known assailant.

There were no reports of police or judicial officials showing reluctance to act on rape cases. Police and government officials actively encouraged victims to report rape cases through various public awareness campaigns. In 2005, the last date for which government figures were available, 100 persons were convicted of rape.

Societal violence against women, including spousal abuse, continued to be a problem. Domestic abuse may be prosecuted under various criminal laws, including rape, assault and battery, harassment, and disturbing the peace. The penalty for domestic physical violence ranges from a minimum of 6 months to a maximum of 10 years in prison. According to government officials, efforts to raise awareness of the problem have increased willingness on the part of victims to report violence. In October 2006, according to findings presented at a major international seminar held in the country, an estimated 12 to 15 percent of women over the age of 15 were subjected to violence of some form. In 2005, 4,000 cases of domestic violence were reported to the police; of that number, 3,195 involved female victims.

However, a 2006 report by the independent National Research Institute of Legal Policy indicated that psychological and physical violence against women has decreased somewhat.

According to the government, up to 30 women died each year from domestic violence. In 2006, for example, police estimated that 25 of the homicide prosecutions in the country had clear implications of domestic violence.

During the year police received training in how to identify potential domestic violence. Police may refer potential perpetrators or victims to government social welfare agencies that have programs aimed at reducing domestic violence by promoting cooperation between cohabiting partners; by providing better support to victims; and through anger-management and other counseling services to perpetrators.

The Government encouraged women to report domestic violence and abuse and provided counseling, shelters, and other support services to victims of domestic violence and rape. The Government also funded NGOs that provided additional services, including a telephone hot-line and crisis center. According to regional and municipal officials who operate shelters, most women who sought shelter from violence were between the ages of 25 and 35 and married or in a cohabiting relationship; nearly one-third were immigrants. Foreign-born residents proficient in neither Finnish nor English experienced some difficulty accessing domestic violence services.

Prostitution is legal, but pimping, pandering, selling, and purchasing sexual services in public is illegal. Prostitution was generally limited to private apartments and nightclubs in larger cities. During the year authorities initiated the first prosecution under a 2006 law that criminalizes the purchase of sexual services from trafficking victims; the case was ongoing at year's end.

Trafficking in women for the purpose of sexual exploitation was a problem.

Sexual harassment is prohibited by law, and the Government generally enforced the law in practice. The prosecutor general is responsible for investigating sexual harassment cases. Employers who fail to protect employees from harassment are subject to fines or a maximum of 6 months' imprisonment.

Women have the same rights as men under family and property laws and in the judicial system. The Government placed a high priority on gender equality and maintained three government organizations devoted to gender equality issues: The Ombudsman for Equality, the Gender Equality Unit, and the Council for Equality.

The law stipulates that men and women must receive equal pay for equal work. However, allegations of wage discrimination against women continued to be reported. For example, in 2006 women sent the Equality Ombudsman 405 complaints alleging violations of the equal wage statutes, and that office determined that approximately 20 percent of the cases violated the law.

On average women earned approximately 18 percent less than men for substantially similar work. Women were overrepresented in lower-paying occupations, while men tended to dominate the upper ranks in industry, finance, and some government ministries. A 2005 law broadened the number of individuals eligible to receive compensation for lost wages in cases where gender-based discrimination was proven.

*Children.*—The Government was strongly committed to children's rights and welfare, and the public education and child health care systems were well-funded. Education is free and compulsory for children from the age of 7 to 16. Nearly all school-age children attended school. The highest level achieved by most children was completion of high school. Education at universities and trade schools is free.

The Government offered free medical care for children through a comprehensive public health care system; boys and girls had equal access to these services.

Child abuse was a problem. During the year the number of suspected sexual abuse cases reported to police continued to increase, due in large part to a greater willingness to report child abuse. According to police, an average of 600 cases of child sex abuse were reported annually.

The Government established a national action plan to train law enforcement, judicial, and social welfare officials in methods for identifying, protecting, and assisting child victims of sexual abuse. However, according to a 2007 survey conducted by the government-run National Council for Crime Prevention, there was still a need for better central planning, more government resources for law enforcement and victim protection, and better information sharing among national and local-level officials to combat child abuse.

There is a government ombudsman for children's issues under the Ministry for Social Affairs and Health who monitors legislation to assess its impact on children's welfare. During the year the ombudsman was successful in raising public awareness of child abuse and in helping policymakers identify the underlying socio-economic factors that can lead to abuse. Authorities also attributed the increase in the reporting of child abuse to efforts by the ombudsman to raise awareness about the problem.

There were reports of trafficking of children for sexual exploitation.

*Trafficking in Persons.*—The law prohibits all forms of trafficking in persons, but there were reports that persons were trafficked to, through, and within the country.

The country continued to be a transit and destination point for trafficked men, women, and children; however, there were no reliable estimates available on the actual incidence of trafficking.

Many trafficking victims were women and girls from Russia, although Azerbaijani, Moldovan, Estonian, Latvian, Lithuanian, Ukrainian, and Belarusian women were also trafficked to and through the country to Western Europe for commercial sexual exploitation. Increasing numbers of Asian women, most of whom were believed to be Chinese and Thai, were trafficked through the country to other parts of Europe.

Men and women were trafficked to provide forced labor in the construction industry, restaurants, and as domestic servants. They often worked long hours for low pay and were reluctant to approach authorities for cultural reasons or out of fear of deportation or confinement. Many of these workers were trafficked from China, Vietnam, and India and employed by other Asians, who frequently had family or clan ties to the victims.

According to government and NGO reports, Russian organized crime syndicates were the principal traffickers of women and girls into the country. Many of the trafficked women were aware that they would work as prostitutes. However, after arriving, they were pressured and coerced into working longer hours and accepting lower wages. Economic incentives for women seemed to play a larger role than physical coercion in the recruitment and retention of trafficked women by crime syndicates.

Many trafficking victims entered the country with valid visas obtained at Finnish consulates abroad. The Schengen Treaty, which allows travelers already within the EU Schengen area to travel to any other EU Schengen country without inspection,

facilitated the transit of trafficked persons from Russia and the Baltic countries to Western Europe.

In some cases traffickers confiscated victims' passports and used violence or the threat of violence to ensure their compliance.

The maximum penalty for trafficking in persons is 7 years' imprisonment. Other laws used to prosecute traffickers include laws against organized prostitution, dissemination of child pornography, coordination of illegal entry into the country, and the marketing of sexual services.

During the year authorities continued to vigorously prosecute suspected traffickers.

On April 20, a trafficking case against two Vietnamese nationals in Pietarsaari was delayed when four of five victims dropped charges that they were trafficked. However, one of the Vietnamese victims continued to press charges. On August 2, a Malaysian woman was sentenced to 12 months in jail for participation in a smuggling ring, which arranged illegal entries and forged documents for five Chinese who transited through the country. Also in August, authorities investigated two companies for contributing to an Asian trafficking ring, which was suspected of procuring Schengen area visas to exploit laborers. In December 2006 a Bangladeshi sea captain convicted of trafficking was sentenced to 18 months in prison.

In other cases stemming from 2006, a district court invoked new antitrafficking laws to remand an Asian man on suspicion of trafficking. A Finnish-Turkish couple was convicted of exploiting two trafficked persons to work in restaurants and ordered to compensate the victims \$52,560 (36,000 euros) in back wages and damages.

The Government provided the majority of funding for antitrafficking NGOs. Although there were no NGOs dedicated to assisting trafficking victims, several focused on women's rights and general assistance to victims. NGOs and government facilities operated by the Ministry of Labor provided trafficking victims with shelter, subsistence, medical services, and psychological counseling. Law enforcement and social workers identified trafficking victims and referred them for necessary care. The Government generally respected the rights of trafficking victims and did not penalize them inappropriately. Authorities allowed some victims to apply for a temporary residence permit.

The ministries for foreign affairs, interior, justice, labor, education, and social welfare were involved in combating trafficking. The parliamentary human rights caucus, the National Bureau of Investigation, frontier guards, customs and immigration, and municipal police were also involved in antitrafficking efforts. The Government provided specialized training for law enforcement personnel and prosecutors in antitrafficking measures.

The Government participated in multilateral and regional efforts to combat trafficking, through organizations such as the Council of Baltic Sea States, Nordic Council of Ministers, and the Barents Euro-Arctic Council.

*Persons with Disabilities.*—The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, or the provision of other state services, and the Government effectively enforced these provisions.

Laws mandating access to buildings for persons with disabilities were generally enforced; however, many older buildings remained inaccessible. Most forms of public transportation were accessible, but problems remained in some geographically isolated areas. The Ministry for Social Affairs and the Ministry for Labor are responsible for protecting the rights of persons with disabilities.

*National/Racial/Ethnic Minorities.*—There was some societal tension between ethnic Finns and minority groups, and there were reports of racist or xenophobic incidents. During the first 10 months of the year, police said they received 650 reports of race-related crimes and misdemeanors. The vast majority of the cases involved racial epithets directed towards immigrants, or merchant refusals to provide services to members of minority groups.

There were occasional reports of fighting between ethnic Finns and foreign-born youths of African and Middle Eastern descent as well as fighting between rival ethnic immigrant groups. However, none of the cases that led to court proceedings were prosecuted as hate crimes.

According to the minority ombudsman, discrimination against the approximately 10,000 Roma extended to all areas of life, resulting in their de facto exclusion from society. The Romani minority was the most frequent target of racially motivated crimes. According to government figures, 75 percent of discrimination cases involved Roma, followed by Somalis, Russians, Turks, Iraqis, and Iranians. Ethnic Finns were also occasionally victims of racially motivated crimes for associating with members of minority communities.

In August, in an effort to increase understanding between police and Roma, the Government issued a handbook to help dispel prejudices and decrease Roma marginalization. The Government also provided tolerance trainers to train Romani and non-Romani teachers and school assistants on how to use the handbook in regions where problems have been most frequent.

The Government strongly encouraged tolerance and respect for minority groups, and sought to address racial discrimination. All government ministries included antiracism provisions in their educational information, personnel policy, and training programs. The Government also monitored police, border guards, and teachers regarding their treatment of national, racial, and ethnic minorities. The Government's minority ombudsman monitored and assisted victims of discrimination.

*Indigenous People.*—Sami (Lapps) constituted less than 0.1 percent of the population. The law provides for the protection of Sami language and culture, and the Government financially supported these protections. Sami enjoyed full political and civil rights as citizens, as well as a measure of autonomy in their civil and administrative affairs. Sami have the right to use their language in dealings with administrative and judicial authorities and in schools, media, economic and commercial life, and cultural activities. There were no reports of discrimination against Sami in employment, education, housing, health services, or land rights.

Despite constitutional protections, members of the Sami community continued to protest the lack of explicit legislation to safeguard Sami land, resources, and economic livelihood. Sami have alleged for decades that, while 90 percent of the Sami home region is considered government-owned land, the Government used this land for logging and other purposes without consulting them. During the year members of the Sami community won some legal challenges related to violations of their land rights.

*Other Societal Abuses and Discrimination.*—There were no reports of societal violence or discrimination against persons based on their sexual orientation or against persons with HIV/AIDS.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law allows workers to form and join unions of their choice, and workers exercised this right in practice. Approximately 79 percent of the workforce was unionized.

*b. The Right to Organize and Bargain Collectively.*—The law provides for the right to organize and bargain collectively, and the Government protected this right in practice. Collective bargaining agreements usually were based on wage policy agreements among employees, employers, and the Government. All unionized workers were covered by such agreements. Employers of nonunionized workers were required to compensate employees at a wage equal to that stipulated by existing collective bargaining agreements.

There are no export processing zones.

The law grants employees the right to strike, with some exceptions for public sector employees who provide essential services. Workers exercised this right in practice. An official dispute board can make nonbinding recommendations to the cabinet on ending or limiting the duration of strikes when national security is threatened. Employees prohibited from striking can use arbitration to ensure due process in the resolution of their concerns. A strike is legal when an employment contract is not in effect and the action is pursuant to new contract negotiations. Strikes are considered illegal after a contract agreed to by all parties is in effect. Fines may be imposed for illegal strikes.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children, and such incidents are rare. There were some reports of compulsory labor in connection with human trafficking.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The Government has implemented laws and practices to protect children from exploitation in the workplace. The law prohibits children under age 16 from working more than 6 hours a day and from working at night. The law sets occupational health and safety restrictions for children, and the Government implemented these provisions effectively.

The labor ministry enforces child labor regulations; no complaints about the exploitation of children in the work force arose.

*e. Acceptable Conditions of Work.*—There is no national minimum wage law; however, the law requires all employers, including nonunionized employers, to pay minimum wages agreed to in collective bargaining agreements. Almost all workers were covered under such arrangements. These negotiated minimum wages provided a decent standard of living for workers and their families.

The standard workweek established by law consists of 5 days not exceeding 40 hours. Employees working shifts or during the weekend are entitled to a 24-hour rest period per week. Workers are entitled to premium pay for overtime work. The law limited a worker to 250 hours of overtime per year and to 138 overtime hours in any 4-month period. Foreign workers were also covered by these laws, which the Government effectively enforced.

The Government sets occupational health and safety standards, and the Labor Ministry effectively enforced them. Workers have the right to refuse dangerous work situations without penalty, and the Government enforced this right in practice.

---

## FRANCE

France, with a population of approximately 63.7 million, is a multiparty constitutional democracy. The Union for a Popular Movement (UMP) is the ruling party and Nicolas Sarkozy is president. The president is elected by popular vote for a 5-year term. There is a bicameral Parliament; the upper house (Senate) is indirectly elected through an electoral college; the lower house (National Assembly) is directly elected. National elections took place during the year and met international standards. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens; however, there were problems in some areas, including overcrowded and dilapidated prisons; lengthy pretrial detention; protracted investigation and trial proceedings; anti-Semitic incidents; discrimination against Muslims; societal hostility toward immigrants; societal violence against women; child abuse and child marriage; and trafficking in persons.

### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—There were no reports that the Government or its agents committed any politically motivated killings during the year. Police reportedly shot and killed one person and were involved in traffic accidents resulting in three civilian deaths.

On July 28, police in a Parisian train station shot and killed a man who brandished and shot a pistol at three police officers conducting an identity check of passengers. Judicial authorities subsequently ruled that police carried out the shooting in self-defense.

There were no developments in the 2005 private lawsuit claiming “complicity in genocide” of French soldiers deployed to Rwanda at the time of the 1994 genocide.

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution and law prohibit such practices; however, there were occasional accusations of police violence and use of excessive force in making arrests.

According to February 9 press reports, authorities placed under formal investigation two police officers in the deaths of two teenagers; the deaths set off 3 weeks of urban rioting across the country in 2005. The officers were accused of not taking action to ensure the safety of the youths, Zyed Benna, 17, and Bouna Traore, 15, who were electrocuted by a power transformer as they hid from the police in Clichy-sous-Bois, a working-class Parisian suburb. A police report in December 2006 confirmed that officers had been chasing the youths and had shown “surprising irresponsibility.”

There were occasional press reports alleging excessive force by police.

On September 14, a Paris court sentenced three former state security police officers to 7-year prison terms without parole for committing 11 rapes of foreign prostitutes detained during 2002–03. Two other officers received suspended sentences. The former officers blackmailed apprehended prostitutes, ignoring deportation orders in exchange for sexual favors. One Albanian former prostitute received \$17,760 (12,000 euros) in compensatory damages.

There were no developments in the July 2006 Muhittin Altun case, in which attorneys for Altun filed a complaint against police for reckless endangerment and falsifying public documents during their examination of Altun.

There were no developments in the investigation of the 2004 case of police Captain Franck Junca and two officers who allegedly beat and sodomized a driver in Val-de-Marne.

*Prison and Detention Center Conditions.*—Prison and detention centers conditions generally met international standards, and the Government permitted visits by independent human rights observers; however, credible nongovernmental organizations (NGOs) reported overcrowding and unacceptable hygienic conditions in some facilities.

On July 9, the guards of the prison at Chauconin-Neufmontiers went on strike, citing “repeated aggression and a lack of personnel” to contend with a local prison population that exceeded the facility’s carrying capacity by more than 50 percent. According to the guards’ spokesperson, “90 individuals [were] sleeping on mattresses on the ground.”

In February 2006 Council of Europe (COE) Human Rights Commissioner Alvaro Gil-Robles released a report based on visits to prison and detention centers over a 2-week period in 2005. Overcrowding and inadequate operating resources were the most serious shortcomings noted. In some cases, for example at the La Sante and Les Baumettes prisons, Gil-Robles characterized living conditions as “on the borderline of human dignity.” In response to this report, the Government committed to adding or renovating 13,300 prison beds. Progress was slow.

According to the Penitentiary Administration, at the end of the year, the country’s incarcerated population of 61,076 prisoners exceeded the prison system’s carrying capacity by 10,383. The Government continued to replace old prisons and add new facilities as part of a project designed to create space for 13,200 additional inmates by the end of the year, but as of December 10, only a fraction of those additional beds had been added.

Although there were no known deaths in prison due to mistreatment or adverse conditions during the year, prison suicides have been a problem in recent years. Penitentiary officials announced that there were 96 prison suicides during the year.

Authorities maintained administrative holding centers (CRAs) for foreigners whom they could not immediately deport. There were 18 holding centers on the mainland. On October 4, the French illegal immigrant advocacy NGO Cimade published its 2006 report criticizing the “catastrophic” state of the country’s immigrant detention centers. The report accused the Government of “industrializing” the process of deportation and “attacking the dignity of individuals” in an effort to reach yearly expulsion quotas.

In a report made public on December 10, the COE Committee for the Prevention of Torture (CPT), based on visits conducted in October 2006, reiterated many of its earlier criticisms of the prison system, focusing particularly on inappropriate physical restraint, degrading physical treatment and inadequate psychiatric support for inmates. Among the specific criticisms, the report noted that physical restraints interfered with medical care for inmates under high surveillance. Guards refused to remove wrist and ankle shackles to facilitate medical treatment. In addition, limits on the duration of solitary confinement, not to exceed 3 months, were not respected. CPT investigators encountered one extreme case in which the inmate was kept in solitary confinement for many years. The report also noted that psychiatric personnel were insufficient to meet constantly increasing demand. In one facility, inmates transferring to psychiatric units were forced to wait over a week, during which time patients showing signs of acute suffering were placed in solitary confinement, “required to remain naked in their cells while under constant surveillance by prison staff.”

The CPT report asserted that many of the prison system failings were directly related to chronic overcrowding.

The Government permitted prison visits by independent local and foreign human rights observers.

*d. Arbitrary Arrest or Detention.*—The Constitution and law prohibit arbitrary arrest and detention, and the Government generally observed these prohibitions; however, lengthy pretrial detention was a problem. The Government provided financial compensation in some cases of wrongful incarceration.

*Role of the Police and Security Apparatus.*—A civilian force of 145,800 national police under the direction of the Ministry of the Interior and a military force of 102,300 national gendarmes under the joint direction of the Ministry of the Interior and the Ministry of Defense ensure internal security. Police and gendarmes generally were considered effective.

Impunity was not widespread. The inspector general of the national police and the Office of Judicial Police investigated and prosecuted allegations of police brutality. The independent National Security Ethics Commission (CNDS) investigated allegations of misconduct by municipal police, gendarmes, and private security forces and reported the findings to the prime minister and Parliament. The National Consultative Commission on Human Rights (NCCHR) also monitored police conduct. Police



corruption was generally not a problem. The Government actively investigated and prosecuted allegations of police corruption.

The CNDS monitored security enforcement ethics. According to its annual report for 2006 released on March 8, the number of complaints registered with the CNDS increased by 30 percent from 2005 to 2006 (from 108 to 140 cases). Of these, 62 percent were against members of the national police, which were affiliated with the Interior Ministry. Smaller numbers of complaints were registered against the prison administration staff (Justice Ministry), and the military police. As one example of excessive police violence, the report noted that police struck a 17-year-old male in Strasbourg who had made no sign of physical aggression, then verbally insulted, handcuffed, and held him in their vehicle without offering any legal justification. In another case, an Algerian political refugee was stopped for an identity check and "frisked, completely undressed, in a hallway and made to feel profoundly humiliated." The CNDS recommended that the Interior Ministry issue guidance to officers, informing them of their obligation to explain the reason for a physical search of one's person.

The CNDS report also highlighted the tendency of some police officers to use handcuffs in inappropriate situations. Since its creation in 2000 through 2006, the CNDS submitted 474 legal misconduct cases against various authorities.

*Arrest and Detention.*—Police are required by law to obtain warrants based on sufficient evidence and issued by a duly authorized official prior to taking individuals into custody. The law gives the individual the right to a prompt judicial ruling on the legality of the detention, and authorities generally respected this right in practice. Authorities must promptly inform detainees of charges against them. There is a system of bail, and it is utilized. Detainees generally had prompt access to lawyers; however, in cases involving terrorism or other major crimes, suspects may be held up to 96 hours without access to a lawyer. If detainees are indigent, the state provides a lawyer.

The 2006 antiterrorism law provides for longer periods for incommunicado detention according to which arrested terrorist suspects can be held for an initial period of 4 days before being charged or allowed access to a legal counsel. Authorities may then petition a judge to extend this period by an additional 2 days. After 6 days suspects must either be charged or released and allowed access to legal counsel.

In a June report, the NGO Human Rights Watch (HRW) stated that the Government did not provide "real protection for fundamental rights" when expelling foreigners suspected of terrorist ties. According to the report, a suspected terrorist who petitions for asylum could be expelled by Interior Ministry fiat before the justice system can review the case. In addition HRW asserted that government disclosure of the expulsion justification is not mandatory, effectively denying the individual his opportunity for defense.

Long delays in bringing cases to trial and lengthy pretrial detention were problems. Pretrial detention is generally allowed only if there is a possibility that the suspect would be sentenced to more than 3 years in prison for crimes against property; however, a few suspects spent many years in detention before trial, which officials blamed on system stress from changing judicial laws and insufficient government resources for investigations and trials. In 2005, 35 percent of persons held in jails and prisons were awaiting trial. According to government statistics released on March 18, detention times for persons awaiting trial increased 13 percent since 2001, to an average of 7.1 months.

*e. Denial of Fair Public Trial.*—The Constitution and law provide for an independent judiciary, and the Government generally respected this provision in practice; however, delays bringing cases to trial were a problem.

The Tribunal of the Armies of Paris is a military court for acts committed outside of the country.

*Trial Procedures.*—The Constitution and law provide for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are public and usually held before a judge or tribunal of judges. In cases where the potential punishment exceeds 10 years' imprisonment, a combination of professional and lay judges hear the case. Defendants are able to question the testimony of prosecution witnesses against them and present witnesses and evidence in their defense. Defendants and their attorneys have access to government-held evidence relative to their cases. However, COE research published in February 2006 found that, in practice, the country's legal system limited the right of accused persons to benefit from legal counsel by limiting access to case files. Defendants enjoy a presumption of innocence and have the right to appeal.

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

*Civil Judicial Procedures and Remedies.*—There is an independent and impartial judiciary in civil matters, allowing access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation. There were no reported problems enforcing domestic court orders.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution and law prohibit such actions, and the Government generally respected these prohibitions in practice.

Some civil rights and opposition political parties expressed concern about an antiterrorism law enacted in December 2006 that permits official probing on the Internet and into mobile telephone records, increased video surveillance of railway stations and airports, and increased access to records of citizens' electronic communications.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution and law provide for freedom of speech and of the press, and the Government generally respected these rights in practice. The independent media were active and expressed a wide variety of views with few restrictions.

However, there were some limitations of freedom of speech and of the press. Strict antidefamation laws prohibit racially or religiously motivated verbal and physical abuse. Denial of crimes against humanity is illegal, as is speech, written or oral, that incites racial or ethnic hatred. According to the 1990 Gayssot law against Holocaust denial, it is a crime to dispute or contest crimes against humanity, as defined by the joint military commission of the Allied powers that met as a tribunal at Nuremberg 1945–46.

On January 25, an appeals court affirmed an earlier verdict fining UMP deputy Christian Vanneste \$4,440 (3,000 euros) for defamatory comments against homosexuals. Vanneste was required to pay a portion of his fine to three gay rights groups for his public assertion that “homosexuality is inferior to heterosexuality. If one extended [the homosexual lifestyle] universally, it would be dangerous for humanity. There [already] is a social model that consists of heterosexual marriage and the education of children.”

On June 15, the Saverne court issued a 6-month suspended prison sentence and a \$5,920 (4,000 euros) fine to the author and distributor of *The Yellow Book* for provoking racial discrimination; the work was found to have anti-Semitic connotations.

On September 11, a Paris court issued a public defamation sentence and a \$10,360 (7,000 euros) fine to comedian Dieudonne for anti-Semitic comments made at a 2005 press conference.

Authorities may deport a noncitizen for publicly using “hate speech” or constituting a threat of terrorism. HRW claimed there were instances of long-time residents being deported for holding unpopular views, but whose views would not constitute a threat of terrorism; HRW claimed these cases illustrated the problem with the terror expulsion process.

On March 3, the Government approved a law criminalizing the filming or broadcasting of acts of violence by anyone other than professional journalists. The law is intended to reduce a range of public order offenses, including “happy slapping,” in which a violent attack is filmed by an accomplice to amuse the attacker’s friends. The law could also apply to the filming of police brutality by nonjournalists. Civil liberties groups contend that criminalizing the actions of citizen journalists unrelated to the perpetrators of violent acts could lead to excessive self-censorship.

On January 18, a Lyon court sentenced National Front senior official Bruno Gollnisch to a 3-month suspended prison sentence and a \$7,300 (5,000 euros) fine for publicly questioning the existence of Nazi gas chambers.

On May 21, a Paris court rejected Robert Faurisson’s personal defamation law suit against former Justice Minister Robert Badinter. Faurisson, who theorized the nonexistence of Nazi gas chambers, accused Badinter of slander for labeling him a “falsifier” of history. The court ordered Faurisson to pay \$7,400 (5,000 euros) in court costs to the former minister. On July 4, Faurisson lost his appeal. In April an investigation was opened into televised comments Faurisson made during a December 2006 conference in Iran, including asserting that the Holocaust is “official religion [that] continues to deceive millions.” In a statement to the press, Faurisson elaborated, “I am in Iran because it is possible to debate something here that is no longer open to debate in the Western world . . . the Holocaust is a myth.” Finding that Faurisson’s remarks during the interview constituted “complicity in contesting the existence of a crime against humanity,” the court gave Faurisson a suspended prison sentence of 3 months and fined him \$11,100 (7,500 euros).

On September 11, a Montpellier appeals court handed down a defamation sentence and a \$2,220 (1,500 euros) fine to Languedoc-Roussillon regional president Georges

Freche for accusing police of having burned cars during the urban violence in the fall of 2005.

On November 10, a chemical engineer was sentenced to 1 year in prison and fined \$14,800 (10,000 euros) for denying the Holocaust. Vincent Reynouard was convicted by a criminal court in Salerne for writing a 16-page pamphlet in 2005 entitled *Holocaust? The Hidden Facts*. The work—sent to museums and city halls across the country—claimed that the extermination of 6 million Jews during World War II was “impossible.” It was the heaviest sentence handed down to date for Holocaust denial in the country.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups generally could engage in the peaceful expression of views via the Internet, including by electronic mail. Access to the Internet was widely available throughout the country. However, the authorities shut down at least one Internet site during the year for threats against Jews.

In December 2006 the Parliament adopted an antiterrorist law that permits official probing on the Internet.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution and law provide for freedom of assembly and association, and the Government generally respected these rights in practice.

*c. Freedom of Religion.*—The law provides for freedom of religion, and the Government generally respected this right in practice.

A 1905 law on the separation of religion and state prohibits discrimination on the basis of faith. However, some religious groups remained concerned about laws passed in 2001 and 2004 permitting the dissolution of groups under certain circumstances and prohibiting the wearing of conspicuous religious symbols by public school employees and students. Some Muslims described the deportation of a number of radical Islamist religious figures since 2004 as a restriction on religious freedom, although authorities cited security as the motivation.

Under the law a religious group must apply to the local prefecture for recognition as an association of worship and must disclose certain management and financial information to receive tax-exempt status or gain official recognition. Groups of religious believers who do not seek such status are free to meet and conduct religious practice.

The wearing of “conspicuous” religious symbols—including Muslim headscarves, Jewish skullcaps, and large crosses—by employees and students in public schools is prohibited by law. Some Christian, Jewish, Muslim, and Sikh leaders remained concerned about the law’s potential to restrict religious freedom. The number of school children affected by these regulations was difficult to determine. Media reports estimated that, of the country’s 13 million schoolchildren, approximately 1,200 Muslim school-age girls wore headscarves to school at the time of the law’s passage. The Sikh community reported that, of the roughly 200 school-age Sikh boys, the legislation affected 168. In May the United Sikhs Legal Team for the Right to Turban Campaign filed a legal challenge to the law against wearing turbans in identification document photos with the European Court of Human Rights. The ban had been challenged by 6 Sikh schoolboys by year’s end. Three Sikh boys were expelled in the years following the first expulsions. Sikh leaders asserted that the law effectively prevented some of their members from receiving higher public education.

On December 5, the Council of State, the country’s highest court, ruled that the ban against the turban in schools was legal because there was a greater interest to be served in preserving secularism than a religious belief. According to the ruling, the *keski*, the under-turban Sikh boys wore to school, was not a discreet sign but an ostensible manifestation of religion which is prohibited by the French law. The Council of State concluded that in the interest of secularism in public schools, the permanent expulsion of a student who does not conform to the legal ban on wearing of ostensible religious signs “does not lead to an excessive infringement upon the freedom of thought, conscience and religion.”

On January 8, an administrative court in Paris ruled that a nationalist group, Solidarity of the French, could no longer hand out “pig soup,” made with bacon and pig parts, to the homeless. Many saw the group as inciting religious hatred by deliberately excluding those who follow a halal or kosher diet.

The Interministerial Monitoring Mission against Sectarian Abuses (MIVILUDES) is responsible for observing and analyzing religious movements that could constitute a threat to public order or violate the law. On January 24, MIVILUDES published its 2006 report on fund-raising and recruitment strategies by groups it considered

“cults.” The report specifically mentioned the Church of Scientology’s targeted recruitment of disenfranchised youth. It elaborated on proselytizing tactics, the increasing use of hallucinogenic drugs by members of certain groups, the effects of group membership on extended families, and groups’ efforts to develop private sector commercial interests. Minority religious groups indicated that the allegations in the report were unsubstantiated and often false, adding to public mistrust of the organizations involved.

There was continuing concern over the 2001 About Picard law, permitting the dissolution of religious groups, although authorities have never applied these provisions of the law.

On March 23, a court rejected accusations by Islamic groups and ruled in favor of the newspaper Charlie Hebdo, which had published cartoons of the Prophet Mohammed. The court sided with arguments that freedom of expression laws justified the paper’s actions and that the cartoons did not seek to incite racial and religious hatred, but were a critique of fundamentalists rather than of Islam in general. Two of the three cartoons cited in the complaint were first published in 2005 in Denmark, touching off a wave of violent demonstrations throughout the Muslim world. The newspaper itself produced the third controversial cartoon.

On March 30, the Lyon appeals court upheld a Lyon court decision that the city was compelled to rent the Jehovah’s Witnesses a conference forum after it refused to rent the group a communal meeting space for a yearly gathering of 4,500 adherents.

Representatives of the Church of Scientology continued to report cases of societal discrimination, frivolous lawsuits, and prosecution for allegedly fraudulent activity. On April 16, a Nantes court ruled in favor of SEL, a Church of Scientology organization, permitting the sale of Scientology books. The court rejected the mayor’s claim that the sales prohibition against books by L. Ron Hubbard, the founder of Scientology, was necessary to maintain public order and ordered the city of Angers to pay SEL \$1,776 (1,200 euros) in damages.

On March 27, a Paris appeals court upheld a 2002 complaint, previously dismissed by a lower court, by a Belgian citizen against the Church of Scientology for fraud, extortion, and illegal use of drugs.

On August 29, officials indicated they would no longer invoke the Schengen Treaty as a justification for preventing Unification Church leaders Reverend and Mrs. Moon from entering the country. Under the terms of the treaty, the Reverend and his wife had been listed as “dangerous persons” and barred from entering the 12 Schengen convention states, including France. The change resulted from a German court ruling on the matter.

*Societal Abuses and Discrimination.*—The Jewish community was estimated at 500–600,000 persons. According to the Representative Council of Jewish Organizations (CRIF), 261 anti-Semitic acts took place in the country during the year, a decrease of 30 percent from 2006. However, senior CRIF officials noted that the violence of the acts had increased and the perpetrators were much younger than in previous years. Official government statistics on anti-Semitism during the year had not been released at year’s end.

Tribe Ka resurfaced in Tours in January after the Council of Ministers dissolved it in July 2006 because of its anti-Semitic behavior. After an altercation with police on February 9, a court sentenced Tribe Ka founder Stellio Capo Chichi, alias Kemi Seba, to 5 months in prison for referring to the departmental director of public security as “Zionist scum.” Semba was obliged to serve 2 of the 5 months in prison; two associates received sentences of 1 month of jail apiece. On November 30, a Paris court sentenced Semba to a month in prison and 2 years of political office ineligibility for transmitting anti-Semitic viewpoints over the Internet in 2006. The 2-year ineligibility will prevent Semba from following through with his intention to run for office in the municipal elections scheduled for March 2008.

On March 31, 51 Jewish tombs were desecrated in Lille. The desecration prompted a police investigation into what one government official called “the largest event of this sort ever to happen in the region.” On April 19, Lille Rabbi Elie Dahan, who presided over a commemoration ceremony at the site, was verbally and physically assaulted in Paris. Following a solidarity march, vandals damaged 180 graves on April 21, a quarter of which were Jewish, in the main Le Havre cemetery of Saint-Marie.

In late March, a Nice-area daily published an article detailing the continued existence of Vichy-era legal prohibitions on renting or selling property to Jews. While the discriminatory co-ownership settlements were still found in older contractual agreements, the Government considered the measures to be null and void since the end of World War II, and the measures had not been applied to discriminate against

Jewish property owners since that time. Observers noted that the discriminatory prohibitions had not been invoked to exclude unfairly potential homeowners.

There were numerous attacks on Jews, anti-Semitic slurs directed against them, attacks on synagogues and Jewish cemeteries during the year. For example, on April 19, a 20-year-old man violently attacked the rabbi of Nord-Pas-de-Calais while he walked in the lanes of the Paris North train station. The rabbi was taken to a hospital after the incident. Police said the attacker could not be identified, but a "well-informed source" told the European Jewish Press that surveillance cameras in the train station had probably filmed the event.

On August 9, a Jewish woman was verbally and physically assaulted and robbed in the city center of the Parisian suburb of Noisy-le-Grand.

On August 28, a Paris court sentenced Nizar Ouedrani to 9 months in prison for anti-Semitic slurs and physically assaulting an Orthodox Jew, Yossef Zekri, on July 21 in Paris.

On September 23, a young rabbi, wearing the traditional robe, was punched in the face. His glasses broke as a result. A complaint was registered. The two attackers were interrogated. They admitted to having hit him, but they denied that it had been an anti-Jewish attack. They were released with a court summons.

On October 9, a 14-year-old pupil at a Jewish school was attacked twice in 1 week by a group of young men as he was leaving school, striking him with a stick and kicking him repeatedly. The victim was injured above the eye and suffered scratches. Police arrested two of the attackers.

According to CRIF reporting, four anti-Semitic incidents took place in the 10th arrondissement (precinct) in Paris during the last 3 weeks of November: A group of about 15 Jewish teenagers was forced to leave a playground that other youths considered "Palestinian territory." Two Jewish teenagers were assaulted while walking in the street. On November 17, a Jewish teenager was beaten during a soccer match and called "dirty Jew." The same teenager was subsequently assaulted several additional times. A group of 8-year-old school children insulted a fellow pupil, calling him a "stinking Jew."

Hate speech and Holocaust denial are illegal.

On June 15, the Saverne court issued a 6-month suspended prison sentence and a \$5,920 (4,000 euros) fine to the author and distributor of *The Yellow Book* for provoking racial discrimination; the work was found to have anti-Semitic connotations.

On September 11, a Paris court issued a public defamation sentence and a \$10,360 (7,000 euros) fine to French comedian Dieudonné for racially motivated anti-Semitic comments made at a 2005 press conference.

There were the following developments in previous years' cases: On June 7, a team of psychiatric experts declared Youssef Fofana, head of the gang held responsible for the February 2006 torture and murder of a young Jewish man, Ilan Halimi, competent to stand trial. Charges against Fofana included criminal association, kidnapping, illegal confinement, torture, and religiously motivated premeditated murder. The trial had not begun at year's end.

On March 27, a Bordeaux appeals court overturned the June 2006 ruling against the state and the state railway for their role in deporting Jews during World War II, citing nonjurisdiction as a result of then-German railway control. The court had ordered the railways to pay \$82,000 to the plaintiff, the Lipietz family. The reversal set a broad precedent for similar cases, 2,000 of which had been filed by deportees and family since the initial judgment in June 2006. On December 21, the Council of State upheld the Bordeaux appeals court's ruling.

Members of the Arab-Muslim community continued to experience acts of harassment and vandalism. However, the NCCHR reported 127 fewer incidents in 2006 than 2005; violent incidents dropped to 64. While many of these were aimed against immigrants of North African origin, 11 were explicitly anti-Islamic, targeting mosques, cemeteries, or individuals.

Muslim women wearing headscarves continued to experience discrimination, including the refusal of service by private businesses. Media reports indicated that some companies discouraged female employees from wearing the headscarf or encouraged them to wear a bandanna instead.

On May 10, a court sentenced two individuals to 2 years in prison for profaning the ossuary and 51 Muslim graves in the country's largest military cemetery, Notre-Dame-de-Lorette, on April 19.

On May 24, a court sentenced Mickael Tronchon to 20 years in prison for the attempted murder of two citizens of North African origin and the desecration of 62 Jewish tombs in a Lyon cemetery. Tronchon claimed responsibility for the acts as part of his own "anti-Arab crusade" modeled on neo-Nazi examples.

On October 9, a court in the Northwestern town of Epinal handed down a suspended 4-month prison sentence and a \$1,480 (1,000 euros) fine to the owner of a

local Bed and Breakfast who refused service to a woman wearing a headscarf. The court ordered Yvette Truchelut to pay an additional \$4,440 (3,000 euros) to the victim and her family and \$3,552 (2,400 euros) to the suit's civil parties, the League for Human Rights, the International League against Racism and Anti-Semitism, and the Movement against Racism and for Friendship among People.

On November 18, police in Nantes arrested four suspects, ages 17 to 23, for multiple counts of vandalizing the Ar-Rahma mosque construction site. Muslim community representatives, while denouncing the crime, expressed their appreciation for community support and prompt attention from authorities, including the Nantes mayor and deputy mayor, who took a personal interest in the case.

Racism and religious intolerance in Corsica remained a concern, although violent racist attacks comprised only 5 percent of the attacks in Corsica in 2006, as opposed to 27 percent in 2005.

In 2005 Jehovah's Witnesses reported difficulty gaining permission to build a house of worship in the town of Deyvilliers, where an opposition group had lobbied against it since 2004. On May 10, a local court ruled as inadmissible the Jehovah's Witnesses' complaint against the opposition group.

At year's end the Jehovah's Witnesses were awaiting a ruling by the European Court of Human Rights on the admissibility of a case contesting the Government's assessment of their donations at a 60 percent taxation rate. The Government had imposed this high taxation rate relative to other religious groups after ruling the group to be a harmful cult.

According to Jehovah's Witnesses representatives, during the year there were 213 acts of vandalism against the Jehovah's Witnesses in the country. Some of these acts involved Molotov cocktails and firearms. In March the city of Lyon lost its appeal to deny a meeting place to the religious group. In July the Appeals Court of Rouen overturned an earlier court ruling and agreed that slander had been committed against the Jehovah's Witnesses.

The Government promotes interfaith understanding to combat racism and anti-Semitism through public awareness campaigns and by encouraging dialogue among local officials, police, and citizen groups.

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government cooperated with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the Government did not employ it.

The law requires those engaged in itinerant activities and who have a fixed domicile to sign a declaration, which must be renewed periodically. Itinerant persons having no domicile or fixed abode must be in possession of travel documents, often requiring renewal every 3 months, and must choose a commune for administrative purposes. Members of the Romani community, who made up the majority of those requiring travel documents, protested the requirement and indicated that they often experienced discriminatory treatment from officials when renewing the documents.

On March 12, the Council of State annulled an Interior Ministry initiative to create a personal information computer database to support government efforts to combat illegal immigration. The database would have aggregated a variety of personal information including specifics on nationality, family relationships, surnames, spoken languages, professional situation, immigrant status, and individual photographs. Human rights and privacy protection groups lauded the decision.

*Protection of Refugees.*—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution.

The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol and provided it to approximately 557 persons during the year.

In asylum applications, persecution by nonstate agents is taken into account if the state concerned is incapable of offering protection to the person in danger. Additionally, persons who may be exposed to certain serious risks if they return to their country of origin may remain for a renewable period of 1 year.

However, asylum application forms submitted to the Office for the Protection of Refugees and Stateless Refugees must be completed in French, placing non-French speaking applicants at a disadvantage.

On February 15, the Council of State, at the urging of several immigrant rights groups, suspended an Interior Ministry circular allowing authorities to expedite the expulsion of some illegal immigrants. The ruling obligated state authorities to treat all undocumented residents taken into custody according to newly adopted deportation procedures that include the right to reside in the country for an additional month before expulsion.

Following a May 30 meeting between the France chapter of Amnesty International (AI) and Immigration Minister Hortefeux, AI representatives emphasized "increasing difficulties" encountered by asylum seekers in the country, where they asserted the number of asylum requests decreased by 20 percent in 2005 and by 40 percent in 2006. AI representatives suggested that these decreases did not reflect a reduction in demand but rather an increase in the difficulties encountered in successfully following the bureaucratic steps involved in applying for asylum status.

A 2006 AI report condemned legal and administrative regulations that restrict the right to seek asylum and the right to have an asylum claim considered on its merits. Regulations of concern included a shortened period of time to complete and submit temporary residence applications (down to 21 days; formerly 1 month); less thorough or "fast track" consideration of asylum applications for persons from an expanded list of "safe" countries of origin or transit; and cessation of free interpretation services to asylum applicants in detention centers.

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

The Constitution and law give citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, democratic elections held on the basis of universal suffrage.

Individuals without a fixed domicile and who must carry travel documents were permitted to vote in municipal elections only after a 3-year period of "attachment" to a municipality. Roma groups asserted that this requirement, which is based on special legislation applied only to itinerant groups, was discriminatory, since other citizens, including the homeless, were able to vote after an attachment period of only 6 months.

*Elections and Political Participation.*—The most recent national legislative (June) and presidential elections (May) met international democratic standards. An OSCE assessment mission reported that the "presidential election reflected the long tradition of conducting democratic elections in France" and made recommendations for some improvements. Political parties could operate without restriction or outside interference.

The country's overseas departments are French Guyana, Guadeloupe, Martinique, and Reunion. Overseas collectivities are an administrative division of the country. As of February 22, there were six collectivities: French Polynesia, Mayotte, Saint Bartholomew, Saint Martin, Saint Pierre and Miquelon, and Wallis and Futuna. New Caledonia had special status. The citizens of Mayotte and the territories of French Polynesia, Wallis and Futuna, and New Caledonia determine their legal and political relationships to the rest of the country by means of referenda and, along with the overseas departments, elected deputies and senators to the Parliament.

There were 163 women in the two chambers of the 908-seat legislature and seven female ministers in the 16-member ministerial cabinet. As of June, women headed three of the Government's five most prominent ministries, finance, interior, and justice. Women made up 47 percent of regional council members and 33 percent of municipal council members but held only 6.7 percent of mayoral positions. Political parties are required to present voters lists containing equal numbers of male and female candidates or to face fines.

The law prohibits the Government from collecting information about the racial or ethnic background of its citizens; therefore, no statistics on minority participation in the Government were available. However, minorities appeared to be significantly underrepresented in the Government.

With the exception of parliamentary representatives from some of France's overseas territories, the populations of which were predominantly of African origin, as of June 10, there were no African-French members of the National Assembly.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively.

A judicial investigation launched in 2001 linked the 1991 sale of six French frigates to Taiwan with funds that allegedly were channeled through an umbrella com-

pany called Clearstream. In 2004 the judges received an anonymous list of foreign bank accounts linked—falsely, it transpired—to various politicians. One name on the list was Nicolas Sarkozy. The judge swiftly concluded that the list was bogus. On July 27, a new investigation was begun into the false accusations. Prosecutors returned a preliminary indictment against former prime minister de Villepin for breach of trust, forgery, and leveling false accusations, all linked to a 2004 smear-campaign against then interior minister Sarkozy, a political rival. Authorities at year's end were still considering whether to proceed with their case against de Villepin in a special court, the Court of Justice of the Republic, designed to hear cases of official malfeasance.

Charges for corruption in the criminal court system remained pending against former president Jacques Chirac at year's end.

On January 15, Jean-Paul Huchon, president of the Paris Area Regional Council and prominent member of the Socialist Party, was given a suspended 10-month prison sentence and fined \$111,000 (75,000 euros) for corruption. Huchon's wife was employed by companies with which regional authorities established contracts in 2002–03.

Parliamentarians, representatives to the European Parliament, ministers, regional and departmental council heads, the mayors of larger communities and the directors of state-owned companies (post, railway, telephone) are required to make personal asset declarations at the beginning and the end of their terms to the Commission for the Financing Transparency of Political Life. The commission issued periodic reports on officials' financial holdings on a discretionary basis, but at least every 3 years. The president is required to make the same personal finance declarations to the Constitutional Council.

The law provides for public access to government information, and the Government provided access in practice for citizens and noncitizens, including foreign media.

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

A wide variety of domestic and international human rights organizations generally operated without government restrictions, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

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

The law prohibits discrimination based on race, gender, disability, language, or social status, and the Government generally enforced these prohibitions. However, violence against women and children, child marriage, trafficking in persons, discrimination, and acts of ethnic hostility were problems.

*Women.*—Rape, including spousal rape, is illegal, and the Government generally enforced the law effectively. The Ministry of Interior reported that the number of rapes fell by almost 25 percent (from 10,506 to 9,993 cases) over the previous year.

The penalty for rape is 15 years' imprisonment, which may be increased due to other circumstances, such as the age of the victim or the nature of the relationship of the rapist to the victim. The Government and NGOs provided shelters, counseling, and hot lines for rape victims. The press and NGOs reported that, in some suburbs of Paris inhabited primarily by immigrants from North African countries, some men sought to intimidate women whom they perceived as violating social norms, using methods ranging from verbal abuse to physical assault and gang rape.

While not common, violence against women was a problem. The law prohibits violence against women, including spousal abuse, and the Government generally enforced it.

Domestic violence is prohibited. The penalties for domestic violence vary according to the type of crime and range from 3 years' imprisonment and a fine of approximately \$66,600 (45,000 euros) to 20 years' imprisonment. The Government sponsored and funded programs, including shelters, counseling, and hot lines, for women who were victims of violence. Numerous NGOs also assisted abused women.

On November 12, the National Observatory for the Study of Criminality (OND) announced in its annual report that there was strong underreporting of domestic violence involving a spouse or partner. According to OND sampling, only 5 percent of the estimated 330,000 physical aggressions and more than 200,000 rapes and attempted rapes involving domestic partners resulted in victims filing official complaints.

The law treats female genital mutilation (FGM) under the criminal offense of "violence involving mutilation or permanent infirmity." It is punishable by up to 10



years in prison and a fine of approximately \$222,000 (150,000 euros). The sentence increases to 15 years if the crime involves children who are 15 or younger.

The October bulletin of the National Institute for Demographic Studies announced that an estimated 53,000 adult women had been subjected to FGM. According to the survey, the large majority of victims were recent Sub-Saharan African immigrants or their children. The authors asserted that female circumcision was carried out within immigrant communities in the country until the beginning of the 1980s but that the practice became much less widespread thereafter due to targeted prevention campaigns focusing on young girls. The study concluded that FGM was rarely practiced any more but prevention efforts needed to be expanded to cover children residing in the country who were still at risk, either during family visits to their country of origin or following deportation.

Prostitution is legal; however, the law prohibits procuring, aiding, assisting, maintaining, or profiting from the prostitution of another. Public solicitation is illegal. Enforcement of these laws varied, and criminal activity related to prostitution remained a problem.

Sex tourism to other countries was a problem that the Government took steps to address. On June 2, the National Institute for the Study of Prostitution and representatives from the French travel industry sponsored a day-long seminar aimed at raising awareness of and combating sex tourism, particularly involving children in poor countries. The Government also funded television ad campaigns on all the major channels on sex tourism and supported a campaign on Air France flights against sex tourism.

The law includes extraterritorial provisions that apply domestic law to sexual offenses committed abroad by citizens or residents.

The law prohibits gender-based job discrimination and harassment of subordinates by superiors, but it does not apply to relationships between peers. Sexual harassment was not widely considered a problem in the workplace. Both the Government and NGOs widely publicized the laws, and the Government enforced them effectively. According to the Ministry of Interior, reported sexual harassment cases dropped by 11.8 percent from 2006 to 2007; the statistics did not specify the gender of the victims.

Under the Constitution and law, women have the same rights as men, including rights under family law, property law, and in the judicial system. The Ministry of Parity and Equality is responsible for the legal rights of women. The law requires that women receive equal pay for equal work; however, reports by various governmental organizations and NGOs indicated that there was a gender pay discrepancy of around 25 percent. Women also continued to face difficulties attaining positions of responsibility. According to a 2007 survey by the Government's statistical agency, fewer than 20 percent of executives in the private sector were women. Although they made up 57 percent of the public workforce, women were underrepresented in managerial jobs and positions of responsibility. Women were also underrepresented in political life. Unemployment rates also remained higher for women than for men.

*Children.*—The Government was strongly committed to children's rights and welfare; it amply funded systems of public education and medical care. The Ministry for Family Affairs oversees implementation of the Government's programs for children.

Public schooling is provided free through the age of 18, and education is compulsory for citizens and noncitizens from the ages of 6 to 16. Although not compulsory, preschool and kindergarten for children under age 6 is free and widely available. According to the Government's statistical service, during the 2003–04 school year, the most recent year for which data was available, attendance by children remained at 100 percent from age 3 to age 13; however, for children age 14, 15, and 16, attendance dropped to 99.6, 98.6, and 97.3 percent, respectively. Most children completed the equivalent of high school.

Although not common, child abuse occurred. There are strict laws against child abuse by parents or guardians, and the Government generally enforced the law effectively and prosecuted abusers. The law provides for a government children's advocate, a position charged with defending and promoting children's rights as defined by law.

The Government provided counseling, financial aid, foster homes, and orphanages for victims, depending on the extent of the problem. Various NGOs also helped minors seek justice in cases of mistreatment by parents.

Child marriage was a problem, particularly in communities of African and Asian origins. Although such marriage ceremonies took place primarily outside the country, authorities took steps to address the problem. Women and girls could seek refuge at shelters if their parents or guardians threaten them with a forced marriage, and parents may be prosecuted. The Government offered some educational programs

to inform young women of their rights. The HCI stated it was important to distinguish between arranged and forced marriages. Both houses of Parliament have passed laws to harmonize the minimum legal age of marriage for boys and girls as 18.

*Trafficking in Persons.*—The Constitution and law prohibit the trafficking of persons; however, trafficking in women and children for sexual exploitation, forced domestic labor, and petty crime was a problem.

The country was a destination for persons, primarily women, trafficked from Africa (notably Cameroon and Nigeria), Central and Eastern Europe (notably Bulgaria and Romania), and the former Soviet Union for the purposes of prostitution and domestic servitude. A majority of the estimated 18,000 women in the commercial sex trade were probably victims of trafficking. Some women who migrated to the country voluntarily for work were deceived or coerced into sexual servitude or debt bondage. During 2006 there were proportionally fewer East European sex trafficking victims, while the percentages of African, South American, and Asian women trafficked increased. The Committee Against Modern Slavery (CCEM) estimated that one-fifth of involuntary domestic servitude cases in the country involved abusive employers who were diplomats with diplomatic immunity.

In February 10 traffickers and 41 “buyers” were convicted and sentenced for “trade in human beings.”

In April five members of an extended family network involved in forcing up to 60 homeless persons to work under inhuman conditions in Paris and Marseille were sentenced to terms of 4 years and \$2.2 million (1.5 million euros) in fines under the antitrafficking law. The Government increased law enforcement cooperation with Bulgaria and Romania.

An increasing number of Chinese nationals were involved in prostitution in Paris and the surrounding region. The International Labor Organization office’s 2005 report estimated that there were approximately 50,000 Chinese immigrants in the country illegally, with approximately 6,000 new arrivals annually; many arrived by means of networks that subsequently exploited them. On June 2, the Paris antiprostitution brigade arrested the Chinese proprietor whose apartment was at the center of a prostitution ring involving 20 Chinese prostitutes who used the domicile for more than 1,000 transactions per year. Police arrested the owners of a second domicile used for the same purpose shortly thereafter.

After taking office in July, Lyon Police Chief Jacques Gerault largely eradicated prostitution in the city’s most notorious red light district through increased police presence. According to Gerault, most of the prostitutes he encountered in the clean-up process were young women from Africa and Eastern Europe.

Trafficking of Brazilian women and girls to French Guyana for sexual exploitation was a problem.

Traffickers operated principally in small criminal networks. NGOs and police characterized the bulk of trafficking operations as “microtrafficking networks” that included both citizens and foreigners. They used various methods to recruit and retain victims including force, fraud, identification document confiscation, cultural isolation, and physical and psychological abuse. Some victims who came to the country willing to work as prostitutes were subsequently exploited by pimps and traffickers. In other cases traffickers kidnapped or “bought” women and girls elsewhere and sold them to Balkans-based prostitution networks that trafficked them into the country.

Apart from social assistance, trafficking victims may be given a provisional residence permit on condition that they cooperate with police in securing the arrest of the person controlling them. Immigration laws allow trafficking victims involved in prostitution who turn in their pimps or trafficking rings to benefit from a 1-year temporary residence card, with permission to work and a 10-year residency card once the case went to trial. The laws were applied inconsistently due to public officials’ lack of familiarity with them, and they did not adequately address the difficulty of finding a job.

In 2006 authorities charged 746 persons with pimping. None of these was a trafficking case.

During the year authorities initiated more than 2,000 judicial cases for soliciting and also dismantled more than 25 pimping networks.

There were 1,219 identified victims in 2006, compared to 1,189 in 2005. Trafficking in persons is punishable by up to 7 years’ imprisonment and a fine of up to \$222,000 (150,000 euros). The penalty rises to 10 years’ imprisonment and \$2.2 million (1.5 million euros) fine if the victim is a minor, a pregnant woman, or another “vulnerable person.” However, under the trafficking-related sentencing guidelines, sentences for some types of convictions, such as those involving rape, were light. Exploiting foreign laborers and exposing them to inhumane conditions are

criminal offenses under other statutes and are punishable by up to 3 years' imprisonment or substantial fines.

Several law enforcement agencies were involved in combating trafficking. The Government cooperated bilaterally and with international institutions such as the European Police Agency (Europol) to investigate, track, and dismantle trafficking rings. Authorities worked with officials in other countries, particularly source countries, to counter trafficking.

On March 13, the Government sponsored a nationwide conference that brought together enforcement officials, magistrates, and NGOs to discuss improving communication and cooperation in protecting victims and preventing trafficking, the role of the Internet in trafficking, and the exodus of prostitution from major metropolitan areas into suburbs and rural areas. The Government continued its participation in an antitrafficking awareness campaign calling attention to the reality that women in prostitution in the country may be victims of trafficking. The Government also funded television ad campaigns on all the major channels on child prostitution. The Ministry of Tourism mandated that all tourism students complete coursework designed to develop awareness of the problem of sex tourism.

In September 2006 antitrafficking police were assigned to 12 French Embassies in countries with well-known sex tourism trades in an attempt to prosecute offenders, raise official awareness of the problem, and increase cooperation with those countries.

The Government continued to screen and refer victims to counseling centers and safe houses for comprehensive services. The Government assumed child victims to be in danger and provided immediate shelter while assessing the child's best interests. Numerous NGOs dealt with trafficking in persons and prostitution. Social Aid to Children, the national social services branch for child care, was responsible for caring for and assisting victims under the age of 22.

*Persons with Disabilities.*—The law prohibits discrimination against persons with physical or mental disabilities in employment, education, access to health care, and in the provision of other state services; the Government generally enforced these provisions effectively.

Seventeen percent of persons with disabilities were unemployed, roughly three times the national unemployment rate. The law requires companies having more than 20 employees to ensure that 6 percent of their employees are persons with disabilities. Companies found not to be in compliance are liable to fines, which go to an association that assists persons with disabilities in finding work. However, many companies admitted to being unaware of their legal obligations, and the average employment rate of persons with disabilities for those companies subject to the law was approximately 4 percent.

The law provides for compensation to persons for the consequences of a disability and promotes their integration into social life by requiring accessibility to buildings and access to education and employment. The law also calls for centers to be set up in each department to assist persons with disabilities with receiving compensation and employment assistance. While many benefits were to have entered into force in January 2006, implementation has lagged. By the end of 2006, 47 percent of the departments had established assistance centers as required by law.

*National/Racial/Ethnic Minorities.*—Violence against immigrants continued to be a problem, particularly on the island of Corsica. The Government condemned such incidents and took steps to address the problem. The attacks caused some families to move to the mainland or return to their countries of origin. During the year, 180 attacks took place in Corsica, down more than 23 percent from the 235 attacks in 2006.

The treatment of the country's large immigrant population remained a problem. Many observers expressed the view that discriminatory hiring practices in the public and private sectors prevented minorities from Africa, the Maghreb, the Middle East, and Asia from equal access to the workplace; a number of NGOs worked to sensitize the public to this problem. The COE cited studies indicating that 50 percent of instances of discrimination related to employment, followed by obstacles to the acquisition of housing, services, and leisure activities. Foreigners, citizens of foreign origin, and persons with foreign-sounding names were generally the main victims of discrimination.

Housing problems were particularly acute for an itinerant group known as Travelers, who were subject to special laws which seemingly were not intended to apply to other citizens. Anyone over the age of 16 not settled in one place must have a travel permit which must be periodically renewed. Any delay in renewal entails heavy fines, approximately \$1,110 (750 euros) for each day overdue. Anyone found not to be in possession of this document is subject to a sentence of up to 1 year

in prison. Authorities did not consider Travelers' caravans to be housing. As a result, Travelers were not entitled to housing assistance.

A 2000 law on the reception and accommodation of Travelers obliges municipalities of more than 5,000 inhabitants to provide a camping site with facilities and access to water and electricity. As of year's end municipal authorities had established 16,000 campsites. Estimates varied of the remaining shortfall.

Romani organizations charged that they faced discrimination in education, housing, and access to government services. On September 3, NGO Doctors of the World accused public authorities of hiding the misery of the Roma through state-directed forced evacuations of Roma slum settlements in advance of the rugby world championships. Medical teams alleged the evacuations disrupted efforts to deliver basic medical assistance to Roma. Following the third mass evacuation from the Lyon/Venissieux area on August 28, Venissieux Deputy Mayor Andre Gerin appealed in writing to Prime Minister Fillon to implement a national support strategy for the Roma, emphasizing the need to address "the European, human, social, and economic dimensions of the issue."

Citizens may report cases of discrimination based on age, gender, national origin, ethnicity, family situation, sexual orientation, physical disability, state of health, religious conviction, or group affiliation to the independent High Authority for the Fight against Discrimination and for Equality (HALDE). At year's end the HALDE had received 6,222 discrimination claims, 50 percent of them relating to employment discrimination. Other efforts included internal testing carried out by the Sorbonne-affiliated Discrimination Observatory, establishing forums for women executives, and recruitment counseling to avoid hiring practices based upon preconceived and discriminatory candidate profiles.

On May 10, a Paris court fined four discotheques \$4,440 (3,000 euros) for discriminatory admission policies. At intervals, the NGO, "SOS Racism" sent similarly dressed couples of North African, Sub-Saharan African, and European origin to try to gain admittance into a given establishment. Bouncers consistently admitted the European-origin couples but refused the others on the pretext that the nightclubs were full.

On August 23, President Sarkozy met with a high school student of Angolan origin who was subjected to racist comments from his teacher, who was given a 1-year suspended prison sentence and fined \$2,664 (1,800 euros).

On September 12, a Marseille court sentenced a local building contractor to 2 years in prison without the possibility for parole and a \$73,000 (50,000 euros) fine for exploiting 28 Polish laborers. Working with accomplices, the employer recruited individuals in their home country to come to Marseille where they were paid less than half the legal minimum wage, with further salary garnishing to reimburse travel expenses. The judgment also proscribed the contractor from returning to work in the construction industry for 5 years.

A Socialist Party internal commission expelled parliamentarian and Languedoc-Roussillon regional president Georges Freche, a founding member of the party and deputy since 1973, for his November 14 racist comments, which were "incompatible" with the party's values, about the national soccer team. Freche's expulsion followed a \$22,200 (15,000 euros) fine he received on January 25 for earlier discriminatory comments.

The Government attempted to combat racism and discrimination through programs that promoted public awareness and brought together local officials, police, and citizen's groups. Some public school systems also operated antidiscrimination educational programs.

According to news reports, during the year there was increasing focus on diversity in the workplace among large financial firms and banks. More first-generation citizens of minority background were being hired in upper-management level positions. The shift appeared to be a response to the diversity of the clientele and the large hiring increases to compensate for en masse retirement.

*Other Societal Abuses and Discrimination.*—The law prohibits discrimination on the basis of sexual orientation in employment or service, public or private. Although there were isolated incidents of violence against homosexuals, authorities pursued and punished offenders.

An inquiry conducted by AIDS Info Service in 2005 showed that 57.3 percent of HIV-positive respondents complained of discrimination. These cases represent 13.9 percent of the discrimination caseload addressed by the HALDE in 2005.

There were reportedly instances of discrimination based on age. On February 13, in the first judicial ruling of its kind, a Lyon court sentenced a head hunting agency, F3S, to a symbolic \$740 (500 euros) fine for having published a 2004 employment advertisement for a professional recruiter limited to between 28 and 35 years of age. F3S pleaded guilty and accepted the judgment without challenge.

In February a Lyon court sentenced a recruitment agency to a suspended 500 euros fine for age discrimination. Ageism complaints represented 6.28 percent of the cases handled by the HALDE during the year.

*Section 6. Worker Rights*

*a. The Right of Association.*—The law provides workers the right to form and join unions of their choice without previous authorization or excessive requirements, and workers exercised these rights in practice. Approximately 8 percent of the work force was unionized.

*b. The Right to Organize and Bargain Collectively.*—The law allows unions to conduct their activities without interference, and the Government protected this right in practice. The law provided for the right to collective bargaining, and workers exercised this right freely. Approximately 90 percent of workers in the formal economy operated under such agreements.

Workers, including civil servants, have the right to strike except when a strike threatens public safety. Workers exercised this right by conducting legal strikes.

There are no special laws or exceptions from regular labor laws in the three export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred. Women and children were trafficked for commercial sexual exploitation, domestic labor, and petty crime.

Although there were press reports that undetermined numbers of undocumented immigrants experienced substandard pay and working conditions, sweatshop conditions were rare due to effective labor law enforcement. In practice abuses were limited to the informal economy, which the World Bank estimated to account for 14–15 percent of gross domestic product.

Forced or compulsory child labor occurred. There are strict laws against trafficking in persons for domestic labor, and the Committee against Modern Slavery brought such cases to authorities for prosecution.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The law prohibits most forms of child employment, and the Government's implementation of laws and policies designed to protect children from exploitation in the workplace was generally effective. Persons under age 16 are prohibited from working, with a few exceptions for those enrolled in certain apprenticeship programs or working in the entertainment industry. Persons under 18 are generally prohibited from performing work considered arduous or working between 10 pm and 6 am; persons under 16 may not work after 8 pm.

Police estimated in 2005 that 3,000 to 8,000 children were forced into prostitution and labor, including begging. During 2006 police reported 14 cases of minors illegally employed.

Labor inspectors enforced the child labor laws.

*e. Acceptable Conditions of Work.*—The minimum wage was \$12.49 (8.44 euros) per hour, as adjusted on July 1. It provided a decent standard of living for a worker and family. The minimum wage was uniform throughout the country, despite wide regional variations in the cost of living, and applied to citizen and noncitizen workers holding a regular working contract. The Employment Ministry enforced the minimum wage. Certain categories of employment, including subsidized employment and internships, must conform to separate, clearly defined standards and provided salaries below the minimum wage. Employers generally adhered to the minimum wage requirement, with the exception of those in the informal economy.

The official workweek was 35 hours; however, in certain industries the Government allowed a greater number of overtime hours that could result in a de facto 39-hour workweek. Overtime was limited to 180 hours annually. Maximum hours of work were fixed at 10 hours per day, 48 hours per week, and an average of 44 hours per week over a 12-week work period. Employees were entitled to a daily rest of at least 11 hours and a weekly break of 24 hours, not including the daily rest period. Employers were required to give workers a 20-minute break in a 6-hour workday. Premium pay was mandatory for overtime. These standards were effectively enforced.

The law sets basic occupational health and safety standards. The Ministry of Social Affairs, Labor, and Solidarity is responsible for enforcing the laws and did so effectively. Workers have the right to remove themselves from situations that endanger their health or safety without jeopardy to their employment, and the Government effectively enforced this right.

## GEORGIA

The Constitution of the Georgian republic provides for an executive branch that reports to the president, a unicameral Parliament, and an independent judiciary. The country has a population of approximately 4.4 million. In 2003 former president Shevardnadze resigned during what became known as the Rose Revolution. Mikheil Saakashvili won the presidency in 2004 with over 90 percent of the vote, and his National Movement Party won a majority of seats in the Parliament. International observers determined that the 2004 presidential and parliamentary elections represented significant progress over previous elections and brought the country closer to meeting international standards, although several irregularities were noted. Following a series of protests throughout the country in the fall, President Saakashvili officially resigned on November 25, calling for a snap presidential election to be held on January 5, 2008, cutting his term of office short by 1 year. Civilian authorities generally maintained effective control of the security forces.

While the Government's human rights record improved in some areas during the year, its record worsened in other areas, especially during the fall, and serious problems remained. There was at least one reported death due to excessive use of force by law enforcement officers, cases of torture and mistreatment of detainees, abuse of prisoners, excessive use of force to disperse demonstrations, poor conditions in prisons and pretrial detention facilities, impunity of police officers, continued overuse of pretrial detention for less serious offenses, lack of access for average citizens to defense attorneys, lack of due process in some cases, and reports of government pressure on the judiciary. Respect for freedom of speech, the press, assembly and political participation worsened, especially during the fall crisis. Other problems included reports of government pressure on the judiciary and the media, restrictions on freedom of assembly and freedom of speech, and corruption among senior-level officials. Despite government efforts, trafficking-in-persons continued to occur.

Prior to the fall political crisis, the Government took some significant steps to improve the human rights situation. For example, Parliament adopted legislation that prohibited communication between judges and parties about cases outside the courtroom, adopted a Code of Ethics for Judges, and the Government opened the High School of Justice to train judges as part of the continued broad reform of the judiciary. The Permanent Interagency Coordination Council approved a mechanism to reintegrate trafficking victims into society, significantly increased the budget to assist victims, and opened the first shelter for them in Tbilisi.

De facto authorities in the separatist regions of Abkhazia and South Ossetia remained outside the control of the central government; ceasefires were in effect in both areas, although incidents of violence, including deaths, occurred in both areas. In both Abkhazia and South Ossetia, deprivation of life, arbitrary arrest, and detention continued to be serious problems. The de facto authorities in Abkhazia continued to restrict the rights of citizens to vote and to participate in the political process through a "citizenship" law that forced ethnic Georgians to give up their Georgian citizenship in order to vote in local elections. A 2006 property law prevented internally displaced persons living in other parts of the country from reclaiming homes they fled in Abkhazia in 1992/1993. Authorities did not permit instruction in the Georgian language in the predominantly ethnic Georgian Gali district schools in Abkhazia.

### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—The Government or its agents did not commit any politically motivated killings.

On April 15, the Ministry of Internal Affairs opened an investigation against four officers of the Vake-Sabutarlo District Unit—L. Gelbakhiani, M. Chaduneli, G. Kokolishvili, and G. Sakhamberidze—on allegations that they exceeded the limits of official authority and inflicted grave injury on A. Khositashvili, which resulted in his death. On December 11, the officers were convicted of torture and fraud and given sentences that ranged from 11 years' imprisonment to 3 years' probation and a fine of \$3,125 (5,000 lari).

According to the Prosecutor General's Office, it opened an investigation in June 2006 to determine if the actions of law enforcement agents were in accordance with the law during the prison riot at Tbilisi Prison No. 5 in March 2006. The Department of Prisons alleged that the "thieves in law" criminal group was organizing mass disturbances at a prison hospital, and prison authorities had planned to move disruptive prisoners to another facility to resolve the issue. The head of the Department of Prisons, along with officers from the Investigative Department of the Min-

istry of Justice, arrived at the prison on March 27. Six prisoners resisted being moved from the hospital and incited others to riot during the attempted transfer. Four prisoners were taken away, but the disturbances reached Tbilisi prisons no. 5 and no. 1.

In Prison No.5 cell doors and bars were broken and a fire was started, endangering the lives of inmates. In order to regain control of Prison No.5, a Special Task Force of the Department of Prisons was ordered to free the Prison No. 5 entrance blocked by inmates. After the blocked entrance of the building had been cleared, the Director of Prison No. 5 and several Special Task Force officers entered the building and called for order. The inmates began to move toward the officers, throwing stones and pieces of metal and wood at them. In response, the Special Task Force officers fired rubber bullets, to which, prisoners responded with gunfire. The Special Operations Task Force opened fire only after prisoners initiated gunfire. As a result of these events, two of the Special Operation Task Force officers were wounded, seven prisoners died and 22 prisoners were injured. All 24 of the injured were medically examined.

The Public Defender's 2006 Human Rights Report stated that the Penal Department's Administration provoked the riot in Tbilisi Prison No. 5 and during the suppression of the riot, special forces armed with machine guns used disproportionate force to quell the violence. Inmates specifically alleged that Bacho Akhalaia, Chief of the Penitentiary Service, verbally and physically assaulted several inmates and violently tortured three others. The report stated also that the public defender confirmed that six inmates were tortured, but no medical forensic examinations of the injured inmates took place.

In the course of the criminal investigation, 190 inmates were questioned. The forensic examination confirmed the cause of death for the seven inmates was a bullet wound. Upon the recommendation of the public defender, the OSCE's Chairman-in-Office, and Human Rights Watch (HRW), in September 2006 the Government opened seven separate investigations to ascertain if officers exceeded the limits of their authority. As of year's end, these investigations were ongoing.

In July 2006 four Ministry of Internal Affairs officers were convicted in the January beating death of Sandro Girgvliani and sentenced to prison terms of from 7 to 8 years. The officers appealed to the Supreme Court after the trial court's decision was upheld by the court of appeal. In July the Supreme Court removed 6 months from the final sentences for all four defendants, based on changes to the law regarding destruction of property, one of the charges against the officers. Many observers believed that senior ministry officials ordered his beating. Both HRW and the International Crisis Group's (ICG) December reports on Georgia stated that, while the fall charges and arrest of former Defense Minister Okruashvili galvanized the opposition protests in October and November, the perceived lack of full accountability in the Girgvliani case was an additional factor in mobilizing the opposition.

The Prosecutor General's Office investigated five of 12 deaths in 2006 cited by NGOs as evidence of police use of excessive force. In the case of the deaths of Aleksandre Khubulovi and Zurab Vazagashvili, the office concluded that the actions of the police officers were lawful, and on April 20 the investigation was terminated. An appeal of this decision continued at year's end.

Following an investigation into the charge that police had used excessive force in the deaths of Murman Movsesiani, Gela Gaidenini, and Levan Darsadze, the Kutaisi unit of the Ministry of Internal Affairs concluded that the police had only fired when the suspects fired on them and that the police officers did not exceed the limits of their authority. On February 15, the investigation was terminated.

Two police officers were suspended pending an investigation of the December 2006 death in Kutaisi of Valeri Pkhakadze, who was allegedly shot and beaten by police investigating a break-in. One of the officers, I. Kapadze, was charged with murder for exceeding the limits necessary for the apprehension of a suspect and placed in pretrial detention. Other patrol officers at the scene were charged with negligence of duty, and were fined \$1,250(2,000 lari). On February 5, the criminal case was submitted to the Kutaisi City Court and was ongoing at year's end.

In July 2006 the judgment of the Tbilisi City Court was appealed by the prosecutor in the 2004 conviction of Roland Minadze, a police officer who was found guilty of falsification and fabrication of evidence in connection with the beating of Khvicha Kvirikashvili and sentenced to 4 years' imprisonment. The Tbilisi Appellate Court upheld the judgment. Roland Minadze went into hiding and was at large at year's end.

The criminal case into alleged fabrication of evidence against Akaki Bartaia, Kakhaber Azariashvili, and Giorgi Kurdadze in the 2004 death of Amiran Robakidze was ongoing at year's end.

There were reports of arbitrary and unlawful killings in the separatist areas of South Ossetia and Abkhazia, areas not under government control. Arbitrary violence continued in Abkhazia and South Ossetia. In Abkhazia, one businessman from Sukhumi working in Gali was killed.

There was one report of a child's death due to landmines in Abkhazia. No deaths due to landmines were reported in South Ossetia during the year.

*b. Disappearance.*—There were no reports of politically motivated disappearances perpetrated by the Government. However, conflict-related disappearances and kidnappings were frequent during the year in the separatist regions of Abkhazia and South Ossetia. Since January, nine kidnappings and two attempted kidnappings occurred in Abkhazia.

Other parts of this report contain information related to this section; see Section 1.g.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution and law prohibit such practices; however, there were reports that government officials continued to employ them.

According to the public defender's office and human rights monitors, abuse in police stations remained low due to ongoing unannounced and random monitoring of stations, while incidents of police abuse during arrest persisted, but declined. According to the public defender's office, instances of abuse at isolators of temporary detention had been practically eliminated by year's end, but some cases of physical abuse were reported directly to the police stations.

Following a spring visit to the country, the Council of Europe's Committee for the Prevention of Torture (CPT) reported receiving "numerous and consistent allegations of prisoners being beaten upon admission as well as in other contexts" at the Rustavi Prison 6. The CPT reported that it did not receive any allegations of recent physical mistreatment of prisoners at four other prisons that it visited.

During the year the public defender's office visited 303 prisons and pretrial detention facilities. Overall, there were six cases of suspected torture but only one of these cases was confirmed. In the other instances, the perpetrators were not charged specifically with torture, but with lesser offenses. The public defender's office regularly monitored Ministry of Internal Affairs police precincts during the year, making 1,142 visits. The office found 308 cases in which detainees were arrested with physical injuries; however, only 26 detainees alleged that they received their injuries from police. The office did not report that victims feared police retribution, but there was a perception that victims still feared police retribution for filing complaints. The Prosecutor's Office opened investigations in 20 of these cases. Of the 20 cases, six investigations were closed due to lack of evidence and 14 cases were ongoing at year's end. In 2006 there were 262 detainees arrested with injuries, out of which 32 reported cases of physical abuse by police.

During the year the Human Rights Protection Unit of the Prosecutor General's Office took steps to address torture and mistreatment by random monitoring of pretrial and prison facilities. The office reported 89 instances during the year of detainees entering pretrial detention with injuries. In response, it launched 20 investigations, which were ongoing at year's end. During the year 23 Ministry of Internal Affairs officers were sentenced in seven criminal cases of torture and mistreatment, compared to seven persons convicted on four criminal cases in 2006.

On March 14, the Poti City Court convicted transport police officers T. Shurghulaia, K. Lataria, P. Jghamadze, A. Sikhuashvili, G. Kharchilava, R. Kachavava, and T. Sajaia of involvement in the false arrest, torture, and death of T. Mikia, who was subjected to torture and who fell to his death from the second floor of the police station under unclear circumstances. The officers received sentences ranging from 3 years' imprisonment and a fine of \$9,375 (15,000 lari) for exceeding the legal limits on police authority to 13 years' imprisonment for deliberately inflicting grave injury and exceeding the legal limits on police authority.

On April 10, Rustavi Prison 2 officers David Shubitidze, Kakha Sharumashvili, and Davit Jighauri were convicted of having exceeded the limits of their authority by physically abusing inmate Robert Makharashvili on February 18. They were sentenced to 1 year in prison.

On April 29, officers B. Khvhistani, K. Sopromadze, and J. Jankhoteli were found guilty of physically and morally insulting arrestees K. Chrelashvili, G. Bregadze, L. Beruchuashvili, V. Muraviov, and G. Jibladze. Their sentences ranged from 7 to 8½ years' imprisonment.

On May 9, in the Zugdidi District Court, Badri Sordia of the Special Operational Department of the Ministry of Internal Affairs was sentenced to 11 years in prison for inflicting bodily injuries on Zaal Akobia and Vakhtang Guchua in 2005.



Officers G. Bitiashvili, R. Chitishvili, and K. Kesauri were charged with exceeding the limits of their authority against Merab Burdiashvili; on May 14, the Court of Appeal sentenced Kesauri to 5 years' imprisonment in absentia. On March 16, Chitishvili and Bitiashvili were sentenced to 7 years' imprisonment and prohibited from holding a government position, including law enforcement work, for a period of 2 years.

On November 20, the Mstkhet District court sentenced officers Bondo Tatanashvili and Besik Orkodashvili to 2 years of probation, a fine in the amount of \$3,125(5,000 lari), and suspension from work for 3 years. They had been charged in August 2006 with exceeding the limits of official authority through torture and violence against pupils at Akhlagori Secondary school.

On December 11, Vake-Sabutarlo District Unit officers L. Gelbakhiani, M. Chaduneli, G. Kokolishvili, and G. Sakhamberidze were convicted of torture and fraud and given sentences that ranged from 11 years' imprisonment to 3 years' probation and a fine of \$3,125(5,000 lari).

There were significant obstacles to bringing cases of police torture and mistreatment to light. NGOs reported victims often did not report abuse, fearing police retribution against them or their families.

NGOs continued to claim that close ties between the Prosecutor General's Office and police hindered their ability to substantiate police misconduct. NGOS alleged also that a lack of professionalism and independence of the judiciary made it unresponsive to torture allegations. As a result, despite implementation of positive reforms, NGOs claimed law enforcement officials could still resort to torture or mistreatment with limited risk of exposure or punishment. NGOs also believed a lack of adequate training for law enforcement officers, as well as low public awareness of the protections afforded citizens, impeded improvements.

According to Ministry of Internal Affairs statistics, during the year 4,328 of the 24,680 detainees held by authorities were registered with injuries. Of these, 186 claimed to have been beaten by police. The general inspector's office of the ministry referred 145 of the cases to the prosecutor general's office for further investigation. Of these, 108 investigations were on-going at year's end; police were acquitted of wrongdoing in 23 cases. The public defender's office noted that monitoring groups found no instances where police officers had incorrectly registered a detainee upon arrival at the police station, which previously had been a means for police officers to conceal abuse.

All law enforcement officers and representatives of the prosecutor's office, except for officers of the special police unit, were required to wear identity badges during meetings with detainees and prisoners. Special police units were exempted to protect members' anonymity. NGOs believed this prevented accountability for any abuse by the units.

In January 2006 Mikheil Chkheidze alleged police officers mistreated him in the Bagdati region when he and a friend were stopped for questioning. During the trial, Chkheidze said that his previous testimony was aimed at avoiding criminal responsibility, and in May 2006 the criminal investigation was closed on the basis of lack of evidence of a crime.

In February 2006 Batumi police patrol officer Mamuka Jincharadze reportedly beat severely Jemal Baramidze of Batumi with his pistol after stopping him for speeding, causing serious injury. In August 2006 the Kehlvaichauri District Court convicted Jincharadze of exceeding police authority and sentenced him to 3 years' imprisonment. During his appeal at the Kutaisi Court of Appeals, Jincharadze pled guilty, and the court sentenced him to 2 years' imprisonment, followed by probation for 1 year.

In May 2006 Eduard Jaogli alleged police officers mistreated him in the Isani-Samgori police station, resulting in injuries. Investigators in the case concluded that, during his arrest, Jaogli resisted and proportionate force was used to apprehend him. Upon being charged, Jaogli suffered an epileptic shock, lost consciousness, and fell to the floor. He was taken by ambulance to a Tbilisi clinic. According to medical records, Jaogli had knee injuries. These injuries contradicted Jaogli's statements that police officers had beaten him in the face and on the body. A witness present at Jaogli's arrest stated that no visible injuries were evident. Based on these facts, it was ruled that Jaogli had not been subjected to mistreatment, and the investigation was terminated on April 27.

In September 2006 Gia Razmadze alleged mistreatment by police officers in the Kvemo Kartli region. A forensic expert examined x-rays taken of Razmadze on the day of his arrest and determined that the injuries at issue did not indicate any criminal offense on the part of police, and the case was closed on October 24.

Avtandil Khvinchiashvili alleged he sustained injuries as a result of excessive use of force by police during questioning in November 2006 in the Gldani-Nadzaladevi

district. Police officers testified that Khvinchiashvili resisted arrest and proportionate force was used to apprehend him. A forensic report indicated that Khvinchiashvili suffered light injuries. A witness, a local business owner, testified that Khvinchiashvili and another man were drunk and not conducting themselves appropriately, so he called the police. The witness corroborated the police testimony, and it was established that the police officers were acting within the limits of the law. On April 30, the investigation was terminated.

The investigation continued at year's end into the alleged 2005 beating of inmate Eldar Konenishvili in Prison No. 1 and later at Gurdzhani police station. As part of its investigation, the special commission interrogated prisoners, officials and medical personnel in Prison No. 1, escorting officers, and law enforcement officers and other witnesses at Gurdzhani police station. The commission also reviewed results of a 2005 medical examination of Konenishvili, which included a computer-assisted tomography scan, magnetic resonance imaging, and x-rays. In June 2006 a prosecutor who was involved in the case left the prosecution service, reportedly of his own volition.

An investigation by the Prosecutor General's Office continued into former chief of the State Audit Agency Sulkhan Molashvili's allegation that he was tortured while in pretrial detention in 2004. Molashvili's attorneys appealed his case to the European Court of Human Rights in 2006, and at year's end Molashvili was being held in the prison hospital. According to the Prosecutor General's Office, Molashvili continued to refuse to identify the alleged perpetrators who tortured him.

Other sections of this report contain information related to this section; see Sections 1.d., Role of the Police and Security Apparatus and 2.b.

*Prison and Detention Center Conditions.*—During the year the number of deaths in the penitentiary system increased. According to the Ministry of Justice, 100 prisoners died during the year, compared with 92 in 2006. Most deaths were related to poor medical care and health issues. However, although the total overall number of prisoner deaths increased over the last 6 years as the overall number of prisoners rose, the mortality rate of deaths decreased. Of the 100 deaths, at least five were reported as suicides on the Justice Ministry's Web site. The public defender's office reported that it frequently petitioned prison officials to obtain necessary medical treatment for inmates.

Attempted suicides and self-mutilation occurred in prisons as protests against declining prison conditions and human rights violations. There were also sporadic hunger strikes by prisoners to protest poor conditions, visitor limitations, and the perceived arbitrary parole policy of the Government.

Conditions in many prison and pretrial facilities generally remained poor and did not meet international standards. The public defender's office, the Organization for Security and Cooperation in Europe (OSCE), the CPT, and many NGOs, including HRW, continued to report inhuman and life-threatening conditions, including poor facilities, overcrowding, and inadequate nutrition and health care. Most prison and pretrial detention facilities lacked adequate sanitary facilities. In his December bi-annual report, the public defender recommended the Ministry of Justice work to improve the hygienic conditions, by improving shower facilities and laundries in the prisons and creating proper air ventilation to ameliorate conditions.

In March 2006, after the public defender's office called for an investigation, the Prosecutor General's Office opened an investigation into the beating of Iago Tsikvadze in Tbilisi Prison No. 1. According to a statement Tsikvadze gave to the public defender's office, he was beaten severely by prison officials, including the head of the prison, Temur Tabaghua. Tsikvadze stated also that prison officials denied his requests to see a doctor. Investigators in the case questioned Tabaghua and other inmates. All of them denied that Tsikvadze was beaten. The case was closed on March 31 after the investigation concluded that there was no evidence of a crime.

In September Shalva Ramishvili of independent TV 202 reportedly submitted a case to the European Court of Human Rights in connection with his January 2006 temporary move by prison officials from his regular cell to a carcer, a small disciplinary solitary confinement cell, which Ramishvili alleged lacked necessary ventilation and sanitary facilities.

Five prisons out of 17 institutions and pretrial detention facilities were overcrowded severely, sometimes at double their capacity, due to the increase in the prison population as the Government cracked down on crime since 2004. According to government statistics, at the beginning of the year, an estimated 21.7 percent of inmates were detainees awaiting trial. While this was an improvement over previous years, the high figure continued to indicate a backlog of court cases.

Tbilisi Prison No. 5 continued to be used as a pretrial detention facility. As of December 21, 2,661 prisoners remained in Tbilisi Prison No. 5, exceeding the official capacity of 1,881 by 41 percent.

The investigative service of the Department of Prisons conducted investigations into alleged misconduct by prison officials. During the year the service opened investigations into allegations that prison officials brought prohibited items such as illegal narcotics onto prison grounds. For example, in October 2006 Ramaz Gabisonia, an official in the women's prison, was detained on charges of bribery and possession of prohibited items on prison grounds. On March 12, Gabisonia was convicted for commission of bribery and passing prohibited objects to a prisoner and was sentenced to 2 years of imprisonment.

With the exception of the new prisons in Kutaisi, Rustavi, and Gldani, prisons severely lacked medical facilities, including equipment and medicines. In the autumn, the Department of Prisons announced an open tender for purchasing medical insurance service for prisoners for 3 years. The tender was won by the insurance company Aldagi-BCI and after contracting with Department of Prisons, they became responsible for medical treatment of prisoners. In accordance with contract terms, the insurance company must provide all prison institutions with medicine, fill medical staff positions, and train staff. All medical staff that worked in the penitentiary system as of the implementation of the contract became employees of Aldagi-BCI and no longer were staff members of the penitentiary system. The penitentiary system no longer had any authority in their selection, promotion or dismissal.

The Ministry of Justice, which includes the Department of Prisons, continued its comprehensive effort to reform all aspects of the penitentiary system. During the year the total budget for the penitentiary system increased approximately 132 percent in comparison to the budget in 2006, which was itself 63.5 percent higher than in 2005. According to the Ministry of Justice figures for 2006 and 2007 the overall inmate population grew from 15,423 to 18,310. Of the 18,310 inmates in the system, 2,963, or 16.2 percent, were in pretrial confinement. In December a presidential pardon and amnesty was granted to 914 prisoners, who were released before the end of the year. According to the Council of Europe's Committee for the Prevention of Torture, the country's prison population more than doubled between 2004 and 2007. The increase in the prison population was linked to the Government's fight against crime, which resulted in a decrease in crime across the country, including in the capital of Tbilisi.

In cooperation with NGOs, the Justice Ministry adopted a code of ethics for prison system employees on December 13 that set standards for employee conduct and the use of force, modeled after European practices. In August the Working Control Unit of the Headquarters of Department of Prisons was created. According to this unit, during the year there were 36 cases of disciplinary violations by penitentiary officers in various penitentiary establishments. Out of the 36, six were dismissed from their posts, 11 received strict rebukes, 18 received a rebuke, and one was reprimanded. Salaries for prison guards were increased and paid regularly; the average salary of a prison employee was 79 percent higher than in 2006.

The justice ministry was in the middle of a multiyear program to build and renovate prisons in order to meet international physical standards. During the year the Government increased the budget for capital expenditures on prisons by 555 percent compared to 2006. In January a justice ministry decree created a new juvenile department in two prisons for women, which meant that juvenile female inmates would be confined separately from adults, as was the case for males. The renovated Khoni Prison No. 9 was reopened in February, and in May an additional wing was opened at Rustavi Prison No. 2. In December Gldani prison was opened officially, and 2,478 prisoners were transferred from Tbilisi Prison No. 5, easing the overcrowding. In December a psycho-rehabilitation center, Atlantis, was opened in Rustavi No. 6 prison to treat inmates on a voluntary basis with drug or alcohol dependencies.

The Government increased spending for prisoners' food and nutrition by 227 percent compared with 2006 and reported that it required prisons to ensure that relatives were allowed to deliver packages of food to prisoners, something that prisoners relied on in the past. A sundry shop opened in Kutaisi Prison No. 2 in April as part of an effort to reduce reliance on packages from outside sources, which had been a conduit for smuggling contraband into the prison.

In June the Government and the International Committee of the Red Cross (ICRC) extended for 2 years a prison tuberculosis control program.

As of December 1, local monitoring councils operated in 11 penitentiary establishments. The councils monitored penitentiary establishments, developed appropriate recommendations, and delivered reports every 3 months. Members who belong to the councils were approved by the Minister of Justice and selected on the basis of their desire to work, qualifications, and reputation. The latter was defined as general assessment of character, education and work experience, ability and desire to work as a member of the Council, and reliability. It excluded candidates who were

previously convicted or charged for illegal acts. Ideally, members were to reside within 30 kilometers from the institution in which they monitored.

The ICRC had full access to detention facilities in the country, as well as to those in the regions of Abkhazia and South Ossetia, to monitor conditions of detention and treatment of all detainees. The ICRC followed up on persons detained in connection with the conflicts in Abkhazia and South Ossetia. Prison conditions in the two regions were chronically substandard, although overcrowding reportedly was not a problem.

*d. Arbitrary Arrest or Detention.*—The Constitution and law prohibit arbitrary arrest and detention; however, the Government did not always observe these prohibitions.

*Role of the Police and Security Apparatus.*—The Ministry of Internal Affairs has primary responsibility for law enforcement. During times of internal disorder, the Government may call on the ministry or the military. The ministry controls the police, which are divided into functional departments as well as a separate, independently funded police protection department that provides security and protection to private businesses.

There was a low incidence of police corruption at the patrol police level. As a result of recent reforms, the relatively high salaries for police officers provided an incentive for them to refrain from using their positions to extort money from citizens and from mistreatment or abuse of detainees.

In October the U.N. Human Rights Committee expressed its regret about the persistence of reports involving police abuse, in particular during the arrest of suspects, and deaths allegedly resulting from the use of excessive force by police.

The number of incidents of police misconduct, such as the fabrication or planting of evidence, reportedly did not decrease, with allegations persisting that authorities continued to use threats to plant or fabricate evidence against suspects or their families. A number of cases in which police were charged with planting evidence, using excessive force, inhuman and degrading treatment, abuse of official authority, and exceeding the limits of official authority, carried over from 2006.

According to the Prosecutor General's Office, there were 205 criminal proceedings initiated against police during the year, resulting in 271 convictions, compared with 239 initiated criminal proceedings and 228 convictions in 2006.

The public defender reported that on February 19, the Ministry of Internal Affairs arrested Lasha Khorguiani, Gocha Mildiani, and Khvicha Mildiani, planted drugs on them, unlawfully detained them, tortured Khorguiani, and abused official authority. The arrests were made allegedly because Irakli Kodua, the head of the ministry's Special Operations Department, was angry that a person using Khorguiani's cell phone had accidentally dialed a friend of Kodua's at a late hour. Gocha and Khvicha Mildiani were released on February 20, but authorities continued to hold Khorguiani, seeking the identity of the person who made the early morning call. Khorguiani was released after 2 months detention and a \$3,200 fine (5,000 lari). No charges were brought against Ministry of Internal Affairs officials.

Authorities arrested or administratively disciplined police officers in some high-profile cases of physical abuse or deaths in custody. The Human Rights Protection Unit in the Office of the Prosecutor General issued regular updates on the status of cases, trials, and investigations of human rights violations. However, NGOs maintained that the incidence of abuse was higher than the number of cases investigated by the prosecutor general and that this failure to conduct systematic investigations and pursue convictions of all alleged abusers continued to foster a long-standing culture of impunity. Human rights NGOs also asserted that many instances of abuse went unreported by victims due to fear of reprisals or lack of confidence in the judicial system.

The Prosecutor General's Office was in charge of all criminal investigations into allegations of torture and mistreatment. Prosecutors were required to investigate police use of force when a detainee with injuries sustained during arrest was registered. The law required the office to open an investigation when it received information about a possible violation even if from an anonymous source. If prosecutors concluded after investigation that charges were not warranted, the decision could be appealed to a higher level of the office. Any person subjected to abuse was able to pursue a civil action against the abuser.

NGOs reported that the Prosecutor General's Office opened investigations but often continued them indefinitely without issuing any findings or, if concluded, usually substantiated the reasonable use of force by police. During the year the office conducted investigations into allegations of torture or abuse and inhumane treatment by police and concluded that the police had committed some violations.

A 2006 police code of ethics obliges police officers to uphold the human rights of all persons and to use force only when strictly necessary for the performance of their duty; the Ministry of Internal Affairs and prosecutor general's office are responsible for implementing the code. The General Inspection service of the Ministry of Internal Affairs investigates cases of suspected duty infractions of police officers, receiving complaints from citizens who call in on the ministry hot line, from the Public Defender, or from the Main Unit of the Human Rights and Monitoring Department of the ministry. Infractions may be addressed to the policeman's supervisor who can also initiate an inquiry. Disciplinary measures may be one of seven types: Reproach, condemnation, severe condemnation, deprivation of the ministry badge, demotion, demotion by one grade, dismissal. If there is suspicion that a police officer committed a criminal act, the policeman is suspended from his post, and if the allegations are confirmed, the inquiry materials are transferred to the Prosecutor General's office where the case becomes a criminal investigation.

During the year 413 officers received administrative sanctions; 271 were dismissed and 37 were arrested on criminal charges.

During the year the Police Academy included training on human rights in the basic course for patrol police and conducted additional specialized training on human rights in cooperation with international partners such as the Council of Europe.

Other parts of this report contain information related to this subsection; see Section 1.c.

*Arrest and Detention.*—Police, investigators, and prosecutors may arrest a person upon suspicion and without a warrant, but the law stipulates that detainees must be brought before a magistrate judge within 72 hours. Those not charged within this period must be released. During the year, there were no reported cases of detainees kept longer than 72 hours without being charged.

NGOs stated that reports of police planting drugs or weapons in order to make an arrest continued. The prosecutor general's office is the only body authorized to engage directly with the courts. During the year the Public Defender and NGOs working on human rights issues reported a number of cases in which law enforcement officers planted drugs or weapons in order to charge individuals in criminal cases.

On May 23, the law was amended to lower the minimum age at which children may be held criminally responsible for certain violent crimes, such as first degree murder and rape, from 14 to 12. HRW and some European countries criticized the change.

Under the law the release of detainees on bail is preferred over pretrial detention. Since October 2006 the Government released on bail approximately 50 percent of those arrested. Citing the 2006 example of police officer Grigol Bashaleishvili, who was released on bail despite admitting his guilt in the shooting death of Amiran Robakidze, the public defender and NGOs questioned the fairness of the granting of bail in some cases

A detainee has the right to request immediate access to a lawyer and the right to refuse to make a statement in the absence of counsel. An indigent defendant has the right to counsel provided at public expense. Such counsel is appointed upon the defendant's request by the agency that is in charge of the proceedings. If a defendant requests an attorney after arrest, the investigator or prosecutor who is handling the case is responsible for contacting and engaging the attorney. In June legislation was passed to provide attorneys free of charge to all persons charged in criminal cases.

On September 25, former defense minister Irakli Okruashvili gave a televised press conference in which he declared his opposition to the Government and accused President Saakashvili of several sensational crimes, including ordering him to kill prominent businessman Badri Patarkatsishvili. Okruashvili provided no corroboration for his charges, which in some cases were based on alleged private conversations between him and Saakashvili. Police arrested Okruashvili on September 27 and charged him with corruption. According to the ICG, while Okruashvili's record was tainted, "he aired questions which have long preoccupied the opposition and civil society." At the time of his arrest he had just established a new opposition party and was considered by pundits a potential challenger to President Saakashvili in the next election. The arrest triggered large opposition protests, including the largest demonstration at that point since the Rose Revolution. Other opposition leaders expressed concern that Okruashvili's arrest was politically motivated, an attempt to intimidate all of the political opposition, and part of a series of attacks on human rights by the Government. He was released on bail October 8 after he made a videotaped confession to some of the charges against him and retracted his charges against Saakashvili. Okruashvili left the country on November 1 and, in

subsequent interviews from abroad, stated that his confession, retraction, and departure from the country had been forced. On November 25, Okruashvili was arrested in Germany. At year's end, Okruashvili remained in pretrial detention in Germany, where he had asked for asylum.

Defense counsel has the right to meet persons accused of a crime without hindrance, supervision, or undue restriction; however, some attorneys alleged that audio and video equipment in police stations, which was intended to record interrogations of suspects by law enforcement or investigators, was sometimes used improperly to monitor privileged attorney/client conversations.

Officers must notify detainees' families of their location within 5 hours of their arrest and note the circumstances of the notification in the case record. Monitoring boards regularly reviewed these records during their visits to police stations.

Police are required to inform detainees orally of their rights and to provide detainees with a copy of the arrest and search form, signed by police and detainees, to acknowledge that detainees have been fully informed of their rights. The public defender's office and NGOs reported that police often failed to inform completely detainees of their rights and that, if informed of their rights, detainees often did not understand them.

In December 2006 law enforcement officers arrested Pridon Chakaberia, head of the administration of the Kvemo Bargebi village in Abkhazia's Gali region, while he was in Zugdidi, and charged him with drug trafficking. The Zugdidi court found Chakaberia guilty and sentenced him to 10 years in prison on February 16. Abkhaz de facto authorities condemned the arrest as an attempt to intimidate the local population and demanded his release. Some observers believed that the Georgian police planted drugs on him and arrested Chakaberia because of his cooperation with the Abkhaz authorities. A court in the western Georgian city of Kutaisi released Chakaberia on April 23.

According to 2005 amendments to the Code of Criminal Procedure, pretrial measures of restraint include detention, release on bail, and personal guarantee. The amendments eliminated alternatives such as house arrest and police supervision. Since January 1, the judiciary sought to use bail rather than pretrial detention. NGOs noted that due to economic hardship, some defendants were not able to pay bail even when it was granted, ending up in pretrial detention. According to Supreme Court statistics, there were 21,170 persons convicted in criminal cases during the year, 9,788 sentenced to imprisonment, or 46.2 percent, 9,585 released on probation, or 45.3 percent, figures analogous to 2006. The number of those tried receiving probation increased by 3.9 percent. The remainder of those found guilty received either fines or correctional labor as punishments. Of those charged in criminal cases, 11,241 were released on bail. In 2006 approximately 50 percent were released on bail.

Under the law and in practice, the overall maximum time period for trial and exhaustion of appeals is 12 months. A person who is arrested must be charged within 72 hours or released. They can be held for a maximum of 9 months before the court of the first instance renders a verdict. Once the verdict is rendered, the start of the prison sentence begins immediately, despite any appeal process underway. There is a maximum 3-month appeal process for the Appellate court and a maximum of 6 months for the Cassation Court in the Supreme Court. If all appeals are exhausted, a prisoner could be held for a maximum of 18 months. There are no time constraints once the trial begins for the first instance court to render a verdict.

*e. Denial of Fair Public Trial.*—The law provides for an independent judiciary. However, reports persisted that the executive branch and powerful outside interests continued to pressure judicial authorities. Many NGOs complained that judicial authorities continued to act as a rubber stamp for prosecutors' decisions and that the executive branch exerted undue influence. NGOs also expressed concern that recent judicial appointees lacked experience and training to act independently. The high number of vacancies at the trial court level resulted in long delays scheduling trials. The number of people in pretrial detention decreased significantly, as the backlog of cases was reduced and the use of bail increased.

Following 2006 constitutional amendments, the High Council of Justice, the body that disciplines judges, operated throughout the year as an independent institution with a majority of its members from the judiciary. In June Parliament passed further changes reorganizing the High Council of Justice and removing the minister of justice as a member, the last such executive branch official. Eight judicial members elected by the Conference of Judges and the chairman of the Supreme Court constitute the majority of the High Council of Justice. Two members of the council are appointed by the president and three members are elected by Parliament. The head of the Legal Committee of Parliament—currently a member of the ruling party—is an ex-officio member of the High Council of Justice.

In December 2006 the authority to appoint or dismiss judges was moved from the president to the High Council of Justice in order to increase the transparency of the judicial appointment process. Despite the use of objective written examinations to create a pool of potential qualified appointees and publication of the names of all the potential candidates for public comment, the judicial appointment process was not sufficiently transparent. Oral interviews of appointees were held behind closed doors with no public knowledge of what criteria were used for selection.

In July Parliament passed legislation on *ex parte* communications, prohibiting prosecutors, defendants, investigators, and any interested third parties from contacting judges outside the courtroom during cases to sway their judgments. The legislation—which went into effect in August—also repealed Soviet-era laws that punished judges, both criminally and administratively, for making “incorrect rulings,” provisions that many observers believed the Government could use to limit judicial independence. The law requires judges to report in writing to the secretary of the High Council of Justice any *ex parte* communication within 1 month. The secretary then forwards the report to the appropriate regulatory body—the prosecutor general for prosecutors, the Georgian Bar Association for defense attorneys, or the relevant agency heads for investigators—for disciplinary action. If these bodies do not act, the High Council of Justice may take action on its own initiative. The council can impose a \$60 (100 lari) fine on unregulated entities (defendants, accused, third parties, legal representatives, or other interested persons) who violate the ban on *ex parte* communications. According to the High Council of Justice Disciplinary commission, no disciplinary action was taken on *ex parte* communications since the law’s adoption.

The Code of Ethics for Prosecutors was approved in June 2006. Violations of the ethics code results in disciplinary action by the Prosecutor’s Office. The General Inspection of the Office of the Prosecutor General conducts an inquiry into such facts and presents this information to the Prosecutor General with a recommendation for disciplinary action. The code was actively implemented during the year, with 17 prosecutors receiving disciplinary actions from reprimand, to sharp reprimand, to dismissal from the job.

Defendants must confirm in court any statement they gave while in pretrial detention before it can be accepted as evidence. NGOs reported that this provision had little impact, either because detainees feared reprisal if their statement was not ratified in court, they were not aware of the protection, or they feared the penalty if they did not retract it.

In 2005 Irakli Sioridze, a court officer of the justice ministry, was detained on charges of exceeding authority. During an hour-long interrogation, several law enforcement officers including Chief of the interior ministry’s Department of Constitutional Security Data Akhalaia reportedly beat and kicked him severely in order to force him to give incriminating evidence against lawyer Giorgi Usupashvili, the brother of opposition Republican Party leader Davit Usupashvili. According to Sioridze, the officers wanted him to sign a statement saying that Usupashvili misappropriated \$111,000 (200,000 lari). Government investigators concluded that Sioridze’s claim of injury was to achieve mitigation of a possible criminal liability in another case in which he was charged. As a result, in September 2006 officials terminated the criminal proceedings against the police.

The law provides penalties of up to 5 years in prison for witnesses who change or retract their original statements to police. NGOs contended that the provision made witnesses more vulnerable to prosecutorial pressure because it discouraged them from recanting incriminating statements given to the prosecutor during pretrial investigations. Prosecutors supported the provision on the ground that it discouraged witnesses from changing their testimony due to pressure from the defendant or his or her associates. Both torture and the extortion of evidence represent criminal offences under the Criminal Code. Article 30 of the Criminal Procedural Code sets aside a general rule, based on which the persons having suffered property damage, physical, or moral injuries have the right to file a civil claim and demand compensation. The compensation for physical injuries covers the costs of burials, medical treatment, prosthetic device and medicine, insurance, the compensation of financial aid and pension. Compensation for moral injuries can be monetary. The general rule of seeking compensation and redress for the injuries received as a result of crime through civil action equally applies to all crimes, including torture and extortion of testimony.

The High Council of Justice administered a three-tiered court system composed of regional (city) courts, appellate courts, and the Supreme Court. Regional (city) courts hear routine criminal, civil, and administrative law cases. Appellate courts serve a purely appellate function. The Supreme Court acts as the court of final appeal. According to Supreme Court data, during the first quarter of the year, the Su-

preme Court's Chamber for Administrative and Other Cases issued judgments in favor of the Government in 93 cases and in favor of private individuals or companies in 87 cases. The Government continued setting up a system of magistrates to hear specific cases, such as misdemeanors; when completed, the system will have 18 enlarged district (city) courts with 48 magistrate judges specialized to hear cases in civil, criminal, and administrative categories. By year's end six magistrate judges had been appointed and were working in the district (city) courts.

In June in cooperation with the Council of Europe, the High School of Justice established curriculum for training judges. The school began training judges, many of whom will serve as magistrate judges, in December. During the year the salaries of judges at all levels were raised \$60 (100 lari) a month to reduce the incentive for corruption.

In November the Council of Judges adopted a Code of Ethics for Judges. The code defines rules of judicial ethics to strengthen independence, impartiality, and integrity of the judiciary.

The Constitutional Court arbitrates disputes between branches of government and rules on individual human rights violation claims; it generally demonstrated judicial independence. The power of constitutional review is vested solely in the Constitutional Court. The court generally interpreted its role in human rights cases narrowly, agreeing to rule only on cases in which human rights were violated as a result of specific articles of law.

*Trial Procedures.*—Defendants have the right to a public trial, except where national security, privacy or protection of a juvenile are involved. While the 2005 criminal procedure code does not provide for a jury trial, there were other amendments that expanded defendants' rights in criminal procedures. For example, in January Parliament approved adding an article to the Criminal Procedure Code that allows a person to appeal an arrest as unlawful, even if he or she had been released within a short time following the arrest without charges.

Defendants have the right to be present at their trial and to consult an attorney; however, access to defense attorneys for indigent defendants was limited in practice. The majority of criminal defendants went to trial without benefit of counsel. In June Parliament established a system to provide persons accused of crimes with free legal assistance in the first 48 hours, regardless of their financial status. The budget was increased more than \$800,000 (1,280,000 lari) to begin the 2-year process of implementing the new law.

Defendants may question and confront witnesses against them and present witnesses and evidence on their own behalf at trial. By law, defendants and their attorneys have access to the prosecution's evidence relevant to their cases at any point during the investigation and may make copies at their own expense. By law, defendants are presumed innocent and have the right to appeal.

The law provides that, within 5 days following the conclusion of the court hearing or trial the record must be prepared and signed by the secretary and the presiding judge of the hearing. Only after these court officials have signed the document can it be introduced to the parties. Comments from the parties regarding the wording of the transcript may be submitted to the court.

The law provides that criminally charged defendants could be tried in absentia. During the year Parliament amended the law to permit a person convicted in absentia to appeal their conviction, which guarantees a new trial.

Defense counsel and the defendant have the right to participate in pretrial hearings; however, their presence is not mandatory. Failure of defense counsel to appear at a hearing does not constitute grounds for postponing a hearing. A judge may also rule on an appeal of a pretrial preventative measure without a hearing.

By law a court must certify that a plea bargaining agreement was reached without resort to violence, intimidation, deception, or illegal promise and that the accused had the opportunity to obtain legal assistance. Although the prosecutor general's office reported that the majority of plea bargaining cases supported ongoing investigations into drug trafficking, NGOs criticized plea bargaining. There were widespread reports that such agreements (some on issues much wider than drug trafficking) required a person to pay money but the agreement was not used to obtain information on other criminal activity. Some plea bargaining agreements reportedly included a tacit understanding that the person accused would not pursue complaints of abuse or mistreatment against law enforcement authorities and would support their version of events in order to avoid negative publicity.

*Political Prisoners and Detainees.*—Many individuals, including several high-ranking officials from the previous government, considered themselves to be political prisoners. Local human rights organizations varied on estimates of the number of political prisoners, reporting from one prisoner of conscience to 60 political pris-



oners. The parliamentary Human Rights Committee and Public Defender claimed that there were no political prisoners in the country.

During the year there were verdicts in the following two high-profile cases involving charges of treason; at year's end, both verdicts had been appealed:

On May 23, the Tbilisi City Court found the head of the opposition party Forward Georgia, former member of Parliament and minister of state security Irakli Batiashvili, guilty of treason allegedly for providing intellectual support and encouragement to rebels in the Kodori valley in July 2006. The court sentenced Batiashvili to 7 years in prison. Batiashvili, who claimed the evidence was fabricated, filed an appeal. Some observers asserted that the evidence in the case did not substantiate the charge against Batiashvili and raised due process concerns, including the court's alleged acceptance of an inaccurate copy of the transcript of a telephone conversation as evidence and failure to provide the defendant with all of the relevant case material as required by law. Opposition parties and some NGOs therefore considered him a political prisoner. The release of Batiashvili was one of the demands made by the opposition during a series of demonstrations in November. On December 13, Nino Burjanadze, the acting president during the presidential election campaign, reportedly announced that he would be released on the day after the inauguration of the newly elected president in January 2008.

On August 24, the Tbilisi City Court found 14 individuals guilty of treason in a conspiracy to take over the Government by violence. Most of the defendants reportedly were members of opposition parties affiliated with the Justice Party, headed by former state security minister Igor Giorgadze, who was accused of the 2005 attempted assassination of then president Shevardnadze. The defendants included Giorgadze's niece Maia Topuria, Teimuraz Zhorzholiani, Kakhaber Kantaria, Ramaz Samnidze, Giorgi Metreveli, Guram Papukashvili, Varlam Galdava, Revaz Bulia, Giorgi Akhobadze, Maia Nikoleishvili, Iakob Kvinikadze, Zaza Davitaia and Vakhtang Talakhadze. Critics maintained that the evidence in the case did not substantiate the charge and raised a number of due process concerns, such as the alleged destruction of potentially exculpatory evidence and admission into evidence of written statements from witnesses with similar language and narrative structure, including 16 word-for-word identical sentences, and closing of the courtroom. The Prosecutor's office noted that the witnesses' testimony was consistent with regard to the significant elements regarding the conspiracy. The prosecution further contended that the witnesses' recollections of the participation of different people in various meetings indicated that law enforcement authorities did not coach the statements.

On October 17, the opposition published a manifesto containing several demands, including the release of unspecified political prisoners.

The Government permitted international human rights and domestic organizations to visit those claiming to be political prisoners, and some organizations did so during the year.

*Civil Judicial Procedures and Remedies.*—The Constitution provides for an independent and impartial judiciary in civil matters, however, there were concerns about professionalism of judges and transparency in adjudication. The Constitution and law provide that a person who suffers damages resulting from arbitrary detention or other unlawful or arbitrary act is entitled to bring a civil action.

In Abkhazia, the de facto Parliament in May 2006 adopted a decree banning de facto courts from considering any property claims filed by ethnic Georgians who left Abkhazia before, during, or after the 1992–93 war, thereby effectively depriving internally displaced persons (IDPs) of their property in Abkhazia. According to the decree, any previous judgments or pending procedures related to ethnic Georgians' property were nullified. De facto courts in Abkhazia reportedly did not make efforts to establish facts or administer justice but acted at the direction of prosecutors and law enforcement. Criminals paid bribes to police, prosecutors, and judges to avoid prosecution.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law prohibits such actions without court approval or legal necessity and also prohibits police from searching a residence or conducting undercover or monitoring operations without a warrant. Charges against some opposition leaders after video and/or audio surveillance raised concerns among some NGOs and international observers about this practice. In its December report, the ICG contended that civil society activists complained phone taps had become widespread and used to implicate opposition or public figures and business men.

NGOs continued to report that in practice police conducted searches and occasionally monitored private telephone conversations without first obtaining court orders; police often obtained the necessary warrant after the fact. NGOs reported that most

people were unaware of their right to postpone a search of their home by 1 hour in order to summon two objective third-party witnesses for the search. The Government stated that security police and tax authorities entered homes and workplaces without prior legal sanction.

There were concerns about the lack of due process and respect for the rule of law in a number of developments related to property rights. A law passed in June required old leases to be reregistered with the Government. The law also gave the Government the right to evict illegal tenants with 5 days notice. There were protests over the law and widespread concern among citizens over its ramifications. As a result, a resolution passed in November restricted the Government from attaching title to property after August 1 unless it reserved its rights before that date. Various ministries and cities gave notice affecting 1,950 different properties before the deadline. The Government said that cases would be reviewed and not all the properties would be divested from their owners. After passage of the June law, residents alleged that the Government tore down booths, stalls, and other structures giving only a few days verbal notice, thus precluding the possibility for owners to appeal to the courts. Residents reported the justification offered by the officials for tearing down the structures was the city's appearance or that owners did not have proper documentation.

In April, according to HRW, restaurant owners in Tbilisi and a neighboring town complained that officials had pressured them into handing over their property by threatening them with criminal charges for purchasing their property through corrupt business transactions during the Shevardnadze era. The Government contended that these instances were cases of property with expired or ambiguous leases or obtained through fraudulent transactions or bribery linked to corruption, which caused domestic and international observers to raise concerns that the Government had not sufficiently respected due process and the rule of law. The Public Defender was investigating 10 such cases at year's end, although there were reportedly more.

*g. Use of Excessive Force and Other Abuses in Internal Conflicts.*—Separatist conflicts in the regions of Abkhazia and South Ossetia remained unresolved, although ceasefires were in effect. Commonwealth of Independent States peacekeeping forces (in effect Russian peacekeepers) were present in Abkhazia. Russian, Ossetian, and Georgian forces participated in a joint peacekeeping force in South Ossetia. Incidents of violence occurred in Abkhazia, particularly in the predominantly ethnic Georgian Gali region, and in South Ossetia. The Government had no effective control over most of Abkhazia and South Ossetia. The Government maintained effective control over the upper Kodori valley in Abkhazia and several Georgian enclaves in South Ossetia. In May the Government established a Temporary Administrative Unit in South Ossetia and delegated authority to the administration of Dmitry Sanakoyev, an ethnic Ossetian who won an unofficial "alternative election" in November 2006. A commission including government officials and South Ossetian representatives began work to define a broad autonomy for the region. In practice Sanakoyev's administration exercised authority only in the Georgian enclaves.

There was little information on the human rights situation in Abkhazia and South Ossetia due to limited access to these regions. Abkhaz de facto authorities in March agreed to permit a U.N. human rights officer's presence and the deployment of three U.N. civilian police in the Gali Sector headquarters.

The situation in the Gali region of Abkhazia, where many ethnic Georgians live, remained tense as a result of kidnapping, arbitrary arrest, and deaths in custody. Systemic problems in the criminal justice system of the de facto authorities, in particular the failure to conduct impartial investigations and to bring alleged perpetrators to trial, sustained a climate of impunity. Abuse by de facto law enforcement authorities included arbitrary arrests and detention as well as routine mistreatment of detainees. De facto law enforcement authorities rarely wore uniforms or carried badges or credentials, allowing them to act with impunity.

*Killings.*—There were no reports of deliberate or indiscriminate killings related to the conflict during the year.

*Abductions.*—In February unknown persons abducted David Sigua, an ethnic Georgian serving as de facto election commission chair in the Abkhaz-controlled Gali district. The Georgian government denied Abkhaz accusations of involvement in the disappearance, and both sides agreed to a joint investigation, which was being conducted by the U.N. at year's end. Sigua's whereabouts remained unknown.

Government and Abkhaz commissions on missing persons reported that nearly 2,000 Georgians and Abkhaz remained missing as a result of the 1992–93 war in Abkhazia. The ICRC assisted both commissions in efforts to provide information to the families of the missing persons. However, most of the missing persons went un-

accounted for in the region of Abkhazia. According to the ICRC, no repatriation of mortal remains occurred during the year.

*Child Soldiers.*—In Abkhazia, teenage boys were frequently taken from their homes for forced conscription in the Abkhaz militia. Some parents claimed that their sons were younger than 18 and under the required age for military service. While the number of ethnic Georgians conscripted into the Abkhaz military was reportedly small, the threat of conscription remained a political tool used by the de facto authorities to control the ethnic Georgian population and to prevent young Georgian men from returning to or staying in the ethnic Georgian Gali district.

*Other Conflict-Related Abuses.*—A 2006 Abkhaz law on citizenship, which excludes the possibility of dual Abkhaz-Georgian citizenship but allows dual Abkhaz-Russian citizenship, limited the rights of the ethnic Georgian population in Abkhazia to participate in the electoral process and to have representation in the de facto Parliament, as well as in local de facto bodies.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution and law provide for freedom of speech and of the press. The Government restricted freedom of speech and the press in connection with the fall political crisis. Throughout the year, there were accusations by NGOs, independent analysts, and journalists that high-ranking government officials and opposition politicians exercised some influence over editorial and programming decisions through their personal connections with news directors and media executives. There were scattered reported incidents of actual or incited physical abuse of journalists by local government officials and by opposition politicians.

Some individuals claimed to western monitors that they were afraid to criticize the Government publicly or by telephone for fear of reprisal.

There were approximately 200 independent newspapers in Georgia, although most were local and with extremely limited circulation or influence. During the year print media frequently criticized senior government officials. However, few editorially independent newspapers were commercially viable. In addition lack of financial resources further limited their circulation. Patrons in politics and business typically subsidized newspapers, which were subject to their influence.

Most people received news from broadcast media. There were eight independent or privately owned television stations in Tbilisi and one public station, Channel 1. Four of the Tbilisi-based stations, Channel 1, Rustavi-2, Imedi, Mze claimed nationwide coverage. Imedi was the most viewed station and frequently carried criticism of the Government. A fifth channel, Batumi-based Adjara Television, broadcast nationwide. Observers believed that some members of the Government directed pro-government television stations, notably Rustavi-2 and Mze, to provide positive coverage of the Government. During the pre-election period, the Organization for Security and Cooperation in Europe (OSCE) reported that Channel 1's coverage of the campaign improved and became more balanced. Some observers felt that as monitors reported on media coverage in the presidential campaign the balance of reporting improved. An international NGO estimated that there were more than 45 regional television stations outside of Tbilisi, 17 of which offered locally oriented daily news.

The Committee to Protect Journalists reported that, on January 17, two unknown men briefly abducted Giya Boklomi journalist Ilya Chachibaya and warned him to stop his journalistic work in Zugdidi. At year's end local police closed the investigation into the alleged incident of threats of physical violence and the threat to close his newspaper by local authorities, without finding evidence to support Chachibaya's claims. Chachibaya planned to appeal the decision in the Kutaisi Court of Appeals.

In March, Elisio Janashia, editor of Tavisupali Sitkhva (Free Word), claimed that she was verbally abused and threatened by the spokesman for the governor of Samegrelo-Upper Savanti after she published an article about harassment of a journalist from another newspaper. On March 15, the Public Defender requested that the Zugdidi Internal Affairs investigate the allegations. The investigation was still ongoing at year's end.

At the end of July, the president signed legislation prohibiting video and photo cameras in courtrooms but allowing journalists to be present. A number of journalists and NGOs opposed the camera ban, arguing that publicity in courtrooms helped ensure fair trials.

On November 7, after using excessive force to disband opposition protesters, the Government instituted a State of Emergency which, according to the Constitution, suspended all broadcast press activities, except those of Public Television. As a result, operations were suspended completely at three television stations during this period (Imedi, Kavkasiya, and Channel 25) and Imedi was raided by Special Forces from the Ministry of the Interior. According to Imedi management, no official order

authorizing the police raid was presented and police held the staff at gunpoint. Media sources and HRW reported that police violently dispersed departing staff and its supporters outside with teargas, rubber bullets, and truncheons. In the late evening, the prime minister read a statement declaring that a State Emergency was in effect and only public television would be allowed to broadcast, as permitted by the Constitution. Print media was not affected by the state of emergency. The ban was lifted on November 18, and all broadcast media except for Imedi television resumed their news broadcasts.

Imedi television stayed off the air following the suspension of its license by the Georgia National Communications Commission but resumed broadcasts on December 12. The Government said that these actions were taken in response to the statement broadcast by Imedi, which allegedly called for the violent overthrow of the government—a charge that the broadcaster's management denied. According to the OSCE/ODIHR's first report on the pre-presidential election period, "similar statements apparently broadcast by other channels did not have the same legal consequences." When personnel were permitted to return several weeks later to the station, although the station had been cleaned, they found extensive damage to the equipment, looting of station property, vandalism, and theft of staff members' personal property and automobiles.

Imedi resumed broadcast on December 12, but closed again on December 26 after the resignations of several key journalists concerned that the owner, Badri Patarkatsishvili, a presidential candidate, had been accused by the Government on December 24 of plotting a coup. The allegation was based on audio and video-recordings made public of a Patarkatsishvili representative attempting to bribe a Ministry of Interior official into thwarting the election, triggering mass unrest in Tbilisi and the entire country, and assassinating the minister of internal affairs.

The Georgian Media Council (a self-governing body of journalists and academics set up at the European Commission suggestion in 2006) monitored presidential campaign coverage to evaluate the coverage each candidate received. Adam Michnik, a noted Polish journalist and politician was asked by the EU to monitor the media. He set up a board of prominent local journalists and academics that monitored the ethical tone of the media coverage.

OSCE/ODIHR media monitoring results indicated a lack of balance in the news coverage of most monitored television stations during the presidential campaign through the end of the year, with the incumbent generally receiving the most coverage. Imedi TV appeared to be more critical of the incumbent than other monitored broadcasts.

In November, Ramaza Samkhradze, the director of independent radio station Hereti, a small regional radio station, alleged that during the election campaign in November–December, an attempt was made by a progovernment businessman to pressure Radio Hereti to stop antigovernment reporting. The Public Defender requested an investigation by the prosecutor's office.

In a November 15 report, the U.N. Human Rights Committee expressed concern over the lack of proper investigation of acts of harassment against journalists and called on the Government to respect freedom of speech and of the media.

Throughout the year, self-censorship remained a concern among journalists, often tied to the fact that most journalists worked without contracts. In December, six high profile television journalists from Imedi and Rustavi2 resigned. Rustavi2 journalists said that they felt pressured to conform to a pro-government policy; Imedi journalists said they resigned due to increased pressure to conform to an antigovernment editorial policy.

Prior to the fall political crisis, NGOs, media analysts and individual journalists cited improvement in access to public information, less indirect and covert pressure on journalists, and better financial resources. While the law provides for the National Commission on Communications to adopt a code of ethics for broadcasters, the commission postponed issuing a code in 2006 to allow for public comment after journalists criticized the draft version, originally proposed by the European Commission, as an attempt to control broadcast media. At year's end the commission had not adopted such a code of ethics.

The Ministry of Defense and the Ministry of Internal Affairs made considerable improvement in providing access to journalists and information. During the year the defense ministry permitted journalists to visit the Krtsanisi Training Annex and other facilities that had been closed. Media in the separatist regions of South Ossetia and Abkhazia remained tightly restricted by the de facto authorities.

Other parts of this report contain information related to this section; see Section 2.b., Freedom of Assembly and Section 3.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Indi-

viduals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail. The Internet was available to 7 percent of the population.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The Constitution and law provide for freedom of assembly; however, the Government restricted this right in November, and the police on occasion used force to disperse peaceful protests.

The law requires political parties and other organizations to give prior notice and obtain permission from local authorities to assemble on a public thoroughfare. Permits for assemblies were granted routinely.

Different political parties were galvanized by the September arrest of former Defense Minister Irakli Okruashvili and joined to form the United Opposition Council (UNC). The UNC began protests in October in Zugdidi, Kutaisi, and other regions, culminating in a series of November protests in Tbilisi:

On October 28, seven men physically assaulted MP Bezhan Gunava, MP Bidzina Gujabidze, and Laska Chkhartishvili from the Equality Institute, at an opposition rally in Zugdidi. On October 29, the Kutaisi court sentenced two of the seven men to 20 days administrative detention and fined five others. On October 30, the Public Defender recommended that the Government criminally prosecute the seven individuals, all of whom were ruling party members for dispersing the October 28 demonstration. He criticized the court for imposing administrative sentences on defendants who used violence against MPs. The Public Defender called for the criminal prosecution of all persons, including police officers, who did not prevent the beatings of the MPs. No police were charged for failing to execute their duty of maintaining law and order.

Activists attempted to drive from western regions of the country to participate in a November 2 protest in the capital but were unable to do so. The Government allegedly seized cars, keys and car registration papers from drivers, blocked motorways, and slashed car tires. Some drivers reportedly were assaulted and roads were blocked coming into Tbilisi.

The Tbilisi protests began on November 2 and continued peacefully until November 7, when demonstrators were dispersed with force that HRW, the ICG, and others described as excessive. Early on November 7, police cleared approximately 70 protesters and hunger strikers from the vicinity of Parliament. HRW reported that police physically assaulted several protesters. Later that morning, in response, a larger number of protesters broke through police lines, and confrontations began with police. After mid-day, police, using a loud speaker, demanded that protesters clear the streets several times, and riot vehicles subsequently used water cannons on the crowds. In several confrontations during the day, riot police fired tear gas and rubber bullets at those protesters who did not disperse when ordered by police. HRW reported that “many of those beaten were peaceful protesters, protesters attempting to disperse, or individuals merely observing the events or coming to the aid of victims of police violence.” A number of fist fights between protesters and police also took place, and some groups of protesters attacked police or law enforcement agents who had become separated, particularly later in the day. Government spokesmen asserted that the authorities were in their rights to disperse the demonstrators and that it was a legally based decision.

Local area hospitals admitted 587 persons with either injuries or side effects from the tear gas. Three of those admitted required surgery. Thirty-four policemen were injured, two seriously. Included in the number of injured were the Public Defender and political party activists. Koba Datiashvili, leader of the opposition People’s Party, was kidnapped, beaten, and taken to Gori military hospital before he was released. Early on November 8, the Government declared a state of emergency, but citizens were unclear whether this restriction was country wide or only confined to Tbilisi due to contradicting statements from officials. According to one NGO, this confusion affected protesters in Batumi and Telavi who gathered seemingly not knowing about the ban on November 8, but were forcibly dispersed by police.

The Public Defender called for an investigation into the use of excessive force by police and the events of November 7. On November 10, Old Tbilisi District Prosecution Office initiated a preliminary investigation into the bodily injuries sustained by individuals on November 7. The investigation was subsequently transferred to the Investigation Unit of the Tbilisi Prosecutor’s Office. In addition to evidence gathered, the Prosecutor’s Office accepted materials sent from the Public Defender with regards to 12 individuals who were affected. Information from the prosecutor’s office indicated that 19 persons received injuries, varying in degree of seriousness. All 19

were examined by medical authorities. At year's end the investigation was underway and no one had been charged.

The Ministry of Internal Affairs dismissed 11 police officers for violating the ministry's instructions during the November 7 disorders not to cause conflict with citizens which would further escalate the situation.

In his December report, the Public Defender recommended that the Ministry of Internal Affairs provide a special re-training program for patrol police inspectors to familiarize them with current legislation about freedom of assembly and how to differentiate between the exercise of this freedom and disorderly behavior.

*Freedom of Association.*—The Constitution and law provide for freedom of association, and the Government generally respected this right in practice. Authorities granted permits for registration of associations without arbitrary restriction or discrimination.

However, there were a number of reports that opposition activists continued to be harassed after the November demonstrations. For example, the OSCE's December 20 interim report on the January 2008 presidential election reported allegations of "political intimidation, pressure and violence" against opposition activists including the New Rights Party during the campaign.

In addition some opposition MPs were physically assaulted during the year. Opposition MP Gia Tsagareishvili asked the prosecutor general's office to prosecute ruling party MPs Koba Dvalishvili and Vakhtang Balavadze for beating him on September 18 after he made a public statement that they found offensive. Tsagareishvili was affiliated with former defense minister Okruashvili's planned opposition party. The Public Defender's report stated that there were grounds for arrest on criminal conduct charges for threatening a public official. The prosecutor's office looked into the above allegations, but concluded there were no signs of criminal conduct and no investigation was initiated.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion and the Government generally respected this right in practice.

The Constitution recognizes the special role of the Orthodox Church in the country's history but stipulates the separation of church and state. A constitutional agreement (concordat) signed by the president and the Orthodox patriarch in 2005 gives the church legal status. The concordat contained several controversial provisions that give the patriarch legal immunity, grant the church the exclusive right to staff the military chaplaincy, exempt church clergymen from military service, and give the church a unique consultative role in government, particularly in the area of education. However, the Parliament has not adopted legislation needed for many of these provisions to enter into force. The tax code exempts the Orthodox Church from paying value added tax (VAT) for the importation of some religious items (crosses, candles, icons, books, and calendars used exclusively for religious purposes) but requires other religious groups to pay VAT and file for reimbursement.

Any religious group may register as a local association or foundation and receive tax exempt status. An association is based on membership (a minimum of five members is required), while a foundation involves one or more founders establishing a fund for furtherance of a certain cause for the benefit of the group or the general public. In both cases registration is a function of the Ministry of Justice, which must grant or deny registration within 15 days of application; a refusal may be appealed in court.

Some religious communities expressed dissatisfaction with the status that registration provided. The Roman Catholic Church and the Armenian Apostolic Church opposed registering as civil organizations. However, many other religious groups registered under the legislation, which does not discriminate against any religious activity.

During the year attacks on religious minorities, including violence, verbal harassment, and disruption of services and meetings, continued to decrease, with the Ombudsman's Office reporting that incidents of abuse declined to nearly half the number of cases the previous year. Police were quick to respond to incidents of abuse but were slower in their follow up to crimes they viewed as minor "hooliganism," defined as actions that violate public order or demonstrate open contempt towards society committed by using violence or threats of violence.

A 2005 law separating state schools and religious teaching narrowed the interpretation of the Government concordat with the Orthodox Church regarding reaching Orthodoxy as an elective part of the school curriculum. The law stated that such Orthodox teaching may only take place after school hours and cannot be controlled by the school or teachers. Also outsiders, including clergy, cannot regularly attend or direct student extracurricular activities, student clubs, or their meetings. Such classes were taught by lay theologians, rather than priests. Religious minorities

broadly welcomed the change to school religious education although they observed along with NGOs that practice did not always keep pace with the law. During the year there continued to be flaws in the implementation of the law, which mainly pertained to carrying out religious rituals and displaying religious objects.

Public schools offered students the opportunity to take as an elective a course on religion in society, which covered the history of major religions. Parents complained teachers focused solely on the Orthodox Church, as did the primary textbook. At midyear the Ministry of Education suspended work on a new curriculum that was to have addressed the public complaints. The curriculum was abandoned principally because the group could not agree on a curriculum and there were not enough incentives offered to teachers who would have to teach the course.

Unlike in 2006, representatives from the Armenian church reported they no longer had problems importing religious literature. The Armenian Church had stopped importing candles because of customs problems.

Members of Jehovah's Witnesses no longer felt the need to hold their services in private homes for security reasons. Delays in obtaining permits to build Kingdom Halls required congregations to continue meeting in private homes. The prosecutor general's office investigated cases in which the members of Jehovah's Witnesses were denied the use of privately owned facilities to hold religious conventions for large groups in 2005–06 but could not identify the specific individuals responsible. In May the European Court of Human Rights (ECHR) ruled against the Government for failing to protect the group from violent harassment in 1999. At year's end the group had four cases pending before the ECHR, filed during the administration of previous governments. One of these cases contested a 2001 Supreme Court ruling that revoked the group's registration. However, during the year the organization was registered under the new registration law. This status allowed them to import materials, rent venues, and conduct other transactions as a legal entity.

The Roman Catholic Church and the Armenian Apostolic Church were unable to secure the return of churches closed or given to the Georgian Orthodox Church during the Soviet period. By midyear the justice ministry had adopted plans to rely on disinterested expert opinion for assessment of future ownership disputes, instead of a now inactive commission that had included a Georgian Orthodox Church participant.

*Societal Abuses and Discrimination.*—Judaism is practiced in a number of communities throughout the country, particularly in the largest cities, Tbilisi and Kutaisi. There were approximately 14,000 Jews in the country. There were no reports of anti-Semitic acts.

Despite a general tolerance toward minority religious groups "traditional" to the country, including Catholics, Armenian Apostolic Christians, Jews, and Muslims, citizens remained apprehensive towards "nontraditional" religions, which were perceived as taking advantage of the populace's economic hardships by gaining members through economic assistance. Some members of the Orthodox Church and the public viewed non-Orthodox religious groups, particularly nontraditional groups or sects, as a threat to the national church and the country's cultural values and asserted that foreign Christian missionaries should confine their activities to non-Christian areas.

During the year the Government investigated several cases of interference, threats, intimidation, or violence. The prosecutor general's office elected to exercise prosecutorial discretion to emphasize cases arising after 2003, given its limited investigative and prosecutorial resources. Investigations prior to 2003 were scheduled to continue where feasible, but priority was given to new cases. Religious minority groups pointed out that this could lead to the eventual elimination of cases that could be investigated under law predating 2003.

On January 29, in Chkhorotska, the prosecutor general's office opened a criminal investigation against Vladimir Sukinara for inflicting verbal and physical abuse against two members of Jehovah's Witnesses. On February 21, the Jehovah Witnesses Eter Charkviani and Inga Izoria, the victims on the case, withdrew their complaint stating that they had reconciled with Sichinava. The case was closed as a result.

On June 12, there were two instances of violence directed against members of the Jehovah's Witnesses. In Tbilisi, undetermined persons threw rocks at the building of the Jehovah witnesses and on the same day, threw a bottle at Marina Kinkladze, Jehovah Witness, when the latter was cleaning the entrance of the building. On the same day, a criminal case was on the grounds of damage to the Jehovah witness property. The investigation was ongoing at year's end.

On May 29, unidentified individuals insulted and physically abused Jehovah Witnesses Davit Shermadini and David Karamiani in Gldani. The instigators forcibly

took the Jehovah Witnesses' literature and promptly destroyed it at the scene. At year's end the investigation was still underway.

In June a court sentenced Khaber Ninikuri, Giorgi Alasania, Nikoloz Tsikhelashvili, and Shalva Mosiashvili to 7 years' imprisonment for a November 2006 attack on the office of Jehovah Witnesses in Rustavi.

De facto authorities in the separatist Abkhazia and South Ossetia regions remained outside the control of the central government, and reliable information from those regions was difficult to obtain. Although the Russian Orthodox Church recognizes the country's territorial integrity, the Georgian Orthodox Church patriarchate claimed that the Russian church was sending in priests loyal to the church patriarchate in Moscow under the pretext of setting up indigenous Abkhaz churches.

A 1995 decree issued by the de facto leader of Abkhazia prohibiting Jehovah's Witnesses in the region remained in effect but was not enforced. During the year members of Jehovah's Witnesses reported no problems in Abkhazia, where the group has approximately 1,500 members. Although Baptists, Lutherans, and Roman Catholics also reported they were allowed to operate in the region, the Georgian Orthodox Church reported that it was unable to do so.

In South Ossetia, Orthodox believers were not able to conduct services in Georgian Orthodox churches located near the villages of Nuli, Eredvi, Monasteri, and Gera because these areas were under the control of Ossetian de facto authorities.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected them in practice.

Freedom of movement was restricted by the de facto authorities in the separatist regions of Abkhazia and South Ossetia. Checkpoints operated by de facto militia often obstructed citizens' internal movement in these regions and from these regions to areas controlled by the Georgian government. In December 2006, Abkhaz de facto authorities closed the cease-fire line to all civilian vehicular traffic. Abkhaz de facto authorities reduced the number of legal official crossing points to six by the end of the year, with only one being open for vehicular traffic. There were some case by case exceptions made due to medical emergencies and funerals at other checkpoints. South Ossetian authorities closed the Transcaucasian Highway through a string of Georgian-administered villages to the north of Tskhinvali throughout much of the year.

An Abkhaz citizenship law allows dual Russian-Abkhaz citizenship but not dual Georgian-Abkhaz citizenship. As a result, ethnic Georgians had to relinquish their Georgian passports and obtain Russian passports to travel abroad.

Abkhaz de facto militia conducted searches of local populations and erected arbitrary checkpoints. Money and valuables were extorted from ethnic Georgians on the pretext that they violated identity document requirements.

The law prohibits forced exile, and the Government did not employ it.

In July Parliament passed a law authorizing the Government to begin accepting applications in 2008 for repatriation of Meskhetian Turks beginning in 2011, based on documents that attest to their deportation.

*Internally Displaced Persons (IDPs).*—Approximately 240,000 ethnic Georgians, 227,000 from Abkhazia and 13,000 from South Ossetia, remained displaced as a result of the conflicts in Abkhazia and South Ossetia. During the year the government, in conjunction with international organizations and NGOs, developed an action plan for its first national strategy on IDPs.

Approximately 105,000 IDPs occupied collective centers in hotels, hospitals, and other civil buildings throughout the country, particularly concentrated in Tbilisi, Zugdidi, Kutaisi, Kobuleti, and Gori. The remaining 135,000 lived in private homes with relatives or friends. The Office of the U.N. High Commissioner for Refugees (UNHCR) reported that collective centers were not well adapted to serve as homes, and a foreign government continued its housing voucher program for vulnerable IDPs living in collective centers in Kutaisi.

During 2006 the Government began a project called "My House," which allowed over 50,000 IDPs to register property owned in Abkhazia before the war. Abkhaz de facto authorities continued to prevent repatriation of the approximately 227,000 IDPs previously driven from the region, despite their 1994 agreement with Georgia, Russia, and the UNHCR that provided for the safe, secure, and voluntary return of IDPs who left during the war. Approximately 50,000 IDPs, mostly seasonal workers, returned to the Gali region of Abkhazia.



In 2006 Abkhaz de facto authorities instituted a law that prevented internally displaced Georgians from reclaiming homes they fled in Abkhazia in 1992/1993.

In South Ossetia, de facto authorities continued to obstruct repatriation of approximately 13,000 ethnic Georgians to the region.

*Protection of Refugees.*—The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice, the Government provided some protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. However, in its November report, the U.N. Human Rights Committee expressed concern that current legislation did not fully ensure respect for nonrefoulement and recommended additional legislation and procedural safeguards, training for border guards, and a mechanism to speed referral of asylum seekers. The Government granted refugee status or asylum.

The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers.

There were approximately 1,300 registered refugees from Chechnya settled in the Pankisi valley in the eastern part of the country. International humanitarian organizations' assistance to refugees in the Pankisi valley was sporadic. In June the Government began issuing refugees temporary residence permits, allowing them to move freely about the country, open bank accounts, and purchase homes. During the year there were no instances of refoulement.

The majority of the Chechen refugees lived with the local Kist population; only 15 percent were sheltered in communal centers.

*Stateless Persons.*—According to UNHCR, in 2006 there were 1,273 registered stateless persons in the country. Of these, 60 percent resided in Tbilisi and others were scattered throughout the country. Among those registered as "stateless," documentation was poor. The number of registered stateless persons may include Chechens who volunteered for repatriation to Russia but were denied because they had never been registered in Russia and did not have documented Georgian citizenship. This confusion was compounded by persons who lived in the unrecognized, separatist regions.

The law allows for acquisition of citizenship by birth, including for children of stateless individuals born on Georgian territory. For persons born on foreign territory, the law allows for the acquisition of citizenship through a naturalization process that requires 10 years of continuous residence in the country, demonstrated command of Georgian or Abkhaz language and Georgian history, and demonstrated permanent employment or possession of real property.

There were no clear estimates of the size of the Roma population. When the country became independent in 1991, many Roma left the country, although several thousand reportedly remained. Large numbers of Roma came from Abkhazia, from where they had migrated to Zugdidi and Tbilisi, while additional Muslim Roma arrived from Armenia and Azerbaijan. Internal seasonal migration was noted during the summer to the Black Sea Coast. Romani IDPs from Abkhazia were not entitled to IDP social assistance as they had no documentation to prove their status.

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

The law provides citizens with the right to change their government peacefully, and citizens exercised this right through periodic elections, held on the basis of universal suffrage.

Controversial 2004 constitutional amendments remained in force during the year that strengthened the powers of the president, by giving him/her the ability to dismiss Parliament in two circumstances: If the Parliament does not approve the president's cabinet nominations after three attempts, then the president can dismiss the Parliament and appoint the Prime Minister and cabinet himself; if the Parliament does not pass the budget on time, the president can approve the budget by decree. In both instances newly elected parliaments could neither vote on the cabinet nor the budget.

An Abkhaz citizenship law did not allow dual Georgian-Abkhaz citizenship. As a result ethnic Georgians in the separatist region had to relinquish their Georgian citizenship in order to vote or participate in the political process.

*Elections and Political Participation.*—The most recent presidential and parliamentary elections were held in 2004. The OSCE reported that the presidential election demonstrated notable progress, although time constraints limited administrative improvements since previous elections. The OSCE noted a continued lack of separation between state administration and political party structures and the tend-

ency to misuse state administration resources. The voter register also continued to be incomplete and sometimes inaccurate. All of these problems continued to be noted during the November–December presidential election campaign. While the OSCE reported the voting process itself was excellent in the majority of regions, there were significant irregularities in Kvemo Kartli, and the worst irregularities were recorded in Ajara, where no pre-election registration was conducted and little or no campaigning occurred.

International observers in 2004 deemed the parliamentary elections the most democratic since independence, with voter registration procedures further improved, including the addition of a consolidated computerized database; however, there continued to be a lack of political balance and independence in election commissions. During the election international observers noticed a number of irregularities, including high voter turnout in certain regions, an unusually high percentage of invalid votes, and campaign material on display in several polling stations. Significant voting irregularities again took place in Kvemo Kartli.

In October 2006 the OSCE, the Council of Europe, and respected NGOs concluded that the local elections generally respected fundamental freedoms. OSCE and NGOs noted, however, that the ruling National Movement party abused its incumbency status through actions such as employing identical slogans, designs, and images in government public service announcements and in campaign materials, thereby improperly blurring the distinction between the National Movement and the Government. OSCE, NGOs, and opposition parties also criticized the composition of the Central Election Commission, which was dominated by members of the ruling party. OSCE also noted that election legislation, voter registration, vote counting, and election grievance processes needed improvement.

International organizations, including the U.N. and the OSCE, as well as the government, did not recognize the February 11 local and March 4 and 18 “parliamentary” elections in Abkhazia, just as they did not recognize previous elections in the separatist regions.

Following opposition protests in November, the Government agreed to change the composition of the Central Election Commission to include six members appointed by opposition parties. One member was appointed by the ruling National Movement and the other six were appointed by the president and Parliament under the previously existing procedure. The opposition also appointed members to all Precinct Election Commissions at this time; however, the mid-level District Election Commissions remained without opposition representation. Subsequent votes on major issues that came before the CEC split on party lines. Prior to this reform, the president and Parliament appointed a new chairman of the CEC, but opposition parties alleged that the appointee was selected in advance by the president and therefore was not consistent with the transparent procedure provided for in the electoral code. In their interim election reports, the OSCE reported flaws in the conduct of election commissions.

OSCE noted in their election interim reports that in November and December, the presidential election campaign was conducted in a highly polarized political environment. Opposition candidates expressed deep distrust in the election administration and alleged that they were unable to compete equally with the incumbent. They also alleged widespread pressure on voters, in particular, on state employees. The authorities, for their part, suggested that the opposition was not willing to respect the outcome of the election.

There were no government restrictions on political party formation beyond registration requirements; according to the justice ministry’s Registration and Licensing Department, there were 189 registered political parties, of which 179 were active. However, some members of the political opposition were subjected to political violence. There were reports that politically active persons who were not members of the ruling party experienced problems such as selective prosecution for corruption.

At year’s end the Government had not determined the identity and the whereabouts of the offenders who in 2005 severely beat Valeri Gelashvili, then an opposition MP.

There were 23 women in the 235-seat Parliament. The speaker of Parliament, Nino Burjanadze, who served as Acting President during the presidential campaign, was a woman. The majority head of Parliament was also a woman, and women held important committee chairs.

There were eight members of minority groups (five Armenians and three Azeris) in the Parliament. As a result of 2006 local government reforms, the number of seats held by ethnic minorities in municipal councils was commensurate with their percentage of the population in each region of the country.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption; while the Government implemented these laws effectively against low-level corruption, which decreased as a result of high profile reforms led by the president, senior level officials reportedly engaged in corruption with impunity. The World Bank's worldwide governance indicators reflected that corruption was a serious problem.

According to a September Transparency International Report, the positive improvements to fight corruption were implemented in the following areas: University entrance exams, state licensing and permissions, state revenue collection, and accuracy of the public registry. Problems remained with the lack of transparency in the Government's policy making process, lack of research-based fight against bribery and corruption, lack of and stable and effective mechanism for interaction between government and civil society, inconsistency related to protection of legal requirements during arrests, and difficulties in accessing public information, especially in the regions.

On June 19, Freedom House's 2007 Nations in Transit report—which covered 2006—noted the country had made significant progress in implementing anti-corruption measures, where the Government's tough reforms for the public sector were having a sustained positive effect. The report noted that corruption remained a serious concern. In a subsequent report for 2007 Freedom in the World 2008, Freedom House reported that despite progress in combating lower- and mid-level corruption, corruption at elite levels apparently continued.

A number of politically active defendants in corruption cases, including former Defense Minister Okruashvili and his associates, alleged that they were victims of selective prosecution. Other opposition leaders also stated that Okruashvili was a victim of selective prosecution. Critics alleged that the Government only brought up on corruption charges high level officials when it was politically expedient to do so. Government authorities pointed out that, particularly in the case of Okruashvili, the investigation had been underway for quite some time, and Okruashvili only came forward with his allegations to attempt to preempt his arrest. During the year members of the Government and ruling party members were investigated for corruption.

On September 23, Mikheil Kareli, the former mayor of Shida Kartli region, was arrested and charged with bribery and illegal business practices. Earlier, according to press accounts, several officials from the local administration, including Vasil Makharashvili, the governor of Gori, Nugza Papunashvili, the deputy chairman of the City Council, and Gaioz Dzanadia, the governor of Kareli district were arrested on corruption charges. At year's end the investigation continued.

In December 2006 the Ministry of Internal Affairs opened a criminal case that involved the company Colizeum Ltd. and Kutaisi public officials. The ministry charged the deputy mayor of Kutaisi, the acting head of the Service of Territorial administration, and 15 members of the Kutaisi mayor's office with neglect of official duty and exceeding the limits of official authority. All were accused of forging documents that paid Colizeum Ltd. more than \$331,372 (553,392 lari) over the actual amount of work completed on re-roofing damaged houses in the city.

The Deputy Mayor of Kutaisi, Omar Kikvidze was found guilty of neglect of official duty and the Acting Head of the Service of Territorial Administration of the Mayor's Office, Mukhran Kokhredize was found guilty of exceeding official authority. Both were sentenced to 3 years probation, fined \$3,125 (5,000 lari), and deprivation of the right to hold a position in the public sector for 3 years.

Zviad Mandaria, a member of the Kutaisi Municipality and Iralki Goglichidze, the Deputy Head of the City Service of Economic Development at the Mayor's office were found guilty of exceeding their authority and sentenced to 2 years probation, fined \$6,250 (10,000 lari), and deprived of the right to hold a position in the public sector for 3 years.

Thirteen employees of the same organization were found guilty of similar crimes regarding this case and sentenced to 2 years probation, fined \$3,125 (5,000 lari) and deprived of the right to hold a position in the public sector for 3 years.

On April 25 the Revenue Service opened a criminal case against the company Gorgia Ltd. for bringing in construction materials from Turkey without paying proper customs duties. Five Batumi Customs agents were implicated and charged with abusing their official power for the purpose of gaining profit or privilege from Gorgia Ltd. The five officials were accused of intentionally undervaluing the materials, thereby permitting the company to pay significantly reduced customs fees. Zaza Ochkhikidze, Zurab Gugava, Shadiman Tsakadze and Lasha Jaiani were sentenced to 3 years probation and fined \$1,250 (2,000 lari). Kakhaber Zarandia was sentenced to 6 months probation and fined \$ 1,875 (3,000 lari). All five were required to make reparation to the state of funds lost.

On May 2, David Kekua, deputy head of the General Inspection Department of the Ministry of Internal Affairs, was charged with planting evidence during a high-profile murder investigation and held in pre-trial detention. On October 25, he was found dead in his cell in Tbilisi Prison No. 7. An investigation was ongoing at year's end.

In October 2006 the Parliament stripped the immunity of two ruling party parliamentarians, Gia Nutsubidze and Giorgi Kenchaidze implicated in a corruption scandal in 2004. Nutsubidze was sentenced to imprisonment for 3 years on January 14 and in September 2004, Kenchaidze found guilty of extortion and sentenced to 2 years in prison.

On February 14 Davit Ingorokva, the director general of the state-owned Georgian Oil and Gas Company was found guilty of filing a false public corporate declaration and sentenced to probation for 5 years, and a fine of \$31,250 (50,000 lari). In the course of the investigation it was discovered that the total value of the funds stolen from the company was \$3,978,434 (6,365,495 lari). Ingorovka and his accomplices, who were also convicted in the criminal case, partially reimbursed the victim, which was in this instance, Georgian Oil and Gas Company.

During the fall, the public defender reportedly criticized the head of the Ministry of Interior's Special Operations Department for attempting to illegally seize cars he liked. As of year's end government authorities had not investigated this accusation.

The law provides for public access to government meetings and documents; however, the Government sometimes did not provide access. Although the law states that a public agency shall release public information immediately or no later than 10 days from request, the release of requested information could be delayed indefinitely, and requests were sometimes ignored in practice.

Other parts of this report contain information related to this subsection; see Section 1.d.

#### *Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigations of Alleged Violations of Human Rights*

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. However, while some NGOs enjoyed close cooperation with the Government and officials were cooperative and responsive to their views, others complained of discrimination from government members.

The major human rights issues that caused tensions between the Government and NGOs were the ill treatment of prisoners, lowering of the minimum age of criminal responsibility, inconsistency of the bail system, intimidation and use of administrative resources during the presidential campaign, violations of rights to property, and use of excessive force on November 7.

The UNHCR and the OSCE monitored only sporadically in the separatist conflict areas due to poor security conditions but provided periodic findings, reports, and recommendations. NGOs viewed the office of the Public Defender as the most objective of the Government's human rights bodies. The constitutionally mandated office monitored human rights conditions and investigated allegations of abuses. The public defender's office generally operated without government interference and was considered effective, with some exceptions.

On November 2, Public Defender Office staff member Giorgi Getsadze visited the Geguti prison to verify allegations that prison guards were accepting money to be transferred to inmates, prohibited by law. When prison guards denied that such a practice existed, Getsadze called a colleague, Giorgi Mshvenieradze, to discuss the situation. On November 5, Bacho Akhalaia, Head of the Penitentiary Department released an audio tape of the Getdadze-Msheviaradze telephone conversation, alleging that Getsadze was attempting to bribe the guards. On December 10, Getsadze was found guilty of the charge, fined \$3,125 (5,000 lari) and sentenced to 1 year probation, during which he may not serve in a public sector job.

The public defender's office attributed Getsadze's arrest to his role in revealing the plight of naked inmates in the Rustavi Prison No.6 in October 2006, which caused a strong negative public reaction. According to the office, Getsadze was convicted of attempting to bribe prison staff members into passing money to prisoners, and recording the process by a hidden camera to implicate officers.

Public Defender Sozar Subauri stated in his report on the events of November 7 that he was physically abused on that date by representatives from the special operations department under the Ministry of Internal Affairs on Rustaveli Avenue. The Public Defender stood between the demonstrators and the special operation unit members and tried to prevent a provocation between the sides. Even though the Public Defender identified himself to both sides, he was physically beaten by law enforcement officers. On November 15, a criminal investigation was launched to in-

investigate Subauri's allegations. On November 24, Subauri was questioned and examined by forensic medical experts to determine the extent of his injuries. The investigation was ongoing at year's end.

The public defender stated that, while his office continued to receive government funding, earmarked increases from the state budget were not provided to the office. The public defender's authority does not include the power to initiate prosecutions or other legal actions. The public defender objected to justice ministry regulations prohibiting the use of cameras and recorders in the penitentiary system as an obstacle to substantiating claims of prison abuse.

As required by law, the public defender issued biannual reports to Parliament. Some members of Parliament were critical of the public defender's findings and recommendations calling for equal recognition under the law of all religions. For example, the members stated that the historical position of the Orthodox Church justified its privileged position. The public defender's report is delivered in front of Parliament and is available upon request for public dissemination; the spring report to Parliament was conveyed to an almost empty hall, and received a reserved assessment from Parliament.

The parliamentary Committee on Human Rights and Civil Integration, the interior ministry's Human Rights Division, and the National Security Council's human rights advisor also had mandates to investigate claims of abuse. By law the prosecutor general is charged with protection of human rights and fundamental freedoms; the prosecutor general's human rights protection unit is the reporting and monitoring arm of the legal department and has no independent investigative powers. The human rights unit focused on curbing abuses by law enforcement officials.

The UNHROAG office in Sukhumi continued to monitor respect for human rights in Abkhazia and to visit detention facilities in the region. In March Abkhaz de facto authorities agreed to permit a U.N. human rights officer's presence and the deployment of three U.N. civilian police in the Gali Sector headquarters and these deployments subsequently occurred.

Other parts of this report contain information related to this section; see Section 2.b., Freedom of Assembly.

#### *Section 5. Discrimination, Societal Abuse, and Trafficking in Persons*

The law prohibits discrimination based on race, gender, religion, disability, language, or social status; however, the Government did not always enforce these provisions effectively.

*Women.*—Rape is illegal. Criminal cases of rape generally can only be initiated following a complaint by the victim. Spousal rape is not specifically addressed by criminal law. A first time offender may be imprisoned for up to 7 years; a repeat offender or perpetrator against multiple victims may receive up to 10 years. If the victim was pregnant, contracted HIV/AIDS, or was subjected to extreme violence, the sentence may be increased to 15 years and, if the victim was a minor, up to 20 years. In 2006 the Ministry of Internal Affairs reported 156 cases of rape and attempted rape, compared to 167 cases in 2005. Observers believed many instances of rape went unreported due to the social stigma for victims. Police did not always investigate reports of rape.

Violence against women was a problem. The Government acknowledged that domestic violence was a problem. Women victimized by domestic violence, however, rarely reported it because of social taboos, and police rarely arrested or punished perpetrators. According to Ministry of Internal Affairs statistics, during the year the police responded to 2,056 cases of family conflicts, in which 545 involved reports of domestic violence where restrictive orders were issued. The number of such conflicts registered in 2006 was 3,665, but there is no information available on restrictive orders, as the law did not go into effect until September 2006, and statistics were not required to be gathered until January 2007. U.N. and NGO studies have found that in 2006 approximately 5 percent of women reported being physically abused. A November U.N. Human Rights Committee report recommended that the Government institute a mechanism to compile information on domestic violence and to make it publicly available. A local NGO operated a hot line and a shelter for abused women, although services at the shelter were limited due to a lack of funding and facilities. The same U.N. report recommended that the Government take measures necessary to protect victims from domestic violence by establishing a sufficient number of shelters across the country.

The law on domestic violence, which came into effect in June 2006, defines domestic violence as a violation of the constitutional rights and liberties of one member of a family by another by means of physical, psychological, economic, or sexual violence or coercion; however, domestic violence is not specifically criminalized. Per-

petrators of domestic violence are prosecuted under existing criminal provisions against, for example, battery or rape.

The law allows victims to file immediate protective orders against abusers and police to issue temporary restrictive orders against persons suspected of abusing a family member. The temporary order is then approved by a court within 24 hours and becomes a protective order that prohibits the abuser from coming within 100 meters of the victim and using common property, such as a residence or vehicle, for 6 months. The victim may ask authorities to extend the protective order indefinitely. In September 2006, the Ministry of Internal Affairs developed a form required by law for police to issue as restrictive orders, but training for police in this area was lacking outside of Tbilisi. In his biannual report, the public defender recommended amendments to the law that would imply administrative liability for nonexecution of a restraining order, create social and labor guarantees for victims, and establish rehabilitation for aggressors. In July the Government approved the Action Plan on Measures to Prevent and Combat Domestic Violence mandated by law.

The kidnapping of women for marriage continued to occur, particularly in rural areas. Such kidnappings often were arranged elopements; however, at times kidnappings occurred against the will of the intended bride and involved rape. Police rarely took action in these cases, even though the law criminalizes kidnapping. A local NGO in the Samtskhe-Javakheti region maintained a hot line and shelter to assist victims of attempted kidnappings, who were often rejected by their families after escaping from the kidnapper.

Prostitution is illegal but was widespread, particularly in Tbilisi. Several NGOs claimed that prostitution remained common due to continuing poor economic conditions.

Sexual harassment and violence against women in the workplace was a problem. The law prohibits sexual harassment; however, the Government did not effectively enforce the law, and complaints were rarely investigated.

The law provides for the equality of men and women; however, in practice this was not enforced. NGOs stated that discrimination against women in the workplace existed but instances were never reported. The speaker of Parliament continued to chair a Gender Equity Advisory Council, which included members of Parliament as well as representatives from the executive branch, the public defender's office, and NGOs. The State Commission on Gender Equity was chaired at the deputy state minister level and prepares recommendations on the implementation of international agreements and conventions on gender equity. Within the public defender's office, there is a special group dedicated to women's and children's issues.

Women's access to the labor market improved; however, women remained primarily confined to low-paying and low-skilled positions, regardless of their professional and academic qualifications, and salaries for women lagged behind those for men. As a result, many women sought employment abroad. According to the U.N. Development Program, employers frequently withheld benefits connected to pregnancy and childbirth.

*Children.*—The law provides for the protection of children's rights and welfare, but the Government provided limited services. Children are protected under the antidomestic violence law, which became effective in June 2006. In his December biannual report, the Public Defender recommended the Ministry of Education and Science promote public awareness and education to protect children from domestic and any other forms of violence.

Primary and basic education is compulsory from age 6 or 7 to age 14, and provided up to age 16 (a total of 11 years). The U.N. Children's Fund (UNICEF) estimated primary school enrollment at 95 percent in 2005, the most recent year for which data was available; secondary school enrollment for the same period was 81 percent. Education was officially free through high school, but in practice a lack of resources inhibited schools' functioning and affected the quality of education in some areas, including and especially in the separatist regions of Abkhazia and South Ossetia.

During the year the Government rehabilitated schools, but in some areas school facilities were inadequate and lacked heating, libraries, and blackboards. Most parents were obliged to pay some form of "tuition" to support the schools. Many parents were unable to afford books and school supplies, and in some cases students were forced to drop out due to an inability or unwillingness to pay tuition.

There were some reports of child abuse, particularly of street children, although there was no societal pattern of such abuse. Incidents of sexual exploitation of children, particularly girls, were reported. Commercial sexual exploitation of children and pornography are punishable by up to 3 years' imprisonment. The Ministry of Internal Affairs sponsored a center for the rehabilitation of minors, which regularly provided medical and psychological assistance to child and adolescent victims before

returning them to their guardians. Street children and children living in orphanages were reportedly particularly vulnerable to trafficking.

Difficult economic conditions broke up some families and contributed to the number of street children. In September the NGO Save the Children estimated that there were approximately 823 street children in four major cities, 435 of whom were in Tbilisi, due to the inability of orphanages and the Government to provide support. The private voluntary organization Child and Environment and the Ministry of Education each operated a shelter in Tbilisi; however, the two shelters could accommodate only a small number of street children. The Government took little other action to assist street children. According to a U.N.-sponsored report prepared by the Minnesota Advocates for Human Rights, the education ministry views street children as a local issue which should be addressed by the municipalities, not the ministry.

There were unconfirmed reports of police violence against street children, but the patrol police routinely transferred street children to a 24-hour care center or orphanage. The center, however, lacked resources for treatment and rehabilitation of the children, many of whom were substance abusers or suffered from mental disorders.

Orphanages were unable to provide adequate food, clothing, education, and medical care; facilities lacked heat, water, and electricity. Staff wages were paid on a regular basis. Due to reported mismanagement of resources, staff members often diverted money and supplies provided to orphanages for personal use.

Roma children were usually born at home and their births were not registered by their parents with the Government.

Ongoing conflicts in Abkhazia and South Ossetia displaced thousands of children. In these regions, UNICEF reported that health services were scant, immunization rates were lower than elsewhere in the country, schools were deteriorating, and malnutrition was a serious problem.

*Trafficking in Persons.*—The law prohibits trafficking in persons; however, there were reports that women and girls were trafficked to, from, and within the country for commercial sexual exploitation and labor and men were trafficked from the country for labor.

The country was a country of transit and origin, and very rarely a destination for trafficked persons. Women were trafficked from the country to Turkey, Greece, the United Arab Emirates, North America, and Western Europe to work in hotels, bars, restaurants, or as domestic help. Many were exploited in the adult entertainment sector or forced into prostitution. Victims most frequently came directly from Tbilisi or the impoverished former industrial centers of Poti, Kutaisi, and Rustavi. Local NGOs reported that men were trafficked to Russia, Greece, Spain, Portugal, and other destinations to work in construction, agriculture, and other manual labor. There also was evidence women from other countries of the former Soviet Union were trafficked through the country to Turkey, sometimes using fraudulently obtained passports.

Children were seldom trafficking victims, although street children and children living in orphanages were particularly vulnerable. Some reports indicated that IDPs were a particular target for traffickers. Conditions for trafficked laborers and women trafficked into prostitution were extremely poor.

Traffickers were largely freelance domestic operators with connections outside the country as well as some small international operations. They often used offers of employment from friends and families or offers of overseas jobs from tourism or employment agencies to lure potential victims.

In 2006 the country incorporated into its domestic law the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, supplementing the U.N. Convention against Transnational Organized Crime, and the Council of Europe Convention on Action against Trafficking in Human Beings.

The criminal code prohibits trafficking in persons, including minors, for sexual, labor, and other forms of exploitation. Trafficking in adults is punishable by 7 to 20 years in prison. Trafficking in minors is punishable by a prison sentence of 8 years to life, under aggravated circumstances. Minors are defined as anyone below the age of 18. The code prohibits internal and external forms of trafficking, although transborder trafficking is an aggravated form of the crime.

The code of civil procedure provides for confiscation of assets of convicted traffickers, members of their families, their close relatives, and persons related to traffickers if these assets were acquired through trafficking in persons. Such assets are to be used to satisfy the needs of the trafficking victim, with any remaining assets go to the state. A victim can also claim civil damages from the trafficker during the criminal proceedings.

On May 8, Parliament amended the criminal code to criminalize the use of services of a (statutory) trafficking victim, which is punishable by 3 to 15 years' imprisonment.

A trafficker was convicted in April and sentenced to 26 years in prison after two victims trafficked contacted the hot line in the fall of 2006. One victim was a minor.

As of year's end the courts had opened 24 new criminal investigations, one involving a minor. During the year the courts rendered 13 judgments against 16 perpetrators; the sentences of those convicted ranged from 8 to 26 years in prison. None involved government officials or international organization employers.

As a result of active cooperation between the prosecutor general's office, the Ministry of Foreign Affairs, and the International Organization for Migration, a third-country national was safely repatriated in January after her trafficker was convicted and sentenced to 11 years in prison.

An interagency antitrafficking coordination council serves as the overall coordinator for antitrafficking measures undertaken by state agencies. National NGOs and international organizations were actively involved in the work of the council, which met quarterly. On July 19, the council approved a strategy for rehabilitating and reintegrating trafficking victims into society. The strategy is the final document in a series providing the framework for assistance to, and protection of, trafficking victims. The prosecutor general's office, the State Fund, and international organizations and local NGOs were designated to implement the strategy, which called for individual victims to receive a specific rehabilitation plan according to their needs.

During the year the Government allocated approximately \$180,000 (300,000 lari) to protect and aid trafficking victims and an additional \$29,000 (51,000 lari) to rehabilitate and open a second shelter in the country—the first in Tbilisi—before the end of the year. A hot line for trafficking victims and inquiries was fully operational in the largest cities, and a trafficking victim shelter functioned in Batumi.

The country has a system for protecting and providing rehabilitation opportunities for trafficking victims, integrating them back into society. This system is fully operational.

A robust public information campaign ensures that information about trafficking is widely available through law enforcement agency Web sites, public service announcements, antitrafficking television programming, and brochures at the country's main ports of entry.

*Persons with Disabilities.*—The law prohibits discrimination against persons with disabilities, although in practice the problem was a low priority for the Government. Discrimination against persons with disabilities in employment, education, access to health care, and in the provision of other state services was a problem, and societal discrimination against persons with disabilities existed. The administrative code mandates access to buildings for persons with disabilities and stipulates fines for noncompliance. However, very few, if any, public facilities or buildings were accessible.

According to official data for the year, the country has 11,024 children with disabilities, although the actual number is thought to be higher.

*National/Racial/Ethnic Minorities.*—The law requires that all government officials speak Georgian, which some minorities claimed excludes them from participating in government. Some government materials distributed to the public were only available in the Georgian language.

Ethnic Georgians living in the Gali region of Abkhazia had no legal access to education in the Georgian language. As a practical matter, however, teachers who did not speak Abkhaz instructed students in Georgian. However, those who did so were often subject to harassment and prosecution by de facto Abkhaz authorities.

During the year there were no significant incidents of ethnic/criminal violence in the Tsalka region. The ethnic Greeks residing there were predominantly elderly and often reported economic difficulties (low pensions). The improvement of the social situation in the district was largely due to upgrades in the water supply, roads, and electricity, renovated schools, and appearance of local NGOs where community members are actively involved.

In the ethnic-Armenian dominated region of Akhalkalaki, many ethnic Armenians asserted that the Government should allow Armenian to have "provincial language" status, as very few persons there spoke Georgian and were unable to conduct daily affairs in Georgian. They also complained that the Government did not provide Georgian language instruction. Ethnic Azeris had similar complaints in the ethnic-Azeri dominated region of Kvemo Kartli.

While the law stipulates that Georgian is the state language, ethnic Armenians, Azeris, Greeks, Abkhaz, Ossetians, and Russians usually communicated in their native languages or in Russian in the areas where they are the dominant ethnic group.



The law requires that ethnic minority students learn Georgian as a second language, and the Government funded over 200 primary and secondary Russian, Azeri, and Armenian language schools throughout the country for persons whose first language is not Georgian. In Tbilisi a large majority of ethnic minority groups communicate in Georgian in their daily affairs.

The Government took several steps to better integrate ethnic minority communities through Georgian language instruction, education, involving minorities in political dialogue, and increasing their overall access to information. The Government increased its efforts to provide Georgian language instruction to members of ethnic minorities serving in the armed forces and law enforcement. In his annual report, the public defender recommended that the Ministry of Education send qualified Georgian language teachers who speak the relevant national minority languages to these regions.

In July Parliament approved a law on the repatriation of the Meskhetian Turks, a national minority group of the Muslim faith deported by Stalin in 1944. The legislation honored commitments made by the country to the Council of Europe in 1999 to provide for the resettlement of the Meskhetians by 2011. Passage of the law allowed the Government to begin accepting applications on January 1, 2008 for repatriation from Meskhetians based on documents which attest to their deportation. Passage of the law came under heavy criticism from opposition MPs and the media, which pointed to the delicate ethnic and demographic balance in areas once inhabited by Meskhetians but which have become populated by a sizeable ethnic Armenian community.

*Other Societal Abuses and Discrimination.*—While there are no laws that criminalize homosexual behavior, it was not widely accepted in society.

The law expressly prohibits discrimination on the basis of HIV/AIDS status; however, there is no penalty for violating this prohibition. NGOs reported that societal stigma resulted in individuals avoiding testing or obtaining treatment for fear of discrimination. Some health care providers, particularly dentists, often refused to provide services to HIV-positive persons. Individuals often concealed their HIV-positive status from employers for fear of losing their jobs. The Ministry of Internal Affairs conducted mandatory HIV testing on all job applicants in 2006.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law allows all workers, including government employees, to form and join unions of their choice, and they did so in practice. However, the law restricts the right of employees of law enforcement agencies and the prosecutor general's office to form and join unions. Labor unions stated that provisions of the labor code limit the mechanisms available for them to exercise their rights. Labor unions' most frequent demand was for the creation of an 8-hour workday, with double pay for overtime. The labor code stipulates an 8-hour day unless the employee and employer agree to other arrangements. Critics asserted that this gave too much power to employers, since there was a shortage of jobs in the country.

The principal association of unions is the Georgian Trade Union Confederation (GTUC), which represented unions in 25 sectors with over 252,000 unionized workers. The Educators and Scientists Free Trade Union of Georgia (ESFTUG) represented over 100,000 members. The ESEFTUG merged with GTUC by the end of the year. There were a few small unions for civil servants, cultural workers, and art workers, but they did not participate in GTUC. Although many employees in large-scale enterprises were unionized, their power was not commensurate with their large membership. Only a minority of the members were active in the labor movement. Critics believed that this gave management a free hand.

The law prohibits discrimination by employers against union members or union organizing activities, and employers may be prosecuted for violations and forced to reinstate employees and pay back wages. Despite this law, the GTUA and its national unions continued to report some cases of management warning staff not to organize trade unions.

During the year GTUC alleged several instances in which union members were threatened with dismissal by their employers for union activity. In December union members were fired from their jobs in Poti for union activity and their office sealed. After negotiations between the port authorities and the union, most all workers were reinstated and the union office was reopened. There were continuing reports that some workers, including teachers, employees of various mining, pipeline and port facilities, and the Tbilisi municipal government, complained of being intimidated or threatened by employers—including public sector employers—for union organizing activity. There were a few cases of employers failing to transfer compulsory union dues, deducted from wages, to union bank accounts, but the disputes were resolved after discussions between the unions and employers.

*b. The Right to Organize and Bargain Collectively.*—The law allows unions to conduct their activities without interference. Collective bargaining is recognized by law, and the law provides punishments for those who refuse to take part in negotiations; however, the Government did not always protect this right in practice. The ombudsman's office listed not requiring employers to provide notice to employees in the event of termination of the labor relationship as one of the major deficiencies of the labor code. The practice of collective bargaining was not widespread. The GTUC administered approximately 1,600 collective bargaining agreements. Poor management and leadership, plus a general unfamiliarity with the collective bargaining process, limited the scope of collective bargaining.

The law provides for the right to strike; however, the law limits the maximum length of strikes to 90 days. In general workers exercised their right to strike in accordance with the labor code; strikes must be sanctioned by the employer based on written notification provided 3 days in advance and a 1-hour warning strike. In practice, strikes were rare.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor; however, there were reports that women and children were trafficked for commercial sexual exploitation and men were trafficked for labor.

NGOs and trade unions have objected to a provision in the labor code that permits compulsory labor in instances of emergency and natural disaster but does not require remuneration to persons who are conscripted. Also, the labor code provides that an employer may change hours of work by 90 minutes in either direction without renegotiating the terms of any labor contract. NGOs stated that this provision would effectively require employees to work overtime without compensation in violation of the prohibition against compulsory labor in the Constitution.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—There are laws and policies to protect children from exploitation in the workplace; however, there were reports that children were sometimes trafficked for commercial sexual exploitation. A least one minor was trafficked during the year for sexual exploitation.

The public defender's office listed not giving enough attention to the rights of minors as one of the major deficiencies of the labor code. With high unemployment resulting in a large pool of adult workers willing to work for low wages, child labor was uncommon in the country. The Ministry of Health, Labor, and Social Affairs is responsible for enforcing laws regulating child labor. Although official data was not available, child labor was not generally considered a serious problem. Approximately 77.4 percent of working children were employed on family farms while 18.4 percent worked in family enterprises.

The minimum legal age for employment of children is 16. In exceptional cases, children may work with parental consent at ages 14 and 15. Children under age 18 may not engage in unhealthy or underground work, and children ages 16 to 18 are subject to reduced working hours and are prohibited from working at night. Inspections are performed by the Labor Department of the Ministry of Labor, Health, and Social Affairs, which employed six labor inspectors nationwide.

*e. Acceptable Conditions of Work.*—Neither the minimum wage for public employees, approximately \$67 (115 lari) a month, nor the statutory minimum wage for private sector workers, approximately \$12 (20 lari) a month, provided a decent standard of living for a worker and family. The minimum wage was below the average 2006 monthly wage in both private enterprise and the Government sector. The official minimum subsistence levels were approximately \$72 (121.40 lari) for a single person and \$126 (215.10 lari) for a family of four. Unreported trade activities, assistance from family and friends, and the sale of homegrown agricultural products often supplemented salaries. The Ministry of Labor, Health, and Social Affairs is responsible for enforcing the minimum wage. The GTUA had its own inspector to monitor compliance.

The labor code provides for a 41-hour workweek and for a weekly 24-hour rest period, unless otherwise provided by a labor contract. The public defender's office listed not giving enough attention to the rights of pregnant women as one of the major deficiencies of the labor code. The code does not protect pregnant women from being dismissed from work while they are on maternity leave. The labor code provides that, unless otherwise addressed by an employment agreement, the duration of the business day is determined by the employer, but should not exceed 41 hours a week. Break and leave is not included in the work time. Duration of leave between workdays (shifts) should not be less than 12 hours. The Labor Code provides that employees must work overtime labor without compensation to avoid natural disasters or prevent industrial accidents or to resolve of the consequences of either event. Pregnant women or women who have recently given birth are prohibited from work-

ing overtime without their consent. Overtime is defined as work that exceeds the work hours addressed in the employment agreement. If the employment agreement does not specify business hours then overtime is considered to be performance exceeding 41 work hours per week. Terms of overtime labor are defined by the parties.

The Government set occupational health and safety standards. The Ministry of Labor, Health and Social Affairs is charged with monitoring implementation of health and safety standards and had six inspectors assigned to the task. However, the public defender's office listed failure to ensure safe conditions for workers as one of the major deficiencies of the labor code. During the year the Government allocated approximately \$33,000 (55,000 lari) for a program for formation of workplace safety rules. The law permits higher wages for hazardous work and provides workers the right to remove themselves from situations that endanger health or safety without jeopardizing their continued employment. In practice employees rarely, if ever, took advantage of these protections.

## GERMANY

Germany is a constitutional parliamentary democracy with a population of approximately 82.5 million. Citizens periodically choose their representatives in free and fair multiparty elections. The head of the Federal Government, the chancellor, is elected by the Federal Parliament (Bundestag). The second legislative chamber, the Federal Council (Bundesrat), represents the 16 states at the Federal level and is composed of members of the state governments. The Basic Law (constitution) sets forth the powers of the chancellor and of the legislative branch. The most recent national elections for the Federal Parliament took place in September 2005. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens. There were limitations on the freedoms of speech, press, assembly, and association aimed at groups deemed extremist. There was governmental and societal discrimination against some minority religious groups. Harassment of asylum seekers, violence against women, harassment of racial minorities and foreigners, anti-Semitic acts, and trafficking in persons were problems.

### RESPECT FOR HUMAN RIGHTS

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

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

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits such practices, and there were no reports that government officials employed them. Investigations of earlier instances of alleged abuse continued.

There were developments in the 2004 case involving mistreatment of army recruits in Coesfeld. In March the Muenster Regional Court began the trial of 18 army instructors on charges of degrading treatment of subordinates. As of the end of November, the court had given one defendant a suspended 18-month prison sentence and fined four defendants \$2,920 to \$3,504 (2,000 to 2,400 euros). The court acquitted two defendants and suspended criminal proceedings against another on the grounds that he was unfit to stand trial due to illness. The court had not ruled on the cases of the remaining 10 defendants at year's end.

*Prison and Detention Center Conditions.*—Prison conditions generally met international standards, and the Government permitted visits by independent human rights observers; however, one reported incident and conditions in some facilities were causes for concern.

In early 2006 an interim report of the Council of Europe's Committee for the Prevention of Torture (CPT) criticized conditions at prisons in seven states. According to the report, none of the prisons inspected by the CPT had adequate staffing or facilities. There was no information available on whether authorities had taken steps to improve these conditions.

On March 27, the Dessau (Saxony-Anhalt) Regional Court opened proceedings in the 2005 death of Oury Jalloh, a detained asylum seeker from Sierra Leone, during a fire in a jail cell. The officer on duty was charged with causing bodily harm with fatal consequences for not immediately reacting to the fire alarm. A second officer was charged with involuntary manslaughter for overlooking a lighter when he frisked Jalloh. The trial was ongoing at year's end.

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

*Role of the Police and Security Apparatus.*—Civilian authorities maintained effective control over the police and the Federal Criminal Investigative Service, and the Government has effective mechanisms to investigate and punish abuse and corruption. No cases of impunity involving the security forces were reported during the year.

*Arrest and Detention.*—An individual may be arrested only on the basis of a warrant issued by a competent judicial authority unless the suspect is caught in the act of committing a crime or the police have strong reason to believe that the individual intends to commit a crime. By law arrested persons are entitled to prompt access to an attorney. For all offenses that proceed to trial, all accused persons are guaranteed access to a lawyer. If there is evidence that a suspect might flee the country, police may detain that person for up to 24 hours pending a formal charge. An individual detained by police must be brought before a judge and charged by the end of the day following the arrest. The court must then issue an arrest warrant stating the grounds for detention; otherwise they must order the individual's release. These rights were generally respected.

Police may detain known or suspected criminals for brief periods when they believe such individuals intend to participate in illegal or unauthorized demonstrations.

Although criminals may not be punished twice for the same crime, the law allows "retroactive preventive detention." In cases involving rape, homicide, or manslaughter, courts may order offenders to serve supplemental detention. Such preventive detention requires a court finding, based on at least one expert opinion, that the convicted person could pose a danger to the public. The detention may last indefinitely.

Bail exists but was employed infrequently; authorities usually released detainees unless there was clear risk that they might flee the country. In such cases authorities could hold detainees for the duration of the investigation and subsequent trial. Such decisions are subject to judicial review, and time spent in investigative custody applies towards any eventual sentence. If a court acquits a defendant, the Government must provide compensation for financial losses as well as for "moral prejudice" if they were incarcerated.

*e. Denial of Fair Public Trial.*—The law provides for an independent judiciary, and the Government generally respected this provision in practice.

*Trial Procedures.*—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Heavy caseloads at times delayed court proceedings. For simple or less serious cases, procedures exist for an accelerated hearing and summary punishment at the local court level. These procedures are limited to cases for which the maximum sentence is not greater than 1 year. Courts generally suspended 1-year sentences and placed the convicted individuals on probation.

Trials are public, and juries are not used. Cases are heard either by one judge, a panel of professional judges, or a mixed panel of professional and lay judges, depending on the severity of the charges. Defendants are required to be present and have the right to consult with an attorney in a timely manner. The Government provides an attorney at public expense if defendants demonstrate financial need. Defendants may confront or question witnesses against them and present witnesses and evidence on their behalf. Defendants and their attorneys have access to all court-held evidence relevant to their cases. They also enjoy a presumption of innocence and have a right of appeal.

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

*Civil Judicial Procedures and Remedies.*—An independent and impartial judiciary in civil matters provides access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation. Administrative remedies for alleged wrongs are available as well.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law prohibits such actions, and authorities generally respected these prohibitions; however, members of organizations monitored by the Federal and state offices for the protection of the Constitution (OPCs) charged that their privacy was violated.

In criminal investigations of certain serious crimes, law enforcement officials may monitor the telecommunications of suspects, but only with court approval. In intelligence-related cases, such as suspicion of involvement in terrorism, the law permits intelligence services to engage in surveillance activities, such as monitoring tele-

communications, without court approval; however, such activities generally have to be approved by an independent commission elected by a parliamentary control body.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The law provides for freedom of speech and of the press; while the Government generally respected these rights, it imposed limits aimed at groups deemed extremist.

Distribution of the propaganda of proscribed organizations is illegal, as are statements inciting racial hatred, endorsing Nazism, and denying the Holocaust. On March 15, Germar Rudolf was found guilty in Mannheim of denying the Holocaust and was sentenced to 30 months in prison. His book, *Lectures on the Holocaust: A Controversial Question Cross-Examined*, was banned. On February 15, Ernst Zuendel was sentenced to 5 years in prison for Holocaust denial and writing anti-Semitic essays in several right-wing extremist pamphlets.

Apart from these limitations, an active independent media expressed a wide variety of views without government restriction.

*Internet Freedom.*—Access to the Internet was unrestricted in most respects, and most individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. However, there were some limitations on access and expression.

Federal and state laws permitted OPCs to monitor the private e-mails and chat rooms of individuals and groups under surveillance; such activities were subject to oversight by an independent commission elected by a parliamentary control body. Access to material such as child pornography and Nazi propaganda is prohibited by law. Authorities also sought to ban the storing of such material on servers in the country.

Access to the Internet was widely available.

During the year several Internet service providers exhausted their legal challenges to a 2002 North Rhine-Westphalia state ordinance that prohibits access to certain neo-Nazi Web sites. The companies complied with the ordinance and blocked customers' access to the sites.

*Academic Freedom and Cultural Events.*—There were few government restrictions on academic or cultural events; however, Nazi propaganda, material denying the Holocaust, and pornography are prohibited.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The law provides for freedom of assembly, and the Government generally respected this right in practice. However, prohibited organizations were not permitted to hold public assemblies.

Permits must be obtained for open-air public rallies and marches, and state and local officials have authority to deny permits when public safety concerns arise or when the applicant is a prohibited organization. Denials were rare but did occur. For example, in June the city of Leipzig banned a July 21 march proposed by right-extremist Christian Worch on the grounds that his demonstrations in recent years had resulted in confrontations between right-wing marchers and left-wing "antifascists." The ban was later rescinded and the march was held.

*Freedom of Association.*—The law provides for freedom of association, and the Government generally respected this right in practice; however, the law permits the prohibition of organizations whose activities have been judged illegal or opposed to the constitutional democratic order. While the Federal Constitutional Court is the only body that can prohibit political parties on these grounds, Federal or state governments may prohibit or restrict other organizations, including groups that authorities classified as extremist or criminal in nature; organizations have the right to appeal prohibition or restrictions.

In March authorities opened an investigation of the alleged neo-Nazi affiliations of three members of an elite Frankfurt-based police unit that protects public figures. The three had served as bodyguards to Michel Friedman, former deputy head of Germany's Jewish community. The officers were suspended or reassigned. The trial of one of these officers was to begin in January 2008. The officer is accused of treason, possession of an illegal weapon, and of having posed for a picture in an SS uniform and signing the picture "Adolf Hitler."

In April officials in Saxony outlawed the far-right extremist group Sturm 34 and raided the homes of suspected members. Sturm 34 was known for its attempt to establish a "liberated nationalist zone" in the Mittweida area.

Federal and state OPCs responsible for examining possible threats to the constitutional democratic system monitored several hundred organizations. Monitoring generally consisted of collecting information from written materials and firsthand accounts; however, OPCs could employ more intrusive methods, including the use of

undercover agents, subject to legal checks. OPCs published lists of monitored organizations.

Although the law stipulates that OPC monitoring must not interfere with an organization's activities, representatives of monitored groups complained that the publication of the organizations' names contributed to prejudice against them. There were no specific examples during the year.

*c. Freedom of Religion.*—The Basic Law provides for freedom of religion, and the Government generally respected this right in practice with some exceptions; however, discrimination against certain religious minorities remained a problem. Government policy continued to contribute generally to the free practice of religion.

Religious organizations must register in order to qualify as nonprofit associations with tax-exempt status. The state confers certain other advantages upon religious communities that also obtain the status of "corporation under public law," including the right to levy taxes on their members that the Government collects on their behalf. In July 2006, after a 10-year legal effort by the Jehovah's Witnesses organization, the State of Berlin granted the organization public corporation status, but other states have not yet done so.

To date, few Muslim organizations have applied for public law corporation status, and no state has granted corporation status to any Muslim organization, in part because none has met the Government's criteria; in some cases intra-Muslim disputes prevented organizations from establishing their right to represent that community.

In principle the Federal Government encouraged the states to grant "corporation under public law" status to Muslim communities. However, it has indicated its preference that the Muslim community agree upon a single organization with which the Federal and state governments can negotiate. In April the four largest Muslim religious organizations in Germany formed the Muslim Coordination Council. State officials had not announced whether this group met the legal requirements for registration by year's end.

The Government continued to deny recognition of some belief systems, including Scientology, as religions; however, the absence of recognition did not prevent their adherents from engaging in public and private religious activities.

On December 7, the Federal and state interior ministers decided that the OPCs should collect information to determine whether a Federal exploration of a potential ban against Scientology was warranted. The decision was prompted by the Hamburg interior minister, who warned that Scientology should not be considered harmless.

Federal and some state authorities continued to classify Scientology as a potential threat to democratic order, resulting in discrimination against Scientologists in both the public and private sectors.

Scientologists continued to report instances of official and societal discrimination during the year. In March Minister-President of Baden-Württemberg Guenther Oettinger demanded that actor and Scientologist John Travolta be disinvented from a scheduled guest appearance on a popular television show, expressing concern that Travolta might use the show to promote Scientology. Travolta appeared on the show, but he reportedly agreed beforehand not to mention Scientology.

In June, before receiving official permit requests, officials barred the use of a ministry of defense facility in the making of a movie in which actor Tom Cruise, a follower of Scientology, would play the leading role. An official of the Ministry of Defense cited affiliation with Scientology as the reason for the decision. The Government eventually permitted filming to proceed with Cruise's participation.

On June 4, the Federal Government lifted a travel ban against the founder of the Unification Church, Reverend Sun Myung Moon, pursuant to a May 4 ruling by the Higher Administrative Court of Koblenz. The action followed the October 2006 Federal Constitutional Court's rejection of the Federal Interior Ministry's rationale for its 1995 immigration exclusion, which was based on the Government's characterization of Reverend Moon and his wife as leaders of a "cult" that endangered the personal and social development of young persons. The court dismissed this rationale on the grounds that it violated religious freedom.

During the year courts upheld headscarf bans in several cases. The Federal Supreme Court ruled in 2003 that banning of head scarves is within state legislative jurisdiction, and subsequently eight of the 16 Federal states passed headscarf bans for civil servants. On February 21, the Bremen Higher Administrative Court found a school law banning headscarves to be constitutional, dismissing the case of a trainee teacher whose employment application was denied in 2005 after she refused to sign a commitment to abstain from wearing a headscarf in class. In July a Hesse state court ruled that a legal intern is not allowed to wear a headscarf in court if she is publicly recognized as a representative of the judiciary. A petition by Maryam Brigitte Weiss, the first deputy chairperson of the Central Council of Muslims in Germany, against the headscarf ban in North Rhine-Westfalia was dismissed by the

Duesseldorf Administrative Court in August. On December 11, the Hesse State Constitutional Court upheld the state's head scarf ban. The Hesse ban as applied allows state institutions to prevent civil servants, including public school teachers, from wearing headscarves, while making exceptions for Christian religious symbols or clothing.

Most public schools offer Protestant and Catholic religious instruction, as well as instruction in Judaism if enough students express interest. Students may opt out of religious instruction. In some states, students may be required to attend a non-religious ethics course as an alternative.

There are an estimated 900,000 Muslim students in the public school system; Islamic education is offered in some states. The practice, however, is complicated by differences between Islamic groups. At the start of the 2006–2007 school year, authorities in Baden-Wuerttemberg established a two-course system: One for Sunni and Shia students and another for Alevis. State officials and Muslim groups in Baden-Wuerttemberg agreed upon the system and the initial reactions were positive. Some states offered similar programs while others were working with Islamic leaders to establish a uniform curriculum. Later in the year, universities in Ludwigsburg, Karlsruhe, and Weingarten began offering training courses in the teaching of Islam.

The legal obligation that children attend school and the related prohibition on home schooling were problems for some religious groups. State authorities generally permitted such groups to establish charter-type schools if quality standards could be met. During the year, several Russian-German immigrant families belonging to the Baptist group "Gemeinde Gottes" petitioned to send their children to a private religious school run by members of their community. On August 2, the Stuttgart Administrative Court dismissed the case, ruling that the teaching staff was insufficiently qualified.

Beginning in January 2006, authorities in Baden-Wuerttemberg required residents seeking naturalization to complete a questionnaire concerning their political and moral beliefs and their adherence to the Constitution. Some minority groups, particularly Muslims, protested against this questionnaire, claiming it was discriminatory. In June 2007 the questionnaire was modified to eliminate questions about sexual orientation and to rephrase those about marriage to address only forced marriages. The questionnaire was reoriented to immigrants in general, and not just to Muslims. The new version of the questionnaire was approved by Muslim associations.

*Societal Abuses and Discrimination.*—There were reports of continuing societal discrimination and hostility toward some minority religious groups, including anti-Semitic acts; the Government took measures during the year to address these problems. The Federal Government also promoted tolerance by establishing regular dialogues on the integration of minorities and immigrants and on Islamic issues between cabinet-level officials and representatives of immigrant and Muslim groups.

There were incidents of violence by right-wing extremists against Muslims. On June 11, Berlin police clashed with some 450 right-wing extremists protesting the construction of the first mosque in the East Berlin neighborhood of Pankow-Heinersdorf. Police arrested 20 individuals, 15 of whom were right-wing extremists.

There were a number of anti-Semitic incidents. According to preliminary figures provided by the Federal Interior Ministry to the Federal Parliament, through September there were 716 anti-Semitic offenses (including 23 violent ones) compared to 749 (15 violent) for the same period a year earlier. Through September, authorities identified 398 suspects and made 21 arrests, compared to 449 suspects and 67 arrests in 2006. There were 13 injuries, an increase of five from the previous year.

On September 7, a rabbi was stabbed in Frankfurt by a man who at the time reportedly made anti-Semitic remarks. Police arrested a 22-year-old German citizen of Afghan origin 1 week later. The rabbi, whose wound was not life-threatening, made a full recovery.

On February 25, Nazi sympathizers vandalized a Jewish kindergarten in Berlin, defacing the building with swastikas and slogans invoking the Holocaust, and threw a smoke bomb (which did not ignite) into the building. Police continued to investigate.

Desecrations of Jewish cemeteries and other monuments were the most widespread anti-Semitic acts. For example, on March 8, 63 tombstones were destroyed at a Jewish cemetery in Diesbeck. Police arrested two men in connection with the act. On August 11, vandals overturned 79 tombstones in the Jewish cemetery in Ihringen. Police arrested four young men and confiscated extreme-right pamphlets from their apartments.

In March a Magdeburg court sentenced five men to 9 months' probation and fined them for the June 2006 burning of The Diary of Anne Frank at a summer festival in the town of Pretzien. The five men withdrew their request for appeal.

In April vandals in Berlin painted a large swastika on a memorial marking the site of a former synagogue and place where Jews were gathered for deportation during the Holocaust. In May a Holocaust memorial in Soemmerda, which has been repeatedly attacked by neo-Nazis, was defaced with swastikas. A swastika was also found on a plaque nearby.

Throughout the year, in what appeared to be a concerted effort, supporters of the right-extremist National Democratic Party of Germany (NPD) distributed newsletters with antiforeigner and anti-Semitic content to schools in Berlin, Brandenburg, and Saxony. During a protest march of the NPD on July 7 in Frankfurt, about 100 protesters chanted slogans calling Germany a Jewish state.

Statements inciting racial hatred, endorsing Nazism, and denying the Holocaust are illegal. In March Germar Rudolf, who was deported to Germany from abroad and put on trial in November 2006 "for representing the Holocaust as a myth," received a 30-month jail sentence in Mannheim.

The activities of right-wing extremist organizations whose platforms include anti-Semitism continued to be a concern. The Government monitored right-wing extremists, conducted investigations into anti-Semitic crimes, and at times banned extremist groups deemed a threat to public order. Authorities sought to address right-wing extremism by conducting a variety of education programs to promote tolerance, many focusing on anti-Semitism.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government cooperated with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the Government did not employ it.

*Protection of Refugees.*—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice, the Government generally provided protection against "refoulement," the return of persons to a country where there is reason to believe they feared persecution. Although the Government processes refugee and asylum cases according to existing law, the grant rate is very low.

Through October authorities processed 23,747 asylum applications, down from the 25,707 for the same period in 2006. Authorities granted asylum to 218 persons (0.9 percent) and granted 5,409 persons (22.8 percent) refugee protection. Authorities granted 539 persons (2.3 percent) temporary suspension of expulsion due to the situation in their countries of origin or on other humanitarian grounds and rejected 10,965 applications (46.2 percent). All cases in which asylum was granted must be reviewed after 3 years to determine whether the grounds for asylum still apply.

A person living in Germany for at least a year under "temporary suspension of deportation" can apply to the Federal Employment Office for permission to work. A job may be given to such a person only if it cannot be filled with a German or a foreigner with an unrestricted work permit. A person who has been in the country under that status at least 4 years may take a job without regard for these conditions. Temporary protection is reviewed every 3 years.

The Federal Government, in coordination with the U.N. Interim Mission in Kosovo, continued repatriation of the estimated 43,600 technically deportable Kosovar refugees remaining in the country, including 22,670 Roma/Sinti and 6,700 Ashkali. Through October, approximately 260 Kosovars had been voluntarily repatriated (including approximately 40 members of ethnic minorities) and 710 had been involuntarily repatriated (including approximately 220 members of ethnic minorities). Some human rights observers asserted that Roma from Kosovo were particularly likely to be deported; however, the Federal Ministry of the Interior stated that Roma and Serbs were excluded from forced repatriation except in a few cases involving criminals.

Through September 30, 58 refugees were involuntarily returned to Afghanistan (compared to 173 for 2006) as criminals, deportees, or persons posing a threat to domestic security.



According to the Basic Law, individuals who attempted to enter the country through a “safe country of transit”—a member state of the European Union (EU) or a country adhering to the Geneva Convention on Refugees—were ineligible for asylum and could be turned back at the border or, if they had entered the country, returned to that safe country of transit.

Individuals whose applications for asylum were rejected had up to 2 weeks to appeal the decision. Individuals who arrived at an international airport and who were found to have come from a safe country of origin could be detained at an airport holding facility. In these cases the Federal Office for the Recognition of Foreign Refugees was required either to make a decision on an asylum application within 48 hours or allow the person to enter the country. An applicant had 3 days to appeal a negative decision to an administrative court, and the court was required to rule within 14 days or allow the individual to enter the country. Local nongovernmental organizations (NGOs) continued to criticize these periods of time as insufficient to allow applicants to prepare for hearings. Stays in an airport facility are not to exceed 19 days, although there was an incident in 2006 when rejected applicants who could not be immediately deported were held there for months. The Federal Government does not maintain statistics about stays in airport facilities.

To deal with particularly difficult cases, all states have formed “commissions on hardship cases,” composed of representatives from churches, charity organizations, and municipal organizations, that could grant rejected asylum seekers permission to remain in the country on an individual basis.

Societal discrimination against, and abuse of, refugees and asylum seekers occurred. In 2006 right-wing extremist groups reportedly attacked shelters for asylum seekers in Mecklenburg-Vorpommern (Nordvorpommern), Berlin, and Brandenburg (Cottbus and Neuruppin).

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

The Basic Law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

*Elections and Political Participation.*—Elections for seats in the Federal Parliament were last held in September 2005.

The chancellor was a woman, and there were 194 women in the 613-seat Federal Parliament. There were five women, in addition to the chancellor, in the 15-member cabinet; three of the 16 judges of the Federal Constitutional Court were women.

There were at least eight members of ethnic minorities in the Federal Parliament and one on the Federal Constitutional Court, but none in the cabinet.

*Government Corruption and Transparency.*—There were isolated reports of government corruption. Parliamentarians are subject to financial disclosure laws that require them to publish earnings made in side jobs. State prosecutors are generally responsible for investigating corruption cases.

Federal law provides for public access to government information. Four states (Berlin, Brandenburg, Schleswig-Holstein, and North Rhine-Westphalia) also have freedom of information laws that provide for an appeals process. In those states, authorities cited business confidentiality in those cases where access was denied.

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

A wide variety of international and domestic human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were very cooperative and responsive to their views.

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

The law prohibits the denial of access to housing, health care, or education on the basis of race, gender, disability, language, or social status, and the Government generally enforced these provisions in practice. Nonetheless, violence against women and children, trafficking in persons, and harassment of racial and religious minorities and foreigners were problems.

In August 2006 the Government enacted a law prohibiting discrimination on the basis of ethnicity, religious affiliation, age, sex, handicap, or sexual orientation.

*Women.*—The law criminalizes rape, including spousal rape, and provides penalties of up to 15 years in prison. The Government effectively enforced the law. According to national police criminal statistics, there were 8,118 cases of rape or serious sexual coercion in 2006. The Federal Government supported numerous projects in conjunction with the states and NGOs to deal with violence against women, both

to prevent violence and to give victims greater access to medical care and legal assistance.

The law prohibits violence against women, including spousal abuse; perpetrators may be temporarily denied access to the household, put under a restraining order, or in severe cases prosecuted for assault or rape and required to pay damages. The Government enforced the law; nevertheless, violence against women was believed to be widespread. Organizations that aid victims estimated that one in four to five women has been the victim of physical or sexual violence.

Forced marriages are illegal and invalid, and the act of coercing another person into a marriage through force or threat of force or other negative consequences is punishable by up to 5 years' imprisonment. While there were no conclusive statistics regarding the actual number of forced marriages in the country, evidence indicated that the problem occurred more often in the immigrant Muslim community than in the population in general. Forced marriages reportedly often led to violence. Such marriages affected not only some young women living in the country for whom the family brought a husband from abroad, but also young women who were sent against their will from Germany to other countries to be married.

On August 28, the Federal Court of Justice in Leipzig ordered a retrial for the two acquitted brothers of Hatan Surucu, the victim of a 2005 "honor killing." The Federal court ruled that the Berlin court failed to adequately evaluate evidence during the original trial. The youngest brother was found guilty of murder during the first trial and sentenced to 9 years and 3 months in prison.

In May a 42-year-old man of Turkish origin was sentenced to 4½ years in prison in Wuppertal for attempted manslaughter. According to witnesses, the man lifted his 16-year-old daughter over the railing of a four-story balcony while another family member pried loose her grip on the railing. The daughter had been forced to marry and later rebelled. The family accused her of being "dishonorable" because she opposed her father's will. The victim survived.

In April a Turkish immigrant was convicted of incitement and sentenced to 5½ years in prison by the Hesse state court in Limburg. The man had ordered his 16-year-old son to kill his sister because she did not want to marry her cousin. The son refused and told his teacher.

On June 18, the Baden-Wuerttemberg ministries for education and for social affairs began implementing several programs to combat forced marriage in the Muslim community. In addition, the state government continued to discuss the issue with representatives of Muslim organizations.

Prostitution is legal and fairly widespread, although communities have the authority to exclude it from specified areas, such as residential neighborhoods. There is a legal framework for improving the legal and social situation of persons engaged in prostitution, but the provisions of the law giving them the right to enforce contracts and to apply for health insurance and social benefits were rarely used.

Sexual harassment of women was a recognized problem. The law prohibits sexual harassment and requires employers to protect employees from sexual harassment. A variety of disciplinary measures against offenders are available, including dismissal. An employer's failure to take measures to protect employees from sexual harassment is considered a breach of contract, and an affected employee has the right to paid leave until the situation is rectified. There were press reports of sexual harassment in the workplace and in public facilities. Unions, churches, government agencies, and NGOs operated a variety of support programs for women who experienced sexual harassment and sponsored seminars and training to prevent it.

The law provides women the same rights as men. The Federal Ministry for Family, the Elderly, Women, and Youth was the primary Federal agency maintaining oversight of women's rights issues. The law provides for equal pay for equal work. Women generally were not discriminated against in terms of compensation for equivalent work, although they were underrepresented in well-paid managerial positions and overrepresented in some lower-wage occupations; women earned on average 30 percent less than men.

*Children.*—The Government maintained its strong commitment to children's rights and welfare. Public education is provided free of charge through the university level. Education is compulsory through the age of 16; almost all children attended school.

The Government funded medical care for children, and boys and girls had equal access to it.

During the year the European Parliament investigated reports that the German authorities discriminated against the non-German parent in separated mixed marriages by not allowing that parent to have contact with the child. The German youth welfare offices allegedly interrupted conversations between children and parents

and threatened to halt contact between them if they attempted to converse in a language not understood by the supervisor.

Child abuse was a problem that received widespread media attention. The law provides for the protection of children from pornography and sexual abuse. The maximum sentence is 1 year in prison for possession of child pornography and 5 years for its distribution. The law makes the sexual abuse of children by citizens abroad punishable even if the action is not illegal in the child's own country. The Government effectively enforced these laws.

Government data indicated that there might be up to 7,000 street children in the country. Authorities believed that the lives of these children often involved violence and abuse. Often they were fleeing violent and abusive homes. Street children frequently turned to prostitution for income.

The Government provided extensive funding for programs to combat the sale of children, child prostitution, child pornography, trafficking of children, and child sex tourism.

*Trafficking in Persons.*—The law prohibits trafficking in persons, but there were reports that men, women, and children were trafficked to, through, and within the country for the purposes of sexual and labor exploitation. Victims of sex trafficking came primarily from Central and Eastern Europe, although some were from Africa and Asia.

In its most recent report, covering 2006, the Government recorded 775 trafficking victims compared to 642 in 2005. Most victims (460) were between the ages of 18 and 24; 181 were German nationals. Approximately 8 percent were under the age of 18, including 28 citizens.

The Federal Criminal Office reported 664 suspected traffickers in 2006. German citizens made up 282, or 43 percent, of the total.

The law criminalizes trafficking in persons and provides penalties of up to 10 years in prison. Trafficking crimes are prosecuted at the state level.

According to the Ministry of Justice, courts convicted 136 traffickers in 2005, including nine processed in the juvenile justice system, compared to 137 adult and four juvenile traffickers in 2004. The statistics did not include convictions of alleged traffickers on nontrafficking charges or convictions of traffickers on multiple charges where another charge carried a higher maximum penalty than the maximum penalty for trafficking. Of the 127 adults convicted in 2005, 42 received prison sentences that were not suspended. Those receiving suspended sentences were generally convicted of playing an auxiliary role in trafficking operations and were subsequently required to perform community service, pay penalties, and in many cases, meet regularly with a parole officer.

The antitrafficking office of the Federal Criminal Office cooperated with Europol and Interpol law enforcement authorities. Federal ministries coordinated anti-trafficking efforts on the international, national, and state levels.

Police were required to notify a counseling center of trafficking victims and to inform the victims of their rights and options for seeking assistance. The centers provided shelter, counseling, interpreting services, and legal assistance.

In 9 of the 16 Federal states, there were cooperation agreements between police, state welfare agencies, and NGOs to strengthen the delivery of welfare services to victims. The Federal and state governments worked with NGOs and local women's shelters to identify and assist victims, funding more than 30 NGO counseling centers for victims of trafficking.

The Government paid the basic cost of repatriating trafficking victims. The International Organization for Migration administered and facilitated assistance to returning victims.

The Government sought to educate potential trafficking victims before they entered the country. Embassies and consulates as well as NGOs distributed brochures that provided information on residency and work permit requirements as well as warnings about trafficking.

*Persons with Disabilities.*—The law prohibits discrimination against persons with physical or mental disabilities in employment, education, access to health care, and the provision of other state services, and the Government effectively enforced these provisions.

Government guidelines were in place for barrier-free public buildings and for modifications of streets and pedestrian traffic walks to accommodate persons with disabilities. All 16 states have incorporated the Federal guidelines into their building codes. Almost all Federal buildings (98 percent) complied with the guidelines for a barrier-free environment.

*National/Racial/Ethnic Minorities.*—Harassment, including beatings, of foreigners and racial minorities remained a frequent problem throughout the country.

In March unknown persons vandalized four immigrant-owned stores in Rheinsberg, Brandenburg. In the same month in Cottbus, Brandenburg, two unknown persons physically attacked and shouted racial epithets at two asylum seekers from Chad and Cameroon.

In June three men attacked a 35-year-old African man in a Berlin subway station, knocking him off the edge of the platform. The victim remained in a coma days after the attack. In late June three Turks were identified as suspects, and an arrest warrant was issued for one. Police continued to investigate, but there were no new developments by year's end. On August 19, right-wing extremists attacked and severely injured a 26-year-old Sudanese man and a 39-year-old German of Egyptian descent at a street festival in Guntersblum (Rhineland Palatinate). In November the public prosecutor indicted five young men (aged 17 to 29) for the attack.

Also on August 19, 40 to 50 adults and youths rioted against eight residents from India in the town of Muegeln in northern Saxony. Witnesses stated that rioters and onlookers chanted antiforeigner phrases, such as "foreigners out" and "here the nationalist resistance rules." Rioters broke windows and vandalized the car of the Indian owner of the pizzeria where the eight victims and two police officers had sought refuge. A detail of 70 riot police broke up the attack. Police arrested two persons and released them after questioning; a national newspaper reported they were charged with disturbing the peace. Fourteen persons, including two police officers, were injured; three victims were treated in a hospital. On October 19, police charged one man with damage to property and incitement; on December 5, he was sentenced to 8 months in prison. He has appealed the verdict. Two others were charged with making xenophobic statements; a 35-year-old man was fined \$2,190 (1500 euros), and an 18-year-old was fined \$875 (600 euros) for incitement. (His sentence was limited because of his juvenile status.) Charges against four other men were dropped. Proceedings against a 22-year-old were pending. An investigation continued at year's end.

On October 20, an African-American was verbally harassed and beaten in Berlin Spandau. The police arrested the four juvenile male attackers and opened an investigation. No further information was available at year's end.

On December 1, in Magdeburg, several Iraqis were attacked on a bus. One of the victims, a pregnant woman, was taken to a hospital after the incident because of abdominal pain. The police detained two suspects. An investigation was ongoing at year's end.

In June a judge acquitted two persons accused in the April 2006 beating of a man of Ethiopian origin in Potsdam, citing insufficient evidence.

In 2006 the Federal OPC recorded 17,597 right-wing, "politically motivated crimes" (PMCs), an increase from 15,361 in 2005 and the highest number since 2000. There were also 2,369 left-wing PMCs, 477 PMCs by foreigners, and 168 other types of PMCs. The Federal Criminal Office defines politically motivated crimes as offenses related to the victims' ideology, nationality, ethnicity, race, skin color, religion, worldview, ancestry, sexual orientation, disability status, appearance, or social status. The OPC report listed 182 right-wing extremist organizations and groups. Authorities estimated membership in these groups plus right-wing extremists who were unorganized to be 38,600 at the end of 2006.

To address right-wing extremism, authorities conducted a variety of educational programs to promote tolerance, many focusing on anti-Semitism and xenophobia. Government agencies cooperated with NGOs in the formulation and administration of these programs. Following the attack on eight Indians in Muegeln, the Federal Government announced that it would increase funding for programs to combat right-wing extremism by \$7 million (5 million euros), in addition to a comparable increase in October 2006.

*Other Societal Abuses and Discrimination.*—Despite increasing public awareness, media and other reports indicated that societal and job-related discrimination against homosexuals occurred, though such instances were rare.

Five victims were hospitalized in June after eight right-wing radicals attacked a group of actors in Halberstadt (Saxony-Anhalt), still costumed from their performance of "The Rocky Horror Picture Show." Four previously convicted right-wing extremists went on trial for this attack on October 9 in Magdeburg. On December 5, the four men were released from custody on the basis of insufficient evidence while the adjudication of the case proceeds. One suspect who made a partial confession was obliged to report his whereabouts periodically to the police.

On November 3, four men in Mittweida allegedly cut a swastika into the thigh of a teenage girl who had intervened in an effort to stop the men from harassing a younger girl of Russian origin. Seeing the child crying and being bullied, the 17-year-old girl reportedly told the four men to leave the child alone. Three of them reportedly held her down, while a fourth carved into her thigh. The girl will receive

a special award for civil courage from the Association for Democracy and Tolerance, an initiative supported by the Government. However, police had some doubts about the veracity of the girl's account and were considering the possibility that the wound might have been self-inflicted.

There was discrimination against persons with HIV/AIDS. The Government worked with NGOs, religious groups, and business to educate the public about HIV/AIDS and its prevention.

*Section 6. Worker Rights*

*a. The Right of Association.*—The Basic Law provides for the right of employees to form and join unions of their choice without excessive requirements or previous authorization, and workers exercised this right. Approximately 23 percent of the workforce was organized into unions. The overwhelming majority of organized workers belonged to eight unions largely grouped by industry or service sector and affiliated with the German Trade Union Federation, the country's main trade union umbrella organization.

*b. The Right to Organize and Bargain Collectively.*—The law protects the right to collective bargaining and permits unions to conduct their activities without interference, and the Government generally protected this right in practice. Collective bargaining agreements covered approximately 63 percent of the labor force. The law provides for the right to strike for all workers except civil servants (including teachers) and personnel in sensitive or essential positions, such as members of the armed forces. Collective bargaining agreements reached with those public service workers who had this right were usually extended by legislation to those who did not, although such extensions did not always include all of the provisions of those agreements. Workers not allowed to strike also had legal recourse through the courts to protect their rights. Workers conducted legal strikes during the year.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children; however, there were reports that men, women, and children were trafficked for sexual exploitation and labor.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The Government effectively enforced laws and policies to protect children from exploitation in the workplace. The law prohibits the employment of children under the age of 15, with a few exceptions; those 13 or 14 years of age may do farm work for up to 3 hours per day or may deliver newspapers for up to 2 hours per day, and those 3 to 14 years of age may take part in cultural performances, albeit under stringent curbs on the kinds of activity, number of hours, and times of day. Abusive child labor was not a serious problem, although violations did occur, mainly in small, often family-owned, businesses such as pubs, restaurants, and grocery stores.

The Federal Ministry of Labor and Social Affairs effectively enforced the law through its Factory Inspection Bureau.

*e. Acceptable Conditions of Work.*—Germany does not have a minimum wage except for construction workers and cleaning staff. In June the Government agreed to extend the law on payment of foreign workers at construction sites to 12 other sectors, but ruled out introduction of a universal minimum wage. A minimum wage for cleaning and electrical workers was enacted into law during the year. Collective bargaining agreements set minimum pay rates and were enforceable by law for an estimated 80 percent of all wage and salary earners. The wages established by these processes provided a decent standard of living for a worker and family.

Federal regulations limited the workweek to 48 hours, but collective bargaining agreements may stipulate lower maximums. Contracts that directly or indirectly affected 80 percent of the working population regulate the number of hours of work per week. According to the Statistical Office of the European Communities (Eurostat), in 2006 the average workweek of full-time workers was 40.3 hours nationwide; rest periods for lunch were accepted practices. Provisions for overtime, holiday, and weekend pay varied depending upon the applicable collective bargaining agreement.

An extensive set of laws and regulations governs occupational safety and health. A comprehensive system of worker insurance carriers enforced safety requirements in the workplace. The Ministry of Labor and Social Affairs and its counterparts in the states effectively enforced occupational safety and health standards through a network of government bodies, including the Federal Institute for Occupational Safety and Health. At the local level, professional and trade associations—self-governing public corporations with delegates representing both employers and unions—oversee worker safety. The law provides for the right to refuse to perform dangerous or unhealthy work without jeopardy to continued employment.

Foreign workers in the country were protected by law and generally worked in conditions equal to those of citizens; however, such workers faced some wage discrimination. For example, foreign teachers in some schools were paid less than their citizen counterparts. Seasonal workers from Eastern Europe who came to the country on temporary work permits also often received lower wages. Workers from other EU countries at times were employed at the same wages they would receive in their home country, even if the corresponding citizen worker would receive a higher wage.

## GREECE

Greece is a constitutional republic and multiparty parliamentary democracy with an estimated population of 11 million. In September the New Democracy Party won a slim majority of seats in the unicameral Vouli (Parliament) in free and fair elections, and Konstantinos Karamanlis remained the prime minister. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens; however, there were problems in several areas. Human rights abuses reported during the year included: Numerous reports of abuse by security forces, particularly of illegal immigrants and Roma; overcrowding and harsh conditions in some prisons; detention of undocumented migrants in squalid conditions; restrictions on freedom of speech; restrictions and administrative obstacles faced by members of non-Orthodox religions; detention and deportation of unaccompanied or separated immigrant minors, including asylum seekers; domestic violence against women; trafficking in persons; limits on the ability of ethnic minority groups to self-identify; and discrimination against and social exclusion of ethnic minorities, particularly Roma. Romani children were in some instances relegated to segregated schools and exploited through forced begging and forced labor while law enforcement officials took little action to protect them; Romani adults lacked access to adequate housing, medical care and, in many instances, water, electricity, and waste removal. Non-citizen Roma often faced dire circumstances, living in squalid and inhumane conditions in makeshift camps.

### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—There were no reports that the Government or its agents committed any politically motivated killings; however, there were two reports that persons lost their lives due to official negligence, recklessness, excessive use of force and/or criminal intent.

In early August a Greek man was injured by the Coast Guard and died after he reportedly did not stop for a boat check. The Coast Guard ordered the suspect to stop; upon his failing to do so, Coast Guard officers opened fire, injuring the man. He was taken to a hospital where he died. Press reports alleged that the deceased was a member of a network smuggling aliens and narcotics to Greece.

In November a border guard shot and killed an Albanian who was attempting to illegally cross the border. The border guard was arrested and the case was pending at year's end.

In June the European Court for Human Rights (ECHR) found Greece in violation of Article 2 (right to life) in connection with the shooting in January 1998 that left Ioannis Karagiannopoulos, a Romani man, an invalid for life.

In July the ECHR unanimously found Greece in violation of article 2 (right to life) and cited several shortcomings in the inquiry into the fatal wounding of the 20-year-old Albanian immigrant Gentjan Celniku by an off-duty police officer in 2001 in Athens. The court awarded the applicants \$42,400 (29,010 euros) for damages, costs and expenses.

Unlike the previous year, there were no reports of injury or death from landmines. Sixty-eight persons have died over the previous 16 years in the Evros minefields.

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits such practices; however, police forces abused some persons, particularly immigrants and Roma.

In November the international nongovernmental organization (NGO) "Pro-Asyl" declared, after conducting two fact-finding missions in July/August on the Aegean islands of Samos and Chios, that the Greek Coast Guard systematically mistreated newly-arrived refugees. The group alleged that the Coast Guard tried to block immi-

grants' boats and force them out of Greek territorial waters. Pro-Asyl alleged that passengers were cast ashore on uninhabited islands or left to their fate on the open sea. In one reported case on the island of Chios, the group said that the degree of mistreatment amounted to torture (the reputed behavior included serious beatings, mock executions, electric shocks, and pushing a refugee's head into a bucket of water). Pro-Asyl reported that the police detained all refugees and migrants on their arrival on the islands, including minors, and that without exception, all new arrivals were placed under a deportation order without being given any information about their rights and without legal counsel. In December 2006, the Council of Europe's Committee for the Prevention of Torture (CPT) reported that, based on its 2005 visit to the country, the rights of persons in police detention centers were not respected in practice and that there continued to be widespread use of violence against persons deprived of their liberty. The CPT delegation doctors found that persons who had alleged mistreatment during interrogation or while in border guard stations were found to have injuries consistent with their allegations.

In March police officers reportedly beat Iraqi asylum seekers when they refused to board a bus to deport them to Turkey and instead insisted on filing asylum applications. In August the World Organization Against Torture (OMCT) expressed concern that authorities had not opened an investigation into the incident.

Amnesty International publicized reports of mistreatment of migrants and asylum-seekers. In September 2006, 40 migrants, including minors, who were attempting to board ships bound for Italy from the port of Patras were reportedly detained at the Patras Port Security Office and officials reportedly beat some of them.

In July the prosecutor ordered an inquiry into videos, aired by YouTube.com and on Greek television, showing seven officers abusing two Albanians in police custody reportedly after their arrest on drug charges, in June 2006. An arrest warrant was issued for two of the officers on felony charges and charges were brought against seven officers for torture and breach of duty. Five officers were suspended from duty.

During the year the ECHR ruled against the Government in a number of cases involving police shooting, beating, or otherwise mistreating persons. For example, in January the ECHR found police brutality in the Alsayed Allaham case concerning the beating of a Syrian citizen in September 1998. In May 2007 the court ruled against Greece in a similar case concerning the beating of Dimitris Zelilof in December 2001. In December the ECHR unanimously found Greece in violation of Article 3 (prohibition of torture) and Article 14 (prohibition of discrimination) concerning the assault by police officers and subsequent lack of an effective investigation into the allegations of police brutality and racial motives in connection with the beating of a pregnant Romani woman which led to the miscarriage of her child. Greece was ordered to pay the victim \$30,600 (21,000 euros) in damages.

In May a homicide police officer was arrested for attempted rape of a woman while on duty and in his police car. The case was pending at year's end.

AI reported that in 2006 a Bulgarian woman was detained on the island of Rhodes for illegal entry. Two men who allegedly arranged her transfer from Crete to Rhodes were charged with trafficking and pimping. The woman reported that after she was detained a police officer took her to his house, where he raped her. She also alleged that, when she was next taken to the police station, she was raped by another officer. Authorities opened a criminal investigation, and the two officers were charged with rape. The on-duty officer at the station and the police station commander were charged with neglect of duty. The trial was pending at year's end.

Police were more likely to abuse Roma than other minority groups. Immigrants, including Albanians, also accused police of abuse.

The CPT recommended measures to stamp out mistreatment by law enforcement officials that included investigating such allegations thoroughly and, where appropriate, imposing disciplinary and criminal sanctions. The committee also recommended the establishment of an independent police inspectorate and rigorous recruitment and training programs for the police. The CPT made an unexpected follow-up visit to prisons and police detention centers in February, the results of which had not been published by year's end. The visit's objective was to examine steps taken by the authorities to implement CPT recommendations made during its 2005 visit.

*Prison and Detention Center Conditions.*—Prison conditions remained harsh due to continued overcrowding and outdated facilities. As of August, the Ministry of Justice reported that the total prison population was 10,772, while the official capacity of the prison system was 6,019.

There were reports of prison or detention center guards mistreating prisoners. In April protests erupted in several prisons around the country due to overcrowding and in response to reports that guards had beaten a high-profile anarchist in a jail

outside Athens. In July inmates of the Diavata Thessaloniki prison alleged that they were beaten by prison guards.

There was one detention center death during the year that appeared to result from police negligence. In April a 20-year-old Albanian committed suicide while in police custody in Ilion, Athens. The young man hanged himself with a belt that had not been taken from him in contravention of detention rules.

In a 2005 visit, the CPT examined the treatment of persons detained by law enforcement authorities, focusing in particular on detention facilities for illegal immigrants in the eastern Aegean and Thrace. The delegation visited prisons, police detention centers, police stations, holding facilities for illegal immigrants, and psychiatric hospitals. In a December 2006 report on the visit, the CPT noted that prisons remained largely overcrowded and that prison violence appeared to be on the rise, that conditions of detention in police facilities generally were unsatisfactory and in certain cases amounted to inhuman or degrading treatment, and that facilities designed for holding suspects for short periods were used for prolonged incarceration. On February 20–27, the CPT made an unannounced follow-up visit to prisons and police detention centers; results of that visit had not been announced by year's end. In accordance with recommendations from the CPT and other international organizations, the Government opened two new alien detention facilities, one in Samos in December with a capacity of 285 persons and another 300-person facility in Evros, Thrace.

AI found that minors were among refugees and migrants being held at the detention center on the island of Chios and that the center was overcrowded and lacked toilet facilities. Authorities detained five minors in the city of Volos for 45 days before transferring them to Athens where they were further detained.

The ombudsman for human rights stated in May that the increasing overcrowding was creating poor prison conditions and leading to discipline problems and criminal behavior in the prisons.

In March detainees in the Thessaloniki Police Station awaiting trial filed a complaint requesting their transfer to prisons. Many of them had been held in the station for over 2 months. In August inmates of a prison in northwestern Greece rioted to protest prison overcrowding. The prison was built to house 80 inmates but held 235 at the time of the riot. In September inmates of the Alikarnassos prison in Crete also rioted due to overcrowding. The prison had a capacity of 250 inmates, but reportedly held 390. At the high security Korydallos Prison in central Piraeus, many pretrial detainees were held with convicted prisoners. To help address overcrowding, authorities opened a new prison facility in March in Domokos, central Greece.

In April the CPT reported to the Council of Europe Parliamentary Assembly that detention center conditions in Peplos, Thrace, and on the Aegean island of Mytilini were unacceptable and that there were multiple shortcomings at the Chios judicial prison.

In June the UNHCR found that both juveniles and women were held alongside men at the alien detention center in Samos. A new center has since opened on Samos.

In 2006 the Council of Europe commissioner for human rights reported that local and international independent human rights observers were not consistently permitted access to prisons, police detention centers, or detention centers for illegal immigrants. In May the ombudsman for human rights formally complained that, for the 2 previous years, the Ministry of Justice denied his representatives access to prisons. The Ministry continued to deny the ombudsman access to prisons through year's end. International human rights observers reported fewer problems receiving permission for visits than did local human rights groups, and the International Committee of the Red Cross had a regular program for prison visits. However, there was insufficient access to detention centers for independent organizations wanting to screen for victims of trafficking in persons.

*d. Arbitrary Arrest or Detention.*—The Constitution and law prohibit arbitrary arrest and detention. However, police conducted large-scale sweeps and temporarily detained large numbers of foreigners, often under crowded and squalid conditions, while determining their residence status.

*Role of the Police and Security Apparatus.*—The police are responsible for law enforcement and maintenance of order within the country and are under the authority of the Ministry of the Interior, Department of Public Order. The Coast Guard is responsible for law enforcement in territorial waters and is under the authority of the Ministry of Mercantile Marine. While the country's law enforcement agencies were generally effective, police did not adequately deal with self-styled "anti-imperialist" anarchists, who used crude gas canister bombs and Molotov cocktails to attack prop-



erty, government offices, targets representing “Western interests,” and the police, particularly in central Athens.

Police corruption continued to be a problem. While a police anticorruption unit investigated alleged abuses, human rights and antitrafficking groups asserted that anticorruption efforts needed to be given higher priority. The ombudsman for human rights and NGOs noted that the Bureau of Internal Affairs’ investigations determined culpability in very few cases and that the penalties handed down were disproportionately lenient.

In December the media complained about light administrative sentences, which ranged from 15 days to 6 months’ suspension, given to seven police officers involved in a police brutality incident against a Cypriot student during the November 17 rallies of 2006. All seven officers were also facing criminal charges in connection with the beating.

In 2006 the Council of Europe’s commissioner for human rights reported that few cases against law enforcement personnel were brought before the courts and that courts were lenient in addressing cases involving law enforcement personnel. The commissioner noted that authorities’ failure to examine cases of mistreatment by law enforcement personnel remained of particular concern and that the Government needed to review the mechanisms to address corruption and allegations of abuse by law enforcement.

In September authorities arrested a Coast Guard lieutenant commander and a junior officer on charges of taking bribes to facilitate the sea transport of illegal migrants through their area of jurisdiction. The Thessaloniki Naval Court convicted the two officers and gave them suspended sentences. Both officers were suspended from their duties.

On October 3, Thessaloniki Security Police announced the arrest of an Air Force officer on charges of forgery. The suspect was arrested for attempting to counterfeit the seals of police stations in Patras and Pyrgos as well as the seal of a police officer serving in the security police department of Thessaloniki. Charges were filed and the matter remained under investigation at year’s end.

During the year the Police Bureau of Internal Affairs took several disciplinary measures, including dismissal and suspension, against officers involved in corruption, primarily for forging documents and taking bribes. Most charges against police involved violation of duty, false certificates, abuse of power, corruption, violations with arms and explosives, illegal release of persons in police custody, pimping, and violations related to alien registration.

For example, in May the Bureau of Internal Affairs arrested the director of a police station in Nea Ionia, Athens for accepting a \$51,100 (35,000 euros) bribe from the friend of a prisoner. The bribe was to fix the trial outcome and to ensure a favorable decision on appeal that would result in a suspended sentence. The police director was suspended from duty and was awaiting trial at year’s end.

The former Ministry of Public Order (now under the Ministry of Interior) conducted regular training to address a variety of problems, including corruption and police abuses. The ministry also issued a code of conduct, booklets and other material to police officers to promote reform.

*Arrest and Detention.*—The law requires judicial warrants for arrests, except when they are made during the commission of a crime, and prohibits arbitrary arrest orders. Authorities generally respected these provisions in practice. Police are required to bring persons who are detained or arrested before an examining magistrate within 24 hours. The magistrate is required to issue a detention warrant or order their release within 3 days unless special circumstances justify a 2-day extension of this limit. Bail is available for defendants detained or arrested on felony charges, unless the judicial officer determines that it would not be adequate to ensure the defendant’s appearance at trial or that the defendant is a flight risk or danger to the community.

The law provides that persons in detention have the right to contact a close relative or another third party, to have access to a lawyer, and to have access to a doctor; however, during its 2005 visit to the country, the CPT found that the Government did not respect these rights in practice. The CPT heard a number of allegations that access to a lawyer had been delayed for periods of up to 3 days. In most of these cases, the persons detained—mainly foreigners—alleged that they were mistreated during arrest and interrogation. The CPT received a number of complaints from illegal immigrants in detention that they were provided information sheets explaining their rights in only the Greek language and that they were either coerced physically or threatened with mistreatment to ensure they signed the information sheets.

Defendants have the right to legal counsel. In felony cases the bar association provides lawyers to defendants who prove they cannot afford legal counsel.

Defendants brought to court on the day following the alleged commission of a misdemeanor may be tried immediately under expedited procedures. Although legal safeguards, including representation by counsel, apply in expedited procedure cases, the short time period limited defendants' ability to present an adequate defense. Defendants may request a delay to prepare a defense, but the court is not obliged to grant their request. Expedited procedures were used in less than 10 percent of applicable cases.

The ombudsman for human rights asserted in his 2007 annual report that the number of complaints of police taking citizens to detention centers for arbitrary identity checks, using insulting language and threats of force, and conducting bodily searches in public remained at the same high levels as in the past. Police reportedly targeted persons based on their race, color, nationality, or presence in high-crime areas.

In 2005 the chief prosecutor of the Supreme Court opened an investigation into allegations made by 28 Pakistanis resident in Greece that they were abducted in 2005, hooded, held for up to 7 days in a secret location, and interrogated by persons who claimed to be police officers. One of the claimants also alleged that he was beaten. The minister of public order reported that up to 5,000 foreign national residents were legally questioned following the July 2005 London bombings, but that no abuses occurred. In May 2006 the prosecutor filed abduction charges against unidentified suspects after completing a 4-month investigation and established that at least 14 Pakistanis were abducted. The case remained pending at year's end.

The law allows pretrial detention for up to 18 months for cases involving alleged felonies and for up to 9 months for misdemeanors involving "multiple, accidental manslaughters." Some defense lawyers asserted that pretrial detention was supposed to be reserved for exceptional cases but had become the norm. They also argued that it was excessively long and that although the Code of Criminal Procedure expressly excludes "seriousness of the crime" as a criterion, it is usually the main reason for extended detention in practice. A panel of judges may release detainees pending trial, with or without bail. Pretrial detainees made up approximately 30 percent of those incarcerated and contributed to prison overcrowding, according to figures provided by the Ministry of Justice.

*e. Denial of Fair Public Trial.*—The law provides for an independent judiciary, and the Government generally respected this provision in practice; however, observers reported that the judiciary was subject to influence. On several occasions in 2006 and 2007, the ECHR penalized the Government for unreasonably long trials and found the Greek court system to be inefficient. During the year a number of judges were under investigation or had been dismissed on corruption-related charges. There were several ongoing corruption-related criminal cases for as many as 20 judges. The judiciary acted more leniently toward those claiming a political motivation for their acts of property destruction (so-called anarchists) than it did for those who did not claim a political motivation. For example, anarchists were frequently given suspended prison sentences in lieu of prison time or punitive fines.

The judicial system consists of three levels of civil courts (first instance, appeals, and supreme), three levels of criminal courts (first instance, divided into misdemeanor and felony divisions; appeals; and supreme), appointed judges, and an examining magistrate system, with trials by judicial panels.

*Trial Procedures.*—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are public in most instances, and juries are used in all first and second-degree felony cases. An antiterror statute permits denial of the right to a jury trial in cases of violent terrorism. Defendants have the right to be present and to consult with an attorney in a timely manner. An attorney is provided at public expense if indigent defendants face serious criminal charges. Defendants may confront and question witnesses against them and present witnesses and evidence on their behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases. Defendants enjoy a presumption of innocence and have the right to appeal. Defendants who do not speak Greek have the right to a court-appointed interpreter. According to several immigrant associations in Athens, the low fees paid for such work often resulted in poor interpretation. Foreign defendants who used these interpreters frequently complained that they did not understand the proceedings at their trials. Defendants often were not advised of their rights during arrest in a language that they could understand. Several complained that they were not shown the Hellenic Police Informational Bulletin, which contains prisoners' rights in a variety of languages, and that they were forced to sign blank documents later used for their deportation.

The Government recognizes Shari'a (the Muslim religious law) as the law regulating family and civic issues of the Muslim minority in Thrace.

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

*Civil Judicial Procedures and Remedies.*—There is a generally independent and impartial judiciary in civil matters. There are no administrative remedies available beyond the judicial remedies for alleged wrongs.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law prohibits such actions; however, these provisions were not always respected in practice.

Police and prosecutors regularly conducted raids and searches of Romani neighborhoods, frequently entering Romani homes without authorization in search of criminal suspects, drugs, and weapons. Local authorities threatened to evict, and evicted, Roma from camps and tent dwellings during the year, often in violation of the law.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution and law provide for freedom of speech and of the press, and the Government generally respected these rights in practice; however, legal restrictions on free speech remained in force. The law prohibits exposing to danger of disturbance the friendly relations of the Greek state with foreign states, spreading false information and rumors liable to create concern and fear among citizens or cause disturbances in the country's international relations, and inciting citizens to rivalry and division leading to disturbing the peace or acts of violence. However, these prohibitions were very rarely invoked. In most criminal defamation cases, defendants were released on bail pending appeal without serving time in jail.

Individuals could criticize the Government publicly or privately without reprisal and the Government did not attempt to impede criticism.

In June police confiscated a video art show as "indecent" art. The show's curator Michalis Argyros was arrested and spent one night in jail. He and the creator of the video were charged with breaking the indecency law on the basis of the film, which depicted 1960's era pornography set against the soundtrack of the Greek national anthem. The show curator was acquitted in December.

There were numerous independent newspapers and magazines in circulation and they generally expressed a wide variety of views without restriction.

The law provides that the Government exercise "immediate control" over radio and television and establishes ownership limits on media frequencies. However, independent radio and television stations were active and expressed a wide variety of views with little government restriction. State-operated stations tended to emphasize the Government's views but also reported objectively on other parties' programs and positions.

The Muslim minority of Thrace, the International Press Institute and the South-East Europe Media Organization complained that a new media law, passed in July, requires radio and television stations to broadcast primarily in Greek to be eligible for the required government permit. They assert that the law will effectively block minorities from accessing information in their own languages.

The law allows for seizure, by order of the public prosecutor, of publications that insult the president, offend Christianity "or any other known religion," contain obscene articles, advocate violent overthrow of the political system, or disclose military and defense information. The Government did not charge any individuals with violation of this law during the year.

The law punishes "whoever intentionally incites others to actions that could provoke discrimination, hatred or violence against persons or groups of persons on the basis of their race or ethnic origin or expresses ideas insulting to persons or to groups of persons because of their race or ethnic origin." Two cases were brought to court for expressing allegedly anti-Semitic or racist ideas: A suit filed by Greek Helsinki Monitor (GHM) against the extreme-rightwing newspaper Eleftheros Kosmos for having publicly expressed ideas offensive to Roma because of their ethnic origin that was scheduled to be heard in February 2008, as well as another case brought by GHM and the Central Board of Jewish Communities against the newspaper Eleftheros Kosmos and former Popular Orthodox Rally party (LAOS) candidate Kostas Plevris for racism and anti-Semitism. In December the court convicted Plevris and sentenced him to a 14-month suspended sentence for inciting hatred and racial violence through his book "The Jews—The Whole Truth." Plevris stated that he will appeal the ruling. Eleftheros Kosmos was acquitted.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could generally engage in the peaceful expression of views via

the Internet, including by e-mail. Internet was available throughout the country and widely used.

There were no developments in the 2006 case against an Internet blog administrator who was charged with libel and defamation, based upon comments that appeared in one of the blogs under his administration. The matter remained pending at year's end. The comments allegedly used the word "stupid" to describe a nationalistic television religious evangelizer who claimed that all things on earth come from Greece and from ancient Greeks.

The case of an Internet artist, who was arrested in 2005 on charges of Internet fraud for creating a satirical web site that described corruption in civil service hiring, was scheduled to be tried in June but the trial was postponed indefinitely.

*Academic Freedom and Cultural Events.*—The Government did not restrict academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The law provides for freedom of assembly, and the Government generally respected this right in practice.

The Police Disciplinary Council gave a 15-day suspension to the police director who in November 2006 severely beat a Cypriot student during a protest commemorating the 1973 student uprising against the military junta.

In June 2006 the U.N. special rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance called on the Government to respond to a human rights activist's allegations that he was illegally held at a police station for 4 hours in 2005 and told that he was under arrest after participating in demonstrations against the expulsion of Romani children from their school. In June 2007 the special rapporteur announced that he had not received any communication from the Government and noted that, if the Government would not respond, he would no longer treat the case as an allegation but as a proven fact.

*Freedom of Association.*—The law provides for freedom of association; however, the courts continued to place legal restrictions on the names of associations involving certain ethnic minorities.

In October 2006 the group Home of Macedonian Culture took its case regarding the denial of the organization's legal status to the Supreme Court, where it remained pending at the end of 2007.

*c. Freedom of Religion.*—The law provides for freedom of religion; however, non-Orthodox groups at times faced administrative obstacles or legal restrictions on religious practices.

The law establishes the Eastern Orthodox Church of Christ (Greek Orthodoxy) as the "prevailing" religion. The Greek Orthodox Church continued to exercise significant political and economic influence. The Government financially supported the Greek Orthodox Church and paid the salaries and some expenses of the two official Muslim religious leaders in Thrace. Jewish leaders requested that the Government pay rabbis' salaries, given its practice of paying Orthodox priests' and Muslim muftis' salaries; the Government had not responded to this request by year's end.

The government, by virtue of the status of the Greek Orthodox Church as the prevailing religion, recognizes de facto its canon law. Privileges and legal prerogatives granted to the Orthodox Church are not extended routinely to other recognized religions. Orthodox Church officials refused to enter into dialogue with religious groups that they considered harmful to Orthodox worshippers, and they instructed their members to shun followers of these faiths.

Only Greek Orthodoxy, Islam, and Judaism are recognized as "known religions." No formal mechanism exists to gain recognition as a "known religion." Recognition is granted indirectly by applying for and receiving a "house of prayer" permit from the Ministry of Education and Religion. New religions had problems obtaining these permits.

Several religious denominations reported difficulties dealing with authorities on a variety of administrative matters, including gaining recognition as a "known religion," opening new houses of worship, and moving a house of worship from one location to another.

According to Ministry of Education and Religion officials, applications for additional places of worship were numerous and were approved routinely once a recognized religion received a permit; however, members of the Church of Scientology have not been able to register or build a house of prayer. Two different groups that follow the ancient polytheistic Hellenic tradition have applied twice since 2003 for a house of prayer permit but the Ministry responded to one of the groups saying that it would delay its formal response "due to the seriousness and peculiarity of the matter." Members of Jehovah's Witnesses have five pending house-of-prayer permit requests dating from 2005. The group sent a protest letter to the ombudsman

in December 2006, but had received no response by the end of 2007. Members of Jehovah's Witnesses reportedly filed an additional four applications for permits for Kingdom Halls during the year. The group had not received a reply, and construction approval was pending due to bureaucratic delays.

Although Parliament approved a bill in 2000 allowing construction of the first Islamic cultural center and mosque in an Athens suburb, construction had not started by year's end. In 2006 the Government passed legislation providing for the establishment of a mosque (without a cultural center) in the central Athens neighborhood of Votanikos, as opposed to the initial site chosen in an outlying suburb in Attica. Leaders of the local Muslim community expressed satisfaction with the new proposed location, but submitted a written request for action on the matter to the education and religions minister in October calling the issue "one of grave importance" to the Muslims of Athens, who according to the letter numbered in the "hundreds of thousands." In the meantime, Arab Muslims in Athens established a Muslim Cultural Center at an old abandoned factory in Moschato, Athens. The facilities, which opened in June, included a place of worship for as many as 2,000 persons. This unofficial Mosque operated without a house-of-prayer permit from the Ministry of Education and Religion. Other Muslims continued congregating in dozens of unofficial prayer rooms and were forced to travel to Thrace for official weddings and funerals because there were no official Muslim clerics outside Thrace.

Muslims are accorded the status of an official minority in Thrace, and the Government selects two official Muslim religious leaders, or muftis, there. While part of the community accepted the two officially appointed muftis, some Muslim males "elected" two different muftis.

Non-Orthodox citizens claimed that they faced career limits in the military, police, fire-fighting forces, and civil service due to their religion.

The law specifically prohibits proselytizing and stipulates that religious rites must not disturb public order or offend moral principles. Members of missionary faiths reported occasional instances of police harassment, for example, identity checks and detention under anti-proselytizing laws, but continued to note an improvement during the year. Church officials from missionary faiths expressed concern that anti-proselytizing laws remained on the books, although such laws did not seriously hinder their activities. Police occasionally detained members of the Jehovah's Witnesses for identity checks. In all cases, after 1 to several hours, the persons were released. Both groups reported that the number of incidents of this kind of interference has decreased dramatically in recent years. Members of Jehovah's Witnesses, however, still reported approximately 30 such detentions during the year.

Religious instruction is mandatory for all Greek Orthodox students in primary and secondary schools, but not for non-Orthodox students. Some schoolbooks contained negative references to Roman Catholicism, Judaism, Jehovah's Witnesses, and the ancient polytheistic Hellenic tradition. In 2006 the ombudsman wrote a letter to the Ministry of National Education and Religions expressing the hope that the Pedagogical Institute (the competent authority for schoolbooks) would proceed with the necessary revision of the controversial chapters in new editions of the schoolbooks. In October 2006 the ombudsman wrote a second letter to the Ministry of Education and Religions, requesting to be informed of the results of his suggestions.

Since schools did not supervise non-Orthodox children while Greek Orthodox children were taking religious instruction, non-Orthodox parents complained that they were effectively forced to have their children attend Greek Orthodox classes. In Thrace the Government subsidized public schools for the Muslim minority and two Koranic schools. Turcophone activists criticized the quality of instruction at the minority schools and the state-sponsored Pedagogical Academy that trains teachers. In September 2006 the Government began a pilot program of teaching Turkish as a foreign language in five public high schools in Thrace. Turkish teachers expressed reservations about the program and ultimately refused to teach Turkish in these schools. The program remained inactive at year's end.

*Societal Abuses and Discrimination.*—Members of non-Orthodox faiths reported incidents of societal discrimination, such as local Greek Orthodox bishops warning parishioners not to visit clergy or members of these faiths and requesting that police arrest missionaries for proselytizing. Some non-Orthodox religious communities encountered difficulty in communicating with officials of the Orthodox Church and claimed that the attitude of the Orthodox Church toward their faiths has increased societal intolerance toward their religions. However, with the exception of the growing Muslim population, most members of non-Orthodox faiths considered themselves satisfactorily integrated into society.

The Orthodox Church maintained on its Web site a list of religious groups, including Mormons, Jehovah's Witnesses, evangelical Protestants, Scientologists, Baha'is, and others, that it considers sacrilegious.

The Roman-Catholic cemetery of Chania was vandalized in October by unknown perpetrators who destroyed tombs and monuments.

The Jewish community has approximately 5,000 members. Expressions of anti-Semitism continued to occur, particularly in the extremist press. The mainstream press and public often mixed negative comments about Jews with criticism of Israel and its government.

On October 5, 2007, while vacationing in Greece, Nick Kolyohin, 24 from Tel Aviv, was beaten by a group of youths, apparently from Albania, in a violent anti-Semitic attack.

On September 17, an ultra-right Greek political party LAOS won 3.8 percent of the popular vote to gain 10 parliamentary seats in national elections. The party leader Giorgos Karatzaferis has publicly stated that the party is not racist or anti-Semitic, but he has frequently denied that the Holocaust occurred, accused "the Pope and the Jews" of a conspiracy against Greece, and at various times claimed that 136 of the country's members of Parliament are Freemasons.

Vandalism of Jewish monuments decreased, although in February swastikas were painted on an out-of-use synagogue in Veria and in March swastikas appeared in a cemetery in Ioannina. The Government condemned the vandalism but did not find the perpetrators.

The Central Board of the Jewish Communities of Greece and the GHM continued to protest the Easter tradition of the burning of a life-size effigy of Judas, sometimes referred to as the "burning of the Jew," by state agencies including the Athens News Agency, the National Tourism Organization and Agrotouristiki (a government agency used to promote rural tourism). The Jewish Communities and the GHM maintained that this tradition propagated hatred and fanaticism against Jews. The Orthodox Church and the Wiesenthal Center wrote formal objections to this tradition. The Jewish Community also protested anti-Semitic passages in the Holy Week liturgy. The Jewish community reported that it remained in dialogue with the Orthodox Church about the removal of these passages.

Two cases against newspapers for expressing allegedly anti-Semitic ideas remained pending in the courts. On December 18, the Court heard arguments arising from a case brought by GHM and the Central Board of Jewish Communities against the newspaper Eleftheros Kosmos and former LAOS party candidate Kostas Plevris for racism and anti-Semitism. In his May 2006 book, "Jews: The Whole Truth," attorney Kostas Plevris glorified Adolf Hitler and called for the extermination of the Jews. He declared himself "a Nazi, a fascist, a racist, an antidemocrat, an anti-Semite." On December 18, the court convicted Plevris and sentenced him to a 14-month suspended sentence for inciting hatred and racial violence over his book "The Jews—The Whole Truth." Plevris stated that he intended to appeal the ruling. Eleftheros Kosmos was acquitted of the charges.

The Government cosponsored commemorative events in Athens and Thessaloniki in January for Holocaust Remembrance Day. The Ministry of Education distributed materials about the history of the Holocaust to be read in all schools on Holocaust Remembrance Day and informed schools of educational courses available through the Jewish Museum of Athens.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The law provides for free movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

The law prohibits forced exile, and the Government did not employ it.

The law permits the Government to remove citizenship from persons who commit acts contrary to the interests of the country for the benefit of a foreign state. While the law applies to citizens regardless of ethnicity, historically it has been enforced in virtually all cases against persons who identified themselves as ethnic "Macedonians." The Government did not reveal the number of such cases, but it was reported to be low, and there were no reports of new cases during the year.

Due to serious bureaucratic problems in the legalization process for immigrants, many aliens were in a semilegal status, holding expired residency permits in the process of renewal. Many of these were subject to deportation without legal process following police sweeps. The law provides for legalization of undocumented immigrants who can prove by a visa stamp or possession of a tax roll number that they entered the country before the end of 2004. Immigrants and human rights organizations complained that out of an estimated 450,000 undocumented immigrants, only

180,000 were legalized under the this provision due to stringent application requirements and because many immigrants did not meet qualifications for legal entry into the country. In June the Government established a National Committee for the Social Integration of Immigrants.

*Protection of Refugees.*—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol. However, the Government largely has not implemented a 1999 presidential decree that brought the law into compliance with the standards of the U.N. High Commissioner for Refugees (UNHCR) with regard to asylum procedures. In practice the Government provided very limited protection against refoulement, the return of persons to a country where there was reason to believe they feared persecution.

Although the UNHCR observed an attempt by the Government for a more realistic and humanitarian approach to refugees during 2007, the office, together with the Greek Council for Refugees, the ombudsman for human rights, the European Commission against Racism and Intolerance, AI, and the Council of Europe commissioner for human rights, expressed concern that very few applicants were granted asylum and that new arrivals that might include potential asylum seekers were at risk of refoulement. In March the ombudsman for human rights noted that, although the Aliens Police Directorate had made progress in receiving asylum applications, overall the asylum application process remained a problem, primarily due to selective acceptance and processing procedures for asylum applications at the police aliens' sections throughout the country. During 2006 the Government granted refugee status to 128 out of 12,267 applicants. The overall refugee recognition rate, including humanitarian status granted to 64 persons, was 1.2 percent. The UNHCR remained concerned over the very low recognition rate.

Although the Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers, the UNHCR, AI, and the ombudsman for human rights expressed concern over the country's asylum policy and practices. They cited a number of specific problems, including a lack of permanent reception facilities with decent living conditions; the use of ad hoc facilities (primarily on the islands when a boatload of refugees arrived); underdeveloped systems to provide for refugee welfare; insufficient counseling to assist in the integration of refugees and asylum seekers; and a lack of appropriate facilities for unaccompanied minors who were potential asylum seekers. In 2006 the UNHCR issued a position paper on refugee protection with 25 recommendations for the Government regarding: improvement of reception capacity and living conditions; provision of legal counseling; and protection for asylum-seeking children, women, and victims of human trafficking. In response the Government opened three new detention facilities during the year. In March the ombudsman pointed out inadequacies in laws for detaining and deporting underage foreign nationals, including asylum seekers, and a lack of infrastructure and services for handling juvenile detainees who tried to enter the country illegally or sought asylum. In 2006 the ombudsman recommended that the Ministry of Public Order add staff to handle the 50,000 pending asylum applications, simplify asylum procedures, and follow UNHCR recommendations and guidelines. As a result, the Government improved procedures for accepting applications at the Attika Aliens Police Division, resulting in a large increase in the number applications received, from 9,050 in 2005 to 12,270 in 2006.

Conditions for illegal immigrants and asylum seekers detained by authorities were generally unsatisfactory (see Section 1.c.).

The CPT reported that most detention centers for illegal immigrants it visited in 2005 were in a poor state of repair, unhygienic, and lacking in basic amenities. In particular, Coast Guard facilities to house illegal immigrants detained on the islands of Chios and Mytilini were unacceptable. Detainees were held in metal containers lacking functioning hygienic facilities, natural light, and ventilation. The CPT recommended that such containers should never be used to hold persons for more than a few hours and should always be equipped with suitable facilities and ventilation.

In August the OMCT asserted that there had been no improvement in detention conditions at either the Thessaloniki Transfer Center or in the Aliens' Division of the Thessaloniki Police. The OMCT alleged that the conditions amounted to inhuman and degrading treatment.

The ombudsman for human rights found that the country lacked permanent holding facilities for illegal aliens that would meet basic standards for decent living. It found that, on many occasions, the Government sought ad hoc facilities whenever a boatload of asylum seekers arrived. After visiting the country, the UNHCR representative in Greece stated that, although some progress had been made in Mytilini and much progress in Samos in providing information, legal counseling and

medical care to illegal entrants and registering their asylum claims, there was still an urgent need for interpreters in basic origin languages (Arabic, Farsi etc.). The UNHCR representative and local human rights advocates deplored the conditions of the detention center on Samos, where detainees had no access to a yard. Thirty-eight unaccompanied minors were incarcerated alongside adults; during his visit, the ombudsman also observed seven Somali women (who he thought may have been victims of trafficking) being held in the center. The UNHCR reported in October that the Samos facility hosted more than 390 refugees, over three times its stated capacity of 120. That center has since closed and an improved facility has been opened.

In 2005 the Council of Europe human rights commissioner and the CPT found that a newly constructed short-term detention and transit facility at Petrou-Ralli for persons awaiting deportation was unsuitable for stays over 2 days. However, in practice persons were confined for 3 months in cells that contained up to eight persons with only cement beds, very limited access to showers, and brief exercise possibilities. The CPT noted that the facility's design was extremely poor and that it totally lacked communal spaces. During the year authorities continued to use the Petrou-Ralli facility to confine illegal immigrants for up to 3 months under these conditions.

The UNHCR observed in July an uneven improvement of detention conditions at border areas, and conditions in many areas remained substandard. Moreover, inadequate counseling to ensure the accurate identification of asylum seekers, lack of interpreters in basic refugee origin languages was prevalent, while in July, at the detention center of Mytilini, the UNHCR found unaccompanied minors held alongside adults.

In its 2007 annual report, AI found that the Government failed to allow asylum-seekers access to the country and continued to return them to their country of origin, without receiving legal aid or having access to asylum procedures. AI reported that, in September 2006, 118 persons who had been shipwrecked on the island of Crete 2 weeks earlier were expelled to Egypt without being given access to either lawyers or AI representatives who had requested to meet them.

In June the UNHCR urged the Government to do more for Iraqi refugees, who had little or no chance of obtaining asylum.

*Stateless Persons.*—Citizenship is derived from one's parents and not by birth within the country's territory. The Ministry of Interior reported to Parliament in 2005 that 46,638 Muslims from Thrace and the Dodecanese islands lost their citizenship when they left the country between 1955 and 1998. The law that permitted this divestment of citizenship was repealed in 1998, and these "stateless" residents are eligible to recover their citizenship as long as they live in Greece. According to the Ministry of Foreign Affairs, by December 2005 there were 25 to 30 persons in possession of government-issued identification documents characterizing them as "stateless." By year's end the ministry reported that all of the 25 to 30 stateless persons had applications pending for citizenship through naturalization. In March the ombudsman for human rights noted that delay in processing applications for recovering citizenship was "excessive and unjustified." According to the Ministry of Foreign Affairs, the Ministry of Interior made no decisions on the applications by year's end. Stateless residents were denied access to state benefits such as social security, medical care, and pensions.

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

The Constitution and law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

*Elections and Political Participation.*—The country held parliamentary elections in September; the elections were considered free and fair. Five parties passed the 3 percent threshold requirement and won seats in Parliament. Opposition parties functioned freely and had broad access to the media.

Romani representatives reported that local authorities often deprived Roma of the right to vote by refusing to register them. Many Roma had difficulty meeting municipal residency requirements to register to vote.

Voting is mandatory for citizens over age 18, according to the law; however, there are many conditions under which citizens may be exempted, and the Government did not apply a penalty for not voting.

There were 49 women in the 300-seat Parliament and two women in the 17-member cabinet. A quota system requires 30 percent of all local government candidates to be women. At the three high courts, there were 14 women out of 61 council of



state justices, 28 women out of 59 supreme administrative court justices, and three women out of 62 Supreme Court justices.

There were two members of the Muslim minority in the new 300-member Parliament; there were no minority members in the cabinet.

In September a candidate for Parliament running in Thrace received media attention for identifying himself as a Turk, rather than as a Muslim. When the prime minister was asked about the statement of the candidate, who was from his own party, he replied that individual self-determination is an established right by the European Union but that “collective identification does not agree with the Lausanne Treaty that stipulates that the Thrace minority is Muslim.”

A government-appointed regional administrator of Eastern Macedonia and Thrace has statutory responsibility for oversight of rights provided to the Muslim minority in Thrace, but the Ministry of Foreign Affairs retains an important advisory role.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption; however, officials sometimes engaged in corrupt practices with impunity. The World Bank’s worldwide governance indicators reflect that corruption was a serious problem.

International and domestic NGOs stated that anticorruption efforts needed to be a higher government priority. Mutual accusations of corruption between political parties were a daily staple of political life. Prime Minister Karamanlis has made anticorruption a key element of his party’s program, and the Government was pursuing an in-depth investigation into judiciary corruption as well as steps to trace and apprehend corrupt tax collectors and law enforcement officers.

Employment Minister Savas Tsitouridis was forced to resign in April when it was revealed that one of his key staff members was under a prosecutor’s investigation for suspicious stock exchange transactions. Likewise, his successor, Employment Minister Vassilis Maginas resigned in December, in response to allegations of corruption, including illegal aliens working at his residence.

Media reported that Kilkis mayor Dimitris Terzidis received a 6-month suspended sentence on November 20 for breach of duties after the mayor failed to close down three local bars despite police evidence of regulation violations.

In December 2005 the former general director/acting consul at the Greek Consulate in Kyiv, the consulate’s messenger, three foreign employees, and a policeman in Thessaloniki were criminally charged in Thessaloniki for allegedly cooperating in issuing approximately 2,500 illegal tourist visas to Ukrainian citizens for \$200,000. The case was pending at year’s end.

There are income disclosure laws for high-ranking public officials and members of the Parliament.

The Constitution provides for the right of access to government-held information, and in practice the Government granted access for citizens and noncitizens, including foreign media.

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

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative with some NGOs. However, the ombudsman for human rights and the GHM characterized the government-NGO relationship as poor. The ombudsman for human rights charged that the Government avoided cooperating with NGOs that “could remedy the shortcomings of the administration.”

The Government permitted the Council of Europe’s Committee for the Prevention of Torture to conduct periodic visits to prisons, detention centers, and mental hospitals, most recently in February.

Despite calls by the U.N. special rapporteur on the sale of children, child prostitution, and child pornography for the Government to appoint a lead person on children’s issues, the Government has failed to do so. There have been no improvements to the institutional capacity for protecting unaccompanied minors or street children. The Government still has not submitted to Parliament for ratification the pending bilateral child repatriation agreement with Albania. There have been repeated calls for the state to take specific measures to improve the living conditions of Roma and give Romani children alternatives to street work and prostitution. This problem, however, has remained largely unaddressed, except by the Ministry of Foreign Affairs director in Thrace, who, in recent years, has implemented measures that are achieving a marked increase in school attendance by Romani children. Calls for the creation of an advisory board of civil society and public authorities to coordinate children’s policies as well as the creation of a joint Greek-Albanian commission to investigate the “disappearances” from a children’s institution from 1998 to 2003

have gone unheeded. These are the same issues raised by the U.N. special rapporteur on the sale of children, child prostitution, and child pornography after a November 2005 visit. Yet, the Government implemented few, if any, of the special rapporteur's recommendations.

The law provides for an independent ombudsman. While the Government has denied the ombudsman access to prison facilities since 2005, the ombudsman's office otherwise provided an effective means for citizens to address human rights and religious freedom problems. While it could not inspect prisons, the widely recognized office was granted adequate resources to perform its other functions, which included mediating between private individuals and public administration and defending and promoting children's rights.

There were five deputy ombudsmen who dealt respectively with human rights, children's rights, citizen-state relations, health and social welfare, and quality of life. The Department of Human Rights received complaints in 2007 regarding the Government's handling of residence and work provisions for immigrants, overcrowding in prisons and detention centers for illegal aliens, unjustified procedural difficulties in acquiring citizenship, excessive and unjustified delays in processing applications by Muslims from Thrace to recover citizenship lost under pre-1998 laws, arbitrary acceptance or denial of asylum seekers' applications, discrimination against aliens, and police brutality.

The government-funded National Commission for Human Rights is an autonomous human rights body. The commission is the Government's advisory body on the protection of human rights. During the year it produced a major report on trafficking that highlighted shortcomings in the victim referral system and urged the Government to make better use of NGO expertise. In addition, the commission found in 2006 that Roma remained the most discriminated against and marginalized social group in the country.

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

The Constitution and the law prohibit discrimination based on race, gender, disability, language, or social status; however, the Government did not respect these rights consistently in practice. Violence against women and children, trafficking in persons, and discrimination against ethnic minorities, particularly Roma, and homosexuals were problems.

*Women.*—Rape, including spousal rape, is a crime. Conviction rates for rape were low for first-time offenders, but sentences were harsh for repeat offenders. According to the former Ministry of Public Order, there were 199 rape or attempted rape cases reported in the first 9 months of the year and 176 rape suspects were arrested. In 2006, 271 rapes and attempted rapes were reported. In December 2006 an academic researcher estimated that approximately 4,500 rapes occurred annually in the country, of which only 270, or 6 percent, were reported to the police. Of the reported rapes, only 183 resulted in an arrest. Of the 47 rape cases that reached court, only 20 resulted in conviction. Medical, psychological, social, and legal support from the Government and NGOs were usually available to rape victims.

Domestic violence, including spousal abuse, continued to be a problem. The law provides for "ex relatione" prosecution (prosecution by force of law without the need for a victim to press charges) for all domestic violence crimes. Penalties range from 2 years to 10 years, depending on the gravity of the crime.

The General Secretariat for the Equality of the Sexes (GSES), an independent government agency, estimated that only 6 to 10 percent of domestic violence victims contacted the police, and only a small fraction of those cases reached trial. The GSES claimed that police tended to discourage women from pursuing domestic violence charges, instead encouraging them to undertake reconciliation efforts, and that courts were lenient when dealing with domestic violence cases. In March the Ministry of Public Order distributed to all police stations a manual on how police should treat victims of domestic violence. The GSES, in cooperation with the Ministry of Public Order, continued courses to train police on dealing with domestic violence victims.

The GSES provided counseling and assistance to domestic violence victims. Two GSES shelters for battered women and their children, in Athens and Piraeus, offered services including legal and psychological help. The GSES operated a 24-hour emergency telephone hot line for abused women. A unit of the Ministry of Health and Welfare also operated a hot line that provided referrals and psychological counseling. There were additional shelters operated by the municipality of Athens, the Orthodox Church, and various NGOs for domestic violence victims.

Prostitution is legal at the age of 18. Persons engaged in prostitution must register at the local prefecture and carry a medical card that is updated every 2 weeks. It was estimated that fewer than 1,000 women were legally employed as prostitutes.

Approximately 20,000 women, most of foreign origin, were engaged in illegal prostitution. According to academics, many illegal prostitutes may be trafficking victims. While there were reports that prostitutes were abused and subjected to violence and harassment by pimps and clients, there were no reports that they were specifically targeted for abuse by police.

The law prohibits sexual harassment and provides for penalties ranging from 2 months to 5 years. However, labor unions reported that lawsuits for sexual harassment were very rare. The Center for Research on Gender Equality Issues reported that the vast majority of women who experienced sexual harassment in the workplace quit their jobs and did not file charges. The center estimated that 30 to 50 percent of working women and 10 percent of working men have experienced sexual harassment at their workplace.

Muslim women in Thrace have inferior rights to men under family law, property law, and in the judicial system since these issues are resolved under Shari'a (Muslim religious law). The Government recognizes Shari'a as the law regulating family and civic issues of the Muslim minority in Thrace. The first instance courts in Thrace routinely ratified decisions of the muftis who have judicial powers in civic and domestic matters. The National Commission for Human Rights stated that the Government should limit the powers of the muftis to religious duties and should stop recognizing Shari'a, because it can restrict the civic rights of the citizens to whom it is applied. In 2005 the U.N. high commissioner for human rights expressed concern regarding the impediments that Muslim women in Thrace face under Shari'a law. Muslim female activists claimed that because all Muslim women in Thrace were married under Shari'a, they were therefore obliged to acquire mufti consent to obtain a divorce. These decisions were based on interpretations of Shari'a law that do not exist in written form and therefore cannot be appealed. The courts routinely ratified these mufti decisions.

Aside from those of Thrace, women have rights equal to those of men and equality is guaranteed by the Constitution.

The law provides for equal pay for equal work; however, according to official 2005 statistics, women's pay amounted to 81 percent of men's pay. Although relatively few occupied senior positions, women continued to enter traditionally male-dominated professions such as law and medicine in larger numbers. Women were underrepresented in labor union leadership.

*Children.*—The Government was committed to children's rights and welfare; however, Romani children continued to face social exclusion and lack of social services. In January the Government implemented a law on family violence that among other things forbids corporal punishment of children.

The Government does not issue birth certificates for immigrant children born in Greece. In July the ombudsman for human rights urged the Government to start issuing special birth certificates for immigrant children and to accept them in all education, social security and social protection-related services. Without a birth certificate, immigrant children face difficulties registering for school and have to apply for residence permits when they reach the age of 18.

The law provides for free and compulsory education for a minimum of 9 years. According to the 2001 census, 99.4 percent of school-age children attended school, and most children completed secondary education. However, noncompliance with the compulsory education requirement was a significant problem in the Romani community. Research conducted by the Aghlaia Kyriakou state hospital showed that 63 percent of Romani children did not attend school. The head of a project on Roma education of the Pedagogical University of Thessaloniki stated that less than 10 percent of Romani children of northern Greece finished the 9 years of compulsory education and only 3 percent were graduated from high school. There were continuing reports of non-Romani parents withdrawing their children from schools attended by Romani children and of non-Romani parents attempting to prevent Romani children from studying at the same schools that their children attended. In 2006 the European Roma Rights Center and the International Helsinki Federation expressed concern about the placement of Romani pupils in segregated classes in Aspropyrgos, Attica.

Violence against children occurred, particularly against street children. The law prohibits the mistreatment of children and sets penalties for violators, and the Government generally enforced these provisions effectively; however, government-run institutions were understaffed, and NGOs complained that they did not have available positions for all children in need of alternative placement. Welfare laws provide for treatment and prevention programs for abused and neglected children and seek to ensure the availability of alternative family care or institutional placement. However, the ombudsman for children's rights claimed in March, after visiting most government residential care centers, that the institutions provided inadequate and low-

quality protection for children at high risk of abuse due to a lack of coordination between welfare services and the courts, inadequate funding of the welfare system, and poor staffing of the care centers.

Child marriage was common within the Romani community. Additionally, there were limited numbers of marriages of persons under 18 among the Muslim minority in Thrace and Athens. In 2006 the Council of Europe's commissioner for human rights and the U.N. special rapporteur reported that they were informed of cases of both early marriages and marriages by proxy. The state-appointed muftis, who may apply Shari'a law in family matters, noted that they did not allow marriage of children under age 15. The Government has youth centers, parent counseling, and programs targeted at Romani and Muslim communities that address poverty and lack of education, two factors that were believed to contribute to child marriage.

The Police Division for Internet Crime dismantled 128 networks dealing in child pornography through the Internet in the period between July 2004 and November 2007. They arrested 42 citizens identified as members of networks and charged them with buying and selling child pornographic materials. Charges against 85 other persons have been submitted and are pending in the courts. The country does not have legislation punishing possession and circulation (without selling) of pedophilic materials. New legislation punishing possession and circulation of such materials has been submitted to the Parliament and is expected to pass by January 2008.

According to the U.N. Children's Fund (UNICEF) and local NGOs, the majority of street children (often indigenous Roma or Albanian Roma) were exploited by family members, who forced them to work in the streets, usually begging or selling small items. The Government took few steps to prevent this exploitation.

In 2006 the ombudsman for children's rights, after several visits to a children's institution for orphans and for children from difficult family situations in Lasithi, Crete, stated that while there were some improvements, the situation remained highly problematic due to understaffing and deficient care. The ombudsman found that the institution employed four unskilled persons to care for 27 children with many personal and social problems. The ombudsman highlighted that continuing to operate the institution would be very dangerous for the children living there.

*Trafficking in Persons.*—The law prohibits all forms of trafficking in persons; however, significant numbers of women and children and smaller numbers of men were trafficked to and within the country for the purposes of sexual exploitation and forced labor.

According to NGO estimates, there are 13,000 to 14,000 trafficking victims in the country at any given time. Major countries of origin for trafficking victims included Nigeria, Ukraine, Russia, Bulgaria, Albania, Moldova, Romania, and Belarus. Women from many other countries were trafficked to Greece and, in some cases, were reportedly trafficked on from Greece to Italy and other EU countries as well as to the Middle East.

NGOs reported a decrease in the number of Albanian children trafficked to Greece in 2006 and 2007; however, there were reports that Albanian Romani children continued to be trafficked for forced begging and stealing. Albanian children made up the majority of children trafficked for forced labor, begging, and stealing. In February 2006 the Government concluded a protocol with Albania on the repatriation of Albanian child trafficking victims; however, Parliament had not ratified the protocol by the end of 2007.

Women and children arrived as "tourists" or illegal immigrants and were lured into prostitution by club owners who threatened them with deportation. Unlike the previous year, there were no reports that traffickers kidnapped victims from their homes abroad and smuggled them into the country.

The law considers trafficking in persons a criminal offense and provides for imprisonment of up to 10 years and fines of approximately \$14,600 to \$73,000 (10,000 to 50,000 euros) for convicted traffickers. Penalties are harsher for traffickers of children. The Government continued to investigate cases of trafficking and secured convictions for traffickers.

In 2007 police conducted 42 trafficking investigations (30 sexual exploitation cases, 11 labor exploitation cases and 1 illegal adoption), down from 70 in 2006. They brought charges against 121 suspected traffickers, down from 206 arrests in 2006. Twenty-five defendants (spanning nine separate multi-defendant cases), were convicted of trafficking related charges, while three were acquitted. Sentences imposed on convicted traffickers remained weak; moreover, the majority of convicted traffickers remain free on bail for 5 to 6 years while their convictions are appealed.

During the year the Government participated in international investigations in cooperation with regional authorities, including the Southern European Cooperative

Initiative. The Ministry of Public Order continued working on a transborder police action plan for regional antitrafficking cooperation.

Some police officers reportedly were involved in trafficking rings or accepted bribes from traffickers, including organized crime networks. During the year charges were filed against three police officers—two of them senior—relating to trafficking complicity. At year's end no trial date had been set. The former Ministry of Public Order's Bureau of Internal Affairs investigated charges of police involvement in trafficking cases. A Greek diplomat in Ukraine reportedly facilitated trafficking by issuing visas with little documentary evidence and no personal interviews to women subsequently identified as trafficking victims, according to a lawsuit filed in April 2006 by the GHM. The diplomat remained in jail awaiting trial at year's end.

While the immigration law provides for a "reflection period" for trafficking victims facing deportation, the screening and referral process did not adequately identify and protect most vulnerable potential victims. In August the National Commission for Human Rights in a special trafficking report suggested extension of the reflection period to 3 months. The commission also found that the current victim referral system was informal and suggested enactment of a comprehensive referral system that would include an analytical list of duties of all involved institutions in the referral process. Some trafficking victims were prosecuted for immigration violations, sometimes alongside their traffickers. A few trafficking victims and NGOs that supported them stated that inadequate police protection for victims who were witnesses in trials meant that those victims lived in constant fear of their traffickers. A few victims were provided with the reflection period and testified against their traffickers. One hundred trafficking victims were identified by government authorities in 2007, an increase over the 83 victims identified in 2006, but still below the 137 victims identified in 2005.

Police continued to detain trafficking victims who were minors as criminals or repatriated them without ensuring proper reception by their home country authorities.

During the year the Government continued training programs for prosecutors and public administration officers, including social workers, psychologists, nurses, police personnel and justices. The Government also conducted training programs in conjunction with international organizations, including the Council of Europe and International Organization for Migration.

*Persons with Disabilities.*—The Constitution and law prohibit discrimination against persons with physical and mental disabilities in employment, education, access to health care, or the provision of other government services, and the Government effectively enforced these provisions. The law mandates access to buildings for persons with disabilities; however, authorities enforced this law poorly. In 2006 members of Parliament, rapporteurs to a special parliamentary committee on the disabled, reported that the lack of accessibility forced persons with disabilities to stay home and led to serious social exclusion. Only 5 percent of public buildings were fully accessible to persons with disabilities; most buildings with special ramps did not have special elevators and lavatories. The deputy ombudsman for social welfare handled complaints related to persons with special needs, especially related to employment, social security, and transportation.

The Ministry of Welfare estimated in 2006 that there were 180,000 to 200,000 children with special education needs, of whom only 18,585 attended school in 2004 due either to a lack of special schools in their area or deficient accessibility. The National Confederation of Persons with Disabilities reported in February that the education system for persons with disabilities fostered discrimination and social exclusion and that, as a consequence, 90 percent of the children with disabilities were excluded from the mandatory 9 years of education. The confederation reiterated in 2007 that education was not available for persons with serious disabilities and that many persons with disabilities were either forced to leave schools due to lack of accessibility or were receiving very low quality education at the special schools. The confederation stated that of the 10 universities in Athens, only two were accessible to persons with disabilities.

In 2006 the deputy ombudsman reported that nearly 60 percent of persons with disabilities had been unable to gain affirmative action employment to which they were entitled because they were misinformed or inadequately informed about the supporting documents they needed to provide and because of unclear interpretations of the law itself. In December the deputy ombudsman stated that unemployment of persons with disabilities, estimated to be approximately 84 percent by the National Confederation of Persons with Disabilities and the Human Resources Employment Organization, was the greatest social problem for persons with disabilities and recommended that the Government prepare new legislation to improve existing laws.

In May the ombudsman for human rights reported that 94 percent of persons confined in mental hospitals were there under a prosecutor's order. He went on to note

that, in 84 percent of these cases, the decision to confine patients was not supported by a court decision as required by law. As a result, the rights of mentally ill persons were not effectively protected. The ombudsman further found that 97 percent of mentally ill persons had been transferred to mental hospitals by the police, sometimes handcuffed and escorted as “dangerous persons” rather than as patients.

*National/Racial/Ethnic Minorities.*—Roma continued to face widespread governmental and societal discrimination including systematic police abuse; mistreatment while in police custody; regular raids and searches of their neighborhoods for criminal suspects, drugs, and weapons; educational discrimination; and forced illegal evictions. In 2006 AI criticized the Government for its treatment of Roma, stating that Romani families continued to be targeted for eviction and home demolition and that Roma faced discrimination and racist attacks by both representatives of local administration and society. Other international human rights organizations and officials, including the European Committee of Social Rights, the International Helsinki Federation, the U.N. special rapporteur, and the Council of Europe commissioner for human rights, have identified numerous shortcomings in government policies with regard to the Romani community, including failure to provide for a sufficient number of dwellings for settled Roma or camps for Roma who follow an itinerant lifestyle, systematic eviction of Roma from sites or dwellings, segregation of Roma into substandard housing that lacked water, sanitation, and other basic services, denial of access to education for Romani children, and denial of access to health and social programs.

The law prohibits the encampment of “wandering nomads” without a permit and forces Roma to establish settlements outside inhabited areas and far from permanent housing. There were approximately 70 Romani camps in the country. Local and international NGOs charged that the enforced separation of Romani settlements from other inhabited areas contravened the country’s commitments under the International Convention on the Elimination of All Forms of Racial Discrimination.

There were frequent police raids on Romani settlements and reported harsh police treatment of Roma. In March 2006 the ombudsman for human rights, after visiting areas in Athens, Patras, and Thessaloniki, reported a series of cases that reflected inherent societal and law enforcement discrimination against Roma.

Local authorities continued to harass and threaten to evict Roma from their camps or other dwellings. In June and September 2007, according to GHM, 135 Romani families were forcibly evicted, some twice within a few days, in Athens, Patras and Halkida, without the relevant procedural safeguards being respected. Hundreds of other Romani families were threatened with similar evictions in Greater Athens, Patras, Crete and Rhodes. A number of Roma in Athens and Patras were also being prosecuted for infringements of law arising from their homelessness, as well as facing lawsuits from individuals whose land they trespass due to the persistent lack of housing or a relocation site where they would be safe from eviction.

In July more Albanian Romani families living in squalid conditions in communities around Votanikos, Athens, were evicted, paid nominal sums, or threatened in order to clear the property for construction of a soccer stadium. The families were not presented with a court eviction order, and were evicted without any provision for their relocation in what the Athenian authorities referred to as a “cleaning operation.” In November, the European Roma Rights Center called the evictions a “blatant violation of international human rights and housing law,” and decried the fact that no provisions for adequate permanent or even temporary accommodations were made for the evicted families.

In July and August 2006, GHM and the Council of Europe commissioner for human rights reported that the Municipality of Patras demolished the homes of 18 Greek and Albanian Romani families in two settlements near the city while the owners were away for seasonal work. The municipality also served the two settlements’ remaining families with notices of emergency police eviction and proceeded to conduct forced evictions.

Romani representatives reported that some local authorities refused to register Roma as residents or that the Roma were unable to satisfy overly burdensome registration requirements. Until registered with a municipality, citizens cannot vote or exercise other civil rights, such as contributing to social security or obtaining a marriage, commercial, or driver’s license. It was estimated that 90 percent of Roma were not covered by the social security system because they were unable to make the required contributions. Indigent Roma were entitled to free health care provided all citizens; however, at times, the distance between encampments and public health facilities hindered their access.

Government ministries continued projects to address the chronic problems of the Romani community, including training courses for civil servants, police, and teachers to increase their sensitivity to Romani problems; the development of teaching

materials for Romani children; the establishment of youth centers in areas close to Romani communities; and the deployment of mobile health units and community social workers to address the needs of itinerant Roma. However, Romani community representatives reported that these programs either did not always reach their communities or were of limited effectiveness.

Neo-Nazi groups reportedly launched two attacks during the year against immigrants. Five Pakistanis were injured and one was hospitalized at an attack on November 30 on a western Athens house rented by Pakistani immigrant workers. The Greek-speaking neo-Nazi skinheads entered the house after kicking and smashing doors and windows. A similar attack took place in October but without injuries. Police did not find the perpetrators and said that it was investigating the allegations. No results were announced by year's end.

Albanian immigrants, who made up approximately 5 to 7 percent of the population, faced widespread societal discrimination, although Albanian community representatives said that it was slowly decreasing. Immigrants accused police of physical, verbal, and other mistreatment. They also reported the confiscation and destruction of personal documents, particularly during police sweeps to apprehend illegal immigrants. AI, the GHM, and the deputy ombudsman for human rights alleged that complaints of police mistreatment of Albanians were rejected as unfounded, although their authenticity was supported by documents such as certificates from state hospitals concerning recent injuries and issued shortly after the complainants' release from police stations.

Community leaders reported that it was difficult for ethnic Albanians, and others, to be granted citizenship, even after all objective citizenship requirements had been met. In June Albanian immigrants living in Thessaloniki complained to the ombudsman about the long waiting list and obstacles in their efforts to obtain or renew a residence permit in Greece. Many Albanians hold only a temporary document that proves they have applied for a permit but does not allow them to travel to Albania.

Government procedures for granting citizenship are confidential, and the Ministry of Interior is not obliged to explain the reasons for rejecting an application. Community leaders noted that the ministry rejected the applications of immigrants who believed they met all citizenship criteria. Reapplication is discouraged by the \$1,400 (1,000 euros) nonrefundable application fee. During the year the ombudsman for human rights noted that delays in the citizenship procedures were excessive and unjustified. In one case, a woman's application has been pending since 1991.

A number of citizens identified themselves as Turks, Pomaks (Slavic speaking Muslims), Vlachs, Roma, Arvanites (Orthodox Christians who speak a dialect of Albanian), or Macedonians. While some members of these groups sought to be identified as "minorities," or "linguistic minorities," others did not consider that these identifications made them members of a "minority." The Government considers that the 1923 Treaty of Lausanne provides the exclusive definition of minorities in the country and defines the rights they have as a group. In accordance with this view, the Government recognizes only a "Muslim minority." It does not officially confer status on any indigenous ethnic groups nor does it recognize "ethnic minority" or "linguistic minority" as legal terms. However, the Government affirmed an individual right of self-identification.

Many individuals who defined themselves as members of a "minority" found it difficult to express their identity freely and maintain their culture. Use of the terms *Tourkos* and *Tourkikos* ("Turk" and "Turkish") is prohibited in titles of organizations, although individuals legally may call themselves *Tourkos*. To most Greeks, the words *Tourkos* and *Tourkikos* connote Turkish identity or loyalties, and many objected to their use by Greek citizens of Turkish origin.

Some members of the Pomak community claimed they were pressured by members of the Turkish speaking community to deny the existence of a Pomak identity as separate from a Turkish identity.

The Government did not recognize the Slavic dialect spoken by persons in the northwestern area of the country as "Macedonian," or as a language distinct from Bulgarian. Most speakers of the dialect referred to themselves as "natives." A small number of Slavic speakers insisted on using the term "Macedonian," a designation that generated strong opposition from the ethnic Greek population. These Slavic speakers claimed that the Government pursued a policy designed to discourage use of their language. Government officials and the courts denied requests by Slavic groups to identify themselves using the term "Macedonian," because approximately 2.2 million ethnic (and linguistically) Greek citizens already use the term to identify themselves.

*Other Societal Abuses and Discrimination.*—The NGO Greek Homosexual Community (EOK) alleged that police often abused and harassed homosexuals and

transvestites and subjected them to arbitrary identity checks and bodily searches in public places.

There were no reports of discrimination against persons with HIV/AIDS.

*Section 6. Worker Rights*

*a. The Right of Association.*—The law provides that all workers, with the exception of members of the military, have the right to form and join unions of their choice without any previous authorization or excessive requirements, and workers exercised this right. Approximately 26 percent of nonagricultural salaried employees were union members. Approximately 30 percent of the total labor force was unionized. There were no unionized agricultural employees.

*b. The Right to Organize and Bargain Collectively.*—The law allows unions to conduct their activities without interference, and the Government protected this right in practice. The law generally provides for the right to bargain collectively in the private sector and in public corporations, and unions exercised this right freely. The law provides for the right to strike, and workers in the private sector and in public corporations exercised this right in practice. Police have the right to organize and demonstrate but not to strike.

There are some legal restrictions on strikes, including a mandatory notice period of 4 days for public utilities and 24 hours for the private sector. The law mandates a skeleton staff during strikes affecting public services. Courts may declare a strike illegal; however, such decisions were seldom enforced. Unions complained that this judicial power deterred some of their members from participating in strikes. Courts declared some strikes (of transportation workers, air traffic controllers, garbage collectors, and others) illegal during the year for reasons such as failure of the union to give adequate advance notice of the strike or a union making new demands during the course of the strike, but no workers were prosecuted for striking.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits all forced or compulsory labor, including by children; however, there were reports that women, children, and occasionally men were trafficked for commercial sexual exploitation or labor.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The laws protect children from exploitation in the workplace and prohibit forced or compulsory labor; however, the Government did not adequately protect children, including Roma, who were trafficked for commercial sexual exploitation as well as exploited in nontraditional environments, such as begging on the street.

The minimum age for employment in the industrial sector is 15 years, with higher limits for some activities. The minimum age is 12 years in family businesses, theaters, and the cinema. These limits were enforced by occasional spot checks and were generally observed. However, families engaged in agriculture, food service, and merchandising often had younger family members assisting them at least part-time.

Child labor was a problem, although international and local observers agreed that the number of working children had decreased in recent years. A number of children begged or tried to sell small items in the streets. The Government and NGOs reported that the majority of beggars were either indigenous or Albanian Roma.

Local children's advocates estimated that a large number of the 150,000 children under 18 years of age who dropped out of school every year ended up in the labor market, often under squalid conditions.

There were reports that children from Albania were trafficked and forced to beg; however, antitrafficking NGOs reported a decrease in this abuse as more Albanian parents entered the country legally with their children. Some parents forced their children to beg for money or used their children as props while begging for money.

The labor inspectorate is responsible for enforcement of labor legislation; however, trade unions alleged that enforcement was inadequate due to serious labor inspectorate understaffing.

*e. Acceptable Conditions of Work.*—The national minimum wage of approximately \$42 (29 euros) daily and \$960 (658 euros) monthly provided a decent standard of living for a worker and family. Officially, wages should be the same for local and foreign workers, but in practice there were reports of undocumented foreign workers being exploited by employers, receiving low wages and making no social security contributions.

The maximum legal workweek is 40 hours in the private sector and 37.5 hours in the public sector. The law provides for at least one 24-hour rest period per week, mandates paid vacation of 1 month per year, and sets limits on overtime. Premium pay and authorization by the Ministry of Employment is required by law for overtime work.



The law provides for minimum standards of occupational health and safety. The Greek General Confederation of Labor characterized health and safety laws as satisfactory but stated that enforcement by the labor inspectorate was inadequate. Workers do not have the legal right to remove themselves from situations that they believe endanger their health; however, they have the right to lodge a confidential complaint with the labor inspectorate. Inspectors have the right to close down machinery or a process for up to 5 days if they see safety or health hazards that they believe represent an imminent danger to the workers.

## HUNGARY

The Republic of Hungary is a multiparty, parliamentary democracy with a population of approximately 10 million. Legislative authority is vested in the unicameral National Assembly. The president, elected as head of state by the National Assembly, appoints as prime minister the candidate of the majority party or coalition. In April 2006 Prime Minister Ferenc Gyurcsany and his Socialist-Liberal coalition were returned to office in a free and fair election. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens; however, problems remained in some areas. There were credible reports that police used excessive force against suspects, and charges of progovernment bias in state-owned media persisted. The perception of corruption in the executive and legislative branches increased during the year. There continued to be manifestations of anti-Semitism, including vandalism. Violence against women and children as well as sexual harassment remained problems, as did trafficking in persons. Discrimination against Roma in education, housing, employment, and access to social services continued to be widespread.

### RESPECT FOR HUMAN RIGHTS

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

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

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits such practices; however, nongovernmental organizations (NGOs) continued to report that police harassed and used excessive force against suspects, particularly Roma. Reports of police abuse of Roma again increased somewhat during the year, but NGOs considered the increase to reflect increasing willingness of Roma to report such abuses.

During the first 6 months of the year, according to the records of the Office of the Chief Public Prosecutor, citizens filed 309 formal complaints of police mistreatment and 71 of use of force during interrogation. The complaints led to 20 indictments on the former charge and two on the latter. NGOs asserted that a large number of the complaints were made by Roma and other darker-skinned persons; however, due to data privacy requirements, no statistics were available.

On December 10, the Budapest Prosecutor's Office closed an investigation of five policemen who allegedly assaulted a 21-year-old woman on May 4, citing the absence of a criminal act and lack of evidence. In response, the woman filed a complaint with the Budapest Prosecutor's Office. It was pending at year's end.

During the year the prosecutor's office investigated charges by six Romani men from Heves that police mistreated them during an identity check on June 23. No information about the status of the investigation was available at year's end.

In April the Office of the Military Prosecutor fined four prison officers, and demoted two of them, for beating four 16-year-old youths in Kecskemet in October 2006.

Police behavior in dealing with the large-scale antigovernment demonstrations and riots in October 2006 continued to be a subject of concern. These events resulted in injuries to 326 demonstrators and 399 police personnel, and an investigatory committee criticized police for using rubber bullets and employing other inappropriate procedures. The National Assembly adopted legislation on June 25 that banned the use of rubber bullets after January 1, 2008. The Hungarian Civil Liberties Union (TASZ) claimed that police did not have permission to use rubber bullets during the October 2006 demonstrations, having received official permission to use them only on December 6, 2006.

The prosecutor's office began 180 investigations of law enforcement officials in connection with the September and October 2006 riots. They forwarded 16 cases to the court, closed 150 without charges, and rejected another seven. The final seven cases were pending at year's end. Four cases represented by the Hungarian Helsinki Committee (HHC) involved reciprocal accusations of violence between demonstrators and police were unresolved at year's end. In one case the victim admitted throwing beer bottles at police officers before they took him into custody and allegedly beaten severely. In the other three cases, police investigations of the demonstrators were closed for lack of evidence. At year's end three cases against police officers were in the courts, and one was under investigation by the prosecutorial investigation office.

During the year all five policemen charged with beating two Romani men in 2005 in Tolna County were cleared.

*Prison and Detention Center Conditions.*—Prison conditions generally met international standards, and the Government permitted visits by independent human rights observers.

Prison overcrowding was a problem but declined compared to the previous year; the overall prison population dropped to 132 percent of capacity as compared with 158 percent in 2006. As of September 28, 14,815 persons were held in prisons and detention centers. There were 3,931 pretrial detainees in prisons and police detention cells, the vast majority of them in prisons.

Early in the year, the Council of Europe's Committee for the Prevention of Torture (CPT) visited the Szeged Prison, where 80 percent of the inmates serve lengthy sentences for extremely serious offences. On June 28, the CPT published a report on the prison's Special Regime Unit which, it concluded, was not being used in accordance with its design. It had come to be used to hold inmates who were a threat to prison security, with the result that authorities had imposed extreme restrictions on the inmates, and these became even stricter in October 2006, following an escape attempt. In response to the CPT report, authorities removed the post-October 2006 restrictions and indicated they would try to operate the unit in the manner for which it was designed. However, they stated they could only comply fully with the CPT recommendation when particularly dangerous inmates could be placed in a special security unit, and such a unit was not immediately available for budgetary reasons.

According to the HHC, prison overcrowding was accompanied by a severe shortage of bed linen, towels, clothing, and inadequate medical care. Sanitation and toilet facilities were also poor; in some prisons toilets were not separate from living spaces. Many police holding cells did not have toilets; lighting and ventilation were inadequate.

The HHC reported that it made five visits to various prisons during the year.

*d. Arbitrary Arrest or Detention.*—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions; however, the HHC reported a surge in what it called "poorly grounded" court decisions during the 2006 demonstrations that permitted persons to be held beyond 72 hours. During these demonstrations, 220 persons were arrested. Prosecutors asked the courts for authority to detain 172 of the 220 arrestees beyond the 72-hour detention period usually permitted before judicial review. Courts acceded to these requests in 145 cases (and ordered an additional 12 individuals placed under house arrest). However, an appeals court upheld prolonged detention in only 31 cases.

*Role of the Police and Security Apparatus.*—The Hungarian national police Force (HNP) is responsible, under the direction of the Ministry of Justice and Law Enforcement, for enforcing laws and maintaining order nation-wide. The regional police departments are directly subordinate to the HNP. City police are subordinate to the regional police and have local jurisdiction. Three organizations exist within the HNP, all having national jurisdiction: The Republican Guard, the National Bureau of Investigation, and the Law Enforcement Security Service (REBISZ), whose responsibilities include counterterrorism and crowd control. At year's end the National Border Guards merged with the HNP.

During the year police were implicated in a number of criminal acts, including corruption, theft, robbery, rape, bribery, and kidnapping, that severely undermined public confidence in law enforcement agencies. The ensuing scandals led to the dismissals, in May, of the HNP Chief, the chief of the Budapest police, and the head of REBISZ. The minister of justice and law enforcement resigned. In the same month, the head of the National Security Office (NBH) also resigned following scandals involving the intelligence and security services. The prime minister appointed the outgoing deputy civil rights ombudsman as the new minister of justice and law enforcement.

Authorities took a number of measures intended to improve police behavior. An internal mobile unit of 10 officers was established within the HNP. The unit was prepared to assume duty anywhere in the country to monitor the legality of police acts. On May 22, the HNP initiated a toll-free phone line that citizens could use to report police abuses.

Prosecutors and courts continued their investigation of numerous allegations of police abuse in connection with the September and October 2006 antigovernment demonstrations and riots. The investigations led to 23 indictments. Prosecuting officials said the top echelon of the HNP had assisted their investigations, but lower-ranking leaders were not helpful.

Penalties for police officers found guilty of wrongdoing include reprimand, dismissal, and criminal prosecution. Officers are generally suspended from duty during an investigation for abuse or corruption. According to police reports, most officers are dismissed when found guilty of serious wrongdoing. During the year 28 police officers were convicted of corruption; 14 were acquitted.

Other observers, however, including Andras Kadar of the HHC, asserted that a culture of impunity existed among police officers, whose loyalty to each other made them reluctant to investigate charges of wrongdoing. In April the European Court of Human Rights (ECHR) ruled against Hungary for failing to investigate claims of police brutality against a foreign visitor.

In January the chief of the HNP established the Papp Committee, named for its chairman, Brigadier General Karoly Papp, to review police performance during the October 2006 demonstrations. The committee's report described police performance in dealing with the demonstrations as "unprofessional, unprepared, and badly planned." The committee severely criticized many aspects of police leadership, noting the failure of some policemen to wear mandatory identification numbers; the giving of several unlawful orders to disperse the crowd; and the unlawful use of some equipment (i.e., rubber bullets, tear gas, handcuffs, and blows given with the flat of the sword). Despite the strong criticism, no high-level police officials were subjected to disciplinary action as a result of the report, and many officers mentioned in the Papp report were later promoted.

On September 11, the Budapest Metropolitan Court's Military Council issued the first guilty verdict related to the 2006 demonstrations, convicting a policeman for use of excessive force. The court sentenced the defendant to 20 months in jail and a 3-year suspended sentence for breaking the finger of a demonstrator after he had been handcuffed and was lying on the ground. Both prosecution and defense appealed the decision.

At year's end HNP closed its investigation into numerous racist and anti-Roma postings made on Holduvar, one of the HNP's own Web sites. The postings were reported to authorities by two police officers in 2006. The policemen who posted the racist comments on the intranet forum were required to participate in conflict resolution training, while the management introduced stricter regulations for forum users.

*Arrest and Detention.*—The law requires police to obtain warrants issued by police, the prosecutor's office, or the courts to make arrests. When making arrests, police must give the suspects a brief description of the facts constituting the allegation and the relevant sections of the criminal code under which they are acting.

Police can subject a person to "short-term arrest," if the person is caught in the act of committing a crime, or if someone is "suspected of having committed a crime." Short-term arrest cannot last longer than 8 or (in exceptional cases) 12 hours. However, if a detained person has no identification and might pose a threat to public security, he may be held for 24 hours of "public security detention." Police and the prosecutor's office can order "72-hour detention," if the accused is caught in the act and his identity cannot be established, or if the conditions justifying pretrial detention exist. If the court does not order pretrial detention within 72 hours, the person must be released. The prosecutor is entitled to ask the court to order pretrial detention if the conditions set forth under the Code of Criminal Proceedings are present, such as flight risk or impediment to the procedure.

Suspects must be informed of their right to counsel. Representation by defense counsel is mandatory when defendants: Face a charge carrying 5 years or more in prison; are in detention; are deaf, blind, or suffering from a mental disorder; are unfamiliar with the Hungarian language; are unable to defend themselves in person for any other reason; are juveniles; or are indigent and request the appointment of a defense counsel. If the participation of a defense counsel is mandatory, defendants must be informed that unless they retain a defense counsel within 3 days, the investigating authority will appoint one for them.

During the first 6 months of the year, according to the prosecutor general's office, 2,435 persons were in pretrial detention, and the average length of their detention was 122 days.

The law provides monetary compensation for persons who were detained and later acquitted.

According to NGO reports, Roma were more frequently held in pretrial detention than non-Roma.

In most cases the law permits detained persons (including those under short-term arrest) to notify relatives or others of their detention unless notification would jeopardize the investigation. If the detainee is not in a position to exercise this right, the police must perform the notification. However, NGOs reported that there were complaints that this provision was not fully respected.

*e. Denial of Fair Public Trial.*—The law and the Constitution provide for an independent judiciary, and the Government generally respected judicial independence.

Trial procedures are generally protracted, which diminished the efficiency of the judiciary.

*Trial Procedures.*—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right.

Trials are generally public, but in some cases judges may close a trial to protect the accused or the victim. There is no jury system; judges are final arbiters. Judicial proceedings generally are investigative rather than adversarial. Defendants are presumed innocent until proven guilty and are entitled to counsel during all phases of criminal proceedings. Counsel is appointed for persons in need, but public defenders were generally considered to be substandard.

Judicial proceedings varied in length, and delays of several months to a year were common. Defendants may challenge or question witnesses and present witnesses and evidence on their own behalf. They have access to government-held evidence relevant to their cases.

Human rights and Romani organizations claimed that Roma received unequal treatment in the judicial process.

In January a mediation procedure was introduced that permits a defendant and a plaintiff to seek agreement on compensation for minor crimes whose penalties do not exceed 5 years in prison. The mediation agreement cannot specify jail time; it may only address compensation or the provision of other (nonmonetary) remedies.

Military trials follow civil law and may be closed on national security or moral grounds. In all cases sentencing must take place publicly. Civilians may not be tried in military courts.

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

*Civil Judicial Procedures and Remedies.*—There is an independent and impartial judiciary in civil matters. Under the law persons may initiate lawsuits to seek damages for human rights violations; however, fines levied in such cases are often too small to deter violators. During the year the Legal Defense Bureau for National and Ethnic Minorities (NEKI) succeeded in bringing four cases to the Equal Treatment Authority (ETA) for alleged discrimination in employment. NEKI stated that lack of resources prevented them from bringing more such cases.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law prohibits such actions, and the Government generally respected these prohibitions.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice; however, there were charges that the government-owned media were politically biased.

Individuals were able to criticize the Government publicly or privately without official reprisals, and the Government did not attempt to impede criticism by monitoring political meetings; however, individuals, including journalists, can be held liable for their own statements or for publicizing libelous statements made by others. Libel is a criminal offense. Officials continued to resort to libel laws to claim compensation for perceived injuries to their character. A court convicted Gyula Thurmer, president of the Hungarian Communist Workers Party and six of his coworkers of libel, after Thurmer described a 2005 decision by Municipal Court Chairman Laszlo Gatter as politically motivated. TASZ appealed the ruling, and the case was pending at year's end.

On December 5, Viktor Orban, chairman of the main opposition party Fidesz, who was represented by TASZ, won a lawsuit against the Ministry of Justice and Law Enforcement and the Budapest Court of Appeals. The judge upheld the lower court ruling that Orban expressed legitimate political criticism when, in a television inter-

view, he alleged that political pressure and direction were behind the police actions against demonstrators on October 23, 2006.

On October 29, the National Assembly adopted an amendment to the civil code seeking to protect minority groups targeted by hate speech. However, President Solyom did not sign the bill, claiming that it was disproportionate and could curtail freedom of speech. He then forwarded it to the Constitutional Court for review. TASZ supported the referral. The court had not given an opinion by year's end.

The law prohibits public displays of certain symbols, including the swastika, hammer and sickle, red star, and arrow cross, a symbol associated with the Hungarian fascist government of World War II. "Hate mongering" is also a criminal offense if it might provoke physical assault.

In February NBH personnel questioned two Magyar Nemzet journalists about their visits to the construction site of a house owned by Gyorgy Szilvasy, the minister without portfolio who oversees the secret services. Following an internal investigation, an NBH report concluded that its staff had reasonable cause to question the journalists but had violated several internal regulations in doing so. In May, reportedly as a consequence of these events, the NBH chief dismissed his operations director for breach of internal regulations.

At year's end an appeals court was reviewing allegations that police harassed two photojournalists covering a street brawl after a soccer match in June 2006. The Budapest Prosecutor's Office terminated their investigation for lack of evidence earlier in the year, but the plaintiffs appealed that decision.

The independent media were active and expressed a wide variety of views without restriction.

State-owned radio and television stations attracted an 18 percent share of the media market. Their political programs featured a generally progovernment point of view.

The National Television and Radio Commission is legally responsible for monitoring both public and commercial broadcasting outlets, as well as granting licenses and frequencies. The board, headed by a president who is nominated jointly by the president of the republic and the prime minister, has six members. Members are appointed by governing and opposition political parties in proportion to their national assembly representation. The board monitors news broadcasts to ensure equal treatment of all political parties; however, opposition parties continued to claim that news coverage in state-owned media was biased in favor of the Government.

Violations of government secrecy laws are criminal offenses; journalists who publish information designated secret are likely to face legal proceedings. In August, following police warnings of possible 8-year prison sentences, all media outlets declined to publish a top secret document from the National Bureau of Investigation that had been circulated to them anonymously. In December the representative on the freedom of the media for the Organization for Security and Cooperation in Europe, Miklos Haraszti, criticized the regulations covering the disclosure of classified information by journalists.

On November 17, police arrested two journalists who had been reporting on an illegal demonstration, and held them incommunicado for several hours. Leading national and international human rights NGOs and journalists' organizations protested the arrest as a violation of freedom of the press and an infringement of the right of the public to information. The HNP claimed their actions had been lawful and professional, since the reporters were interspersed among the demonstrators at the unannounced, and therefore illegal, protest. The Budapest Police Department also fined the journalists approximately \$232 (40,000 forints) each for the misdemeanor of "disobeying authorities." Both journalists appealed, and the case was scheduled to be reviewed by the Central District Court.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

There also were no reports of the Government blocking access to specific Web sites. The international organization World Internet Project reported that 35 percent of households had Internet access, a 14 percent increase over 2006.

On the instructions of the prime minister, the Ministry of Justice and Law Enforcement was seeking ways to restrict access to the extreme right-wing Web site kuruc.info. The site regularly published anti-Semitic material, as well as the telephone numbers of high-level state officials. Because the Web site was hosted by a foreign server, the Government did not have authority to regulate it as it would a domestic server.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The Constitution and law provide for freedom of assembly and association, and the Government generally respected this right.

The law governing assembly requires that organizers inform police of a public assembly at least 3 days in advance and requires that police disband any assembly held without prior notification. Its participants may seek judicial review within 15 days.

On March 19, following widespread public criticism and a formal complaint by the HHC, the Budapest police removed a barrier that prevented demonstrations in the historic and symbolic square in front of the National Assembly. Protective barriers around the National Assembly had been expanded to include most of the square following the October 2006 riots. After the removal of the barriers, a number of demonstrations were held on the square without incident.

In February the Constitutional Court annulled the Budapest City Council's October 2006 decision requiring preliminary approval from authorities for the use of public places. The Constitutional Court ruled that the Budapest City Council could not establish requirements in addition to those in the country's basic law on assembly.

On November 22, the Budapest Police Department issued an official apology to the leader and the 31 members of the organization "Conscience 88" for not permitting them to demonstrate in front of the home of the former prime minister in 2003. The Budapest Municipal Court ruled against the police in 2005; the ruling was followed by a settlement reached by the police and the group requiring an apology and damages.

In July the ECHR ruled against Hungarian authorities for breaking up a demonstration in 2002. Authorities had not been notified of the demonstration in advance, as required, but it was relatively small, and the court ruled that to disband such an assembly solely because of the absence of the requisite prior notice, without any indication of other illegal conduct by the participants, was a disproportionate restriction on the freedom of peaceful assembly.

*Freedom of Association.*—The Constitution and law provide for freedom of association, and the Government generally respected this right.

On December 17, the prosecutor's office declared the Magyar Garda militia to be unlawful and initiated action in the courts to dissolve it; the issue was pending at year's end. The Magyar Garda was created earlier in the year by the right-wing extremist party, Movement for a Better Hungary (Jobbik), allegedly in response to the reluctance of the prime minister to resign following the October 2006 demonstrations and in response to the Government's severe austerity measures. On June 18, a court registered the Magyar Garda as a society for preserving traditions and fostering culture. However, the organization's announcement that it would train its members in the use of firearms and its use of uniforms that evoked the Nazi-era made it an object of controversy (see Section 2 c.).

*c. Freedom of Religion.*—The Constitution and law provide for freedom of religion, and the Government generally respected this right.

There is no state religion, and under the law every registered religious group is entitled to the same rights. The four "historical" religions (Catholic, Reformed, Lutheran, and Jewish), whose adherents make up 95 percent of the population, receive 93 percent of state financial support to religious groups.

According to Supreme Court records, in April there were 355 registered religious groups.

To register, religious groups must submit a statement to a county court declaring that they have at least 100 followers. The court determines whether the registration of the new group complies with constitutional and legal requirements.

During the year the Government continued to expedite an estimated 300 religious property restitution cases filed under a September 2005 government resolution. This resolution makes it possible for religious groups to fast-track property restitution negotiations and to close outstanding claims by the end of 2006, rather than the previous target date of 2011. Three religious groups (Catholic, Jewish and Budai Serb Orthodox Church) utilized this new procedure. Neither the Reformed nor the Lutheran churches opted for the fast-track procedure. The two Protestant churches had 260 outstanding cases valued at \$25.2 million (4.5 billion forints) at the end of the year.

In November the government, the World Jewish Restitution Organization, and the Conference on Jewish Material Claims Against Germany concluded an agreement

providing that the Government transfer \$21 million to the Jewish Heritage of Hungary Public Endowment in compensation for heirless Jewish property.

*Societal Abuses and Discrimination.*—The Jewish population numbered an estimated 80,000 to 100,000 persons, or less than 1 percent of the population. During the year anti-Semitic incidents, including vandalism, continued. Jewish community representatives contended that there had been an increase in anti-Semitism compared to 2006, particularly in the form of severe verbal assaults during antigovernment demonstrations. The Federation of Jewish Communities in Hungary (MAZSIHISZ) associated the increase with the anti-Semitic groups' taking advantage of widespread discontent over the country's economic difficulties. The press also gave considerable attention to the problem of anti-Semitism during the year.

On June 28, demonstrators broke into a studio of the station Klubradio in Dbrecen during live broadcast and attacked a Jewish staff writer for the newspaper Nepszabadsag. The victim was struck on the head and told he should "return to Israel." Several demonstrators shouted obscenities and waved the Arpad flag, which was often associated with the far right wing. Reportedly, police who were at the site did not intervene. There were no reports that authorities sought to prosecute the perpetrators or the police.

At the end of the summer, the formation of the Magyar Garda caused serious anxiety within the Jewish communities. The induction of the first 56 "guards," wearing uniforms decorated with a symbol associated with the country's World War II fascist regime, led to by protests against the Magyar Garda sponsored by the Nagy Imre Society, the Hungarian Anti-Fascist League, and others. During the induction ceremony, the flag of the Garda was blessed by a Catholic priest, a Lutheran pastor, and a Calvinist preacher. Both the Conference of Catholic Bishops and the Hungarian Calvinist Church claimed that the clerics did not represent their respective denominations, and the Lutheran Church launched an inquiry into the participation of the Lutheran pastor. Leaders of the World and European Jewish Congresses, along with MAZSIHISZ, asked the prime minister to ensure that the Magyar Garda did not threaten Hungarian Jews. Prime Minister Gyurcsany and all five National Assembly parties criticized the Magyar Garda organization.

In September unknown vandals sprayed anti-Semitic slogans on a mobile Holocaust memorial exhibition just outside Budapest, according to press reports. Police from the small town of Godollo said that the target was a train carriage that has been on display throughout the country since April 2006.

MAZSIHISZ president Peter Feldmayer recommended that Jews stay at home for their own safety during celebrations on the Hungarian national day, March 15. However, other prominent Jewish leaders criticized Feldmayer's remarks, claiming that he had significantly overstated the danger. Although some celebrants in downtown Budapest shouted anti-Semitic slogans, there were no reports of physical attacks.

The question of anti-Semitism featured prominently in partisan political debate throughout the year. In a March 2 interview with the British daily *The Times*, Prime Minister Gyurcsany claimed that Fidesz chairman Viktor Orban was "benefiting from anti-Semitism in an attempt to derail the Government's modernization programs." Fidesz responded that the party had never supported anti-Semitism. On August 31, a five-party press conference designed to demonstrate multipartisan consensus against the Magyar Garda deteriorated into a dispute over whether some parties were accepting the support of anti-Semitic elements or manipulating the issue for political advantage.

The Government expressed concern over the public display of the ancient "Arpad flag," whose modern history included association with, or use by, the World War II-era fascist government. The president asked demonstrators not to use the flag during demonstrations out of respect for the dead and the grief felt by Holocaust survivors. Fidesz rejected the Government's concern, recalling that the Arpad flag was one of the 23 historical flags of the country. Fidesz also commented that the Arpad flag, as it appeared at right-wing rallies, was not a symbol of the World War II-era Arrow Cross party, since it lacked the arrow cross symbol (whose display is illegal).

On August 28, a well-known Hungarian blogger openly expressed anti-Semitic views while appearing as a guest on the morning talk show of TV2, one of the country's two main commercial television channels. The management of the channel apologized and promised to be more careful in selecting future invitees.

The privately-owned weekly newspapers *Magyar Demokrata* and *Magyar Forum* continued to publish anti-Semitic articles.

There were numerous far-right Hungarian-language Web sites, many of which were openly anti-Semitic. NGOs reported that the Government monitored these Web

sites for content to enforce the ban on public display of such symbols as the swastika, hammer and sickle, the red star, and the arrow cross.

According to police there were 287 reports of vandalism or destruction of Jewish and Christian properties (37 in houses of worship and 250 in cemeteries) during the year, as compared to 387 reported cases in 2006 and 216 in 2005. Police and religious authorities claimed that the incidents were acts of youthful vandalism and not manifestations of religious intolerance.

There were no developments in the police investigation of the 2005 vandalism of 130 graves in the largest Jewish cemetery in Budapest.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights. The Government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The law does not provide for forced exile, and the Government did not employ it.

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

In practice the Government provided protection against “refoulement,” the return of persons to a country where there is reason to believe they feared prosecution.

During the year the Office of Immigration and Nationality received 3,419 applications for refugee status. It approved 169 during the year. The Government also provided temporary protection to 83 individuals who did not qualify as refugees under the 1951 convention and the 1967 protocol. The Government cooperated with the UNHCR, the International Organization for Migration (IOM) and other humanitarian organizations in assisting refugees and asylum seekers.

There were no reports of refugee abuse. The HHC believed that legal changes that took effect on July 1 and other legislation enacted, but not scheduled to take effect until January 1, 2008, would bring several positive changes to the much-criticized way in which the authorities detain asylum seekers. One change would be to reduce the maximum length of detention from 12 to 6 months.

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

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

*Elections and Political Participation.*—In April 2006 Prime Minister Gyurcsany and his Socialist-Liberal coalition were returned to office in a free and fair election. The country permits groups designated as national minorities to elect their own minority self-governments (MSGs). On March 4, 13 recognized minorities elected representatives to 2,049 MSGs. No election abuses were reported.

There were no government restrictions on political parties.

There were 43 women in the 386-seat National Assembly and three women in the Council of Ministers.

Due to data privacy laws, no information was available on the number of minorities in the National Assembly or the Council of Ministers. Minorities continued to be underrepresented despite a 1992 Constitutional Court ruling directing the National Assembly to provide for the representation of minorities as required by the Constitution.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials were believed to engage in corrupt practices with impunity. According to the World Bank’s Worldwide Governance Indicators, government corruption was a problem.

The law requires members of the National Assembly, high-level government officials, civil and public servants, and law enforcement officials, to disclose their financial status on a regular basis.

There was a widespread perception of corruption in the executive and legislative branches. During the year the case of the Socialist (MSZP) politician Janos Zuschlag received intense public attention. A former MSZP member of the National Assembly, Zuschlag was chairman of the Kiskunhalas MSZP chapter and a member of the



Bacs-Kiskun County Council. The prosecutor's office opened an investigation of Zuschlag and five other MSZP members suspected of misusing state funds. Youth organizations close to MSZP were suspected of failing to account for subsidies of approximately \$347,880 (60 million forints) that they received from the Sports Ministry in 2003 and 2004 when Prime Minister Gyurcsany was minister of sports and the secret service minister was Gyurcsany's state secretary. Gyurcsany appeared as a witness in the criminal case. If convicted, Zuschlag could be sentenced to 20 years' imprisonment. At year's end the case was still under investigation.

Low-level corruption among law enforcement officials remained a problem.

In a highly charged political climate, politicians frequently exchanged charges of corruption or were accused of corruption by the media. The result was a number of slander suits between politicians and against the media during the year. In June the Government established an 18-member anticorruption body to analyze corruption. It consisted of cabinet members, representatives of nongovernmental state institutions, and NGO representatives.

In September the cabinet created the position of ministerial commissioner for implementing the Government's "New Order" program to curb corruption by modifying regulations on party financing, reimbursement of the official expenses of Parliament members, and fighting against the black market economy.

The HNP maintained a nine-person anticorruption unit to investigate corruption within the government, although persons with legislative immunity were exempt from its purview. There was no independent government body to investigate internal corruption; however, a unit within the Ministry of Justice and Law Enforcement was charged with preventing and investigating crime within law enforcement agencies.

The law provides for access to government information and the Government generally provided it upon request. However, many court rulings remained unavailable to the public. During the year TASZ filed several lawsuits against the Government for hindering access to public information.

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

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

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

The law prohibits discrimination based on race, gender, disability, or social status; however, in practice, widespread discrimination persisted, particularly against Roma. Violence against women, child abuse, and trafficking in persons were also problems.

*Women.*—Rape, including spousal rape, is illegal, but the crime was often unreported. Penalties for rape range from 2 to 8 years in prison and as much as 15 years in aggravated cases.

During the year police investigated 395 rape-related cases, compared with 206 cases in 2006. No figures were available on the number of convictions.

The law does not specifically prohibit domestic violence or spousal abuse. The general charge of assault and battery, which carries a maximum prison term of 8 years, is used to prosecute domestic violence cases. Expert research in the field of family violence indicated that an estimated 20 percent of women in the country had been physically assaulted or victimized by domestic violence. Prosecution for domestic violence was rare.

According to the national police, 2,593 women were reported to be victims of domestic violence during the year, compared to 4,620 in 2006; however, most incidents of domestic violence went unreported due to fear and shame on the part of victims.

In a May report, Amnesty International warned that neither existing law nor government policies were effective in defending women from domestic violence. According to the report, two-thirds of reported sexual crimes were committed by persons known to the victims, but few of these offenders were ultimately brought to justice.

NGOs continued to be critical of legislation enacted by the National Assembly in June 2006 permitting courts to issue restraining orders to protect persons from abusive spouses. They noted that the legislation continued to rely on the willingness of the prosecutor's office to carry out court orders, which it has proven reluctant to do in the past.

Prosecution of abuse against women was difficult because of societal attitudes that tended to blame the victim for the abuse, and NGOs reported that police remained reluctant to arrest abusers. Victims' rights advocates indicated that the re-

luctance may have been due to a lack of confidence that the judicial system would effectively resolve abuse cases.

The Ministry of Social Affairs and Labor launched a separate Web site on domestic violence, continued to operate a 24-hour hot line for victims of domestic abuse, and increased the number of government-run shelters for abused women from seven to 10.

Prostitution was legal, but persons engaged in prostitution could only work legally in certain locations, away from schools and churches. Estimates of the number of persons regularly engaged in prostitution varied from 7,000 to 9,000, rising to as many as 20,000 during the summer tourist season. Many were either coerced or lured into prostitution by pimps.

In an effort to bring individuals engaged in prostitution into the legal economy, the tax authorities allowed them to apply for entrepreneur's permits and provided, with the assistance of the European Union, approximately \$85,231 (14.7 million forints) to the Hungarian Prostitutes' Interest Protection Association to assist such individuals in obtaining the permits. The permits allow persons engaged in commercial sex activities to give receipts to customers and become part of the legal economy by paying taxes and making social security contributions.

The law provides the right to a secure workplace, and a provision took effect on January 1 specifically prohibiting sexual harassment. In December sexual harassment was made a criminal offense (it had previously been a misdemeanor). The ETA, which monitors enforcement of antidiscrimination laws, did not report any prosecutions related to sexual harassment. However, sexual harassment remained a widespread problem that many women tolerated in the workplace because they feared losing their jobs.

Women have the same rights as men under family law, property law, and in the judicial system. There was economic discrimination against women in the workplace, particularly against job seekers older than 50 and those who were pregnant. According to 2006 statistics, women earned approximately 15 percent less than men.

During the year ETA did not handle any cases in which employers had illegally discriminated against women.

*Children.*—The Government remained committed to children's rights and welfare.

The law provides for free, compulsory education for children through 18 years of age. The Ministry of Education estimated that 95 percent of school-age children were enrolled in school, although the dropout rate for Romani children was much higher than average.

The public education system for minorities in their own languages remained inadequate. There were insufficient schoolbooks and not enough teachers qualified in the languages concerned. During the 2007–08 school year, 651 kindergarten children participated in special Roma minority tutoring programs in the Roma language, 1,414 in elementary schools, and 396 in high schools.

Although the law prohibits official segregation of children by ethnicity or nationality, segregation of Romani children remained a problem. In order to reduce educational segregation, the Government redrew school district boundaries for the 2007–08 school year to ensure that no district had a significantly higher proportion of disadvantaged students than adjacent districts. At the same time, the Government adopted rules, making it more difficult for public schools to admit children based on their social, economic, and cultural backgrounds.

The Utravalo (Send-off) Scholarship Program, which was designed to assist disadvantaged children, a large number of them Roma, continued during the year. During the 2006–07 school year, almost 20,000 disadvantaged students and 9,000 teachers of disadvantaged students received financial support.

The NGO Chance for Children Foundation (CFCF) continued to combat segregation of Roma and other disadvantaged children through the courts. Following a CFCF lawsuit against authorities in Nyiregyhaza, Miskolc, and Szeged for relegating Roma and other disadvantaged children to separate, poorly maintained buildings, and using a simplified curriculum for them, authorities closed an elementary school in each of the towns and transferred its pupils to schools where they would study with non-Romani children.

Three other CFCF suits, against the city authorities of Hajdúhadhaz, Csörög, and Miskolc, were pending at year's end.

Boys and girls generally had equal access to state-provided health care.

According to police, 4,568 crimes against children were reported during the year, compared to 1,135 in 2006. Police continued to lack the necessary training, capacity, and institutional support to adequately protect children, particularly in situations involving domestic violence.

The law provides severe penalties for persons convicted of sexually abusing children. While the children affected were not themselves prosecuted, they could be remanded to juvenile centers for rehabilitation and to finish school.

*Trafficking in Persons.*—The law prohibits all forms of trafficking in persons; however, there were reports that persons were trafficked to, from, and within the country.

Victims were trafficked primarily for sexual exploitation, but there were also reports of trafficking for domestic servitude and manual labor. The principal countries of origin were Slovakia, Romania, Ukraine, Moldova, Poland, the Balkans, and China. The principal destinations were Austria, Germany, Spain, the Netherlands, Italy, France, Switzerland, and the United States. There were also reports of trafficking to Central America, Mexico, the Scandinavian countries, Japan, and the United Kingdom. Internal trafficking of women for sexual exploitation occurred.

There were no estimates of the number of trafficking victims.

Within the country, the persons at the greatest risk of being trafficked were orphans who had reached adulthood and were required to leave orphanages, despite having few resources, young women from the countryside, and young Romani women. The profile of trafficked persons was constantly changing; victims were observed to be getting younger, with children increasingly trafficked.

According to government officials and NGOs, the majority of traffickers were individuals or small, family-based groups. Organized crime syndicates transported many of the trafficking victims to or through the country for forced prostitution.

The principal recruitment methods used by traffickers included advertisements for jobs abroad as au-pairs, waitresses, or dancers. In some cases the victims may have had an idea that they would be engaged in prostitution in their destination countries but were not aware of the coercive conditions they would face.

Under the law the maximum punishment for trafficking is 3 years' imprisonment, or 5 to 15 years to life if the crime involves a child under 12. If an organized trafficking ring is involved, the sentence for any kind of trafficking can be life imprisonment and seizure of assets. Government efforts to combat trafficking remained insufficient, although improvements in the law, expanded training of law enforcement officials, and increased focus at more senior levels of government have resulted in gradual improvement in recent years. Antitrafficking NGOs suggested that the weakest features of the antitrafficking effort were the reluctance of the prosecutor's office to prosecute cases and the large number of street-level law enforcement officials who failed to appreciate the importance of the problem. Police investigated 48 trafficking cases during the year and forwarded 24 to the prosecutor's office, while the border guards investigated and forwarded one case.

There was no evidence that government officials were involved in, or tolerated, trafficking.

The Government agencies most directly involved in combating trafficking were the Ministry of Justice and Law Enforcement, the Ministry of Foreign Affairs, the HNP, the border guards, and customs authorities. There is an interministerial anti-trafficking working group and the HNP has a Department of Trafficking in Human Beings. The Ministry of Foreign Affairs is responsible for coordinating all anti-trafficking activities.

The Government regularly cooperated with other countries in joint trafficking investigations. No foreign nationals were extradited from the country on trafficking charges.

The Government donated several buildings to establish an NGO trafficking shelter and allocated \$74,486 (13 million forints) for protecting victims. The shelter assisted 45 trafficking victims. There were approximately 60 regional and local victim protection offices, and trafficking victims were among the recipients of their psychological, social, and legal assistance. The Ministry of Social Affairs and Labor operated a hot line for victims of trafficking. Trafficking victims who cooperated with police and prosecutors could receive temporary residency status, short-term relief from deportation, and shelter.

The Government continued to work closely with domestic NGOs and the IOM to promote public awareness programs about trafficking.

*Persons with Disabilities.*—The law prohibits discrimination against persons with disabilities in employment, education, health care, or other state services; however, persons with disabilities faced societal discrimination and prejudice. Government sources estimated that there were 600,000 persons with disabilities, while the disability organizations estimated the number to be 1 million (6 to 10 percent of the population).

Persons with disabilities commonly faced discrimination in employment, education, and access to health care. Approximately 10 percent of working-age persons

with mental disabilities were employed. NGOs expressed concern over the lack of independent oversight over government-run long term care institutions for persons with mental disabilities. There were sporadic reports that employees of such institutions used excessive restraint in dealing with patients, a problem experts attributed partly to inadequate numbers of qualified staff.

The international NGO Mental Disability Advocacy Center (MDAC) criticized the Government for failing in its obligations to protect the rights of persons who had been placed under the legal guardianship of others. One of the key problems, in the view of MDAC, was that there were no alternatives to guardianship for persons with disabilities who needed support in making certain decisions. According to research conducted by MDAC in May, 66,000 adults were deprived of legal capacity.

In August the Government adopted a \$580 million (100 billion forints) program to improve the condition of persons with disabilities and to socially integrate them by raising their living standards and improving their access to rehabilitation services, education, and employment. The program was scheduled to run until 2010.

A government decree requires all companies with more than 20 employees to reserve 5 percent of their jobs for persons with physical or mental disabilities. The decree specifies fines for noncompliance. Employers typically paid the fines rather than employ persons with disabilities.

Both the central government and the municipalities continued to update public buildings to make them accessible to persons with disabilities. The law requires all buildings operated by the central government be accessible by 2010, and all those operated by the municipalities must meet this goal by 2013. At year's end, between 60 and 70 percent of public buildings operated by the central government and 16 percent of those operated by municipalities were in compliance. A legal requirement enacted in April specifies that public transportation must be accessible to persons with disabilities by 2010.

Civil society representatives criticized the Government for failing to make Hungarian laws compatible with the U.N. Convention on the Rights of Persons with Disabilities.

The lead agency for protecting the rights of the disabled was the Ministry of Social Affairs and Labor. The Government introduced a national action plan for persons with disabilities during the year.

*National/Racial/Ethnic Minorities.*—In 2007 the ETA reviewed 756 complaints of discrimination and found 29 of them to be justified. It found discrimination in employment or access to public services in 23 cases and imposed fines of between \$2,899 (500,000 forints) and \$25,690 (4.5 million forints) in three cases.

Roma, constituting almost 2 percent of the population, were the largest ethnic minority. They continued to experience widespread discrimination in employment, education, housing, penal institutions, and access to public places, such as restaurants and bars. Roma were significantly less well-educated than other citizens and their incomes and life expectancy were well below average. Reports of police abuse of Roma were common, but many victims remained fearful of seeking legal remedies or of notifying NGOs.

The unemployment rate for Roma was estimated at 70 percent, more than 10 times the national average, and most Roma lived in extreme poverty.

A 2006 study found that over 82 percent of Roma have 8 years of education or less, compared with 36 percent of the rest of the population. Similarly, while an estimated 40 percent of the population had some form of secondary schooling, the percentage among Roma was 3.1. In addition, schools where Roma constituted the majority were generally more crowded, less well equipped, and in significantly worse physical condition than those attended by non-Roma students.

Segregation of Romani schoolchildren remained a problem. They were often placed in remedial classes without cause, effectively separating them from other students. NGOs and government officials estimated that 20 percent of Romani children were in remedial programs. At least 799 segregated classes existed for handicapped students, and in more than 25 percent of these all of the students were Roma. Many schools with a majority of Romani students had simplified teaching curricula.

Authorities took a number of steps to reduce the educational disadvantages faced by Romani children. In the belief that family disadvantages can be mitigated most successfully in early childhood, the law states that every seriously underprivileged child must be admitted to kindergarten. During the year the Government provided funds to kindergartens for increasing their capacities and to initiate special programs designed to develop the abilities of disadvantaged children.

Inadequate housing was a problem for Roma, and their overall living conditions continued to be significantly worse than for the general population. According to Roma interest groups, municipalities used a variety of techniques to prevent Roma from living in more desirable urban neighborhoods. Such techniques included auc-

tioning by local governments of special housing for the poor to the highest bidder, and evicting Roma from areas slated for renovation without compensation adequate to allow them to return after the renovations.

In July an epidemic of the Hepatitis A virus in Nyirmihalydi infected several children. The mayor blamed the epidemic on the local Roma settlement's poor hygienic conditions and decided to withhold social aid until the families built at a minimum an outhouse in their yard. The mayor's ruling was deemed unlawful, and following ministerial and ombudsman investigations, the social aid was quickly transferred to the entitled 160 families.

NGOs and Romani activists claimed that Romani children did not have equal access to medical care or other government services.

Most ministries had special officers for Roma affairs, and county labor affairs centers also had Romani affairs officers focusing on the needs of the Romani community. The Ministry of Education and Culture continued to offer financial incentives to encourage schools to integrate Romani and non-Romani children in the same class rooms and to reintegrate those Roma inappropriately placed in remedial programs. The Ministry of Social Affairs and Labor operated a program to finance infrastructure development in Romani communities.

The Ministry of Justice and Law Enforcement operated a Roma antidiscrimination legal service network that provided free legal aid to Roma in cases where they encountered discrimination based on their ethnicity.

Roma, like the other 12 official minorities, are entitled to elect their own MSGs, which are responsible for organizing minority activities and handling cultural and educational affairs. The president of each self-governed entity also has the right to attend and speak at local government assemblies. At year's end, 1,118 of the 2,045 active minority self-governments were Romani.

The 10-year-long failure of the National Assembly to enact legislation to enforce constitutional provisions for minority representation within that body remained unresolved during the year.

*Other Societal Abuses and Discrimination.*—Homosexuality is legal, but on one occasion right-wing groups subjected homosexuals to physical abuse. Despite a police escort, the approximately 2,000 participants in the annual gay pride march on July 7 encountered a crowd of several hundred antigay demonstrators who hurled verbal abuse, beer bottles, eggs, nylon bags filled with sand, and two smoke bombs at them. This counterdemonstration was organized by the far-right-wing party Jobbik. Later in the evening, after police had observed the dispersal of the antigay demonstrators and departed, witnesses reported a number of physical assaults on persons entering and leaving a nightclub that marked the terminus of the march. Police allegedly failed to respond to phone calls reporting these incidents. Several NGOs criticized police for inaction and for charging the 17 persons arrested in connection with the parade with group disorderly conduct, instead of the more serious charge of incitement against a community or violation of the freedom of assembly.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law allows workers to form and join unions of their choice without previous authorization or excessive requirements, and workers exercised these rights in practice. Approximately 23 percent of the labor force was unionized.

*b. The Right to Organize and Bargain Collectively.*—The law allows unions to conduct their activities without interference, and the Government protected this right in practice. Collective bargaining is protected by law, and it was freely practiced. Approximately 40 percent of the workforce was covered by collective bargaining agreements (almost 3,000 collective bargaining agreements existed).

With the exception of military personnel and police officers, workers have the right to strike, and workers exercised this right in practice. The law permits the unions of military personnel and police officers to seek resolution of grievances in the courts.

There are no export processing zones, but individual foreign companies frequently were granted duty-free zone status for their facilities.

There were no exemptions from regular labor laws in the duty-free zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred. Persons, including children, were trafficked into, within, and from the country for commercial sexual exploitation and forced labor.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The law protects children from exploitation in the workplace. Children under 16 are prohibited from working, except under certain conditions, such as temporary work during

school vacations for those between 14 and 16. Children may not work night shifts or overtime, or perform hard physical labor. The National Labor Center enforced these regulations in practice, and there were no reports of any significant violations.

Trafficking of children for sexual exploitation was a problem.

*e. Acceptable Conditions of Work.*—The national minimum monthly wage of \$368 (65,500 forints) did not provide a decent standard of living for a worker and family. The minimum wage was regularly evaluated and raised by the National Council for Interest Reconciliation, a tripartite body of employers, employees, and the Government.

The law sets the official workday at 8 hours, although it may vary depending on the industry. A 48-hour rest period is required during any 7-day period. The regular workweek is 40 hours, with premium pay for overtime, and the law prohibits overtime exceeding 200 hours per year. The laws also apply to foreign workers who have work permits.

Labor courts and the labor inspectorate enforced occupational safety standards set by the government, but specific safety standards were not consistent with internationally accepted standards, and enforcement was not always effective. The law gives workers the right to remove themselves from dangerous work situations without jeopardizing their continued employment, and this right generally was respected.

---

## ICELAND

Iceland, with a population of 313,000, is a constitutional parliamentary republic. The president is the head of state; a prime minister, usually the head of the majority party, is head of government. There is a unicameral Parliament (Althingi). In 2004 Olafur Ragnar Grimsson was reelected president in free and fair elections. After parliamentary elections on May 12, the center-right Independence Party and the Social Democratic Alliance formed a governing coalition led by Prime Minister Geir Haarde (Independence Party). The elections were free and fair. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens, and the law and judiciary provided effective means of addressing individual instances of abuse. The following human rights problems were reported: Violence against women, societal discrimination against minorities and foreigners, and isolated reports of women trafficked to, through, and possibly from the country.

### RESPECT FOR HUMAN RIGHTS

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

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

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution and law prohibit such practices, and there were no reports that government officials employed them.

*Prison and Detention Center Conditions.*—Prison and detention center conditions generally met international standards, and the Government permitted visits by independent human rights observers.

Although rare, there were reports of prisoner violence, which sometimes involved prisoners brutalizing other inmates. Prison authorities took steps to address the issue.

Prison authorities reported that hiring of additional psychologists and psychiatrists had decreased delays in providing psychological and psychiatric services to prisoners, although some delays still occurred. Emergency needs received immediate attention.

In October prison authorities completed the upgrade of the Kviabryggja minimum-security prison, and renovation work on the Akureyri prison was underway at year's end with completion expected in 2008. The Government budget for 2008 contained funds for the expansion and renovation of the main prison at Litla-Hraun. Completion of these projects should eliminate overcrowding in the prison and detention system.

During the year media and prison authorities expressed concern regarding overcrowding at Reykjavik's main pretrial detention facility. In such cases, pretrial detainees can be held in local police station jails, a system which has proven sufficient

to ease overcrowding and prevent cohousing of pretrial detainees and convicted prisoners.

The Government maintained a separate minimum-security prison for female inmates; however, because so few women were incarcerated (five or six on average) some men were also held there. Men housed in facilities with women were closely monitored and only interacted with women in the common areas; they did not share cellblocks. In the rare instances when juvenile offenders were incarcerated, they were held with adults, since there was no separate facility for juveniles.

The Government permitted visits by independent human rights observers during the year. Prisoners could, and did, request visits from volunteers from the Icelandic Red Cross, or so-called "prisoners' friends." The volunteers talked with the prisoners and provided them with second-hand clothes upon request. There were no prison visits by the International Committee of the Red Cross during the year.

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

*Role of the Police and Security Apparatus.*—Civilian authorities maintained effective control over the police (the country's only security force), and the Government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

*Arrest and Detention.*—Police may make arrests under a number of circumstances: When they believe a prosecutable offense has been committed, where necessary to prevent further offenses or destruction of evidence, to protect the suspect's safety, or when the person refuses to obey police orders to move. Arrest warrants were usually not required; the criminal code explicitly requires warrants only for arrests when individuals fail to present themselves in court to attend a hearing or a trial, or to prison to serve a sentence.

Persons placed under arrest are entitled to legal counsel, which is provided by the Government if they are indigent. Authorities must inform persons under arrest of their rights and must bring them before a judge within 24 hours. The judge determines whether a suspect must remain in custody during the investigation; the judge may grant conditional release, subject to assurances that the accused will appear for trial.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the Government generally respected judicial independence in practice.

*Trial Procedures.*—The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right.

Courts do not use juries, but multi-judge panels are common, particularly in the Supreme Court. The courts presume defendants' innocence and generally try them without delay. Defendants receive access to legal counsel of their own choosing. For defendants unable to pay attorneys' fees, the Government covers the cost; however, defendants who are found guilty must reimburse the Government. Defendants have the right to be present at their trial, to confront witnesses, and to participate in the proceedings. They and their attorneys have access to government-held evidence relevant to their cases. At the discretion of the courts, prosecutors may introduce evidence that police obtained illegally. Defendants have the right to appeal, and the Supreme Court handles appeals expeditiously.

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

*Civil Judicial Procedures and Remedies.*—A single court system handles both criminal and civil matters. The two levels of the judiciary—the district courts and the Supreme Court—are generally considered independent and impartial in civil matters. Law suits may be brought seeking damages for, or cessation of, a human rights violation.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution prohibits such actions, and the Government generally respected this prohibition in practice.

In order to obtain a permit to stay in the country based on marriage to a citizen or the holder of a resident permit, a partner or spouse must be at least 24 years of age. During the year the European Commission Against Racism and Intolerance expressed concern about this requirement because it limits the right of foreigners to family reunification; however, there was no official action by year's end in response to these concerns.

Women's activists voiced concern that individuals from countries outside the European Economic Area (EEA) can lose their residence permits upon divorce from Icelandic-born spouses, with possible consequences pertaining to child custody and visitation.

Immigration law allows authorities to conduct house searches without a prior court order when there is a significant risk that delay would jeopardize an investigation of immigration fraud; they may also request DNA tests without court supervision in cases where they suspect immigration fraud. In practice neither home searches without warrants nor DNA tests took place during the year.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

The law establishes fines and imprisonment of up to 3 months for those who publicly deride or belittle the religious doctrines of a lawful religious association active in the country. Additionally, the law establishes fines and imprisonment of up to 2 years for anyone who publicly ridicules, slanders, insults, threatens, or in any other manner publicly assaults, a person or a group of people on the basis of their nationality, skin color, race, religion, or sexual orientation. There were no reports that the law was invoked during the year.

The independent media were active and expressed a wide variety of views without restriction.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, the state financially supported and promoted the official religion, Lutheranism. Other religions did not receive equal time and deference in school curricula or comparable subsidies for their faith-based activities.

The law specifies conditions and procedures that religious organizations must follow to be registered by the Government. Such recognition was necessary for religious organizations other than the state church if they wished to receive a per capita share of church tax funds from the Government. The one group that applied to register as a religious organization during the year, the Community of Christ in Reykjavik, had its application denied on grounds of not being sufficiently well established. The Government did not place any restrictions or requirements on unregistered religious organizations, which had the same rights as other groups in society. Two religious groups denied registration in previous years, the Free Church of Iceland and the Baptist Church of Sudurnes, did not re-apply for registration during the year.

All citizens 16 years of age and older must pay an annual church tax of approximately \$146 (9,468 krona). For persons who were not registered as belonging to a religious organization, or who belonged to one that was not registered and officially recognized, the tax payment went to the University of Iceland, a secular institution. Atheists and humanists objected to having their fees go to the university, asserting that this was inconsistent with the right of freedom of association.

In October the Supreme Court upheld the November 2006 verdict of the Reykjavik District Court rejecting the Icelandic Pagan Association's request for funding proportional to its membership from monies currently made available only to the national church.

The Pagan Society of Iceland began construction of a place of worship during the summer. In July the city of Reykjavik agreed to make a plot of land available for the construction of a Russian Orthodox church. In contrast, a 2000 application for land to build a mosque continued to languish in Reykjavik's planning commission. Some observers attributed the delay to prejudice, particularly given that other groups' applications for similar plots made swifter progress during that time.

The law mandates religious instruction in Christianity in the public schools; however, students may be exempted from attending the classes upon parental request.

*Societal Abuses and Discrimination.*—The Jewish community numbers under 100 individuals; there were no reports of anti-Semitic acts.

The law establishes penalties of fines and up to 2 years in prison for verbal or physical assault on an individual or group based on religion. The law also estab-



lishes fines and imprisonment of up to 3 months for those who publicly deride or belittle the religious doctrines of a lawful religious association active in the country. There were no reports that the law was invoked during the year.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

The law prohibits forced exile, and the Government did not employ it.

*Protection of Refugees.*—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided some protection against “refoulement,” the return of persons to a country where there is reason to believe they feared persecution. The Government granted refugee status or asylum. The Government cooperated with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees, but it had no fixed refugee acceptance requirements. In February the Government decided to double its refugee admissions, receiving a group of 25 refugees every year, instead of every other year.

Asylum seekers were eligible for state-subsidized health care during the processing of their cases, which at times took a year or more. They could enroll their children in public schools after being in the country for 3 months, and some children of asylum seekers were enrolled in public schools during the year. Asylum seekers could also apply for work permits. However, human rights advocates criticized the law for not specifying which “significant human rights reasons” must underpin granting temporary residence (and eligibility for work permits) while asylum cases are processed, arguing that the situation created the possible appearance of arbitrary decisions. This echoed such groups’ criticism of the vagueness of criteria for granting asylum.

Since 1984 only one person has been granted asylum as a political refugee. Officials rejected most asylum applications and eventually deported most applicants; however, some asylum seekers have been accepted on humanitarian grounds. The minister of justice appoints the director of immigration, who heads the deciding body for asylum cases. Some observers have asserted, as the Council of Europe commissioner for human rights did in a 2005 report, that this hierarchy could constitute a conflict of interest. The law is ambiguous about the criteria for granting and denying asylum, and this ambiguity, combined with the low number of approved asylum applications, left unclear the considerations that are applied in adjudicating the applications of asylum seekers. The law allows for accelerated refusal of applications deemed to be “manifestly unfounded.”

Asylum seekers also faced other impediments. Asylum seekers had no access to the court system. They could address appeals against negative decisions only to the Ministry of Justice.

The Government took no action, and none was expected, in response to concerns expressed by the U.N. Committee on the Elimination of Racial Discrimination in 2005 about reports that border guards did not always handle asylum requests properly.

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

The Constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

*Elections and Political Participation.*—The most recent presidential election was held in 2004, when Olafur Ragnar Grimsson won 85.6 percent of the valid votes for his third term in this mostly ceremonial office. In elections to the 63-member unicameral Parliament on May 12, voters turned the Progressive Party (PP) out of power, and the Independence Party (IP) and Social Democratic Alliance (SDA) formed a new coalition government led by Prime Minister Geir Haarde of the IP. The new coalition held 43 seats.

There were 21 women in the Parliament and four women in the 12-member cabinet. Two of nine Supreme Court members and 13 of 38 district court judges were women. No members of minority groups held seats in the Parliament.

*Government Corruption and Transparency.*—There were no reports of government corruption during the year.

The law provides for public access to government information, and the Government provided access in practice for citizens and noncitizens, including foreign media. Appeals against refusals by government authorities to grant access to materials may be referred to an information committee consisting of three persons appointed by the prime minister. Permanent employees of government ministries may not be members of the committee. Public officials were not subject to financial disclosure laws.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

The Icelandic Human Rights Center was the leading human rights organization, vetting government legislation and reporting to international treaty monitoring bodies as well as promoting human rights education and research. The center was funded primarily by the Government but also by nongovernmental organizations (NGOs), unions, and the city of Reykjavik; it operated as an NGO.

An independent ombudsman, elected by Parliament, monitored and reported to national and local authorities on human rights developments to ensure that residents, whether citizens or aliens, received equal protection. Individuals could lodge complaints with the ombudsman regarding decisions, procedures, and conduct of public officials and government agencies. The ombudsman may demand official reports, documents, and records, may summon officials to give testimony, and has access to official premises. The ombudsman has noted in the last three annual reports that government agencies responded slowly to requests for information and documents, causing delays in the handling of cases. The Government has never responded to these complaints. While the ombudsman's conclusions are not binding on authorities, his recommendations were generally followed.

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

The Constitution provides that everyone shall be equal before the law and enjoy human rights irrespective of gender, race, social status, or language. Various laws implement these principles, and the Government effectively enforced them.

*Women.*—Rape carries a maximum penalty of 16 years in prison. Judges typically imposed sentences of 1 to 3 years. Spousal rape is not explicitly addressed in the law. As in previous years, the Icelandic Counseling and Information Center for Survivors of Sexual Violence (Stigamot) in Reykjavik noted that the number of reported rapes has consistently risen faster than the number of convictions for rape. According to national police commissioner statistics, there were 67 reported rapes in 2006, consistent with the annual average of 64 in the 2001–2005 period. In 2006 prosecutors brought charges in 26 percent of sexual assault cases, and district courts convicted 10 of the 18 defendants. During the year, activists continued to echo a 2005 U.N. Human Rights Committee concern that what it considered a heavy burden of proof for rape complainants was leading to a low conviction rate. The Government did not address this point in its response to the committee's concerns.

The law prohibits domestic violence; however, violence against women continued to be a problem. Police statistics indicated that the incidence of reported violence against women, including rape and sexual assault, was low; however, the number of women seeking medical and counseling assistance indicated that many incidents went unreported. During the year 101 women sought temporary lodging at the country's shelter for women, mainly because of domestic violence. The shelter offered counseling to 370 clients. Also during the year, 130 women sought assistance at the National Hospital's Rape Crisis Center.

Legislation enacted in April 2006 permits judges to increase the sentences of persons who committed violence against persons with whom they had a domestic relationship or other close bond. However, there were no prominent domestic violence cases in which judges actually handed down stronger sentences, and activists expressed concern that sentences were still too mild. Neither the Ministry of Justice nor the Office of the State Prosecutor maintained specific statistics on prosecutions and convictions for domestic abuse.

In January a Nigerian woman was granted a residence permit on humanitarian grounds due to domestic abuse by her Icelandic husband. This was the first case of its kind, and while applauded by activists, the Government's ad hoc decision was also criticized for not setting any clear framework for future similar cases.

The Government helped finance Stigamot (the country's primary counseling and information center for survivors of sexual violence), the Women's Shelter, the rape

crisis center of the National Hospital, and other organizations that provided assistance to victims of violence. In addition to partially funding such services, the Government provided help to immigrant women in abusive relationships, offering emergency accommodation, counseling, and information on legal rights. Courts could issue restraining orders, but there were complaints that police were reluctant to recommend them and that courts granted them only in extreme circumstances. Victims of sexual crimes were entitled to lawyers to advise them of their legal rights and help them pursue cases against the alleged assailants; however, a large majority of victims declined to press charges or chose to forgo trial, in part to avoid unwanted publicity. Some local human rights monitors also attributed underreporting to the infrequency of convictions, due to the heavy burden of proof and to traditionally light sentences. While average sentences for domestic violence showed a gradual increase, the courts continued in many cases to base sentences on precedent and rarely made full use of the more stringent sentencing authority available under the law. According to statistics from the Women's Shelter, 19 percent of their clients pressed charges in 2006, up from 13 percent in 2005.

Prostitution was legal but rare. The Parliament passed a bill in March making prostitution legal even as a main source of income, yet banning its advertisement. The new law also states that it is illegal for a third party, or pimp, to profit from prostitution or procurement of sex, as well as the renting of facilities for prostitution. Critics of the new legislation feared that it would result in the emergence of red light districts and sex tourism.

There were concerns that some foreign women were trafficked to work as exotic dancers or in massage parlors where sexual services are offered.

The law prohibits sexual harassment and stipulates that violations are punishable by fines; however, the law was not effectively enforced. There was no central authority that plaintiffs could report to, or from which they could seek redress, and employers were free to decide whether to provide their employees with information on the legal prohibitions against sexual harassment in the workplace. As in past years, gender equality advocates reported receiving several complaints during the year. However, the charges never became court cases, suggesting that victims were unsure how to proceed with their claims and skeptical as to their reception.

Women enjoy the same legal rights as men, including under family law, property law, and the judicial system. Despite laws that require equal pay for equal work, a pay gap existed between men and women. According to a 2006 study commissioned by the Ministry of Social Affairs, women on average earned 15.7 percent less than men in the same professions.

Affirmative action provisions in the law state that if women are underrepresented in a certain profession, employers have an obligation to hire female candidates over equally qualified male candidates.

The Government continued to fund a center for promoting gender equality to administer the Act on Equal Status and Equal Rights of Women and Men. The center also provided gender equality counseling and education to national and municipal authorities, institutions, companies, individuals, and NGOs. The minister of social affairs appoints members of a Complaints Committee on Equal Status, which adjudicates alleged violations of the act; the committee's rulings are not reviewable. The minister of social affairs appoints an Equal Status Council, with nine members drawn from national women's organizations, the University of Iceland, and labor and professional groups, which makes recommendations for equalizing the status of men and women in the labor market.

In June the Complaints Committee on Equal Status decided one case involving payment of parental leave benefits. The complaints committee found that the state could not discriminate between male and female applicants in payment of certain parental leave benefits and that such discrimination against a male applicant in this case was illegal and unconstitutional.

Women's activists voiced concern that women from countries outside the European Economic Area can lose their residence permits upon divorce from Icelandic-born spouses, with possible consequences pertaining to child custody and visitation.

*Children.*—The Government was strongly committed to children's rights and welfare; it funded public education and health care. School attendance is compulsory through the age of 15 and free through public university level. According to government-published statistics for 2006, approximately 93 percent of students continued to advanced secondary education.

The Government provided free prenatal and infant medical care, as well as heavily subsidized childcare; girls and boys had equal access to these services.

There were reports of abuse of children during the year. In 2006 the Agency for Child Protection received 1,137 reports of abuse. Of these, 383 cited emotional abuse, 420 were related to physical abuse, and 342 to sexual abuse. (Numbers do

not add up because some reports cited more than one category of abuse.) Final figures were not available for 2007, but the agency indicated that trends for the year were similar. The agency operated seven treatment centers and a diagnostic facility for abused and troubled minors. It also coordinated the work of 32 committees throughout the country that were responsible for managing child protection issues (for example, foster care) in their local areas. The local committees hired professionals knowledgeable about sexual abuse.

The Government maintained a children's assessment center to accelerate prosecution of child sexual abuse cases and lessen the trauma experienced by the child. In 2006 the center conducted 194 investigative interviews, 117 children underwent assessment and therapy, and 14 medical examinations were performed. The center was intended to create a safe and secure environment where child victims might feel more comfortable talking about what happened to them. It brought together police, prosecutors, judges, doctors, and officials from child protection services. District court judges were not required to use the center, however, and could hold investigatory interviews in the courthouse instead, a practice that troubled some children's rights advocates. In practice all district courts except for the Reykjavik District Court opted to use the center's services.

The children's ombudsman, who is appointed by the prime minister but acts independently of the government, fulfilled her mandate to protect children's rights, interests, and welfare by, among other things, seeking to influence legislation, government decisions, and public attitudes. When investigating complaints, which typically involved physical and psychological abuse and inadequate accommodation for children with illnesses or disabilities, the ombudsman had access to all public and private institutions and associations that house children or otherwise care for them; however, the ombudsman's conclusions were not legally binding. The ombudsman was not empowered to address individual cases.

*Trafficking in Persons.*—The law prohibits trafficking in persons; however, there were isolated reports that persons were trafficked to, through, and possibly from, the country. The law prohibits trafficking in persons with the aim of sexual abuse or forced labor and provides for imprisonment of up to 8 years for those found guilty of these offenses. During the year police did not charge any persons with trafficking.

Although information about trafficking is based on hearsay, the total number of trafficking victims during the year was less than 100. Cases fell into several categories, none of which included more than a few documented victims: Undocumented Eastern European workers in construction and manufacturing who were underpaid and forced to live in substandard employer-provided housing; "mail-order" or "Internet" brides (both Eastern European and Asian) trapped with abusive, controlling Icelandic husbands, with some reports of forced prostitution; and underpaid or mistreated prostitutes and workers in nightclubs and massage parlors.

Responsibility for efforts to prevent and punish trafficking lay mainly with the Ministry of Social Affairs; the Ministry of Justice and the Ministry of Foreign Affairs were also involved in antitrafficking efforts. In December the Government decided to draft the country's first national action plan on trafficking in persons. The deadline for the final plan was April 2008.

Women's aid groups reported evidence that foreign women were trafficked to the country to work in striptease clubs or massage parlors offering sexual services. A number of municipalities have banned private clubs that feature dancing, believed to serve as a front for prostitution and possibly trafficking. In March the Parliament passed new licensing laws on the operations of entertainment establishments, which in effect outlawed strip shows as well as lap dances. The Baltic countries were the main countries of origin for women working in such clubs and parlors, with others coming from Central and Eastern Europe and Russia. There were no statistics on the number or origin of women actually trafficked.

Although the Government sought to clamp down on elements of the sex industry thought to be especially complicit in trafficking, there was no coordinated government effort to investigate the trafficking phenomenon outside of the general context of increased government efforts to combat organized crime, and no public officials were specifically designated to prosecute trafficking cases.

In January the Government formed an antitrafficking working group with representatives of the Ministry of Justice, law enforcement bodies, and NGOs. The group's mission was to monitor and coordinate actions to combat trafficking by improving the flow of information through direct communications channels between government institutions and NGOs. The working group is also responsible for improving conditions for the rehabilitation and repatriation of trafficking victims if necessary. The working group reports to the European Women's Lobby, an umbrella organization of women's associations in the European Union whose aims include combating violence against women.

The Government provided funding for various organizations whose services included assistance to victims of trafficking; however, there was no established government assistance program specifically for victims of trafficking.

*Persons with Disabilities.*—The law prohibits discrimination against persons with disabilities, and there were no reports of official discrimination in employment, education, access to health care, or the provision of other state services. The law also provides that persons with disabilities receive preference for government jobs when they are at least as qualified as other applicants; however, advocates for persons with disabilities asserted that the law was not fully implemented, and that such persons constituted a majority of the country's poor.

Building regulations require that public accommodations and government buildings, including elevators, be accessible to persons in wheelchairs, that public property managers reserve 1 percent of parking spaces (a minimum of one space) for persons with disabilities, and that sidewalks outside the main entrance of such buildings be kept clear of ice and snow to the extent possible. Violations of these regulations are punishable by a fine or a jail sentence of up to 2 years; however, the main association for persons with disabilities complained that authorities rarely assessed penalties for noncompliance.

During the year the Government initiated several projects included in its October 2006 action plan to strengthen residential services such as group homes for those with mental disabilities. The action plan, covering the years 2006–2010, also covers support services such as rehabilitation and employment participation.

The Ministry of Social Affairs was the lead government body responsible for protecting the rights of persons with disabilities. It coordinated the work of six regional offices that provided services and support to persons with disabilities. It also maintained a diagnostic and advisory center in Reykjavik that aimed to create conditions allowing persons with disabilities to lead normal lives.

*National/Racial/Ethnic Minorities.*—Immigrants, mainly Eastern European and Baltic, were visible in the largely homogeneous population and suffered occasional incidents of harassment based on their ethnicity.

In January the Government approved an immigrant integration policy drafted by the Immigrant Council, which coordinates the work of four ministries and the municipalities on immigrant and refugee issues. The aim of this policy—the first comprehensive policy on immigrant integration in the country—is to ensure equal opportunity and active participation in Icelandic society. In August the Minister of Social Affairs asked the Immigrant Council to draft an action plan to implement the policy. The action plan was expected to be completed in early 2008.

In the spring advocates for immigrant issues objected to what they viewed as xenophobic campaign slogans by one of the political parties in the run-up to the parliamentary elections. The party received 7.3 percent of the vote nationwide.

*Other Societal Abuses and Discrimination.*—There were no reports of societal violence or discrimination based on sexual orientation or against persons with HIV/AIDS.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law allows workers to form and join unions of their choice without previous authorization or excessive requirements, and workers exercised these rights. Labor unions were independent of the Government and political parties. Approximately 82 percent of all eligible workers belonged to unions.

The law requires employers to withhold union dues (1 percent of gross pay) from all employees, regardless of their union status, to help support disability, strike, and pension funds, and to finance other benefits to which all workers are entitled.

*b. The Right to Organize and Bargain Collectively.*—The law allows unions to conduct their activities without interference, and the Government protected this right in practice. The law allows workers to bargain collectively, and workers exercised this right in practice. Nearly 100 percent of the workforce was covered by collective bargaining agreements. Workers had the right to strike and exercised this right in practice.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The Government effectively implemented laws and policies to protect children from exploitation in the workplace. The law prohibits the employment of children younger than age 16 in factories, on ships, or in other places that are hazardous or require hard labor; this prohibition was observed in practice. Children 14 or 15 years old may work

part-time or during school vacations in light, nonhazardous occupations. Their work hours must not exceed the ordinary work hours of adults in the same occupation. The Administration of Occupational Safety and Health enforced child labor regulations effectively.

*e. Acceptable Conditions of Work.*—The law does not establish a minimum wage, but the minimum wages negotiated in various collectively bargained agreements applied automatically to all employees in those occupations, regardless of union membership. While the agreements can be either industry- or sector-wide, or in some cases firm-specific, the minimum wage levels are occupation-specific. Labor contracts provided a decent standard of living for a worker and family.

The standard legal workweek was 40 hours, which included nearly 3 hours of paid breaks a week. Work exceeding 8 hours in a workday must be compensated as overtime. Workers were entitled to 11 hours of rest within each 24-hour period and to a day off every week. Under special defined circumstances, employers may reduce the 11-hour rest period to no less than 8 hours, but they then must compensate workers with 1½ hours of rest for every hour of reduction. They may also postpone a worker's day off by a week. The Occupational Safety and Health Administration effectively enforced these regulations.

There were indications that undocumented foreign workers—primarily men—in the booming construction sector were exploited by being underpaid and denied medical coverage, and were required to work long hours while living in substandard housing or even sleeping at building sites. Most sources stressed that the men willingly worked illegally to earn up to four times the amount they might have expected in their Eastern European or Baltic home countries; since restrictions on the free flow of labor from EEA/EU countries were removed in May 2006, there has been a steep rise in the number of persons coming from these countries. Media and labor organizations continued to report that a number of immigrant workers were paid wages well below the union-mandated minimum. In October the Directorate of Labor, in cooperation with the Icelandic Federation of Labor and the Ministry of Social Affairs, launched a 3-month effort to scrutinize employers with undocumented foreign workers on their payrolls. The nationwide effort's emphasis was on construction firms in the Reykjavik area, and addressed an estimated 1,700 undocumented foreign workers. The effort was generally successful and identified a number of undocumented workers, two temporary worker agencies, and two service agencies in violation of the law.

The legislature set health and safety standards, and the Ministry of Social Affairs administered and enforced them through its administration of occupational safety and health. The ministry could close workplaces that failed to meet safety and health standards. Workers had a collective, but not individual, right to refuse to work at a job that did not meet occupational safety and health criteria. It is illegal to fire workers because they report unsafe or unhealthy conditions.

## IRELAND

Ireland, with a population of approximately 4.23 million, is a multiparty, parliamentary democracy with an executive branch headed by a prime minister (Taoiseach), a bicameral Parliament (Oireachtas), and a directly elected head of state, the president. Free and fair parliamentary elections took place on May 24. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens. The law and judiciary provided effective means of addressing individual instances of abuse. During the year there were some reports of police abuse of authority and inadequate care for prisoners with mental disabilities. There were also instances of discrimination against immigrants, racial minorities, and Travellers, of trafficking in persons, mistreatment of children, and domestic violence.

### RESPECT FOR HUMAN RIGHTS

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

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

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—Although the law prohibits such practices, there were reports of abuse by police officers.

From January to May the Police Complaints Board recorded 486 complaints—including abuse of authority, discourtesy, neglect, and discreditable conduct—compared with 1,173 such complaints in all of 2006. Of these complaints, 301 were deemed legitimate and investigated.

In May the authorities created an Ombudsman Commission for the police force (Garda Síochána), an independent body that investigates complaints against police. From May 9 through November 30, the commission reported 1,869 complaints against the police; 854 of these were deemed admissible and 382 remained under review. Of the admissible complaints, 528 were investigated internally or handled through mediation. The remaining 326 complaints were investigated by the Ombudsman Commission itself.

During the year the Morris Tribunal continued its investigation of police corruption and abusive behavior in County Donegal. The tribunal, which began its work in 2002, finished hearing evidence during the year and was expected to issue its final report in 2008.

According to its annual report, police recorded 174 racially motivated incidents in 2006. There were 40 complaints against members of the police that related to racially motivated incidents.

*Prison and Detention Center Conditions.*—While prison conditions generally met international standards, early in the year some minors were held in prisons with adults. Over the course of the year, the Government transferred all minors to a separate facility for prisoners under 21. Mentally ill prisoners were inappropriately held in prisons rather than in mental health care facilities.

Prison overcrowding continued to be a problem, although transfers between prisons relieved some of the most urgent overcrowding. According to the 2006 Irish Prison Service annual report, prisons averaged a 95.1 percent occupancy rate, but several prisons exceeded their intended capacity.

The Irish Prison Service estimated that 165 children and teenagers were sent to prison during 2006. The majority of these children were sent to St. Patrick's Institution, a detention center for prisoners under 21. Following passage in March of legislation that prohibits the incarceration of minors together with adults, all offenders under age 18 were moved to St. Patrick's Institution. In April authorities opened a separate detention unit within St. Patrick's providing 44 beds for 16- and 17-year-olds. When these beds were filled, authorities planned to place 16- and 17-year-old prisoners who arrived later together with 18- to 20-year-old offenders within the institution.

Prisoners held in detention awaiting trial were held in the same facilities as convicts.

In October 2006, following visits to a number of penal institutions, the Council of Europe's Committee for the Prevention of Torture (CPT) recommended that authorities improve police treatment of detainees, improve detention facility conditions, implement safeguards to prevent detainee mistreatment, ensure adequate separation between children and young adults at the St. Patrick's facility, provide proper training for prison staffers, and improve prison health care services.

Human rights groups continued to criticize understaffing and poor infrastructure at the Central Mental Health Hospital in Dundrum, the country's only secure hospital for prisoners with mental disabilities. In an August report, the Central Mental Hospital director estimated that approximately 200 patients in prison at that time needed mental health treatment but were unable to receive it due to a lack of space at the Dundrum facility.

The Government generally permitted prison visits by domestic and international human rights observers, including the International Committee of the Red Cross, but required appointments for such visits. There were no visits by such groups during the year.

On May 31, legislation was enacted to modernize the prison service by closing Mountjoy Prison, replacing it with a new prison at Thornton, and authorizing drug testing of prisoners. By November a site for the new prison had been identified and initial construction bids had been accepted.

*d. Arbitrary Arrest or Detention.*—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. The use of special arrest and detention authority continued, primarily for those involved in paramilitary organizations.

*Role of the Police and Security Apparatus.*—Civilian authorities maintained effective control over the national police and the army, which was authorized to act when necessary in support of the unarmed police. The Government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year; however, there were iso-

lated problems of corruption and abusive behavior, which the Government investigated.

*Arrest and Detention.*—An arrest requires a warrant issued by appropriate authorities except in situations requiring immediate action for the protection of the public. Suspects detained by police must be promptly informed of the charges against them and, with few exceptions, may not be held more than 24 hours without charge. For “scheduled offenses,” i.e., crimes involving firearms, explosives, or membership in an unlawful organization, a judge may extend, upon the police superintendent’s request, the detention of a suspect for an additional 24 hours. The law permits detention without charge for up to 7 days in cases involving suspicion of drug trafficking; however, to hold such a suspect more than 48 hours, police must seek a judge’s approval.

The law requires that authorities bring a detainee before a district court judge “as soon as possible” to determine bail status pending a hearing; the judge decides whether to release the detainee on bail or continue detention until an appointed court date.

Upon arrest, detainees and prisoners are allowed prompt and unrestricted access to attorneys. If the detainee does not have an attorney, the court appoints one; for indigent detainees the Government provides an attorney through the free legal aid program. Detainees were allowed prompt access to family members.

There is a functioning bail system; the law allows a court to refuse bail to a person charged with a serious offense (one that carries a penalty of 5 years’ imprisonment or more) or when deemed necessary to prevent the commission of another serious offense.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the Government generally respected judicial independence in practice.

*Trial Procedures.*—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right.

The director of public prosecutions, a government official independent of the Department of Justice, prosecutes criminal cases. Jury trials are generally used in criminal cases, and the accused may choose an attorney. Indigent defendants have the right to an attorney at public expense, and authorities provided sufficient funds for this purpose during the year. Defendants enjoy a presumption of innocence and have the right to present evidence, question witnesses, and appeal.

The law explicitly allows “special courts” to be created when “ordinary courts are inadequate to secure the effective administration of justice and the preservation of public peace and order.” A nonjury, “special criminal court” tries all scheduled offenses and any other cases that the director of public prosecutions certifies to be beyond the capabilities of an ordinary court. The three judges making up a special criminal court are selected by the judicial branch and usually include one high court judge, one circuit court judge, and one district court judge. The panel reaches its verdicts by majority vote. The rules of evidence are generally the same as in regular courts, but the sworn statement of a police chief superintendent identifying the accused as a member of an illegal organization is accepted as prima facie evidence of such membership. Special criminal court proceedings are generally public, but judges may exclude certain persons other than journalists. Special criminal court decisions, like decisions in all criminal cases, may be appealed to the Court of Criminal Appeal.

The Constitution allows Parliament to create tribunals with limited powers to investigate designated matters, usually cases of government corruption. They do not try cases; however, if warranted, their findings may be the basis for formal charges. In each instance, the legislation creating a tribunal sets out its powers and rules of procedure. Some tribunals were established to last indefinitely. Others were established only for a specific task and ceased to exist when that task was completed.

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

*Civil Judicial Procedures and Remedies.*—The independent and impartial judicial system hears civil cases and appeals on civil matters, including damage claims resulting from human rights violations; such claims may be brought before all appropriate courts, including the Supreme Court.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution prohibits such actions, and the Government generally respected these prohibitions.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech, and the Government generally respected this right.



The Constitution provides for freedom of the press with the qualification that it not “undermine public order or morality or the authority of the state.” The Constitution prohibits the publication or utterance of “blasphemous, seditious, or indecent” material.

The law prohibits the use of words, behavior, or the publication or distribution of material that is threatening, abusive, or insulting and intended or likely to incite hatred. There were no reports that authorities invoked these provisions during the year.

The law empowers the Government to prohibit the state-owned radio and television network from broadcasting any material “likely to promote or incite to crime or which would tend to undermine the authority of the state.” Authorities did not invoke this prohibition during the year.

The independent print media were active and expressed a wide variety of views without government restriction.

Broadcasting remained mostly state controlled, but private-sector broadcasting continued to grow. There were 58 independent radio stations and two independent television stations. Access to cable and satellite television was widespread.

The Censorship of Publications Board has the authority to censor books and magazines that it finds indecent or obscene. The board did not exercise this authority during the year.

Police questioned journalist Mick McCaffrey for reporting the outcome of a police investigation prior to its public release, which is illegal under the criminal law. McCaffrey was not charged, although the police officer who leaked the report to him was charged and his trial was ongoing at year’s end. Under the same law, two journalists were under criminal investigation for reporting details of an investigation into Prime Minister Bertie Ahern’s finances. The High Court determined that the two journalists had to reveal their sources and answer questions regarding their actions before the tribunal investigating the prime minister. The criminal investigation was ongoing at year’s end.

The Office of the Film Censor must classify films and videos before they can be shown or sold; it must cut or ban any film that is “indecent, obscene, or blasphemous,” or which tends to “inculcate principles contrary to public morality or subversive of public morality.” During the year the film censor did not ban any films or videos.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. The Internet was widely available and used by citizens.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The Constitution provides for freedom of assembly, and the Government generally respected this right. The law allows the state to “prevent or control meetings” that are calculated to breach the peace or to be a danger or nuisance to the general public.

*Freedom of Association.*—The Constitution provides for freedom of association, and the Government generally respected this right.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respected this right.

In August the press reported that a Sikh man who joined the volunteer reserve of the police was informed that he would not be allowed to wear a turban while on duty, because it was not part of the regulation police uniform. Integration Minister Conor Lenihan said that immigrants must accept Ireland’s culture, but acknowledged the importance of the turban in the Sikh community. The decision provoked a strong response from the Sikh community and others. Ciaran Cuffe, a Green Party member of Parliament, called on the police commissioner to lift the ban, noting that the turban was a vital part of the Sikh religion; however, the police determined that that all officers must adhere to the uniform code. The Sikh man decided to leave the volunteer reserve because of the uniform restrictions.

Most primary and secondary schools were denominational, and their management boards were governed partially by trustees within Catholic Church, whose believers constitute approximately 88 percent of the population, or by officials of other faiths in the case of schools based on other religions. Under the Constitution, the Department of Education must provide equal funding to schools of different religious denominations, including Islamic and Jewish schools, and did so during the year. Al-

though religious instruction was an integral part of the curriculum, parents were allowed to exempt their children from such instruction.

Denominational schools may give preference to students of that denomination if it is deemed "essential to maintain the ethos of the school." In the autumn, school administrators in the rapidly growing district of Balbriggan, north of Dublin, denied admission to a group of predominantly African students, because, as they explained in response to press accounts suggesting the denial was based on race, the rejected students were not Catholic and had been given a lower priority for admission. Because of an unexpected increase in recent African immigrants who moved into the school district, the school reached capacity before they could be admitted. In October, in response to the rapid growth of the Balbriggan school-age population, authorities opened the Bracken Educate Together National School in the same district. This new school, which opened a year ahead of schedule, was comprised almost exclusively of children of African immigrants.

*Societal Abuses and Discrimination.*—According to the 2006 census, the Jewish community numbered 1,930 persons. On January 12, a man previously convicted of acts of vandalism against Jewish establishments in Dublin was convicted of sending offensive e-mails to Jewish community members. The court, informed that the offenses were a symptom of his mental illness, gave him a 6-month suspended sentence and required that he post bond of \$146 (100 euros) to ensure that he continued to receive psychiatric care. Authorities closed their investigation without charging anyone in the September 2006 incident in which two swastikas and an expletive were painted on the gates and wall of a college.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution and laws provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

The law prohibits forced exile, and the Government did not employ it.

*Protection of Refugees.*—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against "refoulement," the return of persons to a country where there is reason to believe they feared persecution. In 2006 the Government recognized 648 asylum seekers as refugees. Between January and May of 2006, the Government also provided temporary protection to approximately 39 individuals who did not qualify as refugees under the 1951 convention and its 1967 protocol. The country also had an ongoing resettlement program, which could accommodate up to 200 persons annually. During the year 114 people arrived in country under the resettlement program, and an additional 76 were approved for resettlement and were expected to arrive in 2008.

The Government cooperated with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

*Elections and Political Participation.*—Parliamentary elections, which observers considered to be free and fair, were held on May 24. Political parties could operate without restriction or outside interference.

There were 22 women in the 166-seat house of representatives (Dail Eireann) and 13 women in the 60-seat senate (Seanad Eireann). The president of the republic was a woman, as were three of the 15 government ministers. There were five women on the 34-member High Court and two on the eight-member Supreme Court.

There were no minorities in the lower house, the senate, or the cabinet. In June, a Nigerian immigrant in Portlaoise became the country's first-ever mayor of African origin.

*Government Corruption and Transparency.*—There were isolated reports of possible government corruption. During the year a Tribunal of Inquiry into Certain Planning Matters and Payments, commonly known as the Mahon Tribunal, continued to scrutinize ethical and legal questions regarding the prime minister's acceptance of financial payments and loans from friends and business associates during

his tenure as minister of finance in 1993–94. Although the prime minister's actions were not deemed unlawful, opposition political parties criticized him for unethical behavior.

Tribunals operated on the basis of confidential information but published their findings and made them available to the public.

Public officials were subject to financial disclosure laws. The Revenue Commission in the Department of Finance is responsible for identifying and combating government corruption.

The law provides for public access to government information and requires that statutory agencies publish information on their activities and make such information available to citizens, noncitizens, and foreign media upon request. Authorities generally granted public information requests and did not charge prohibitive fees. There were mechanisms for appealing denials.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

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

The law prohibits discrimination in employment on the basis of gender, marital status, family status, sexual orientation, age, disability, race, and membership in the Traveller community. However, discrimination against racial minorities, including immigrants and Travellers, remained a problem.

*Women.*—The law criminalizes rape, including rape within marriage, and provides for free legal advice to victims of serious sexual assault. The courts service annual report covering 2006 documented a total of 61 rape cases tried and 41 persons convicted of rape and other sexual offenses. Most received sentences of between 5 and 12 years in prison with three offenders receiving over 12 years and one offender receiving a life sentence.

The law criminalizes domestic violence, but domestic violence occurred. The law authorizes prosecution of a violent family member and provides victims two types of protection: Safety orders and barring orders. Safety orders prohibit a person from engaging in violent actions or threats, but they do not require the individual to leave the home, while barring orders prohibit a person from entering the family home for up to 3 years. The law allows claimants to apply for interim protection while courts process their cases. Violations of these orders are punishable by a fine of up to approximately \$2,775 (1,900 euros) or 12 months' imprisonment. According to official statistics, in 2006 the courts received 3,050 safety order applications and 3,132 barring applications; in both categories, more than a third of the applications were granted and nearly two-thirds were withdrawn. Of the safety and barring orders granted, more than half were related to the spouse of the applicant. In 2005 authorities recorded 1,188 violations of such court orders.

The Government funded centers throughout the country for victims of domestic abuse.

Although prostitution is not a crime, it is illegal for a person in a street or public place to solicit for the purposes of prostitution. The offense applies equally to a prostitute soliciting a client, a client soliciting a prostitute, or a third party soliciting one on behalf of the other. It is also an offense to solicit another person in order to commit certain sexual offenses, such as sex with underage persons or to keep or to manage a brothel. Reports of, and arrests for, these crimes were rare.

The law obliges employers to prevent sexual harassment and prohibits dismissing an employee for making a complaint of sexual harassment. The Equality Authority investigates claims of unfair dismissal and may require an employer charged with unfair dismissal to reinstate the employee or pay the employee up to 104 weeks' pay. In the few cases of sexual harassment that were reported to them, authorities effectively enforced the law.

Women enjoy the same legal rights as men, including rights under family law, property law, and in the judicial system. The Equality Tribunal and the Equality Authority are the main statutory bodies that enforce and administer the discrimination laws. Nonetheless, inequalities persisted regarding pay and promotions in both the public and private sectors. Women constituted 42 percent of the labor force but were underrepresented in senior management positions.

*Children.*—The Government was strongly committed to children's rights and welfare, allocating ample funds to systems of public education and health care. Education is free and compulsory for children from ages 6 to 15. The Department of

Education reported that approximately 99 percent of children between the ages of 5 and 16 attended school and that 92 percent completed secondary education.

Boys and girls had equal access to state-provided medical care.

The Health Service Executive (HSE) reported that 6,188 complaints of alleged child abuse were made in 2004. Of these, 1,425 were deemed to be proven cases of child abuse. The law establishes strict directives that organizations providing services to children must identify and report cases of physical and sexual child abuse. In 2006 the Dublin Rape Crisis Center reported that 42.3 percent of the calls to its crisis line involved child sexual abuse. The 15 centers provided face-to-face support to 3,585 individuals. The law requires government health boards to identify and help children who are not receiving adequate care, and it gives police increased powers to remove children from the family if there is an immediate and serious risk to their health or welfare.

Unaccompanied minors entering the country continued to be an area of concern for both the Government and nongovernmental organizations (NGOs). In 2006 the HSE reported that 328 migrant children were missing from the health care system in the period 2001–05. The police believed that many of these children were either reunited with family or that they had misrepresented themselves as minors in order to enter the country and left the HSE system to find work. However, several NGOs believed that some of these children were trafficked into the country for labor or sexual exploitation.

Numerous NGOs offered support for victims as well as resources for parents and professionals who work with children.

In 2006 the U.N. Committee on the Rights of Children expressed concern over the level of child poverty and alcohol abuse among children and proposed changes to the youth justice system that would permit the criminal prosecution of children as young as 10 years old. Legislation enacted in 2006 reduced the age of criminal responsibility for most crimes to 12 years, although for more serious crimes such as rape and murder, the legal age was reduced to 10 years.

The minimum legal age for enlistment into the armed forces was 17, but anyone under 18 was required to have permission of a parent or legal guardian before joining. Children could also join a 4-year military trade school at age 16. Although there were administrative regulations prohibiting the use of children in military conflict, the ombudsman for children called for more stringent regulation. He also called for elimination of legal provisions prohibiting his office from hearing complaints from soldiers under age 18 serving in the military.

The ombudsman for children investigates complaints from children or persons acting on their behalf against various governmental and nongovernmental bodies and has a role in promoting general child welfare.

*Trafficking in Persons.*—The law prohibits trafficking in persons; however, there were reports that Ireland was a transit and destination country for a number of trafficking victims from Eastern Europe, Africa, Latin America, and Asia. There were also unconfirmed reports that the country was a transit point for persons trafficked to or from Northern Ireland. There was anecdotal information that some women were trafficked within the country. During the year, the Government investigated allegations of trafficking.

NGOs reported that women were smuggled or trafficked into the country primarily for sexual exploitation and that men may be smuggled or trafficked into the country for work in the construction industry or the agricultural sector. There were no reliable statistics on the number of possible victims of trafficking, but press reports and anecdotal information from police indicated that the number may have increased during the year. A joint study issued in September by the National University of Ireland and Trinity College to establish a baseline of cases of sex trafficking into the country in 2000–06 concluded that the probable minimum number of cases of sex trafficking during this 7-year period was 76.

Socially disadvantaged noncitizen women and children, asylum seekers, refugees, and economic immigrants were most likely to be trafficking victims. NGOs reported that traffickers also targeted younger women who knew little English, lacked legal status, and had no recourse to social or familial networks. Traffickers usually had their victims work from apartments, where illegal activities were easier to hide. NGOs reported that traffickers used the Internet to advertise and solicit victims. NGO and press accounts of the experiences of trafficking victims identified both Irish and foreign nationals among the traffickers. The majority of foreign traffickers were from Eastern Europe.

The law expressly criminalizes trafficking in children for the purpose of sexual exploitation, with penalties of up to life imprisonment; however, there were some reports that child trafficking occurred. The law also criminalizes trafficking in illegal immigrants and asylum seekers.

In July the Dublin District Court convicted a Nigerian-born Irish national of smuggling 12 Mauritians into the country. He was sentenced to 4 years in prison. Although local newspapers referred to this as a trafficking-in-persons conviction, it was unclear from published accounts whether the Mauritians were smuggled against their will. Department of Justice officials noted that the law does not differentiate between smuggling and trafficking.

The Government trained law enforcement officials on how to extend protection to potential trafficking victims. In September the Government renewed an antitrafficking campaign, using multilingual posters to advertise a toll-free telephone number that victims of trafficking could call for assistance. Through this number they were referred to police and various NGOs for such services as temporary accommodations and access to social and legal counsel.

In early October police launched a joint enforcement exercise with 53 local police forces in Britain (called Pentameter II), designed both to rescue trafficking victims and prosecute the criminals who force trafficked women into the sex trade. As a result of this program, the High Court ordered the extradition to the Netherlands of a previous UK resident suspected of trafficking children from Africa to Europe. During the year, 100 Irish police officers participated in joint antitrafficking training with British police.

The Police National Immigration Bureau and the Department of Justice were responsible for combating trafficking. The Ministry of Foreign Affairs also played a role. There was coordination between government officials, NGOs, and other elements of civil society on trafficking issues.

*Persons with Disabilities.*—The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, or the provision of other state services, and the Government effectively enforced these provisions. The law requires access to buildings for persons with disabilities, where possible, and the Government generally enforced these provisions.

In an August report, the Central Mental Hospital director estimated that 200 patients in prison at that time needed mental health treatment but were unable to receive it due to a lack of space.

A National Disability Authority has responsibility for setting disability standards, monitoring the implementation of these standards, and researching and formulating disability policy.

*National/Racial/Ethnic Minorities.*—Societal discrimination and violence against immigrants and racial and ethnic minorities, including Asians, East Europeans, and Africans, continued to be a problem. Racially motivated incidents involved physical violence, intimidation, graffiti, and verbal slurs; the majority of such incidents took place in public places. In a November 2006 study, the Economic and Social Research Institute reported that 35 percent of immigrants interviewed had experienced discrimination or harassment in public places.

During the year 174 racially and ethnically motivated incidents were reported, an increase from the 141 incidents reported in 2006. Police appointed 146 “ethnic liaison” officers, and 263 members of the police force attended cultural diversity awareness training.

According to the 2006 census, 22,369 persons identified themselves as nomadic persons of a distinct ethnic group called “Travellers,” who have their own history and culture. Travellers faced societal discrimination and were regularly denied access to premises, goods, facilities, and services; many restaurants and pubs, for example, would not serve them. While the law does not recognize Travellers as an ethnic group, there is a specific designation that protects them under the antidiscrimination laws.

Despite national regulations providing that no child may be refused admission to school on account of social position, Travellers frequently experienced difficulties enrolling their children in school. Of the estimated 5,000 Traveller families, approximately 1,000 lived on the roadsides or other temporary sites without electricity or sanitary facilities. Many Travellers depended on social welfare for survival, and their participation in the economy was limited by discrimination and lack of education.

The law specifically prohibits discrimination against Travellers, and a small number of discrimination lawsuits were filed and won during the year against proprietors for refusing to serve Travellers. The law obliges local elected officials to draw up and implement Traveller accommodation plans on a 5-year basis and requires them to solicit Traveller input into the process. Under this act, each community must provide adequate accommodations for Travellers. Traveller NGOs argued, however, that many communities provided Travellers with housing, such as government-owned apartments or townhouses, which was inconsistent with the nomadic

Traveller lifestyle or provided halting sites that did not include basic amenities such as sanitary facilities, electricity, and water. Government expenditures on Traveller-specific objectives reached an estimated \$166 million (114 million euros) during 2005.

*Other Societal Abuses and Discrimination.*—There was no reported societal violence or discrimination based on sexual orientation or against persons with HIV/AIDS.

*Section 6. Worker Rights*

*a. The Right of Association.*—The law provides workers with the right to form and join unions of their choice, and workers exercised this right in practice. Approximately 33 percent of workers in the private sector were union members, compared with 95 percent in the public sector. Police and military personnel may form associations, but technically not unions, to represent them in matters of pay, working conditions, and general welfare.

*b. The Right to Organize and Bargain Collectively.*—The law allows unions to conduct their activities without interference, and the Government protected this right in practice. Labor unions have the right to pursue collective bargaining and unions exercised this right in practice; however, employers are not required to engage in collective bargaining with employees. The law provides for the right to strike, and workers exercised this right in both the public and private sectors. Police and military personnel, however, are prohibited from striking.

There are no special laws or exemptions from regular labor laws in the export processing zone at Shannon Airport.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The Government implemented laws and policies to protect children from exploitation in the workplace. Under the law employers may not employ children under the age of 16 in a regular, full-time job. Employers may hire 14- or 15-year-olds for light work on school holidays as part of an approved work experience or educational program. Employers may hire children over the age of 15 on a part-time basis during the school year. The law establishes rest intervals and maximum working hours, prohibits the employment of 18-year-olds for late night work, and requires employers to keep more detailed records on workers under 18 years of age. The Office of the Labor Inspectorate at the Department of Enterprise, Trade and Employment is responsible for enforcement. There were instances of child trafficking.

*e. Acceptable Conditions of Work.*—The national minimum wage is approximately \$12.63 (8.65 euros) per hour, which did not provide a decent standard of living for a worker and family; however, low-income families are entitled to such benefits as subsidized housing, medical coverage, and children's allowances. During the year reports persisted that the pay of non-Irish migrant workers was sometimes below the minimum wage, particularly in the rural agricultural and construction sectors. Partly in response to these reports, the Government established a labor-monitoring agency independent of the Department of Enterprise, Trade, and Employment, which primarily represents business interests.

The standard workweek is 39 hours. Working hours in the industrial sector are limited to 9 hours per day and 48 hours per week. Overtime work is limited to 2 hours per day, 12 hours per week, and 240 hours per year. The Government effectively enforced work-hour standards. Although there is no statutory entitlement to premium pay for overtime, it could be arranged between employer and employee.

The Department of Enterprise, Trade, and Employment is responsible for enforcing occupational safety laws, and these laws provided adequate and comprehensive protection. There were no complaints from either labor or management during the year regarding significant shortcomings in enforcement. Regulations provide workers with the right to remove themselves from dangerous work situations that present a "serious, imminent, and unavoidable risk" without jeopardy to their continued employment.

---

## ITALY

Italy is a multiparty parliamentary democracy with a population of approximately 59.1 million. The bicameral Parliament consists of the Chamber of Deputies and the Senate. International observers considered the April 2006 national parliamentary

elections free and fair. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens, although there were problems in some areas. Despite extensive delays, the law and judiciary otherwise provided effective means of addressing individual instances of abuse. Lengthy pretrial detention, excessively long court proceedings, violence against women, trafficking in persons, and abuse of Roma remained problems.

#### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—The Government or its agents did not commit any politically motivated killings; however, police shot and killed three persons during the year.

On November 11, a police officer used his pistol to break up a fight between two groups of soccer fans at a highway rest stop in Arezzo and shot and killed Gabriele Sandri, who was seated in a car with four friends. The officer was under investigation for manslaughter at year's end.

On July 1, a police officer in Verona shot and killed Susanna Venturini, who was attempting to flee a gasoline station where she had reportedly extorted \$58,400 (40,000 euros) from a Ministry of Labor and Welfare inspector. There were no reports of an investigation at year's end.

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits such practices; however, there were reports that police occasionally used excessive force against persons, particularly Roma and immigrants, detained in connection with common criminal offenses or in the course of identity checks.

On June 20, Ferrara prosecutors indicted four police officers—Paolo Forlani, Monica Segatto, Enzo Pontani, and Luca Pollastri—on charges of involuntary manslaughter in the death of Federico Aldovrandi, who died while in custody in 2005.

At year's end the trial continued of 27 police officers, including senior officers, charged with perjury, conspiracy, or assault during a police raid on a building used by protesters at the G-8 summit in Genoa in 2001. A separate trial continued of 45 police officers indicted for "inhuman or degrading treatment," including assault, during the subsequent detention of those protesters. The trials were ongoing at year's end. In June Gianni De Gennaro, then-head of the national police, was put under investigation for inducing police officers to give false testimony. The minister of interior removed him from office but made him his chief of staff.

Other parts of this report contain information related to this subsection; see Section 5.

*Prison and Detention Center Conditions.*—Prison and detention center conditions generally met international standards, although some prisons remained overcrowded and antiquated. The Government permitted visits by independent human rights observers.

At year's end there were 49,000 inmates in a prison system designed to hold 42,500; however, the uneven distribution of prisoners left a few institutions particularly overcrowded. Older facilities lacked outdoor or exercise space; some prisons lacked adequate medical care. Approximately 67 percent of the inmates were serving sentences; the other 33 percent consisted mainly of detainees awaiting trial.

According to an independent research center, between January and October 109 prisoners died while in custody, 39 of them by suicide. There were no reports that any of these deaths were the result of abuse or negligence on the part of prison officials.

Some of the 17 temporary detention centers for illegal immigrants continued to be overcrowded at times, particularly in summer when the inflow of aliens from northern Africa increased. The Government provided access to detention centers for representatives of the U.N. high commissioner for refugees (UNHCR) and non-governmental organizations (NGOs). According to Amnesty International (AI), children are often held together with adults at these facilities. The law does not require that pretrial detainees be held separately from convicted prisoners, and they are held together in some smaller prisons.

The Government permitted visits to detention facilities by independent human rights organizations, parliamentarians, and the media. AI, the U.N. Human Rights Council, the Committee for the Prevention of Torture (CPT) of the Council of Europe, and the U.N. special rapporteur on torture regularly assessed the country's judicial and prison systems. Several municipalities had permanent independent om-

budsmen to promote the rights of detainees and facilitate access to health care and other services.

On July 5 of this year, the Government released its response to the CPT report of its June 2006 visit to temporary detention centers for illegal immigrants in the country. The CPT found that conditions were generally favorable but noted that one camp for women needed some improvements, such as better protection for detainees from the sun and removal of security bars that prevented windows from opening.

In April 2006 the CPT, in a report on its 2004 visit to prisons, detention centers, and police stations, noted that some inmates were held in cramped conditions, lacked access to lawyers, received poor medical treatment, and were subjected to xenophobic and racist insults. In response to the report, the Government stated it had built four new prisons, was upgrading another eight, and had hired additional prison staff, including psychologists and cultural mediators. In 2005 and 2006, the NGO Antigone, which promotes prisoners' rights, visited 208 jails and reported unacceptable hygienic conditions in some facilities and widespread abuse of psychotropic drugs.

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

*Role of the Police and Security Apparatus.*—Civilian authorities maintained effective control over the national police, the Carabinieri, and the financial police (Guardia di Finanza). The Government has mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year; however, long delays by prosecutors and authorities in completing investigations of some cases of alleged abuse undercut the effectiveness of mechanisms to investigate and punish police abuses.

On May 13, the Carabinieri station commander in Campobasso (Molise), seven police and Carabinieri officers, and the former chief of the local police of Termoli were arrested and charged with creation of a criminal organization, fraud, perjury, disclosure of confidential information, and embezzlement.

In October 2006 three of eight Carabinieri officers arrested in Milan earlier in the year for graft and evidence tampering were sentenced to prison terms of 4 to 6 years; two of the three were fined \$32,120 (22,000 euros). In July 2006 two officers were sentenced to 24 months in prison but released from custody after reaching a plea bargain agreement on the same charges. One of the remaining three officers was indicted, and the hearing for the other two officers was delayed; the trial had not begun by year's end. The eight reportedly used false evidence to extort money from a number of previous offenders.

On October 30, prosecutors dropped their investigation of 12 police officers charged with corruption, abuse of authority, and perjury surrounding their contacts with criminal organizations in 2005, due to lack of evidence.

Other parts of this report contain information related to this subsection; see Section 1.c.

*Arrest and Detention.*—To make arrests, the law requires police to have warrants issued by duly authorized officials, unless there is a specific and immediate danger to which they must respond. The examining magistrate must decide within 24 hours of a suspect's detention whether there is enough evidence to proceed with an arrest. The investigating judge then has 48 hours in which to confirm the arrest and recommend whether the case goes to trial. The law allows for increased surveillance and enhanced police powers to gather evidence in terrorism cases, for example DNA for purposes of identification; a terrorism suspect may be held for 48 hours before the case is brought before a magistrate. Authorities generally respected the right to a prompt judicial determination in practice. The law entitles detainees to prompt and regular access to lawyers of their choosing and to family members. The state provides a lawyer to indigent persons. In exceptional circumstances, usually in cases of organized crime figures, where there is danger that attorneys may attempt to tamper with evidence, the investigating judge may take up to 5 days to interrogate the accused before the accused is allowed to contact an attorney. Some human rights organizations asserted that the terrorism law is excessive and in some cases resulted in the deportation or return of suspects to countries where they had reason to fear persecution, without an appropriate level of due process of law. Between July 2006 and March, the European Human Rights Committee reviewed 30 deportation orders issued by the interior minister and blocked five against individuals the authorities considered terrorists, citing the need to prevent violation of their rights in their home countries. During the year authorities deported nine immigrants suspected of links to terrorist networks.

Despite restrictions on lengthy pretrial detention, it remained a serious problem. During the first half of the year, 33 percent of all prisoners were in pretrial deten-



tion awaiting their trials and 18 percent were awaiting a final sentence. The maximum term of pretrial incarceration is 2 years for a crime with a maximum penalty of 6 years in prison, 4 years for a crime with a maximum penalty of 20 years, and 6 years for a crime with a maximum penalty of more than 20 years. According to some judicial experts, a few prosecutors used pretrial detention as pressure to obtain confessions.

There is no provision for bail; however, judges may grant provisional liberty to suspects awaiting trial. As a safeguard against unjustified detention, a detainee may request that a panel of judges (liberty tribunals) review his case on a regular basis and rule on whether continued detention is warranted.

Preventive detention may be imposed as a last resort if there is clear and convincing evidence of a serious felony or the crime is associated with the Mafia or terrorism. Except in extraordinary situations, preventive detention is prohibited for pregnant women, single parents of children under age 3, persons over age 70, and those who are seriously ill.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice; however, most court cases involved long trial delays.

There were some reports of judicial corruption. On May 9, the Guardia di Finanza arrested two magistrates of the Court of Cassation and the Supreme Administrative Court, Lanfranco Balucani and Vincenzo Maccarrone, for corruption in Perugia. Prosecutors accused them of multiple violations of rules of procedure, including jury tampering, in an attempt to unduly influence the investigations of two entrepreneurs who rewarded them with gifts.

Pressure on the judicial system, primarily through the intimidation of judges by organized crime groups, further complicated the judicial process. For example, on February 5, Alberto Liguori, a judge who tried mafia cases, was the target of intimidation in Cosenza, when unknown individuals left the severed head of a goat at his front door. In March a turncoat witness alleged that two mafia clans had conspired to murder Liguori.

There are three levels of courts. Either a single judge or a court, which may consist of a panel of judges or include a jury, hears cases at the first level. At the second level, civil and criminal appeals are heard by separate courts with juries. Both sides may appeal decisions of the court of appeals to the highest court, the Court of Cassation in Rome. Prosecutors may in some instances challenge acquittals by passing the intermediary appellate level and taking their appeal directly to the Court of Cassation; such appeals may be based on the court's application of the law or, in some cases, evidence. A separate Constitutional Court hears cases involving conflicts between laws and the Constitution or over the duties or powers of different units of government.

*Trial Procedures.*—The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are public. Defendants have access to an attorney in a timely manner to prepare a defense. Defendants may confront and question witnesses against them, and may present witnesses and evidence on their own behalf. Prosecutors must make evidence available to defendants and their attorneys upon request. The law grants defendants the presumption of innocence. Defendants have the right to appeal verdicts.

Domestic and European institutions continued to criticize the slow pace of justice in the country. In 2005 over 800 petitions were pending in the European Court of Human Rights seeking compensation from the Government for excessively long proceedings. In 2006 the majority of petitions were submitted to national courts, in accordance with a law enacted in 2001. According to the Court of Cassation, about 3,600 cases resulted in judgments against the Government for excessively long proceedings in 2006. Observers cited several reasons for delays including the absence of effective limits on the length of pretrial investigations, the large number of minor offenses covered by the penal code, unclear and contradictory legal provisions, insufficient resources, including an inadequate number of judges, and strikes by judges and lawyers.

In 2006 the chief prosecutor of the Court of Cassation estimated that it took from 300 to 400 days on average to complete a criminal trial, and approximately 900 days to complete an appeal. The average length of time between the scheduling of a defendant's first court appearance to completion of the case was 902 days in 2006, compared with 966 days in 2005.

Courts had significant leeway to determine when the statute of limitations should apply, and defendants often took advantage of the slow pace of justice to delay trials through extensive pleas and appeals.

Other parts of this report contain information related to this subsection; see Section 3.

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

*Civil Judicial Procedures and Remedies.*—The Constitution provides for an independent and impartial judiciary in civil matters. Administrative remedies are determined by law and arbitration is allowed and regulated by contracts. Often citizens and companies turned to arbitration because of trial delays. In 2006 the average time required to complete a civil trial was 887 days, with 1,020 days required to complete an initial appeal and another 719 days to appeal to the Court of Cassation.

*f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.*—The law prohibits such actions, and the Government generally respected these prohibitions in practice. Searches and electronic monitoring were generally permissible under judicial warrant and in carefully defined circumstances; however, the 2005 antiterrorism decree made it easier for intelligence agencies to obtain permission to conduct wiretaps.

The media published leaked transcripts of both legal and illegal government wiretaps during the year. In November 2006 Parliament enacted a decree which allows magistrates to destroy illegal wiretaps if discovered by police. On October 3, the Chamber of Deputies authorized a Milan prosecutor to use wiretaps on members of the Chamber of Deputies as evidence in an investigation into a bank takeover. Prosecutors eavesdropped on telephone calls between managers and politicians, including Foreign Minister Massimo D'Alema and other national leaders.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and the press.

On January 25, the Government approved antiracism legislation that makes denial of the Holocaust a crime punishable by up to 4 years in prison. Officials also confiscated materials that displayed symbols associated with Nazi Germany. For example, on October 1, officials in northern Italy seized wine bottles whose labels depicted Adolf Hitler and other Nazis.

Authorities in northern Italy arrested members of a neo-Nazi group who, on October 12, traveled to the German concentration camp of Dachau and posed for photographs, subsequently published in an investigative weekly newspaper, in which they gave the Nazi salute. The members of the group were sentenced to 12 to 30 months in jail but were freed before the end of the October according to the terms of a plea bargain agreement.

The independent media were active and expressed a wide variety of views. However, disputes over partisanship on the airwaves continued to prompt frequent political debate, and NGOs contended that media ownership was concentrated in too few hands.

The NGO Reporters Without Borders and the journalists' union criticized several judicial actions against journalists during the year.

On June 7, financial police searched offices and residences and seized computers of two journalists of a national newspaper that had revealed details of an investigation against a senator suspected of money laundering. Prosecutors were investigating the possible disclosure of confidential information by the journalists at year's end.

On March 15, the Authority for the Protection of Privacy prohibited the publication of information regarding the sexual behavior and personal life of the prime minister's spokesman. The authority halted the publication of pictures taken by a photographer who had been previously arrested on blackmail charges.

During the year public officials continued to bring cases against journalists under the country's libel laws.

On September 21, Deputy Prime Minister Francesco Rutelli sued weekly magazine *L'Espresso*, alleging defamation for the publication of an article that suggested he used official travel for personal reasons. On September 7, parliamentarian Ferdinando Adornato filed a libel case against national newspaper *Il Giornale* for an article that criticized excesses and privileges obtained by politicians and made a reference to an apartment he purchased from a governmental agency.

*Internet Freedom.*—There were no government restrictions on access to the Internet; however, a special unit of the police monitored websites for crimes involving child pornography online. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail; however, the Government

could block foreign-based Internet sites if they contravened national laws. The antiterrorism decree requires that the operator of an Internet café obtain a license. In February a survey conducted by the Institute for Studies and Economic Analyses, the research service of the Ministry of Economy, found that 39 percent of citizens had access to the Internet and 26 percent used broadband connections.

In a June operation aimed at combating money laundering, the Guardia di Finanza blocked around 4,000 websites, arrested 2 Latvians and opened investigations into 152 persons. On June 13, police blocked a German website used by pedophiles.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

There is no state religion; however, a concordat between the Roman Catholic Church and the Government provides the Catholic Church certain privileges. For example, it may select Catholic religion teachers, whose earnings are paid by the Government. The law authorizes the Government to enter into relations with organizations representing non-Catholic religions pursuant to an accord that allows the Government to provide support (including financial) to the organization; these accords are voluntary and initiated by the religious groups themselves. Several minority religious groups benefited from such accords. On April 4, the Government signed preliminary accords with the Buddhist Union, Jehovah's Witnesses, the Church of Jesus Christ of Latter-day Saints, the Apostolic Church, the Orthodox Church of the Constantinople Patriarchate, and the Hindu community. These accords were submitted to Parliament for ratification, but no action had been taken by the end of the year.

Divisions among the country's Muslim organizations, as well as the large number of Muslim immigrant groups, hindered the Muslim community's efforts to conclude an accord with the Government.

There were occasional reports that government officials or the public objected to women wearing a "burqah," a garment that completely covers the face and body. The 2005 antiterrorism decree doubled existing penalties for persons convicted of wearing such attire as a burqah (or a crash helmet) in order to hide their identity. Penalties were increased to 2 years in jail and fines of approximately \$1,460 (1,000 euros) to \$2,920 (2,000 euros).

On May 31, the Constitutional Court agreed to review the 2005 deportation of the imam of Turin, who claimed that the accusation against him of hate crimes was groundless.

In March the city of Milan denied a request to use the basement of a building as a mosque, as requested by tenants and owners of apartments in the building. Complications with building permits continued to delay construction of an enlarged Islamic center in Milan. In October the city of Bologna approved a plan for the construction of a mosque on land provided by the municipality.

On January 30, a judge was sent to trial for allegedly failing to perform his duties after he refused to preside in a courtroom where a crucifix was displayed; he accused the minister of justice of religious prejudice for not allowing display of a menorah. A 2006 poll indicated that 80 percent of the population supported having crucifixes in schools and public buildings.

*Societal Abuses and Discrimination.*—The country's approximately 30,000 Jews maintain synagogues in 21 cities. There were no violent anti-Semitic attacks reported during the year, but societal anti-Semitic prejudices persisted, and small extremist fringe groups were responsible for anti-Semitic acts.

During the year there were a number of reports of anti-Semitic vandalism. For example, on January 28, in Mestre, graffiti with the text "the shoa (the Hebrew word for the Holocaust) must go on" was written on the walls of a school. On the evening of April 24, during a celebration marking the liberation of Italy during World War II, anti-Semitic graffiti was placed on a nearby monument commemorating the liberation. On June 15, after a temporary loosening of house-arrest restrictions placed on former captain Erich Priebke, a Nazi war criminal who participated in the 1944 massacre of 335 civilians, vandals painted graffiti with a swastika that welcomed him back to Rome.

There were no arrests or suspects in the May 2006 vandalizing of 40 Jewish graves in Milan; the case remained unresolved at the end of the reporting period, and no progress was expected.

There was one reported incident during the year of verbal harassment of Jews. On March 25, fans of the Lazio soccer team shouted anti-Semitic epithets aimed at Jews present at a soccer match.

On January 25, the Government approved antiracism legislation that makes denial of the Holocaust a crime punishable by up to 4 years in prison. Officials also confiscated materials that displayed symbols associated with Nazi Germany. For example, on October 1, officials in northern Italy seized wine bottles whose labels depicted Adolf Hitler and other Nazis.

Authorities in northern Italy arrested members of a neo-Nazi group who, on October 12, traveled to the German concentration camp of Dachau and posed for photographs, subsequently published in an investigative weekly newspaper, in which they gave the Nazi salute. The members of the group were sentenced to 12 to 30 months in jail but were freed before the end of October.

On May 18, an Italian university rescinded an invitation it had made to Robert Faurisson, a retired French professor, to speak at the university. The university cancelled the conference to avoid incidents when it learned that a group of demonstrators planned to protest Faurisson's address because he professed that no gas chambers were used in Nazi concentration camps during the Holocaust.

On October 12, the justice minister strongly condemned anti-Semitism and stated that the Government supported the implementation of tough laws aimed at punishing anti-Semitic acts. During the year, the Government continued to host meetings to increase educational awareness of the Holocaust and to combat anti-Semitism.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected them in practice.

The Government cooperated with the UNHCR and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the Government did not employ it.

*Protection of Refugees.*—The laws provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution.

The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol, providing it to 4,375 persons during the year. Between January and June, the Ministry of Interior received 2,839 requests for asylum. The top three countries of origin were Serbia, Nigeria, and Afghanistan.

The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees, and it provided temporary protection to refugees fleeing hostilities or natural disasters. Such refugees were granted temporary residence permits, which had to be renewed periodically but did not ensure future permanent residence.

Between January and July, authorities identified 12,400 individuals who came ashore illegally compared to 14,500 in 2006. Those who were apprehended were sent to temporary detention centers for processing, and a magistrate determined whether they would be deported (if their identity could be ascertained), issued an order to depart (if their identity could not be ascertained), or would be accepted for asylum processing. Deportations to Libya were suspended in 2006. In February 2006 AI released a report on the rights of migrants and asylum-seeking minors which highlighted 890 allegations that unaccompanied children were confined in temporary detention centers in unhygienic and unsuitable conditions. AI stated that it possessed detailed information on 28 of these cases. Approximately 1,300 minors reached Sicily in 2006, compared to 1,600 in 2005. The top three countries of origin were Egypt, Morocco, and Tunisia, and a high percentage were unaccompanied. Other teenagers came from Eritrea, Ethiopia, Sudan, Somalia, and Lebanon. The Ministry of Interior equipped special sections of identification centers to host minors.

On November 1, the Government enacted an emergency decree that allows local prefects to expel foreigners, including those from EU member states, whom they considered a threat to public order, loosely defined as "behavior that compromises

the protection of human dignity or fundamental human rights or of public safety," even in the absence of a criminal investigation. The law denies those expelled the right to return to Italy for up to 3 years, and prohibited reentry is punishable by up to 3 years in prison. The legislation provides for the right to appeal to judges to annul expulsions that prove groundless. The temporary decree requires parliamentary confirmation within 60 days and was enacted after a robbery and murder on October 30 allegedly committed by a Roma man from Romania.

The Government deported four Roma men to Romania on November 2, the day the decree entered into effect; since then, prefects in Rome, Turin, Genoa, and Milan issued expulsion orders for several other Romanians. Human Rights Watch claims the Government's targeting of Romanians, and particularly those of Roma origin, for expulsion violates its international human rights obligations. Although the decree covers citizens of any EU member state, the political debate and official action in the country has focused almost exclusively on Romanians, and in particular Roma from that country. Romanians are now the country's largest immigrant group, estimated at around 560,000 persons, or 1 percent of the general population. An estimated 50,000 of these are Roma.

In the aftermath of the October 30 murder, police authorities forcibly evacuated and bulldozed Roma camps in Italy's capital, as well as in Bologna, Florence and Genoa. On November 2, several hooded men armed with metal bars and knives attacked a group of Romanians in the parking lot of a supermarket in Rome. On the night of November 4, a bomb exploded outside a Romanian-owned store in a town just outside Rome, causing property damage. Also in early November, a Romanian football player was subjected to racist taunts during a match.

The 20 temporary detention centers for illegal immigrants continued to be overcrowded.

In December 2006 the Council of Europe's Committee for the Prevention of Torture recommended that the Government increase improve medical care for detainees as well as provide recreational activities for juvenile detainees.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

*Elections and Political Participation.*—Executive authority is vested in the Council of Ministers, headed by the president of the council (the prime minister). The president, who is the head of state, nominates the prime minister after consulting with the leaders of all political forces in the Parliament. National and international experts, including the Organization for Security and Cooperation in Europe considered the April 2006 national parliamentary elections free and fair. Under a law enacted in 2001, citizens living abroad were able to vote in national elections for the first time.

There were numerous political parties, which functioned without government restriction.

There were 40 women in the 315-seat Senate and 108 women in the 630-seat Chamber of Deputies. Women held six of 25 positions in the Council of Ministers.

The only legally defined minorities are linguistic, the French-speaking Valdostani and the German-speaking Altoatesini/Suedtiroler. There were four members of these groups in the 315-seat Senate and five in the 630-seat Chamber of Deputies. In a largely monolithic society, immigrants represented approximately 4 percent of the population, and fewer than half of these qualified as ethnic/racial minorities. Two members of immigrant groups (of Moroccan and Palestinian origin) were elected to the Chamber of Deputies.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively.

The high commissioner of the independent Task Force on Corruption conducted 13 investigations but had little real power to address corruption. Between January and April, financial police arrested 93 persons accused of crimes against public administration such as corruption, graft, abuse of power, and embezzlement. In 2006 authorities referred 6,200 crimes to prosecutors and arrested 250 persons; the value of seized assets was \$219 million (150 million euros).

There continued to be isolated reports of government corruption during the year, and the general public believed that politicians were corrupt. According to the ministries of Interior and Justice, in 2006, 130 persons were convicted for corruption, 925 were accused. Forty-five persons were convicted for abuse of authority, and 2,725 were accused of embezzlement. Between December 2005 and November 2006,

a special court dealing with financial matters reported 193 cases of corruption, bribery, or graft in public administration. There was no information on the number of cases referred to a prosecutor for further action.

On October 26, the Court of Cassation acquitted former Prime Minister Silvio Berlusconi on charges of bribing magistrates investigating the sale of a food group in 1985. On March 13, a court hearing began in another case in which he was charged with corruption for having paid a lawyer to falsify his testimony in two other cases.

On July 13, the Court of Cassation sentenced parliamentarian Cesare Previti, previously former Prime Minister Silvio Berlusconi's lawyer and then minister of defense, to 18 months in prison and barred him from holding public office in a case that involved the possible corruption of a judge. On July 13, the Chamber of Deputies approved his resignation.

On July 21, two public officers of the prefecture of Milan were arrested and 10 others were accused of visa fraud and illegal immigration. They were suspected of having illegally issued 120 residence permits and allowed the unlawful entry of more than 300 aliens.

In July 2005 prosecutors charged 148 persons with involvement in a 1999 scheme to avoid military service by bribing officials. The trial had not concluded by the end of the year.

Parliamentarians and ministers are subject to financial disclosure laws and Parliament publishes an annual report on incomes of its members.

The law gives citizens the right to access government documents and to be informed of administrative processes. With some exceptions for security reasons, the Government and local authorities respected this right in practice for citizens, non-citizens, and the foreign press.

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

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

#### *Section 5. Discrimination, Societal Abuse, and Trafficking in Persons*

The law prohibits discrimination on the basis of race, gender, ethnic background, and political opinion and provides some protection against discrimination based on disability, language, or social status. The Government generally enforced these prohibitions. However, some societal discrimination against women, persons with disabilities, immigrants, and Roma persisted.

*Women.*—Rape, including spousal rape, is illegal, and the Government enforced the law effectively. In 2005, 4,020 cases of rape were reported, and 1,344 individuals were convicted.

Violence against women, including spousal abuse, remained a problem. ISTAT, the official Italian government statistical agency, reported that 6.7 million women aged 16 to 70, or 31.9 percent of all women, had been victims of violence at least once in their lives. Five million women were victims of sexual violence and 1 million of rape or attempted rape. In 2006 ISTAT estimated there were 74,000 cases of rape or attempted rape, of which 4,500 were reported to the police. Approximately 23 percent of sexual abuses were committed by partners.

The law criminalizes physical abuse of women, including by family members, allows for the prosecution of perpetrators of violence against women, and helps women who have been victims of attack avoid publicity. Law enforcement and judicial authorities were not reluctant to prosecute perpetrators of violence against women, but victims frequently declined to press charges due to fear, shame, or ignorance of the law. In March 2006, the Ministry of Equal Opportunity established a hotline for victims of violence seeking immediate assistance and temporary shelter. In its first 6 months of service, 2,500 women reported episodes of violence and half of them requested assistance.

There were occasional reports of so-called "honor crimes" and forced marriage.

On September 21, a 20-year-old Moroccan woman escaped from the apartment where she had been confined by her husband and mother-in-law for almost 3 years in Genoa. On September 6, an immigrant Indian woman, age 31, committed suicide, allegedly to avoid an arranged marriage.

On November 13, the father and two brothers-in-law of a 20-year-old Pakistani immigrant woman killed in 2006 were each sentenced to 30 years' imprisonment in Brescia. She had been reprovved for having adopted a western lifestyle.

In August the Department of Equal Opportunity launched a program on prevention of female genital mutilation that included an awareness campaign for immigrants, an analysis of risks, and training of cultural mediators.

Prostitution is legal in private residences; the law prohibits pimping, brothels, and similar commercial enterprises. Trafficking of women for sexual exploitation remained a problem.

The law permits domestic courts to try citizens and permanent residents who engage in sex tourism outside Italy, even if the offense is not a crime in the country in which it occurred. The country also has code of conduct for tourist agencies to help combat sex tourism. On September 18, a man was arrested in Trento for child pornography, prostitution, and sexual intercourse with minors, allegedly committed in Thailand and Cambodia. In January four persons accused of organizing tours to Brazil that included the sexual services of 12- to 17-year-old girls were put on trial; the trials were ongoing at year's end. On March 8, a man was sentenced to 14 years in prison for child prostitution and pornography and exploitation of minors committed in Thailand from 2003 to 2005, in the first case applying the extraterritorial aspect of the law against sex tourism. The NGO ECPAT Italy estimated that, in 2006, 80,000 to 100,000 men traveled to Kenya, Thailand, Brazil, and other Latin American countries for sex tourism.

Sexual harassment is illegal, and the Government effectively enforced the law. In 2005, in an effort to combat sexual harassment in the workplace, the Government issued a decree that makes emotional abuse based on gender discrimination a crime.

The law provides women the same rights as men, including rights under family law, property law, and in the judicial system.

According to the European Commission, the overall gap between salaries for men and women was 9 percent. Women were underrepresented in many fields, including management, entrepreneurial business, and the professions. Only 10 percent of hospital department heads and 5 percent of deans of faculties of medicine were women.

A number of government offices worked to ensure women's rights, including the Ministry for Equal Opportunity and the Equal Opportunity Commission in the prime minister's office. The Ministry of Labor and Welfare has a similar commission that focuses on women's rights and discrimination in the workplace. Many NGOs, most of them affiliated with labor unions or political parties, actively and effectively promoted women's rights.

*Children.*—The Government demonstrated a commitment to children's rights and welfare. Schooling is free and compulsory for children between the ages of 7 and 18; those unable or unwilling to follow the academic curriculum may shift to vocational training at age 15. In 2006 the Ministry of Education reported that the drop-out rate was 20.6 percent, compared to 21.9 percent in 2005. There was no difference in the treatment and attendance of girls and boys at the primary, secondary, and postsecondary levels. Completion of secondary school was the highest level achieved by most children.

The state provides free medical care for all citizens.

There were incidents of child abuse; between January and September 6, Telefono Azzurro, an NGO that works on behalf of the rights of children, received approximately 4,000 calls and 1,026 requests for assistance. Approximately 4 percent involved sexual abuse, 6 percent physical violence, and 8 percent psychological exploitation. In 51 percent of the cases, the victims were male; 62 percent were under the age of 11. In 2006 authorities registered approximately 170 reports of sexual intercourse with minors, 290 reports of production of child pornography, and 180 reports of possession of child pornography.

NGOs estimated that 7 to 10 percent of prostitutes were minors. An independent research center estimated that there were about 2,000 minors who worked as street prostitutes; of these, 1,500 were trafficked into the country and forced into prostitution.

Illegal immigrant child laborers from northern Africa, the Philippines, Albania, and China continued to enter the country.

A special unit of the police monitored 20,000 Web sites between January and October, investigated 303 persons for crimes involving child pornography online, and arrested 29, compared to 18 in 2006.

*Trafficking in Persons.*—The law prohibits trafficking in persons; however, persons were trafficked to, from, and within the country. According to government and NGO sources, approximately 3,000 new victims were trafficked to and within the country in 2006, the latest year for which data was available. From 7 to 10 percent of victims were believed to be minors.

Italy was a destination and transit country for trafficked persons. Immigrants, mostly from Nigeria, North Africa, and Eastern Europe, played a major role in traf-

ficking for the purpose of sexual exploitation, both as traffickers and victims, although citizens were also involved. NGOs estimated that the vast majority of prostitutes in the country were immigrants, primarily from Nigeria (35 percent of the total), Romania, Bulgaria, Ukraine and Moldova.

Sexually exploited victims of trafficking faced health risks resulting from unsafe and unprotected sex. Trafficking victims in the Tuscany region who worked in sweatshops were possibly exposed to dangerous chemicals in the leather industry.

In December 2006 the prosecutor of Agrigento alleged that criminal organizations were responsible for trafficking thousands of minors from outside the European Union through Sicily. He reported that the most well-organized gangs were Romanian, Albanian, Egyptian, and Moroccan. Prostitution rings routinely moved trafficked persons from city to city to avoid arrest.

Victims of trafficking were usually lured with promises of a job, or sold by relatives, friends, or acquaintances. Traffickers forced their victims to work as prostitutes, laborers in restaurants or sweatshops, or beggars in the street. Traffickers enforced compliance by taking victims' documents, beating and raping them, or threatening to harm their families. There were no reports that traffickers killed trafficked women during the year.

The law provides prison sentences of 8 to 20 years for trafficking in persons and for enslavement. Sentences for persons convicted of trafficking in minors for sexual exploitation increase by one-third to one-half. The law mandates special prison conditions for traffickers in order to limit their ability to continue their operations while incarcerated.

According to the Ministry of Justice, authorities investigated 1,687 persons for trafficking in 2006 and arrested 269. There were 93 prosecutions; trial courts convicted 50 persons and appeal courts convicted 72. The Government cooperated with foreign governments, including those of Nigeria, Ukraine, Bulgaria, and Moldova to investigate and prosecute trafficking cases.

The 2006-07 "Operation Spartacus," aimed at stopping trafficking in persons and illegal immigration, resulted in 784 arrests for trafficking in persons and smuggling of illegal workers; 1,311 persons were under investigation. Because in some trafficking cases it was difficult for police to meet the law's evidentiary standards, authorities relied on immigration law to stop trafficking.

A number of trafficking cases were prosecuted during the year. For example, on March 15, a Milan court sentenced seven Romanians to 4 to 10 years' imprisonment for slavery and forced child prostitution. In June 10 Romanians were committed for trial on charges of trafficking at least 100 children whom they allegedly forced to beg on the streets and steal from private residences in Rome and Milan.

In July 2006 Italian and Polish police arrested 25 individuals in Puglia, including Poles, Ukrainians, Algerians, and an Italian, for trafficking up to 1,000 Poles over several years for forced agricultural labor. A trial against 19 of them was ongoing, and the trial of four others had not yet begun at year's end. The traffickers hired the workers out to local farmers. Victims reportedly responded to an advertisement for migrant workers, paid a travel fee, received \$4.30 (three euros) per hour, and were kept in penury by the traffickers, who charged them for food, water, and squalid sleeping quarters. Police freed 113 workers and were investigating reports of at least two suspicious suicide deaths as well as reports of beatings and rape by traffickers and farm owners. The Interior Ministry was investigating the abuses at year's end. There were more than 600 reported cases of slavery and other abuses suffered by Poles in Puglia between 2004 and 2005.

In April, four Italians and three Romanians were sentenced to 3 to 12 years' imprisonment for forced prostitution and exploitation of 200 Romani minors between 2004 and 2006. A trial against eight other persons arrested in 2006 began in June for coercing children into having sexual intercourse with adults in exchange for small gifts.

There were no reports during the year that government officials participated in, facilitated, or condoned trafficking.

The law provides temporary residence or work permits to persons who seek to escape their exploiters. Authorities and NGOs encouraged victims to file complaints, and there were no legal impediments for them to do so. Unlike most other illegal immigrants, who face deportation if apprehended, persons who qualify as official trafficking victims under the law receive benefits, including legal residence, whether or not they file a complaint. However, NGOs alleged that the Government did not always allow enough time between apprehension and deportation of illegal immigrants to screen them for trafficking victims.

The Government provided legal and medical assistance to persons identified by authorities as victims of trafficking, including access to shelters and programs for job training. In 2006, the Government assisted 7,300 women. There were also assist-



ance and incentive programs for those willing to return to their native country; in 2006, 69 victims who chose to return to their country were repatriated. The domestic NGO Social Service International assisted in repatriating unaccompanied immigrant minors.

The law empowers magistrates to seize convicted traffickers' assets to finance legal assistance, vocational training, and other social integration assistance for trafficking victims.

The Government worked with other governments and NGOs to orchestrate trafficking awareness campaigns. The law directs the Foreign Ministry, working with the Ministry of Equal Opportunity, to conclude antitrafficking agreements with trafficking source countries.

*Persons with Disabilities.*—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and the provision of other state services. The Government effectively enforced these provisions, but there was some societal discrimination.

Although the law mandates access to government buildings for persons with disabilities, mechanical barriers, particularly in public transport, left such persons at a disadvantage. The Ministry of Labor and Welfare was responsible for protecting the rights of persons with disabilities.

On January 6, Parliament enacted legislation to broaden the definition of discrimination against persons with disabilities by public and private entities and, for the first time, allow NGOs to file complaints on their behalf.

ISTAT estimated there were 2.6 million persons with disabilities in Italy from 2004 to 2005. Of the 587,000 workers with disabilities registered at public employment centers during the year, only 5.2 percent found work. A total of 101,000 positions reserved by law for persons with disabilities remained vacant.

*National/Racial/Ethnic Minorities.*—There continued to be reports that police mistreated Roma. The NGO Opera Nomadi reported cases of discrimination, particularly with regard to housing and evictions, deportations, and efforts by the Government to remove children for their protection from Romani parents. Government officials at the national and local levels, including those from the Ministry of Interior and the Ministry of Equal Opportunity, met periodically with Roma and their representatives.

On May 18, the mayors of Rome and Milan signed "Pacts for Security for Rome and Milan" which foresee the eventual relocation of Roma living in camps on the periphery of these cities to equipped encampments. They also contained measures aimed at cracking down on begging and the sale of counterfeit goods. The pacts were signed in the midst of anti-Roma media statements by the authorities who signed the pacts. One article ran a headline suggesting that Roma in squatter camps must go, that police must control camp order, and that 10,000 Roma should be forced "away."

The Rome Pact established a joint commission of the regional government, which was given 9 months to build prefabricated container houses and prepare "villages of solidarity" on the periphery of Rome for inhabitation by 4,000 Roma. At the same time, a task force of 150 police officers (75 from the military and 75 from the state police) was ordered to "rehabilitate" these areas.

The Milan Pact's stated goal was to reduce criminality and to address the problem of unauthorized camps for "nomads." The pact called for the enactment of "extraordinary powers" in order to "solve the Roma emergency" in Milan. The Pact also foresees the "intensification" of police patrols in the periphery (where many Roma live) to guarantee the security of Milan residents.

Roma and other European human rights NGOs protested the pacts, asserting that it would result in the forcible relocation of as many as 10,000 Roma.

In April 2006 the European Committee of Social Rights ruled that the country systematically violated the right to adequate housing for Roma by not providing sufficient camping sites, not providing permanent housing, and evicting Roma from housing.

There were no accurate statistics on the number of Roma in the country. NGOs estimated that a population of 150,000 Roma, approximately 75,000 of whom are citizens, is concentrated on the fringes of urban areas in the central and southern parts of the country. Roma live in camps characterized by poor housing, unhygienic sanitary conditions, limited employment prospects, inadequate educational facilities, and the absence of a consistent police presence.

Public opinion surveys indicated that negative societal attitudes toward immigrants continued to increase, particularly among young persons and in the north. On September 18, three improvised explosive devices were thrown in an unauthorized camp for Roma in Rome; only one exploded and no injuries were reported. Im-

migrants continued to assert that that they were discriminated against in employment.

The Government's Office to Combat Racial and Ethnic Discrimination in the Ministry of Equal Opportunity provided assistance to victims of discrimination. In 2006 the office received about 10,000 calls on its national hotline, of which it considered 218 to be genuine cases of discrimination against racial or ethnic minorities. The majority of complaints related to labor conditions, wages, and discrimination in public. The office provided legal assistance and help in mediating disputes.

*Other Societal Abuses and Discrimination.*—There were reports of societal discrimination based on sexual orientation. In July newspapers published the story of a student in Sicily who was insulted and abused by classmates and expelled from school by the teacher because of his perceived homosexuality. The minister of education ordered an investigation.

In June 2005 the Administrative Court of Catania criticized the Ministry of Transport for having requested the revocation of a driver's license of a homosexual based on his sexual orientation. A civil trial seeking restitution was underway at year's end.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law provides for the right to establish, join, and carry out union activities in the workplace without previous authorization or excessive requirements, and workers exercised these rights in practice. The law prohibits union organization in the armed forces. Unions claimed to represent between 35 and 40 percent of the workforce.

*b. The Right to Organize and Bargain Collectively.*—The law allows unions to conduct their activities without interference, and the Government protected this right in practice. The law provides for the right of workers to organize and bargain collectively, and workers exercised this right. Approximately 35 percent of the workforce worked under a collective bargaining agreement; nonunion members working alongside union employees also benefited from the agreements. The law provides for the right to strike, and workers exercised this right by conducting legal strikes. The law restricts strikes affecting essential public services (such as transport, sanitation, and health), requiring longer advance notification and precluding multiple strikes within days of each other.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children; however, there were reports that women were trafficked for sexual exploitation, children were trafficked for sexual exploitation and begging, and workers were trafficked for agricultural labor.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The Government implemented laws and policies designed to protect children from exploitation in the workplace; however, there were reports of child labor.

The law prohibits employment of children under age 15 with some limited exceptions, and there are specific restrictions on employment in hazardous or unhealthy occupations for boys under the age of 18 and girls under the age of 21. Enforcement of these laws was generally effective in the formal economy; however, the enforcement of minimum age or other child protection laws was difficult in the extensive informal economy. In 2006 an independent research center called Censis estimated that over 400,000 children between the ages of 7 and 14 worked at least occasionally and that 147,000 of them were exploited. Many of these children worked in family-owned farms and businesses, which is illegal if it interferes with education.

Illegal immigrant child laborers from northern Africa, the Philippines, Albania, and China continued to enter the country.

Trafficking in children for sexual exploitation and begging was a problem.

The government, employers' associations, and unions continued their tripartite cooperation on child labor. The Ministry of Labor and Welfare, working with police and Carabinieri, is responsible for enforcement of child labor laws, but their efforts were often ineffective.

*e. Acceptable Conditions of Work.*—While the law does not establish a minimum wage, it provides for it to be set through collective bargaining agreements on a sector-by-sector basis. The minimum wage in most industries provided a decent standard of living for a worker and family. Courts effectively enforced the wages set through collective bargaining agreements, but workers in the informal sector often worked for less than the minimum wage.

The legal workweek is 40 hours. Overtime work may not exceed 2 hours per day or an average of 12 hours per week. Unless limited by a collective bargaining agreement, the law sets maximum overtime in industrial sector firms at no more than

80 hours per quarter and 250 hours annually. The law required rest periods of 1 day per week and 11 hours per day. Premium pay is required for overtime. These standards were effectively enforced.

The law sets basic health and safety standards and guidelines for compensation for on-the-job injuries. There were labor inspectors in both the public health service and the Ministry of Labor and welfare, but their numbers were insufficient to ensure adequate enforcement of health and safety standards. The standards were not enforced in the informal economy. In 2006 the Government inspected approximately 290,000 companies and found 123,000 employees working without legal employment documents. Workers have the right to remove themselves from dangerous work situations without jeopardizing their continued employment, and the Government effectively enforced this right.

In 2006 national and regional authorities inspected about 290,000 companies, found irregularities in 180,000 of them, identified 123,000 illegal workers and claimed \$2.19 billion (1.5 billion euros) in unpaid social security contributions. In February, the Ministry of Labor and Welfare ordered a special inspection into the agricultural sector in Puglia and revealed that 86 percent of companies were operating in violation of labor laws and 74 percent of workers were illegally hired.

## LATVIA

The Republic of Latvia, with a population of approximately 2.3 million, is a parliamentary, multiparty democracy. Legislative authority is vested in the unicameral Saeima. Elections for the 100-seat Saeima in 2006 were free and fair. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens and the large resident noncitizen community; however, there were problems in some areas. These included: Serious police abuse of detainees and arrestees; poor conditions at police detention facilities; poor prison conditions and overcrowding; judicial corruption; obstacles to due process; violence against women; child abuse; trafficking in persons; violence against ethnic minorities; and societal violence and occasional government discrimination against homosexuals.

### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—The Government or its agents did not commit any politically motivated killings; however, during the year there were four instances in which individuals were alleged to have died as a result of mistreatment by security forces. In one case, as reported by the media, a businessman died on June 18 in a detention cell of the Sigulda police station under circumstances that led to the detention of three officers and prompted the police Internal Security Bureau to order a pretrial investigation that was still ongoing at year's end. In a late December 2006 report, the nongovernmental organization (NGO) Latvian Center for Human Rights (LCHR) reported an increase in alleged instances of police mistreatment that resulted in death.

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution and law prohibit such practices; however, there were reports that government officials employed them.

Reports of severe abuse of persons in custody by police continued. The ombudsman's office reported that it received 18 complaints alleging police violence, and independent local and international sources continued to voice their concerns about police behavior. However, internal police statistics listed only three cases of police violence.

Alleged mistreatment of former security officer Edgars Gulbis received broad public attention during the year. Authorities kept Gulbis in police custody for a month following accusations of involvement in a car-bombing attack against the chief anti-smuggling officer, then released him. Two weeks later they rearrested him, and while they were taking him to the police station, he left the police car and fell, jumped, or was pushed off a bridge into a river. Gulbis' spouse claimed that he was tortured during his interrogation while in police custody. Gulbis was returned to jail, where he remained at year's end awaiting possible trial amid charges and denials about his subsequent treatment in custody.

In May the commissioner for human rights of the Council of Europe (COE) reiterated his earlier concerns about allegations that police were mistreating detainees,

primarily at the time of arrest and during custody and questioning. The commissioner also raised questions about the efficiency and independence of the Internal Security Office, which deals with public complaints of police misconduct. He noted that the office initiated only four disciplinary cases during 2005 and very few in total since its establishment in 2003. In its December 2006 report on prisons, the LCHR noted that there was a "high risk of ill-treatment of individuals by police forces."

*Prison and Detention Center Conditions.*—Prison and detention cell conditions remained poor, as indicated in reports during the year by the COE human rights commissioner and the LCHR. The human rights commissioner reported that living conditions in prison had not improved significantly since his visit to the country in 2003, although he noted a small reduction in the prison population. The LCHR report on prisons and detention centers described conditions that ranged from good to terrible. The report described the key problems as prison overcrowding, violence among prisoners, health problems (a high incidence of tuberculosis, drug addiction, and HIV infection), and the absence of social rehabilitation. Following a November–December visit, the COE's Committee for the Prevention of Torture (CPT) noted progress in providing health care services to inmates, in particular the opening of a new prison hospital; however, the CPT asked authorities to improve prison living conditions, including employment and recreational opportunities for inmates.

The CPT observed improved conditions for detainees in several of the 28 short-term police detention facilities designed to hold detainees for less than 48 hours; however, conditions in some others, notably Daugavpils, Jekabpils, and Ventspils, remained poor. The report described cells in these facilities as overcrowded, humid, dirty, and poorly ventilated. Sleeping and hygiene facilities were also described as not meeting European standards.

The LCHR also reported poor conditions at the detention center for illegal immigrants, including degraded infrastructure with no ventilation system.

There were 14 deaths in custody. Authorities indicated that six were suicides, five resulted from natural causes, two from poisoning, and one person entered custody with severe bodily injuries that later resulted in death.

On August 1, the Government opened a prison hospital designed to accommodate 200 inmates. The previous hospital had been closed for noncompliance with technical and human rights requirements.

Long periods of pretrial detention remained a concern. In March Supreme Court Chief Justice Andris Gulans publicly reproached judges for permitting excessively lengthy detention. The majority of complaints submitted by Latvians to the European Court of Human Rights also related to lengthy pretrial detention.

The ombudsman's office stated that it received 65 complaints during the first 6 months of the year about conditions in detention facilities, although it added that a large percentage of these complaints could not be substantiated.

The Government permitted independent monitoring of prisons and detention centers by local and international human rights groups, the media, and the International Committee of the Red Cross (ICRC). The CPT visited the country in November–December.

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

*Role of the Police and Security Apparatus.*—The national police, security police, special immigration police, border guards, and other services were subordinate to the Interior Ministry. Municipal police were under local government control. The Military Counterintelligence Service and a protective service, as well as the National Guard, were subordinate to the Ministry of Defense.

Allegations of corruption and bribery within law enforcement ranks were frequent and affected the public's perception of police effectiveness. During the year the Bureau for the Prevention and Combating of Corruption (KNAB) initiated investigations of several security officials for bribery or extortion. Among them was the head of a division of the Central Criminal Police Department of the State Police, whose trial began in the Riga Regional Court in December. The others, still in the pretrial stage at year's end, included the chief of the Riga City Traffic Police, his deputy, an officer of the Saldus District Criminal Police Board, and the deputy head of a prison.

On January 18, in a rare instance of formal punishment of police officers for abusive behavior, a court upheld the earlier conviction of two officers who beat two individuals apprehended for public drunkenness in 2005. The officers were each required to pay fines equal to four times the monthly minimum wage. In the view of some observers, the contrast between widespread allegations of police abuse and the

infrequency and leniency of authorities' responses contributed to a climate of impunity.

In March then president Vike-Freiberga used her constitutional powers to block the entry into force of two laws passed by the Saeima that amended the oversight procedures over the security and intelligence services. The amendments, designed in part to provide greater legislative oversight of the bodies, would have given members of the Saeima access to operational details of law enforcement and anticorruption activities, which opponents asserted would allow political interference in investigations. The draft laws were put to a referendum, and voters rejected them by large majorities, but turnout was not high enough to validate the referendum. The Saeima subsequently withdrew the legislation.

*Arbitrary Arrest and Detention.*—The law requires that persons be arrested openly and with warrants issued by a duly authorized judicial official, and the Government generally respected this requirement in practice. The law provides a person in detention the right to a prompt judicial determination of the legality of the detention, and authorities generally respected this right in practice. Detainees were promptly informed of charges against them. The law requires the prosecutor's office to make a formal decision whether to charge or release an arrested individual within 48 hours. This requirement was not always followed due to a backlog in the court system. A bail system exists; however, it was infrequently used and applied most often in cases of economic crimes.

Detainees have the right to have an attorney present at any time; however, authorities did not fully respect this right in practice. For indigent defendants the Government provided an attorney. Authorities permitted prompt access to family members. These rights were subject to judicial review but only at the time of trial.

The law limits pretrial detention to no more than 18 months from the first filing of the case. Lengthy pretrial detention periods remained a concern of human rights groups; however, legal experts noted some progress during the year in choosing less restrictive security measures for detainees during the pretrial investigation period.

*e. Denial of Fair Public Trial.*—The Constitution and law provide for an independent judiciary, and the Government generally respected this provision in practice; however, there were significant problems, including inefficiency and corruption.

The judicial system is composed of district (city) courts; regional courts, which hear appeals from district courts and can also serve as courts of first instance; a separate administrative court, which adjudicates administrative violations; the Supreme Court, which is the highest appeals court; and the seven-member Constitutional Court, which hears cases involving constitutional issues at the request of state institutions or individuals who believe that their constitutional rights were violated.

In October 2006 two district court judges, Irena Polikarpova and Beatrise Talere, were arrested and suspended from duty for allegedly taking bribes, and the prosecutor's office launched a criminal proceeding. A trial was still ongoing at year's end.

*Trial Procedures.*—The Constitution and law provide for the right to a fair trial, and most judges enforced this right; however, the fairness of individual court decisions, and of judges and the court system in general, were questioned throughout the year.

Trials generally are public; however, they may be closed if government secrets might be revealed or to protect the interests of minors. Most cases are heard by a single trial judge, although for more serious criminal cases—at the district and regional levels—two lay assessors join the professional judge on the bench. In some criminal cases, "modified juries" consisting of randomly selected members of the public participate in the tribunal in a limited way. All defendants have the right to be present at their trials. At closed trials they are subject to criminal sanction if they reveal any details of the case outside the courtroom. All defendants have the right to consult with an attorney in a timely manner, and the Government provided funds to indigent defendants for this purpose. Defendants have the right to read all charges, confront all witnesses, and may call witnesses and offer evidence to support their cases. Defendants and their attorneys have access to government-held evidence relevant to their cases. Defendants enjoy a presumption of innocence and may appeal to the highest levels in the judicial system.

In April the Disciplinary Assembly of Judges issued a reprimand to regional court judge Zaiga Vrublevska for influencing judges to postpone hearing an appeal of a case related to the interests of Ventspils mayor Aivars Lembergs.

The book *Litigation Kitchen*, published by journalist Lato Lapsa in August, included a series of transcripts of allegedly wiretapped telephone conversations between prominent figures in the judiciary system from 1998 to 2000. The tapes detailed alleged conversations between high-profile lawyer Andris Grutups and high-

ranking members of the judiciary and politicians that indicated Grutups regularly contacted judges and lobbied them to take his clients' side in particular disputes. A number of judges and politicians called for the court system to remove all judicial personnel guilty of such corruption, but all of the judges mentioned in the book remained on the bench. At year's end a special committee of Parliament and the prosecutor's office were investigating the judiciary and judicial decisions mentioned in the book.

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

*Civil Judicial Procedures and Remedies.*—The law provides for an independent and impartial judiciary in civil matters, including access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation. The Government generally upheld the law concerning civil procedures.

*Property Restitution.*—During the year the Government and the Jewish community continued to consider a legislative solution to outstanding communal property claims. No tangible progress was made on this issue or on compensation for heirless private property last owned by members of the Jewish community that could not be regained earlier using the country's denationalization laws because there were no identifiable heirs to the property.

Foreign Jews have complained that the authorities, national and local, have delayed or ignored claims by Jews for the restitution of private property.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution and law prohibit such actions, and the Government generally respected these prohibitions in practice.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution and law provide for freedom of speech and of the press, and the Government generally respected these rights in practice.

Individuals could exercise their right to freedom of speech. In May the State Chancery asked the Security Police to examine whether a letter sent to Prime Minister Kalvitis contained threats to state security. In the letter, a retired woman from a regional town reportedly criticized some members of the government, particularly the prime minister, concluding that the people might turn against them if they did not improve the quality of governance. Human rights experts did not see any threats to state security in the letter and voiced their concern about the response of authorities. After an initial meeting with the author, there are no reports that security police took any further action.

The law criminalizes incitement to racial or ethnic hatred. In earlier years, this provision was invoked successfully in situations involving violence and against persons who posted racist comments on the Internet. On May 28, a Riga court found the publisher of an anti-Semitic and anti-Russian newspaper not guilty of interethnic incitement. The paper had published articles referring to Jews as "kikes" and containing numerous derogatory statements about Russians living in Latvia. In its decision the court ruled that in discussion of the interpretation of historical facts, interethnic relations, attitudes towards persons with distinctive skin color, religion and culture, as well as other sensitive issues, it is permissible and even necessary to have a variety of opinions, although it may be unpleasant and unacceptable to a part of the society. The court held that in this case, the complex linguistic, legal, and psychological expert opinions did not allow it to conclude without any doubt that the language used could be classified as incitement to racial and national hatred.

There was a state-owned television station, Latvian National Television (LTV) and a radio station, Latvian National Radio. A number of privately owned television and radio outlets thrived.

Independent media were active and expressed a wide variety of views without restriction. The three largest Latvian-language dailies were privately owned. Russian-language print media were also large and active. There was one government-owned newspaper, which primarily published official records of government actions and decisions. Other newspapers were widely believed to be associated with certain political or economic structures, but the laws do not ensure media ownership transparency, and information on the true owners of various media companies was not accessible.

The law governing broadcast media contains a number of restrictive provisions regulating the content and language of broadcasts. Primary broadcast radio and television stations are required to use the state language (Latvian), and secondary broadcasters are allotted up to 20 percent of total broadcast time for non-Latvian

language programming, which should be simultaneously translated using subtitles. However, these laws only apply to terrestrial broadcasts. Extensive Russian-language programming was available both on traditional channels and cable networks. These restrictions do not apply to the print media.

There was no official censorship of content of public or private media; however, media experts and the human rights community alleged that some journalists in the LTV news department were pushed out as punishment for investigating key political figures. The head of LTV resigned in December after he cancelled a planned documentary on Vladimir Putin that was critical of the Russian president. While never confirmed, there were widespread allegations that the Government had pressed for the program to be scrapped following complaints from the Russian Embassy. The documentary was broadcast a few days later. The Government denied exerting any pressure on LTV to pull the program.

In June LTV management demoted the director of a weekly analytical and investigative news program *De Facto*. The director had produced some programs that were sharply critical of the governing coalition. This move followed other actions that were widely viewed as politicized attempts to control LTV news products and raised concerns about the potential for politicians to censor and control state-owned media that criticized the ruling coalition. After several months of uncertainty, the downgraded director, together with several other LTV news journalists, left the public station and created an independent analytical program on a different station.

The Government's appeal of an approximately \$47,600 (100,000 lat) civil award for invading the privacy of LTV journalist Ilze Jaunalksne was pending before a court of appeals at year's end. In March 2006 Jaunalksne's investigatory journalism alleging that vote-buying in certain regions was an entrenched practice protected by prominent leaders at the highest level of government appeared on the *De Facto* television program. In September 2006 transcripts of Jaunalksne's personal telephone conversations appeared in a daily newspaper. In the ensuing investigation it was determined that the Financial Police obtained authorization for a phone tap on the pretext of investigating organized crime activities and then leaked the material to the press trying to embarrass and intimidate her. Four officials of the Financial Police were suspended for the duration of an internal investigation of the leaked information. The internal investigation was complete at year's end and the results sent to the prosecutor's office for review and a determination whether criminal conduct had occurred. In a subsequent civil case linked to the leak, the court ruled that the Financial Police had illegally tapped Jaunalksne's telephone and that the Finance Ministry and State Revenue Service had invaded her privacy.

Also on appeal was the conviction of several members of the news unit of LTV, which broadcast a story describing a "search in connection with criminal charges" brought against influential regional politician Aivars Lembergs. Authorities filed a case against the news unit after the journalists refused to reveal their sources.

In December the Senate of the Supreme Court reversed on appeal the demand of two lower courts that Rita Avize, a journalist of Neatkariga, reveal his sources for a September 2006 story that included information from seemingly illicitly taped phone conversations between a regional businessman and a former board member of the New Era political party.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail. The Internet was widely used by the public.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The Constitution and law provide for freedom of assembly, and authorities may not prohibit public gatherings except in very limited cases related to public safety; however, organizers of demonstrations must provide advance notice to local authorities, who may change the time and place of public gatherings for such reasons as to prevent public disorder. Numerous demonstrations took place peacefully and without government interference during the year.

In April the Government enacted legislation that altered the law on meetings, parades, and picketing to remove the requirement that organizers of planned demonstrations request permission for such events. The change came in response to a November 2006 constitutional court ruling that the requirement for permission and several other provisions of the law violated the Constitution and the European Convention on Human Rights. Some observers continued to criticize a provision requiring notification of a planned protest 10 days in advance and what they characterized as vague procedures for holding a protest without prior notice.

In contrast to 2006, authorities issued a permit for a gay pride parade that took place on June 3. However, in September authorities denied a permit for a march planned by the mainly ethnic-Russian Latvian Nationalist Democratic Party to demand citizenship for all residents, although the Party was allowed to hold a rally in a defined location. Authorities denied the permit to march on the grounds that the applicants had a record of activities instigating racial hatred and could endanger public safety. Many mainstream leaders in the Russian community supported the ban.

*Freedom of Association.*—The Constitution and law provide for freedom of association, and the Government generally respected this right in practice; however, the law bars the registration of Communist, Nazi, or other organizations whose activities would contravene the Constitution, for example, by advocating the overthrow of the existing form of government. Nevertheless, some nationalist organizations using fascist-era slogans and rhetoric operated openly. Noncitizens may join and participate in political parties, which must have 100 members, but at least half of the members of a political party must be citizens.

*c. Freedom of Religion.*—The Constitution and law provide for freedom of religion, and the Government generally respected this right in practice. However, by law, “traditional” religious groups (Lutheran, Roman Catholic, Orthodox, Old Believer, Baptist, Seventh Day Adventist and Jewish) enjoy a number of specific rights not available to “new” religions. For example, representatives of traditional religious groups may teach their religion to public school students who sign up to take classes, conduct official marriages, provide religious services for the army, and have representation in the National Ecclesiastical Council, which provides advice on religious matters to the Government. New religions did not have these rights and were subject to some bureaucratic regulations and paperwork requirements not applicable to traditional religions.

Although the Government does not require religious groups to register, the law accords registered religious organizations certain rights and privileges, including separate legal status for owning property or for other financial transactions, and tax benefits for donors. Single congregations that do not belong to a registered religious organization must reregister each year for 10 years. Ten or more congregations of the same denomination and with permanent registration status may form a religious association. Only churches with religious association status may establish theological schools or monasteries.

According to Ministry of Justice officials, most registration applications were approved once proper documents were submitted. The law does not permit simultaneous registration of more than one religious group (church) in a single confession.

The law denies foreign evangelists and missionaries permission to hold meetings and to proselytize unless registered domestic religious organizations invite them to conduct such activities. Some foreign religious denominations criticized this provision.

*Societal Abuses and Discrimination.*—The Jewish community numbers approximately 11,000 and is largely secular and Russian-speaking. There was one active synagogue in Riga and one in Daugavpils. There were no reported incidents of violent attacks targeting Jews. However, there were occasional anti-Semitic statements in public spaces such as Internet fora.

On February 2, unknown persons tossed a large stone through the window of the synagogue in Daugavpils. There were no reports of government follow-up by year’s end.

In January the local Jewish community objected to a private showing of a play written by prominent lawyer Andris Grutups about the Beilis trial, which involved a “blood libel” accusation that occurred in early 20th-century Russia. The performance took place at the Latvian National Theater and was not open to the public. Nonetheless, spokesman for the organized Jewish community protested the holding of the play and particularly its performance at the theater where Latvian independence was declared in 1918. Grutups also published a book in September called *Scaffold* that discussed events during and after World War II. The book drew criticism from Latvian academics and the Jewish community as anti-Semitic.

On May 28, a Riga court found the publisher of an anti-Semitic and anti-Russian newspaper not guilty of interethnic incitement. The paper had published articles referring to Jews as “kikes” and containing numerous derogatory statements about Russians living in Latvia. In its decision the court ruled that in discussion of the interpretation of historical facts, interethnic relations, attitudes towards persons with distinctive skin color, religion and culture, as well as other sensitive issues, it is permissible and even necessary to have a variety of opinions, although it may be unpleasant and unacceptable to a part of the society. The court held that in this



case the complex linguistic, legal, and psychological expert opinions did not allow it to conclude without any doubt that the language used could be classified as incitement to racial and national hatred.

On July 4, authorities dedicated a monument to Zanis Lipke, who saved 40 Jews from the Riga ghetto during the German occupation during the Second World War.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the Government did not employ it.

*Protection of Refugees.*—The law provides for granting asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In the first 11 months of the year, the Government received 33 applications for asylum; five were granted the status of refugees. In practice the Government provided some protection against “refoulement,” the return of persons to a country where there is reason to believe they feared persecution. However, there were reports that authorities systematically turned away persons attempting to enter the country at border checkpoints without establishing whether they may have been refugees or asylum seekers.

The Government also provided temporary protection (“alternative status”) to individuals who might not qualify as refugees under the 1951 convention and 1967 protocol. During the year the Government granted alternative status to three persons.

The LCHR’s report on detention facilities noted that the failure of authorities to provide information to illegal immigrants and asylum seekers concerning their rights and governmental procedures for dealing with immigrants was a significant human rights problem. The LCHR also found shortcomings in legislation in this field; for instance, the law governing immigration does not provide clear provisions on immigrant detention and appeal procedures, resulting in a wide variety of court decisions in apparently similar cases. Neither does the law specifically regulate the protection of rights of detained illegal immigrants and asylum seekers.

In January police opened a criminal investigation following a violent attack by unidentified persons on two Somali refugees. The case was still under investigation by the Security Police at year’s end.

*Stateless Persons.*—Citizenship is derived from one’s parents (*jus sanguinis*). According to UNHCR data there were 393,012 stateless persons at the end of 2006. In contrast to the UNHCR number, the Latvian Citizenship and Migration Office reported 440,000 noncitizens in 2007. The Government recognized as stateless only those individuals, estimated at fewer than 1,000, who did not have a claim to foreign citizenship and were not eligible to apply for naturalization in Latvia. The stateless persons reflected in the UNHCR total consisted primarily of individuals of Slavic origin who moved to the country during the Soviet occupation and their descendants. They were not given automatic citizenship when the country regained its sovereignty in 1991. There are laws and procedures for granting citizenship to the noncitizen population, and more than 120,000 persons have become citizens through naturalization since the process became possible in 1995.

As of year’s end, most of the remaining 440,000 noncitizens were legally eligible for citizenship but had not applied for it. Noncitizens most frequently said their reason for not applying was the perceived “unfairness” of the requirements and resentment at having to apply for citizenship rather than having it automatically granted at the time of the restoration of independence. The citizenship exam included a Latvian language test and examination on various aspects of the Constitution and history of the country. Resident noncitizens have permanent residence status, consular protection abroad, and the right to return to Latvia.

Resident noncitizens have full rights to employment, except for some government jobs and positions related to national security, and to most government social benefits; however, they cannot vote in local or national elections and cannot organize a political party without the participation of an equal number of citizens. Authorities reported that the number of naturalizations dropped significantly in January after the European Union (EU) granted noncitizen residents visa-free travel and work rights within the EU. In contrast to 10,581 naturalization applications in 2006,

there were only 6,069 during the first 9 months of 2007. As of December 1, 2007, 6,545 persons were granted Latvian citizenship through naturalization.

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

The Constitution and law provide citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic and generally free and fair elections held on the basis of universal suffrage.

*Elections and Political Participation.*—Free and fair elections for the Saeima were held in October 2006, and the new Parliament elected a new president in May.

At year's end the KNAB was considering whether two political parties that considerably exceeded their campaign spending limits in the 2006 elections (the first parliamentary elections where political parties were subject to such limits) would have to return the excess expenditures, and in what amounts. The KNAB found that seven political parties, including all of the coalition parties, violated various norms for campaign expenditures, but the People's Party and Latvia's First Party/Latvia's Way were the largest violators—overspending the ceiling by approximately \$1,112,958 (529,980 lats) and \$843,381 (401,610 lats), respectively. The two parties planned to challenge the KNAB conclusion in court, but proceedings had not begun by year's end.

Citizens could organize political parties without restriction; however, the country's 440,000 noncitizen residents were prohibited by law from organizing political parties without the participation of an equal number of citizens in the party. The election law prohibits persons who remained active in the Communist Party or various other pro-Soviet organizations after 1991, or who worked for such institutions as the former Soviet Committee for State Security, from holding office.

There were 20 women in the 100-member Saeima, and there were four women in the 18-member Cabinet of Ministers.

Members of minorities, including ethnic Russians and Poles, served in various elected bodies. According to the Saeima's Web site, there were 22 members of minorities in the 100-seat Saeima, including 15 ethnic Russians, one German, two Jews, one Karelian, and three others who declined to list their ethnicity.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively. There was a widespread perception that corruption existed at all levels of government, and according to the World Bank's Worldwide Governance Indicators, government corruption was a problem. During the first half of the year, the KNAB initiated 23 criminal cases against government officials (including members of the judiciary), compared with 51 in all of 2006 and 34 in all of 2005. During the year the KNAB forwarded 10 criminal cases involving 20 individuals to the prosecutor's office. During the first half of the year, 14 officers of various law enforcement bodies were suspects in corruption-related cases, most on suspicion of taking bribes.

In May the Kuldiga District Court found Ventspils mayor Aivars Lembergs not guilty of charges of abuse of power and making false statements in connection with the operation of the Ventspils port. The Government's appeal was being reviewed by the Kurzeme Regional Court at year's end.

In a separate case, Lembergs was charged during the year with large-scale money laundering, bribery, abuse of office, and failing to declare property for tax purposes. He was taken into custody on March 14 and incarcerated for several months. After several appeals against detention, he was granted house arrest. The prosecutor's office suspended him from his position as mayor of Ventspils, but the city council refused to elect a new mayor. The case remained in the investigative stage at year's end. Several of Lembergs' business and political associates were arrested and charged with related crimes.

The KNAB stated that it had forwarded evidence to the prosecutor's office accusing a division chief of the Daugavpils City Land Register of accepting 31 bribes. The prosecutor's office had not forwarded the case to the court at year's end.

In October the prosecutor's office forwarded to the court charges that Jurgis Liepnieks, former head of Prime Minister Kalvitis' office, and approximately 20 other individuals participated in a fraudulent scheme to secure an agreement with a foreign firm to introduce digital television. Liepnieks asserted that former Prime Minister Andris Skele was also involved in the scheme; however, no charges had been brought against Skele by year's end.

The law requires public officials to file income declarations once a year, and irregularities are carefully researched. During the summer there was a partial liberalization of rules on the acceptance of gifts by public officials. Limits were raised on the value of gifts permitted for acceptance outside the duties of public office. Anticorruption groups claimed that the new rules provided a major loophole that

could allow officials, especially elected officials, to accept large gifts as long as there was no direct beneficiary relationship between the gift-giver and decisions taken by the official.

The state auditor annually reviews all governmental agency financial records, both classified and unclassified, and documents irregularities. Reports are forwarded to the prime minister. Overall, the KNAB is responsible for combating government corruption.

To combat corruption authorities arranged training and seminars for approximately 1,550 personnel during the year on various aspects of conflict of interest and internal controls against corruption.

A Cabinet of Ministers' regulation provides a mechanism for public access to government information, and the Government generally provided access in practice to citizens. There were no indications that noncitizens and the foreign press were denied access.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials met with domestic NGO monitors and responded to their inquiries; however, the Government often lacked the political will or resources to act upon NGO reports or recommendations. A parliamentary Human Rights Committee did not enjoy the confidence of human rights NGOs.

There were only a few NGOs that claimed to address the broad range of human rights problems. Among the most visible was the LCHR, which is a member of the International Helsinki Federation for Human Rights (IHF). Several NGOs dealt with specific issues: Apeiron was concerned with persons with physical disabilities; Marta focused on the protection of women's rights; Providus, the Center for Public Policy, and Delna (the national branch of Transparency International) focused on combating corruption; and Zelta focused on mental disability. None of these NGOs were closely aligned with the Government or political parties.

The Government cooperated with international organizations and permitted visits by their representatives. A number of international organizations released their reports on Latvia during the year. Rene van der Linden, president of the Council of Europe's Parliamentary Assembly, visited in September, as did Doudou Diene, U.N. special rapporteur on contemporary forms of racism, racial discrimination, xenophobia, and related intolerance. In October there were visits by Thomas Hammarberg, COE commissioner for human rights, and Andreas Gross, rapporteur of the Judicial and Human Rights Committee of the COE's Parliamentary Assembly (PACE).

The CPT carried out a periodic visit from November 27 to December 7; it did not release its findings by year's end.

The Government created an ombudsman's office during the year in compliance with a 2006 law. The office is responsible for the protection of individual citizens' rights in relation to the Government. On March 1, the Saeima appointed the first ombudsman. The IHF expressed concern over the new institution's independence and alleged lack of leadership. However, the IHF also noted that the initial budget of the ombudsman was four times larger than that of its predecessor organization. The ombudsman's office did not publish any reports, file any complaints with a court, or represent any individual's interests in court during its first year; however, it issued 29 recommendations on draft laws and topical issues.

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

The law prohibits discrimination based on race, gender, language, disability, or social status; however, violence against women and racial minorities, societal discrimination against women and homosexuals, child abuse, and trafficking in persons were problems.

*Women.*—The law specifically criminalizes rape but does not recognize spousal rape. Criminal penalties vary depending on the nature of the crime, the age of the victim, and the criminal history of the offender. Such penalties range from probation to life imprisonment.

A local NGO, the Skalbes Crisis Center, reported that rape laws were ineffective and rapes were underreported due to a tendency by police to blame the victim. Police reported that the number of criminal cases involving rape had remained stable in recent years and that few rapes were committed by individuals who were strangers to the victims.

Violence against women is against the law; however, there are no laws that deal specifically with spousal abuse. Although NGOs and police agreed that domestic vio-

lence was a significant problem, the law was not effectively enforced because abuse was underreported. Victims of abuse often were uninformed about their rights and were reluctant to seek redress through the justice system. Human rights groups asserted that the legal system, including the courts, did not always take domestic violence cases seriously. Police stated they could only make arrests if either the victim or a neighbor agreed to file charges or if police actually caught someone in the act of committing the abuse.

There were no shelters designed specifically for battered or abused women. Women who experienced violence could seek help in family crisis centers; however, these centers had limited capacity and gave priority to women with children. There were no dedicated rape or assault hot lines; however, NGOs managed approximately five general crisis hot lines. The NGO Marta Center operated Web sites that provided information and legal assistance for female victims of violence.

Prostitution is legal, although procuring is not. Prostitution was widespread and often was linked to organized crime. Riga was an increasingly popular destination for sex tourism.

Sexual harassment is illegal; however, in the absence of complaints, the Government was unable to enforce the law. Sexual harassment of women in the workplace reportedly was common. Cultural factors tended to discourage women from filing complaints of harassment.

Women enjoy the same rights as men, including rights under family law, property law, and in the judicial system. The law prohibits employment discrimination; however, in practice women frequently faced hiring and pay discrimination, particularly in the private sector. The law also prohibits women from performing physically demanding jobs in unhealthy conditions, which are specified in a list agreed upon by the Cabinet of Ministers.

The law prohibits work and pay discrimination based on gender and requires employers to set equal pay for equal work; however, government regulatory agencies lacked the skills and resources to implement the law fully. Some progress was made during the year. The Welfare Ministry implemented an awareness-raising campaign that, for example, encouraged primary education teachers to portray more women as professionals and more men as childcare providers.

*Children.*—The Government was committed to children's rights and welfare; however, in practice authorities did not fully enforce constitutional provisions and laws related to children.

Primary schooling is free, compulsory, and universal through the ninth grade (between the ages of 7 and 16) and free through the twelfth grade (age 18). No data was available on the percentage of school-age children who were attending school.

Boys and girls had equal access to state-provided health care.

A local NGO working with abused children, the Dardedze Center against Violence, stated that the number of reported instances of child abuse, including sexual abuse, had increased in the past several years. However, the center attributed this largely to better reporting due to increased awareness of the issue. Laws against child abuse were enforced effectively, although the center observed that coordination among agencies involved in the protection of children's rights was weak. Children from families that were unable to care for them had access to government-funded boarding schools that provided adequate living conditions; however, these schools had lower educational standards than regular state schools.

Police expressed concern about an increase in the number of children subjected to commercial sexual exploitation and "traveling pedophiles."

*Trafficking in Persons.*—The law prohibits all forms of trafficking in persons; however, women were trafficked to, from, and within the country.

The number of trafficking victims was impossible to ascertain; NGOs active in combating trafficking estimated that it was several hundred per year. Latvia continued to be a source country for trafficking victims, primarily women lured into the commercial sex industry in Great Britain, Denmark, Norway, Spain, Italy, Germany, Switzerland, and Greece. Relaxed travel regulations within the EU allowed traffickers to target Latvian nationals more easily. Tens of thousands of men and women departed the country in search of economic opportunities created by Latvia's entry into the EU labor market. Reports indicate that some of these persons were being exploited by traffickers. Those most at risk were unemployed or marginally employed women from economically underdeveloped areas and persons coming from unstable families. One underage victim of trafficking was discovered during the year.

Police believed that most traffickers were small-scale criminal groups with well-established contacts in destination countries. They often included individuals of diverse nationalities. Of the 24 suspected recruiters detained in 2006, 18 were Latvian

and the others were from a variety of other European nationalities. Law enforcement agencies reported that persons who began as trafficking victims often became recruiters. In 2006, 14 of the 24 recruiters detained were young females.

As authorities have increased their attention to trafficking, the methods of recruiters have become less overt. Recruitment over the Internet and through marriage agencies was popular. The country's antitrafficking squad reported that traffickers usually avoided threatening or applying force when recruiting their victims. Although trafficking victims often consented to being transported abroad, they were usually misled by recruiters with offers of marriage or jobs as dancers.

The law provides for prison sentences of up to 15 years for trafficking. Most perpetrators continued to be prosecuted under a statute that prohibits persons being sent abroad for sexual exploitation. This law, like the antitrafficking statute, carries a prison sentence of up to 15 years. The legal definition of trafficking in persons includes internal trafficking and trafficking for labor exploitation.

During the year 21 cases were investigated under Latvia's antitrafficking statutes. Twenty-three cases tried in 2007 resulted in a conviction. Two of those convicted were sentenced to terms of 5 to 10 years, and two were given sentences of 1 to 5 years. The remaining 19 convictions resulted in suspended sentences.

There were no reports during the year that officials were involved in trafficking.

For the year the Government allocated approximately \$98,700 (47,000 lats) for rehabilitation assistance to trafficking victims. An additional \$14,700 (7,000 lats) provided training for rehabilitation service providers. However, less than \$9,217 (4,389 lats) had been expended for these programs by September 1. The funds provided rehabilitation services to six trafficking victims. Victims of trafficking in most cases were not well-informed about the available assistance, including legal counseling.

An interministerial working group developed programs to increase public awareness of trafficking and to provide assistance to victims. However, annual budget decisions by the government, including those made for 2007, left most of these programs consistently underfunded or not funded at all.

During the year the Baltic Institute of Social Studies conducted a survey to assess the quality and availability of rehabilitation services for trafficking victims. The survey concluded that, while the quality of services offered met international standards, the services were not available to victims in all regions of the country, and the mechanism for determining victims' eligibility for government-funded assistance was too cumbersome. The Government's judicial training center cooperated with the NGO community, international organizations, and a foreign government to train law enforcement officers, prosecutors, and judges to identify trafficking in persons, make and prosecute cases, and render appropriate sentences. Staffing of the antitrafficking squad, which focuses exclusively on trafficking for sexual exploitation, increased from 14 to 17 persons. A Riga city police department unit tasked with preventing the involvement of minors in prostitution employed five police officers and conducted many active investigations.

In 2006 the Government created an antitrafficking Web portal as part of a broader public awareness campaign. Also in 2006 the Welfare Ministry began conducting training courses in all regions of the country. As a result, 1,200 social workers received education on trafficking prevention and assistance to victims during the year.

The Ministry of Education, with the help of the Latvian Youth Initiative Center, developed training materials for teachers on how to prevent and explain trafficking. Local police specialists continued to carry out trafficking-prevention activities. In 2006–2007 local police specialists visited 94 percent of the schools to discuss trafficking and other crimes that present dangers to young persons.

*Persons with Disabilities.*—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and other state services, and the Government generally enforced these provisions. The law mandates access to buildings for persons with disabilities; however, most buildings were not accessible.

A report on "closed" institutions released during the year by LCHR summarized a number of problems in psychiatric hospitals and social care homes for persons with mental disabilities. Among them were limited rights of patients to information, inadequate patient involvement in determining methods of treatment, restrictions on privacy, violation of rights to private life, and inhumane treatment by personnel, ranging from negligence to emotional and physical violence.

On the night of February 23, 26 of 90 residents of a social care home for persons with mental disabilities in a rural district of Kuldiga were killed in a fire. Officials stated that the most likely cause was unauthorized use of heating devices. The incident gave rise to public discussion about the compliance of large social care facilities with human rights standards.

On March 1, the Saeima adopted legislation permitting a court to place individuals in psychiatric institutions against their will. According to human rights experts, the legislation was designed to provide minimum legal protections for persons with mental disabilities.

*National/Racial/Ethnic Minorities.*—During the year attacks against racial minorities continued to be a problem. In the first 8 months there were 11 registered complaints of abusive behavior against ethnic or racial minorities. Of these, four were violent attacks against ethnic minorities and seven involved hate speech. Most of the incidents involved persons of color.

On January 23, a court sentenced two men who attacked a citizen of Rwanda in the center of Riga in June 2006 to 6- and 8-months prison terms for instigating racial hatred. The State Police initially filed the report as a case of “hooliganism;” however, due to persistence of the victim and the NGO Afro-Latvian Association, the charges were recharacterized. It was the first time a court sentenced attackers to actual imprisonment under this law against instigation of racial hatred; in most cases prosecutors continued to charge perpetrators of violence against minorities with petty hooliganism, a misdemeanor offense.

In mid-October an allegedly racially motivated attack was committed by a group of 7–8 youths against two 13-year-old Romani girls who were kicked and called “blacks.” Both sustained injuries and were placed in a children’s hospital. This was the country’s first publicly reported attack against Roma. The Chairman of the Latvian Roma Association voiced concern about the potential classification of the offence, which police did subsequently classify as hooliganism rather than a racially-motivated hate crime.

In August the European Agency for Fundamental Rights (formerly the European Monitoring Center on Racism and Xenophobia) released its annual report on racism and xenophobia in EU member countries in 2006. The report noted some slow progress in adopting antidiscrimination legislation that met EU standards. It reported a low number of registered complaints of ethnic discrimination, although other international organizations and local NGOs continued to report discrimination on ethnic grounds.

In a report released during the year the U.N. Economic and Social Council (ECOSOC) expressed concern that the law mandating the use of Latvian in all dealings with public institutions, including with local authorities, may discriminate against linguistic minorities, including the Russian-speaking minority that in 2007 constituted approximately 35 percent of the population. In particular, ECOSOC expressed concern that older members of linguistic minorities may be disadvantaged in receiving public services.

During a September visit to the country, PACE president Rene van der Linden criticized the Government for what he termed discrimination against Russian-speaking residents and recommended that Latvia build better relations with Russia in order to address issues of concern related to the ethnic Russian minority.

The Government acknowledged that the Romani community faced high levels of unemployment and illiteracy, as well as widespread societal discrimination. In January the Government began implementing a national action plan to address problems faced by the country’s 8,000 Roma with respect to employment, education, and human rights. During the first year of the plan’s implementation a number of activities—computer training, training seminars for teachers on inclusive education, and public discussion of inclusion of Romani children in mainstream classes—aimed at addressing Roma integration issues. However, the National Action Plan has been criticized, primarily as lacking the funding necessary to achieve substantial changes in the situation of Roma.

*Other Societal Abuses and Discrimination.*—In contrast with 2006, there were no reports of societal violence or discrimination against homosexuals; however, the population at large had little tolerance for homosexuality. On December 10, Roman Catholic Cardinal Janis Pujats delivered a speech criticizing homosexuality, in what some observers described as a call for gays to be banned from holding political office.

In contrast with 2006, when the Riga City Council cancelled a permit for a gay pride parade, a gay pride event and concert was held in a park in Riga in 2007 with permission from the city and under heavy police protection. There were reports of verbal harassment by opponents from outside the security perimeter, but there were no violations of public order.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law entitles workers, except for the uniformed military, to form and join unions of their choice without previous authorization or excessive requirements, and workers exercised this right in practice. As of August approximately 20 percent of the workforce was unionized.

*b. The Right to Organize and Bargain Collectively.*—The law allows unions to conduct their activities without interference, and the Government protected this right in practice. The law provides for collective bargaining, and workers exercised this right in practice. The law recognizes the right to strike, subject to limitations that include obligatory, prolonged pre-strike procedures and the prohibition of some types of solidarity strikes and political strikes. Workers generally exercised the right to strike during the year, but labor regulations prohibit judges, prosecutors, police, fire fighters, border guards, employees of state security institutions, prison guards, and military personnel from striking. A labor law addressing disputes identifies arbitration mechanisms that unions and members of the professions forbidden from striking may use in lieu of striking.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children. Women and children were trafficked for commercial sexual exploitation. There were no reports of other forms of compulsory labor.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The law and policies protect children from exploitation in the workplace, including policies regarding acceptable working conditions, and the Government generally implemented these laws and policies in practice. However, there were reports that children were trafficked for commercial sexual exploitation. The law restricts employment of those under the age of 18 by prohibiting night-shift or overtime work. The statutory minimum age for employment of children is age 15, although children between the ages of 13 and 15 may work in certain jobs outside of school hours with written permission from a parent.

Inspectors from the Ministry of Welfare's State Labor Inspectorate are responsible for enforcing the child labor laws, and they enforced the laws effectively.

*e. Acceptable Conditions of Work.*—The legally mandated monthly minimum wage of approximately \$252 (120 lats) did not provide a decent standard of living for a worker and family. As of July the average monthly wage was approximately \$817 (389 lats). The State Revenue Service is responsible for enforcing minimum wage regulations, and it effectively enforced them.

The law provides for a mandatory 40-hour maximum workweek with at least one 42-hour rest period weekly. The maximum permitted overtime is 200 hours per calendar year. Excessive compulsory overtime is forbidden. Premium pay is one of the ways workers may be remunerated for overtime. By law an employee working overtime receives premium pay that is at least equal to the regular pay rate.

The law establishes minimum occupational health and safety standards for the workplace, which were effectively enforced. Workers have the legal right to remove themselves from situations that endangered health or safety without endangering their continued employment; however, authorities did not enforce this right.

---

## LIECHTENSTEIN

The Principality of Liechtenstein, with a population of approximately 35,200, is a constitutional monarchy with a parliamentary government. The unicameral Landtag (Parliament) nominates, and the monarch appoints, the members of the Government. A two-party coalition government was formed after free and fair parliamentary elections in 2005. The civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens, and the law and judiciary provided effective means of addressing individual instances of abuse. There were reports of violence against women, including spousal abuse, and reports of child abuse. The authorities dealt effectively with these matters.

### RESPECT FOR HUMAN RIGHTS

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

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

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution and law prohibit such practices, and there were no reports that government officials employed them.

*Prison and Detention Center Conditions.*—Prison conditions generally met international standards, and the Government permitted visits by independent human rights observers.

On September 20, Parliament passed a law, effective January 1, 2008, that renews the legal basis for the penitentiary system and establishes an independent body to monitor prison conditions.

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

*Role of the Police and Security Apparatus.*—Civilian authorities maintained effective control over the regular and auxiliary police, and the Government has effective mechanisms to investigate and punish abuse and corruption.

*Arrest and Detention.*—Police arrest a suspect based on an arrest warrant issued by the national court. Within 48 hours of arrest, police must bring suspects before an examining magistrate who must either file formal charges or order release; authorities respected this right in practice. Release on personal recognizance or bail is permitted unless the examining magistrate has reason to believe that the suspect is a danger to society or would not appear for trial. The law grants suspects the right to legal counsel of their own choosing during pretrial detention, and counsel was provided at government expense to indigent persons. However, the law grants the suspect access to a lawyer only after an examining magistrate has filed formal charges. During police detention, visits are commonly not allowed, although in practice suspects may contact family members. During investigative detention, visits can be monitored to prevent tampering with evidence.

On September 20, Parliament revised the code of criminal procedure's regulations on investigative detention to introduce a system of strict time limits and tight judicial review and grant detainees improved access to legal counsel. The new code was scheduled to enter into force on January 1, 2008.

*e. Denial of Fair Public Trial.*—The Constitution and law provide for an independent judiciary, and the Government generally respected judicial independence in practice.

*Trial Procedures.*—The Constitution and law provide for the right to a fair trial, and an independent judiciary generally enforced this right. Trials involving minor offenses are heard by a single judge, more serious or complex cases by a panel of judges, and the most serious cases, including murder, by a public jury. The law grants defendants the right during trial to legal counsel of their own choosing, and counsel was provided at government expense to indigent persons. Defendants may challenge witnesses or evidence and present witnesses or evidence on their own behalf. Defendants are presumed innocent and have access to government-held evidence relevant to their cases. Those convicted have the right to appeal, ultimately to the Supreme Court.

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

*Civil Judicial Procedures and Remedies.*—There is an independent and impartial judiciary in civil matters.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution and law prohibit such actions, and the Government generally respected these prohibitions in practice.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution and law provide for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Over 80 percent of households had broadband access to the Internet.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution and law provide for freedom of assembly and association, and the Government generally respected these rights in practice.

*c. Freedom of Religion.*—The Constitution and law provide for freedom of religion, and the Government generally respected this right in practice.



The Roman Catholic Church is the official state church; its finances are integrated directly into the budgets of the national and local governments. The Government also provided financial support to the Protestant, Christian Orthodox, and Muslim communities. Smaller religious groups are eligible to apply for grants as associations of foreigners or for specific projects.

Roman Catholic or Protestant religious education was compulsory in all primary schools, but the authorities routinely granted individual exemptions for children whose parents requested them. At the secondary school level, parents and pupils chose between traditional confessional religious education and the nonconfessional subject "Religion and Culture." During the year the Government introduced Muslim religious education classes in public primary schools. Some 70 pupils enrolled for these classes.

Both the Council of Europe's (COE) commissioner for human rights and the U.N. Human Rights Committee in the past criticized the standing policy that favored the Catholic Church over other religious communities in the distribution of state subsidies, and urged the Government to review its policies to ensure an equitable distribution of funds.

*Societal Abuses and Discrimination.*—On March 8, the U.N. Committee on the Elimination of Racial Discrimination expressed concern about the rise in xenophobic and right-wing tendencies among youths and that a core group of local right-wing extremists were becoming increasingly networked with similar groups abroad.

There were no reports of anti-Semitic acts. The Jewish community in the country is small and does not have formal organizational structures of its own.

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

The Government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

The law does not prohibit forced exile, but the Government did not employ it.

*Protection of Refugees.*—The laws provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. The Government granted refugee status or asylum to two persons during the year. In practice the Government provided protection against "refoulement," the return of persons to a country where there is reason to believe they feared persecution.

The Government provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol, and provided it to eight persons during the year. The Government also provided four residency permits on humanitarian grounds.

The Government cooperated with the Office of the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers.

A trilateral agreement with Switzerland and Austria requires the Government to return persons to the respective authorities if they have made unauthorized entry from those countries, unless they are granted refugee status or are recognized as stateless.

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

The Constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

The monarchy is hereditary in the male line. Prince Hans Adam II is the head of state. Since 2004 Hereditary Prince Alois has taken on the duties of head of state, exercising the rights of office on behalf of the reigning prince. All legislation enacted by the Parliament must have the concurrence of the monarch and the prime minister.

*Elections and Political Participation.*—Parliamentary elections, considered free and fair, were held in March 2005; the center-right Progressive Citizens' Party won 12 seats, the center-left Fatherland Union won 10 seats, and the green-alternative Free List won three seats in the 25-member Parliament.

Individuals and parties could freely declare their candidacy and stand for election.

There were six women in the Parliament and one woman in the five-seat cabinet. There were no known members of minorities in the Government.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively. There were no reports of government corruption during the year.

Public officials were not subject to financial disclosure laws. The police and the prosecutor's office, respectively, are responsible for investigating and prosecuting official corruption. The police have an organizationally independent special investigative unit for corruption cases. An interdepartmental working group chaired by the Foreign Ministry coordinates measures to prevent and combat corruption.

The law requires the Government to inform the public of its activities, and government information was freely available to all persons living in the country, including domestic and foreign media.

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

A few domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

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

The law prohibits discrimination on the basis of race, gender, language, or social status. The law also prohibits public incitement to violence or public agitation or insult directed against a race, people, or ethnic group. The Government generally enforced these prohibitions effectively.

*Women.*—Rape, including spousal rape, is a criminal offense, and the Government effectively prosecuted those accused of such crimes. Spousal rape has the same penalties as rape under other circumstances. The sentence may be reduced if the victim decides to remain with the abusive spouse. There were four investigations for rape during the year; two were closed without charges being brought, and two remained pending at year's end. Police statistics do not separately record spousal rape.

The law prohibits all forms of domestic violence and provides for restraining orders against violent family members. However, there were reports of violence against women, including spousal abuse. According to police, there were 49 police interventions in cases of domestic violence during the year; 10 aggressors (nine men and one woman) were prevented from reentering the family home for 10 days and seven for a further period of 3 months. The Government may file charges without a complaint from the victim. In 2006, 15 women and 18 children spent a total of 1,235 nights at Frauenhaus, a women's shelter. An additional 13 battered women contacted that nongovernmental organization (NGO) for help but decided not to seek refuge there. Frauenhaus reported conducting a total of 96 counseling sessions related to domestic violence. Frauenhaus provided both counseling and refuge for battered women (including nonresidents) and dependent children.

On August 30, a new provision of the penal code entered into force making stalking a criminal offense.

Prostitution is illegal; however, police tolerated it in the country's few nightclubs, as long as it did not cause public offense. Leading a person into prostitution is punishable by up to 6 months in prison, heavy fines, or both, and up to 3 years in prison if the victim was under 18. There were no arrests or prosecutions during the year.

Sexual harassment is illegal and punishable by up to 6 months in prison or a fine, and the Government effectively enforced these prohibitions. Employers are required to take reasonable measures to prevent sexual harassment; failing to do so may entail damages to a victim of up to \$35,300 (40,000 Swiss francs). There were two investigations for sexual harassment during the year; no charges were brought because of insufficient evidence.

Women enjoy the same legal rights as men, including rights under family law, property law, and in the judicial system. The Equal Opportunity Office and the Commission on Equality between Women and Men worked to eliminate all forms of gender discrimination. However, societal discrimination continued to limit opportunities for women in fields traditionally dominated by men. Men earned more than women, and women generally did not receive equal pay for equal work. Implementing a European Union directive, Parliament in May 2006 unanimously adopted amendments to the labor contract law and the equal opportunity law to combat gender discrimination in the workplace, which became effective in July 2006.

*Children.*—The Government was committed to children's rights and welfare and amply funded a system of public education and health care. Education is universal and compulsory until the ninth grade; it is free through the end of high school. Vir-

tually all school-age children attend school. Approximately 50 percent complete professional, vocational, or technical training, with another 30 percent going on to earn higher-level specialized or university degrees.

The Government provided free health care for all children under the age of 16. There were some reports of abuse of children. During the year there were six prosecutions and two convictions for child abuse. In 2005 the commission for the coordination of professionals in cases of sexual offenses against children published a brochure for professionals likely to be confronted with child abuse; it included best-practice guidelines to facilitate the exchange of information among all parties. The commission is contacted concerning 12 to 14 cases of suspected sexual abuse each year.

Possession of child pornographic material is a criminal offense. The Code of Criminal Procedure takes special account of the protective needs of young victims of sexual crimes.

The Government supported programs to protect the rights of children and made financial contributions to three NGOs that monitored children's rights. The Office for Social Services oversaw the implementation of government-supported programs for children and youth.

*Trafficking in Persons.*—The law prohibits all forms of trafficking in persons and provides for extraterritorial jurisdiction. There were no reports that persons were trafficked to, from, or within the country; however, some NGOs believed that trafficking in women occurred but was not reported.

Trafficking in persons is punishable by a prison sentence of up to 3 years, or up to 5 years if the trafficker used or threatened violence. If the victim is a minor or the trafficker belongs to a criminal organization, uses excessive violence, or jeopardizes the life of the victim, the sentence may be up to 10 years. There were no arrests or prosecutions for trafficking offenses during the year.

In 2005 the COE's commissioner for human rights expressed concern that the temporary immigration status, together with the precarious economic situation, of the majority of foreign cabaret dancers increased their risk of falling prey to trafficking networks. The commissioner called on authorities to be vigilant in monitoring respect of contractual obligations by nightclub owners.

In December 2006 the Government's law enforcement, immigration, foreign affairs, and social welfare authorities, together with the NGO Frauenhaus, established a consultation process and subsequently formalized a referral mechanism for victims of trafficking.

*Persons with Disabilities.*—The new Equal Opportunity Law for Persons with Disabilities, effective January 1, prohibits discrimination against persons with physical or mental disabilities in employment, education, access to health care, or in the provision of other state services, and the Government effectively enforced these provisions. The new law mandates that all public kindergartens and schools as well as public transportation systems be accessible to persons with disabilities within 5 years. Recently constructed public buildings must become barrier-free within 20 years; older public buildings within a period of 12 years.

*National/Racial/Ethnic Minorities.*—A government report on the integration of the foreign population published in August found that immigrants who speak foreign (non-German) languages were on average less skilled and more likely to fall below the poverty line, whereas native German speakers were as well off as the native population. Almost simultaneously, the Government announced a program to offer subsidized German language classes for foreign residents. A government white paper adopted on February 27 declared the goal of integration policy to be co-existence of all social groups on the basis of mutual respect and tolerance, to be achieved by promoting the equality of opportunities for all country residents.

The Government continued to monitor right-wing groups. In February it established the Commission for Protection from Violence (CPV) to develop strategies against right-wing extremism. Police estimated the number of such extremists, including skinheads, to be not more than 30 to 40. There were some reports during the year of skinhead incidents, but none involved racially motivated assaults on foreigners or ethnic minorities.

*Other Societal Abuses and Discrimination.*—A government-contracted study published in December found evidence of discrimination based on sexual orientation. In a poll 71 percent of homosexuals who responded said that discrimination was widespread in the country; 58 percent of the overall population expressed the view that homosexuality remained a taboo. There also were some reports of discrimination against persons with HIV/AIDS.

*Section 6. Worker Rights*

*a. The Right of Association.*—The law provides that all workers, including foreigners, are free to associate, join unions of their choice, and select their own union representatives, and workers exercised these rights in practice. Due to the country's small size and population, there was only one trade union, which represented approximately 3 percent of the work force. The law does not prohibit antiunion discrimination, but there were no reports that antiunion discrimination occurred.

*b. The Right to Organize and Bargain Collectively.*—The law allows unions to conduct their activities without interference, and the Government protected this right in practice. The law provides for the right of workers to organize and bargain collectively, and approximately 25 percent of workers were covered by collective bargaining agreements. However, the right to strike is not explicitly recognized in the Constitution and labor law. Civil servants are prohibited from going on strike. No strikes occurred during the year.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—There are laws and policies to protect children from exploitation in the workplace. The law prohibits the employment of children younger than 16 years of age; exceptions may be made for the limited employment of children age 14 and over and for those who leave school after completing 9 years of compulsory education. Children age 14 and older may be employed in light duties for not more than 9 hours per week during the school year and 15 hours per week at other times.

The law prohibits labor that subjects children to physical, psychological, moral, or sexual abuse. There are no reports that any cases were brought under the law in 2007.

The Government devoted adequate resources and oversight to child labor policies, and the Department for Worker Safety of the Office of the National Economy effectively supervised compliance with the law. The department completed 244 onsite inspections during the year and found no major violations of the law.

*e. Acceptable Conditions of Work.*—There is no national minimum wage; however, the average daily wage provided a decent standard of living for a worker and family.

The law sets the maximum workweek at 45 hours for white-collar workers and employees of industrial firms and sales personnel, and 48 hours for all other workers. The law provides for a daily mandatory 1-hour break and an 11-hour rest period for full-time workers; with few exceptions, Sunday work is not allowed. Pay for overtime is required to be at least 25 percent higher than the standard rate and overtime is generally restricted to 2 hours per day. The average workweek including overtime may not exceed 48 hours over a period of 4 months.

The law sets occupational health and safety standards, and the Department for Worker Safety generally enforced these provisions effectively. The law provides for the right of workers to remove themselves from work situations that endanger health or safety without jeopardy to their continued employment, and workers exercised this right in practice.

---

## LITHUANIA

The Republic of Lithuania is a constitutional, multiparty, parliamentary democracy with a population of approximately 3.4 million; legislative authority is vested in the unicameral Seimas (Parliament). In 2004 citizens elected President Valdas Adamkus in free and fair elections. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens; however, there were problems in a number of areas. Human rights problems reported during the year included poor prison conditions, illegally prolonged pretrial detention, police and government corruption, widespread domestic violence and child abuse, trafficking in women and girls, and increased reports of racial or ethnic violence and intolerance.

## RESPECT FOR HUMAN RIGHTS

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

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

The prosecutor's office continued 21 pretrial investigations related to crimes committed during the Nazi and Soviet occupations. From January to October, the prosecutor's office initiated six pretrial investigations for crimes against humanity including one investigation related to Nazi crimes against Jews.

In June the prosecutor's office sent a legal assistance request to the Israeli Ministry of Justice concerning Yitzhak Arad, former director of the Israeli Holocaust Remembrance Authority Yad Vashem and an anti-Nazi partisan in Lithuania and Belarus during World War II. The prosecutor's office wanted to inform Arad about "suspicion of possibly committed criminal activities in Lithuania," including the massacre of Lithuanian partisans and the murder of civilians, and to question him about it. Arad was one of the subjects of a pretrial investigation that the prosecutor's office began in 2006. The investigation remained open as of year's end.

In 2005 the Government brought criminal charges against Algimantas Mykolas Dailide, alleging collaboration with Nazis and persecution of Jews. In 2006 the Vilnius District Court convicted him of crimes against Jews in Nazi-occupied Lithuania during World War II, but did not impose a sentence due to the 85-year-old convict's age and infirmity. The prosecutor appealed the verdict and it was pending at year's end.

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits inhuman or degrading treatment or punishment; however, there were reports that police physically mistreated detainees.

During the year the ombudsman's office received 17 complaints that officials used force and psychological pressure to obtain evidence in pretrial investigations compared to 14 in 2006.

In 2007 military police opened 17 hazing-related criminal cases, compared with seven in 2006. The military police elevated four cases to the courts, terminated three pretrial investigations due to lack of evidence, and continued investigations in four cases. Most reports of hazing alleged that draftees beat each other or subjected each other to psychological pressure.

*Prison and Detention Center Conditions.*—Human rights advocates reported that prison conditions remained poor, although the Government continued to upgrade prisons to meet international standards. Nevertheless, inadequate sanitation, overcrowding, and limited access to medical services persisted.

In 2007 the parliamentary ombudsman received 317 complaints from prisoners, compared to 323 in 2006. Most complaints were related to prison conditions, actions of prisons department personnel, restricted rights of prisoners, lack of medical services, and poor work conditions. Investigators determined that 34 complaints were valid and the others were outside the ombudsman's purview. The Human Rights Monitoring Institute (HRMI) reported that, in an incident in a prison in Panevezys, prison officers were aware of but did not protect a prisoner from degrading treatment by other prisoners. The ombudsman received nine complaints that working inmates were paid for fewer hours than they worked. Two complaints were found groundless.

In 2006 the European Court of Human Rights (ECHR) ruled that the monitoring of a Siauliai inmate's correspondence with his wife was inappropriate, and that the country should amend its regulations on inmate correspondence monitoring. The Government drafted amendments to the law on pretrial detention; however, the Parliament did not pass the new law by year's end.

During the year 30 prison and detention center inmates died compared with 23 inmate deaths in 2006. According to authorities, 12 deaths were suicides, 13 were due to natural causes, four inmates were killed by another inmate, and one death resulted from complications from a self-inflicted injury. There were 34 inmates injured by other inmates during the year, compared to 41 in 2006; 94 self-inflicted injuries were reported, compared to 770 in 2006.

The Government renovated six prisons. However, four correctional institutions remained overcrowded. For example, the facility in Siauliai had a capacity of 425 inmates after recent remodeling but held 500.

The Government permitted visits to prisons by independent human rights observers and researchers. The Parliament's office of the ombudsman regularly visited various prisons during the year. Media representatives also visited prisons.

*d. Arbitrary Arrest or Detention.*—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. Nevertheless, there were complaints of illegally prolonged pretrial detentions.

*Role of the Police and Security Apparatus.*—A unified national police force is responsible for law enforcement and operates under the authority of the Ministry of Interior. Police officers and other government officials who exceed their official authority are subject to prosecution or punishment. The State Security Department is responsible for internal security and intelligence operations. It reports to the Parliament and the president.

Corruption in the police system remained a problem.

During the year 18 police officers were found guilty of abuse of power, compared to 17 in 2006. The ombudsman investigated 226 complaints regarding police activities, compared to 510 in 2006, and determined 75 to be valid, compared to 152 in 2006. In all cases found to be valid, authorities disciplined the police officers involved. In most cases police officers faced administrative disciplinary actions, such as demotions or reprimands.

*Arrest and Detention.*—Warrants are required for arrest and must be granted by judges upon the presentation of reliable evidence of criminal activity. Police are allowed to detain suspects for up to 48 hours. There were no complaints of failure to inform detainees of the charges against them. Bail was available and was used widely. The law provides for the right to an attorney from the moment of detention and, if indigent, to one provided by the state; however, this right was not always respected in practice. The law provides a person in detention the right to a prompt judicial determination of the legality of the detention, and authorities effectively respected this right in practice.

Judges may order pretrial detention only to prevent flight or the commission of new crimes, to allow unhindered investigation, or to comply with extradition requests; they may do so only in the case of felonies. The pretrial judge may order a suspect's detention for up to 3 months. In exceptional cases the detention may be extended to 18 months (12 months for juveniles), subject to appeal to a higher court. The law provides for civil liability for damage caused by the unlawful actions of pretrial investigation officials, prosecutors, judges, and courts. During the year the average length of pretrial detention was approximately 6 months, and 12 percent of the incarcerated population were pretrial detainees.

The ombudsman's office received no complaints regarding prolonged pretrial detention in 2007.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the Government respected this provision in practice.

The law provides for a four-tier court system: The Supreme Court, the Court of Appeals, district courts, and local courts. The law also provides for a Constitutional Court and specialized courts for consideration of cases involving administrative, labor, and family problems.

District courts hear juvenile criminal cases and cases related to children's rights (including domestic adoption and paternity matters). The local courts are tribunals of first instance for criminal, civil, and administrative offences, and all cases that are not assigned by law to other courts. The Constitutional Court reviews the constitutionality of laws and other legal acts, as well as actions by the president and the cabinet.

*Trial Procedures.*—The law establishes the right to legal counsel for defendants and provides for legal assistance for indigent persons. The ombudsman reported eight cases of authorities failing to provide counsel during the year. Defendants have access to government evidence and may present evidence and witnesses and confront or question witnesses against them. Defendants enjoy the presumption of innocence. The law permits trials in absentia when a defendant is outside the country and avoids trial. Local human rights experts criticized these provisions, because in such trials defendants do not cross-examine witnesses or present their own defense. Defendants have the right to appeal. The law provides for public trials. There is no trial by jury.

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

*Civil Judicial Procedures and Remedies.*—The judicial system provides for an independent and impartial judiciary in civil matters. Plaintiffs may sue for legal or injunctive relief based on human rights violations. Apart from redress in the court system, victims of human rights abuses may appeal to the parliamentary ombudsman for a determination on the merits of their claim. Although the ombudsman

makes only a recommendation to the offending institution, his findings are commonly honored in practice.

*Property Restitution.*—The law on restitution places significant restrictions on claims for communal property and, as a result, the Jewish community has regained only a fraction of the communal property owned by the country's prewar Jewish population of more than 200,000. Less than 30 properties have been restituted to the Jewish community under the law, which currently is limited to religious properties.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution prohibits the arbitrary interference in an individual's personal correspondence or private and family life. There were reports of incidences where the Government did not respect these prohibitions in practice.

The law requires a judge's authorization to search an individual's premises and prohibits indiscriminate monitoring of the correspondence or communications of citizens. However, local human rights groups alleged that the Government did not properly enforce these laws. During the year the State Data Protection Inspectorate investigated 102 complaints and conducted 52 preventive investigations of alleged arbitrary interference with privacy, compared to 121 complaints and 92 preventive investigations in 2006. Most cases involved violations of data processing rules and failure to inform individuals that their personal data was processed.

In 2005 the ECHR issued a judgment that the Government discriminated against and violated the privacy of two former Soviet State Security Committee (KGB) employees. The two complained that the Government prohibited them from seeking employment in various private sector fields until 2009, that they were deprived of their jobs in the private sector, and that they were subjected to daily embarrassment on account of their past. The plaintiffs appealed to the Vilnius County Administrative Court for damages. On March 13, the court dismissed the complaint. Following a 2004 ECHR judgment in favor of plaintiffs in a similar case, the Government introduced amendments to the law to lift its restrictions on employment; Parliament passed the amendments on October 11, 2007.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

There is a criminal penalty of up to 2 years' imprisonment for instigation of hate in the mass media. The prosecutor's office opened 29 investigations of discriminatory comments made on the Internet and passed nine of them to the courts. Five persons were convicted in five cases for anti-Semitic comments. Penalties varied from \$210 (500 litas) to \$520 (1,250 litas).

Individuals could criticize the Government publicly or privately without reprisal, and the Government did not attempt to impede criticism. The independent media were active and expressed a wide variety of views. Radio and television included a mix of independent and public stations. International media generally operated without restriction.

In February the media reported that the regional newspaper Chronicle of Elektrenai and Elektrenai town police entered into a cooperative agreement obligating the editor of the newspaper to confirm information with the police before publication. The Lithuanian Journalists Guild asked the HRMI to evaluate the agreement. Based on the HRMI's recommendations, the Lithuanian Journalists Guild advised the editorial office of the Chronicle of Elektrenai to terminate the agreement, which it did. The journalists guild also requested the national police department evaluate the agreement and check if similar processes take place in other towns. The police commissioner subsequently sent letters to all local chapters recommending they not enter into such agreements with media.

In March the Lithuanian Radio and Television Commission fined the director of the music television channel MTV Lithuania \$1,150 (3,000 litas) for broadcasting the cartoon series Popetown in the early evening when children could view it. MTV Lithuania appealed the decision and the case was pending at year's end. The Journalist Ethics Inspectorate decided that Popetown instigated religious hatred and therefore had a negative impact on children.

The law prohibits the dissemination of information that is untrue and that is damaging to an individual's honor and dignity. Libel is punishable by a fine or imprisonment of up to 1 year or up to 2 years for dissemination of libelous material through mass media. No cases were reported during the year.

According to a July report by the Baltic News Service, the number of hate speech investigations opened by prosecutors in Lithuania have sharply increased over the past 2 years. In 2007 prosecutors initiated 37 cases investigating incitement of hatred based on ethnicity, religion, or sexual orientation. Twenty such cases were

opened in 2006, compared to just one in 2005. More than half the cases involved the incitement of hatred against Jews. The prosecutor general, Gintaras Jasaitis, ascribed the increase to the popularity of the Internet, a medium that allows for widespread anonymous publishing.

Editor-in-chief of the daily Respublika, Raimundas Celencevicius, was sued in 2005 by Audrius Cininas for libel for a series of articles that the latter claimed portrayed him as biased in favor of the country's Jewish minority. The case was still pending at year's end.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could generally engage in the peaceful expression of views via the Internet, including by e-mail; however, persons were subject to criminal prosecution for posting material that authorities deemed as instigating hate. Internet media reports about issues involving ethnic or racial minority groups often attracted racist comments from readers. In June the Journalist Ethics Commission, at the suggestion of the HRMI, appealed to the prosecutor's office to initiate a pretrial investigation of racist comments by readers of the Internet edition of the daily Lietuvos Rytas. The prosecutor's office started an investigation, which was ongoing at year's end. The HRMI also suggested that the chief editor of Lietuvos Rytas remove the racist comments from the news portal; the editor immediately removed the offending comments.

According to the Department of Statistics, 40 percent of the country's residents between the ages of 16 and 74 had access to the Internet in the first quarter of the year.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The law and Constitution provide for the right to peacefully assemble, and the Government generally respected this right in practice for most groups; however, the Government denied parade permits to gay rights groups on several occasions during the year.

In April the Vilnius municipality refused to issue a permit for a public event, sponsored by the European Commission, to promote tolerance and respect for persons with disabilities, homosexuals, and persons of different religions. Municipal officials said they withheld the permits because they were afraid of possible violence by counter-demonstrators. In response to, and at the same place and date for which the tolerance event was planned, a group calling itself "For Morals and Nation" organized an antihomosexual rally on May 25. Anti-homosexual flyers were posted in many locations in Vilnius prior to the event. Approximately 50 persons were at the event, and they passed out antihomosexual flyers to passersby. In May the Equal Opportunities Ombudsman started an investigation to determine if the municipality acted legally by cancelling the prodiversity event; however, the ombudsman later terminated the investigation due to lack of available information. Nongovernmental organizations (NGOs), European Commission officials, and some Lithuanian officials criticized the withholding of the permit.

In October, a gay rights NGO requested a permit to unfurl a rainbow flag in Town Hall Square on October 25 as part of the annual conference of the European division of the International Lesbian and Gay Association. The municipality refused. The reason given was that construction work underway in Town Hall Square could jeopardize the safety of participants. The NGO challenged the city in court, but the court did not overturn the city's decision.

In October 2006, during a visit by British Queen Elizabeth II, two activists dressed as bears outside the British Embassy to protest the making of Welsh Guard caps from bearskins. The Law on Assembly has a provision against wearing masks, and the activists were taken into custody. In December 2006 a court found the two guilty and issued a caution, the mildest punishment provided. The HRMI criticized the verdict, noting that the provision against wearing masks requires evidence of intent to commit an offence and that there was no such intent in the case.

*Freedom of Association.*—The law provides for freedom of association, and the Government generally respected this right in practice; however, the Government continued to ban the Communist Party and other organizations associated with the former Soviet regime.

*c. Freedom of Religion.*—The Constitution and the law provide for the free practice of religion, and the Government generally respected this right in practice. There is no state religion; however, some religious groups enjoyed special government benefits.



The law divides religious communities into state-recognized traditional religious communities, other state-recognized religious groups, and other (non-state-recognized) registered religious communities and associations. The nine traditional religious communities received special exemptions and rights not available to other religious groups. Both traditional and nontraditional religious communities that are state-recognized may receive state subsidies; however, in practice only the traditional groups regularly received funds. Registered but unrecognized religious communities did not receive the benefits and exemptions enjoyed by traditional and state-recognized communities, but they may act as legal entities. Unregistered religious communities have no juridical status or state privileges, but there were no reports that any such groups were prevented from worshiping or seeking members.

During the year applications for status as a "state-recognized religious association" were pending from the Seventh-day Adventist Church (applied in 2005); from the United Methodist Church of Lithuania (applied in 2001); from the New Apostolic Church (applied in 2003); and from the Pentecostals (Evangelical Belief Christian Union, applied in 2002). In 2005 the Ministry of Justice submitted to Parliament and recommended approval of the application of the Seventh-day Adventists. At year's end, there were no final decisions in any of the cases.

The law stipulates that state educational institutions may offer religious instruction only of traditional and other state-recognized religions; however, participation in religious classes is not mandatory, and parents can choose either religious instruction or secular ethics classes for their children.

Unlike the previous year, there were no complaints of discriminatory questions on the English-language graduation exams.

*Societal Abuses and Discrimination.*—There are approximately 4,000 Jews in the country. More than 200,000 Jews (approximately 95 percent of the immediately pre-war Jewish population) died in the Holocaust. The country continued to work to better understand its past and to make just recompense for its Holocaust legacy.

Anti-Semitism was manifest in acts of vandalism against Jewish graves and monuments, displays of neo-Nazi sentiment, and public anti-Semitic comments. In March vandals desecrated 12 headstones in the Suderve Jewish cemetery in Vilnius. In July vandals desecrated the Jewish cemetery in Bajorai village, Rokiskis region, on two separate occasions. Media reported that in the second incident thieves intended to steal the fence that surrounds the cemetery. On September 23, Holocaust Memorial Day in Lithuania, a Jewish cemetery in Panevezys was vandalized. Police initiated pretrial investigations in each of these cases, but no suspects were identified by year's end.

In May 2006 several young persons wearing Nazi-style uniforms and riding Nazi-era motorcycles drove past the Jewish community center in Vilnius, and community members heard the riders yell slogans glorifying Hitler and belittling Jews. The Vilnius prosecutor's office initiated a pretrial investigation but by year's end had not charged anyone with a crime.

The Government continued its investigations into Nazi-era war crimes.

During the year construction of a residential and commercial complex took place at or near the site of the Jewish cemetery in the Snipiskes area of Vilnius. Since the removal of headstones by the Soviets in the 1950s there have been almost no visible signs of the cemetery remaining. The city government claimed that there are no graves under the area in question, but several international Jewish groups, including the London-based Committee for the Preservation of Jewish Cemeteries in Europe, as well as a government-requested study by the Lithuanian Institute of History, maintain that a portion of the construction is taking place in the cemetery. In May the Government convened an "experts group" of international and Lithuanian historians, Rabbis, and geologists, who met and unanimously agreed that construction should be halted until a definitive survey could be done. At year's end negotiations between the Government and some members of the experts group about the survey were ongoing but construction continued.

According to a July report by the Baltic News Service, the number of hate speech investigations opened by prosecutors in Lithuania has sharply increased over the past 2 years. In 2007 prosecutors initiated 37 cases investigating incitement of hatred based on ethnicity, religion, or sexual orientation. Twenty such cases were opened in 2006, compared to just one in 2005. More than half the cases involved the incitement of hatred against Jews. The prosecutor general, Gintaras Jasaitis, ascribed the increase to the popularity of the Internet, a medium that allows for widespread anonymous publishing. During the year five persons were convicted in five cases for anti-Semitic comments on the Internet, with penalties varying from \$210 (500 litas) to \$520 (1,250 litas).

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

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the Government did not employ it.

The law generally allows emigrants to retain citizenship as long as they hold no other citizenship. In April 2006 the Parliament amended the law to allow persons to recover Lithuanian citizenship if they lost it under previous laws. In November 2006 the Constitutional Court ruled unconstitutional provisions in the same law that allowed for dual citizenship. Therefore, persons who want to recover Lithuanian citizenship need to renounce any other citizenship they have.

*Protection of Refugees.*—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice, the Government provided protection against refoulement, the return of persons to a country where there was reason to believe they feared persecution. During the year the Government adjudicated 490 individuals and granted refugee status or asylum to 393 individuals.

Asylum seekers coming from a safe country of transit are prohibited from entering the country and are returned to the transit country.

On July 19, the ECHR confirmed a settlement between Angolan citizen Pedro Katunda Kambungu and the Government. After losing his passport and Lithuanian transit visa in Vilnius, Kambungu was held at the foreigner registration center for 2 years. The Government agreed to pay him \$13,800 (34,528 litas) in compensation.

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

The Constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

*Elections and Political Participation.*—The Government continued to ban the Communist Party; other political parties could operate without restriction or outside interference.

The presidential and parliamentary elections in 2004 were generally free and fair. However, there were complaints that campaign financing lacked transparency and reports of vote buying during the parliamentary elections. Some vote-buying charges centered on one party's populist campaign tactics of holding political rallies-cum-concerts and distributing candy or campaign paraphernalia. The court found guilty and fined three persons for vote-buying in the parliamentary elections.

On February 8, the Constitutional Court announced that the Law on Municipal Elections, which had allowed only election by party list for municipal councils, contradicted the Constitution. The decision did not affect the municipal elections of February 25, but it obliged the Parliament to prepare a law that will allow citizens not on party lists to run for municipal councils.

There were reports of voters being bribed in the municipal elections in February. On March 19, the Central Election Commission resolved to nullify February 25 municipal election results in the Pagegiai and Svencionys districts due to possible violations (vote buying, use of administrative resources for promotion, obstruction of the right to vote) and to hold repeat elections there. However, the Supreme Administrative Court invalidated the decisions on the grounds that the commission failed to provide hard evidence of violations.

There were 33 women in the 141-seat Parliament and three women in the 14-member Council of Ministers. Women accounted for 5 percent of mayors, 21 percent of municipal council members, and 5 percent of local administration directors.

There were six members of ethnic minorities in the 141-seat Parliament and no members of ethnic minorities in the Council of Ministers.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption; however, the Government often did not implement the law effectively. Though some officials have been convicted and punished for corruption, the penalties were usually minor and many investigations did not result in convictions. The World Bank's Worldwide Governance Indicators reflected that corruption was a problem.

On July 23, Special Investigations Service and State Security Department officials arrested Vilnius Municipality's Public Order and General Affairs Department director for accepting a bribe of \$20,000 (50,000 litas).

In June 2006 then prime minister Brazauskas resigned after the Labor Party withdrew from the ruling coalition amid allegations of the misuse of state and party funds by leading Labor Party politicians. The health minister in the Government admitted to using party funds to repair his car. State investigators also found that the culture minister broke ethics rules by paying family travel expenses from state funds. The Labor Party leader left the country and sought political asylum in Russia following allegations of fraudulent accounting of Labor Party funds and providing false information to election commission officials. He returned to Lithuania on September 26 and was immediately detained. He was under house arrest awaiting trial at year's end. In December the Prosecutor General's Office completed the pretrial investigation in this case; however, no trial date had been set by year's end.

The law provides for public access to government information, and government institutions generally provided access in practice. However, during the year, the ombudsman received 70 complaints regarding delays in providing information and found 44 complaints to be valid. The ombudsman requested heads of institutions and other unit supervisors to consider disciplinary action against the officials involved. Although the ombudsman's recommendations are not binding, in 2007 state institutions have implemented recommended disciplinary actions in over 90 percent of cases where complaints were found valid by the ombudsman.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

*Section 5. Discrimination, Societal Abuses, and Trafficking in Persons*

The law prohibits and prosecutes discrimination based on race, gender, social status, ethnic background, age, sexual orientation, disability, and religion or beliefs. Despite government programs and prohibitions, discrimination against women and minorities persisted.

*Women.*—The law specifically criminalizes rape, including spousal rape. Convicted rapists generally received sentences of 3 to 5 years' imprisonment. There were 189 rapes reported in 2007, compared to 253 in 2006.

Societal violence against women, particularly alcohol-related domestic violence, remained a serious problem. The law does not criminalize domestic violence specifically, but instead prosecutes it under general assault laws. There was no authoritative information on the extent of the problem.

To initiate an investigation into cases of domestic abuse, the victim must file a complaint. Certain NGOs maintained that few victims of domestic violence reported abuses to police because they preferred to avoid publicity and were not confident that the courts would punish their assailants. Additionally, few reported complaints reached the criminal court. The maximum penalty the courts imposed was 2 years' imprisonment.

Thirty-nine women's shelters, operating with the funding and under the direction of NGOs or municipal governments, provided assistance to domestic violence victims. For the year through October 1, the Vilnius-based Shelter for Children and Mothers provided assistance to over 170 victims of domestic violence, forced prostitution, and human trafficking.

In August a video recording of a Lithuanian man beating a woman appeared on a popular Web site. Police opened a pretrial investigation and located the victim, but the victim declined to testify.

Prostitution is illegal but remained a problem. The penalty for prostitution is a fine of \$120 to \$200 (300 to 500 litas) for a single offense and up to \$400 (1,000 litas) for repeat offenses. As of October 1, the police charged 112 women during the year with administrative violations for prostitution.

The law prohibits sexual harassment. According to the Equal Opportunities Ombudsman's Office, approximately 20 percent of women experienced sexual harassment. In 2007 the ombudsman received one complaint of sexual harassment compared to two in 2006. According to the Equal Opportunities Ombudsman's Office, women remain reluctant to approach the police or other institutions in cases of sexual harassment.

Men and women have the same legal rights in the judicial system, including family and property law. Women nevertheless continued to face discrimination. A 2005

report of the Open Society Institute and the Equality Center stated that gender equality institutions existed exclusively in the large cities and failed to provide adequate outreach at regional or local levels.

Government policy requires equal pay for equal work; however, women often earn less than their male counterparts. The average salary of women was 82 percent of that earned by men in comparable jobs; the figure was 78 percent in the public sector. Women were significantly underrepresented at the managerial level.

During the year, as part of the National Strategy for Reduction of Domestic Violence Against Women for 2007–2009, the Government allocated grants to NGOs for implementation of prevention, education, and victim assistance programs. The Government operated a mobile information center to educate persons about domestic violence and created a working group of government officials and NGO representatives to consider and draft legislation to reduce domestic violence. On November 22, the Parliament passed a resolution noting that domestic violence against women is a public and political problem rather than merely a private matter.

*Children.*—The Government was committed to children’s rights and welfare.

Public education was compulsory, free, and nearly universal for children through the age of 15. According to the children’s rights ombudsman’s data for 2007, approximately 3 percent of children under 15 did not attend school.

Child abuse, particularly in connection with parental alcohol abuse, continued to be a problem. According to the Department of Statistics, approximately 36,500 children lived in 16,400 abusive or dysfunctional families. Media sources reported that incidents of cruelty to children, including sexual abuse, intentional starvation, beatings, and killings, were common. Authorities reported that child abuse caused the death of seven children during the year. The children’s rights ombudsman reported 387 complaints in 2007, compared to 316 in 2006, and initiated 147 investigations, compared to 107 in 2006.

The penalty for violence or cruelty against minors is a 1- to 2-year prison sentence. In addition, authorities may remove abused children from their families and place them in foster care. Despite efforts to combat child abuse and aid abused children, the ombudsman reported that insufficient assistance was provided.

In 2005 a study by the Lithuanian Law Institute reported that children in orphanages continued to suffer physical abuse. Since independence in 1991, municipalities have been attempting to relocate children from Soviet-style orphanages to residential foster families, thus permitting children to attend regular schools rather than orphanage schools. There are only about 50 foster homes. Orphanages still housed the vast majority of orphans and other children in need of care. As of October 1, the children’s rights ombudsman received four complaints about violations of children’s rights in orphanages and no complaints about such violations in foster homes.

The law provides for up to 13 years’ imprisonment for sexual abuse of a child; however, sexual abuse of children remained a problem. In 2007 the interior ministry registered 49 cases of child sexual abuse (excluding child rape). The Government operated a children’s rehabilitation center to provide special care for sexually abused children.

In 2006 the Child Line (a children’s hot line) received more than 30,000 calls from children, who complained about problems ranging from relations with their parents and friends to violence in their families and sexual abuse.

During the year the Controller for Protection of Children’s Rights initiated six investigations regarding sexual exploitation of a child which were on-going at year’s end. In 2006 the Controller investigated five cases regarding sexual exploitation of a child, and determined all of them to be groundless.

Several thousand children reportedly lived on the street. Sixty regional government children’s rights protection agencies, other institutions, and numerous NGOs routinely assisted these children. Street children had full access to government-sponsored free services. There were no reports of police abuse of street children.

*Trafficking in Persons.*—The law prohibits all forms of trafficking in persons; however, the country remained a source, transit, and destination point for trafficking in women and girls.

The International Organization for Migration (IOM) stated that trafficking activity increased after the country joined the European Union in 2004. The IOM and NGOs also noted, however, that trafficking may have decreased or stabilized in 2006 and 2007, compared to 2005.

Traffickers targeted the most vulnerable social groups, particularly young females from poor or unstable families. Traffickers also commonly targeted young women from ethnic minorities. Many were lured by deceptive offers of employment as household helpers, bar dancers, nannies, nurses, models, or waitresses or through

false marriage advertisements. In many cases close relatives or friends made the offers. Victims' compliance was ensured through threats and the withholding of their personal documents. Families often were unaware of their predicament and believed that they had been kidnapped. Boarding schools that also serve as orphanages were targets of traffickers.

Police reported that nearly half of traffickers were linked to organized crime, including international groups.

The law provides penalties for trafficking in persons from 2 to 12 years and trafficking in children (minors or juveniles) from 2 years' to 15 years' time in prison. During the year the Government opened 18 criminal cases of trafficking in persons and referred four of these to the criminal court system. Three prosecutions ended in convictions, with sentences of 12 months' to 56 months' imprisonment. Authorities cooperated with other European governments on several trafficking cases. In 2007 police determined that 11 persons, including two minors, were victims of trafficking; investigations in other cases continued. In 2006 the IOM established a database with information from some key NGOs on assisted trafficking victims in Lithuania. In 2007 54 women, including 18 juveniles, were included in this database as potential trafficking victims, compared with 97 in 2006. NGOs maintain there are many victims who are unidentified.

The ministries of interior, justice, social security and labor, education and science, the police department, the State Border Guard Service, the general prosecutor's office, and the National Courts Administration are responsible for enforcement of trafficking laws.

The police cooperate regularly with United Kingdom, German, and Scandinavian police on trafficking in persons. No persons were extradited from the country on trafficking offenses during the year.

In 2005 a joint government task force uncovered an organized crime gang that had transported nearly 100 young women from Lithuania to the United Kingdom. In December 2006 law enforcement officers completed their investigation of 12 suspects and transferred the case to prosecutors; the investigation was ongoing at year's end.

In 2005 the police detained five employees of modeling agencies on allegations that the agencies were fronts for human trafficking to Western Europe and the United Arab Emirates. The case was pending in court at year's end.

The Government partially funded 15 day centers that assisted various groups at risk, including victims of trafficking. The Government also provided grants to 13 NGOs that offered trafficking victims assistance or temporary shelter. No formal screening and referral procedures existed, but police worked closely with these assistance providers.

The Government continued implementing its prevention campaign which included seminars, posters, television and radio public service announcements, videos for schools, and antitrafficking brochures. NGO prevention programs focused on disseminating information and promoting awareness of trafficking, especially among at-risk populations. The Government organized training for approximately 70 municipal employees, social workers, and teachers on trafficking prevention and assistance to victims.

During the year the Vilnius branch of the IOM developed a manual on the methodology for investigation of trafficking in persons crimes and, in cooperation with the police and the prosecutor's office, organized three seminars for law enforcement officials. The IOM also developed a scheme for victims screening and a referral mechanism; however, the Government had not officially approved it by year's end. The IOM continued consultations on safe practices for migrating abroad by Internet and by telephone and provided assistance to 20 victims of trafficking during the year.

*Persons with Disabilities.*—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services. During the year the Equal Opportunities Ombudsman investigated 17 cases concerning discrimination against persons with disabilities. The law mandates access to buildings for persons with disabilities; however, the Government generally did not enforce this provision in practice. Individuals involuntarily declared incapacitated have no right to appeal the decision in court.

The Ministry of Social Affairs and Labor and the Lithuanian Council for the Affairs of the Disabled focused on developing equal opportunities in the labor market and improving government effectiveness in meeting the needs of and augmenting the social security net for persons with disabilities.

*National/Racial/Ethnic Minorities.*—Societal discrimination and intolerance persisted despite laws that prohibit discrimination of ethnic or national minorities. Mi-

minority ethnic groups, including Russians, Poles, Belarusians, Ukrainians, Tatars, and Karaites, constitute approximately 16.5 percent of the population.

Reports of racial or ethnic violence and intolerance increased in 2007. During the year the prosecutor's office initiated 37 pretrial investigations related to discrimination or incitement to racial or ethnic hatred, compared to 17 for all of 2006.

For example, in March and April, media reported assaults on several students of the Lithuanian Christian College in Klaipeda city. At least two of the students were African and all were foreigners. Police increased patrols near the college and conducted an investigation but did not identify any suspects. Local neo-Nazis were reportedly becoming more aggressive, attacking and threatening the students. The municipality was cooperative and helped organize a concert to promote tolerance.

On May 26, there was a fight between Lithuanian and Nigerian youths in Vilnius. Four days later, unknown persons attacked and beat a man from Ghana in Vilnius. Police started a pretrial investigation, which continued at year's end.

On August 30, an Italian exchange student was attacked in Vilnius. The press reported that the attacker apparently thought the student was a Muslim. Police started a pretrial investigation which was ongoing at year's end.

The small Romani community (approximately 3,000 persons) continued to experience problems, including discrimination in access to education, employment, health care, housing, services, citizenship, and in contacts with the police, though there were no official reports of police abuse. Minority advocates continued to criticize the Vilnius city government for focusing law enforcement attention on Roma but doing little to integrate Roma into the broader community. In December the Vilnius Regional Administrative Court ruled that the City Municipality will have to pay approximately \$41,000 (100,000 litas) to Vilnius Romani neighborhood inhabitants for residential and non-residential buildings torn down in 2004. The city was appealing the decision at year's end.

The European Union's Agency for Fundamental Rights (FRA) conducted research in Lithuania about racism and xenophobia in August. The FRA stated that cases of ethnic discrimination registered in Lithuania are solved ineffectively and that there is a lack of attention to the problem. According to the research, the law provides possibilities to complain about ethnic discrimination; however, the sanctions usually applied in such cases were insufficient, and victims received insufficient or no compensation.

*Other Societal Abuses and Discrimination.*—Local human rights organizations and members of the homosexual community reported that physical abuse on the street, discrimination, and persistent social exclusion of homosexuals were problems.

On September 11, the ECHR ruled that the Government violated the rights of a transexual woman who had appealed to the Ministry of Health for permission for a sex change operation, as recommended by her doctors. The ministry deferred acting on the doctors' recommendation on the grounds that the Parliament had not approved a law on sex change. The court ordered Lithuania to pay compensation of \$7,000 (5,000 euros), and Lithuania is obligated to pass a law on sex change within 3 months. If Parliament does not pass a law within 3 months, the court obliged the country to pay \$68,000 (40,000 euros) to the plaintiff, the approximate cost of a sex change operation in Western Europe. In December the Government appealed the decision and requested the court review this case again.

During the year the ombudsman investigated 17 cases of age discrimination compared to 23 in 2006. Most complaints concerned age discrimination in obtaining insurance, loans, or leases.

There were no reports of discrimination against persons with HIV/AIDs.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law allows workers, including members of the police and armed forces, to form and join unions of their choice, and workers exercised this right in practice. Unions represent approximately 10 percent of the workforce.

Unions must have at least 30 founding members in large enterprises or a membership of one-fifth of all employees in small enterprises to legally register. There were no reports of direct discrimination against members of unions. The law provides that trade unions shall be freely established and function independently. Although the law prohibits employer discrimination against union organizers and members, this prohibition was often ineffective in practice, and there were cases of employees punished for attempting to organize. According to the International Trade Union Confederation, no employer has yet "faced the penal sanctions foreseen by law for antiunion discrimination." Some large retail stores hired short-term contract labor and sometimes did not renew contracts of union members.

*b. The Right to Organize and Bargain Collectively.*—The law allows unions to conduct their activities without interference, and the Government protected this right in practice. The law protects collective bargaining for all workers except government employees involved in law enforcement and security-related work. The Lithuanian Tripartite Council, comprising representatives from labor, business, and government, estimated that between 5 and 25 percent of workers were covered under collective bargaining agreements. The law provides for the right to strike, except for workers in essential services; however, labor code procedures made it difficult to exercise this right, and there were no official strikes during the year. The law provides that only a union or a union's strike committee may call a strike; thus employees without union representation are unable to strike legally.

Managers often determined wages without regard to union preferences, except in large factories with well-organized unions. The Government periodically issued guidelines for state enterprise management in setting wage scales.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children; however, there were reports that women and children were trafficked for commercial sexual exploitation.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The law prohibits exploitation of children in the workplace, and the Government generally enforced these laws effectively. In 2004 statistics indicated that 10 percent of children working did so illegally, mostly in the agricultural sector where children sometimes received unlawfully low compensation. There were reports that juveniles were trafficked for commercial sexual exploitation.

The law sets the minimum employment age at 16, but allows employment of 14-year-olds to perform light labor with the written consent of the child's parents and school. The law provides for reduced work hours for children, allowing up to 2 hours per day or 12 hours per week during the school year and up to 7 hours per day or 32 hours per week when school is not in session. Authorities generally enforced these laws.

Media reported that a number of school-age children performed farm fieldwork without contracts and received very little or no payment for their work.

The State Labor Inspectorate is responsible for receiving complaints related to employment of persons under 18. In 2007 the inspectorate received 12 complaints of illegal child labor and determined four of them to be valid. Courts initiated pre-trial investigations of these cases. The court fined employers \$1,200 (3,000 litas) each in two cases and \$8,400 (21,000 litas) in one case. One case remained pending at year's end.

The ministries of social security and labor, education, health, and interior administered programs to protect children's rights.

*e. Acceptable Conditions of Work.*—The legal minimum wage of approximately \$280 (700 litas) per month did not provide a decent standard of living for a worker and family.

The law provides that the maximum hours worked within a 7-day period, including overtime, may not exceed 48 hours. Overtime is allowed only in cases stipulated by law and, along with night work, must be compensated at a minimum of 1.5 times the hourly wage rate.

The State Labor Inspectorate is responsible for implementing labor laws. In 2007 it conducted approximately 17,600 inspections of companies. The most numerous abuses involved wage arrears, illegal employment, violation of labor contracts, accounting for time off and hours worked, worker safety, and unsatisfactory investigation of accidents.

The law provides that workers have the right to safe and healthy working conditions, and this was generally enforced. In 2007 the state labor inspection service recorded 72 fatal accidents at work. Workers have the legal right to remove themselves from dangerous work environments without jeopardizing their continued employment and did so in practice.

---

## LUXEMBOURG

The Grand Duchy of Luxembourg, with a population of approximately 460,000, is a constitutional monarchy with a democratic, parliamentary form of government. The role of the grand duke is mainly ceremonial and administrative. Legislative authority is vested in the unicameral Chamber of Deputies. The prime minister is the leader of the dominant party in the popularly elected Parliament. In 2004 generally

free and fair parliamentary elections took place. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens, and the law and judiciary provided effective means of dealing with individual instances of abuse. Prison overcrowding, domestic violence, and child abuse were reported, as were multiple cases of human trafficking.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Arbitrary or Unlawful Deprivation of Life.*—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits such practices, and there were no reports that government officials employed them.

*Prison and Detention Center Conditions.*—Prison conditions generally met international standards, and the Government permitted visits by independent human rights observers, although no visits were reported during the year. Overcrowding in the Schrassig prison remained a problem. During the year the Government passed a law to begin the construction of a detention center for refused asylum seekers to relieve prison overcrowding.

*d. Arbitrary Arrest or Detention.*—The Constitution and law prohibit arbitrary arrest and detention, and the Government generally observed these prohibitions.

*Role of the Police and Security Apparatus.*—Civilian authorities maintained effective control over the Grand Ducal Police and the judiciary police, and the Government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

*Arrest and Detention.*—Warrants issued by a duly authorized official are required for arrests in most cases. Within 24 hours of arrest the police must inform detainees of charges against them and bring them before a judge for a determination of the legality of the detention. There is a functioning bail system, which judges freely employ. Detainees are given immediate access to an attorney, at government expense for indigents. Detainees are allowed prompt access to family members.

*e. Denial of Fair Public Trial.*—The Constitution and law provide for an independent judiciary, and the Government generally respected judicial independence.

*Trial Procedures.*—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are public except for those involving sexual or child abuse. There are no jury trials. Defendants have the right to be present and to consult with an attorney in a timely manner. Defendants must ask the judge for permission to confront or question witnesses against them or to present witnesses and evidence on their behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases. Defendants enjoy a presumption of innocence and have the right of appeal.

A legal basis exists for the establishment of religious and military courts on an ad hoc basis, but no such action has occurred in the last 60 years.

*Political Prisoners and Detainees.*—There were no reports of political prisoners or detainees.

*Civil Judicial Procedures and Remedies.*—The magistrate courts serve as an independent and impartial judiciary in civil and commercial matters and provide access to individuals who bring lawsuits seeking damages for, or cessation of, a human rights violation.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution and law prohibit such actions, and the Government generally respected these prohibitions.

##### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution and law provide for freedom of speech and of the press, and the Government generally respected these rights. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

The independent media were active and expressed a wide variety of views without restriction.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Indi-



viduals and groups engaged in the peaceful expression of views via the Internet, including by e-mail. A majority of the population had connections to the Internet.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution and law provide for freedom of assembly and association, and the Government generally respected these rights.

*c. Freedom of Religion.*—The Constitution and law provide for freedom of religion, and the Government generally respected this right.

There is no state religion, but the Government paid the salaries of Roman Catholic, some Protestant, Greek, Russian, Romanian, and Serbian Orthodox, Anglican, and Jewish clergy. Several local governments also maintained sectarian religious facilities. In 2003 the Muslim community, desiring to receive similar government funding, named a national representative and single interlocutor for negotiations with the Government. At year's end, however, the matter was still unresolved.

*Societal Abuses and Discrimination.*—There were no reported acts of violence or discrimination against religious minorities during the year. There were no reports of anti-Semitic acts. The Jewish community numbered approximately 1,000 persons.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

The law prohibits forced exile, and the Government did not employ it.

*Protection of Refugees.*—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. The Government provided protection against "refoulement," the return of persons to a country where there is reason to believe they feared persecution. The April 2006 asylum law cancelled the right of appeal for previously denied asylum seekers and the provisions for holding refused asylum seekers awaiting repatriation.

The law provides for the possibility to grant temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol. The Government did not grant such protection during the year.

The Government cooperated with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

### *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The Constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right through periodic, free, and fair elections based on universal suffrage.

*Elections and Political Participation.*—National parliamentary elections are held at least every 5 years. The most recent national parliamentary elections, held in 2004, were considered generally free and fair. Political parties could operate without restrictions or outside interference.

There were 13 women in the 60-member Parliament and three women in the 15-member cabinet. There were 15 women in the 32-member Supreme Court.

There was one citizen member of a minority in the Parliament and one citizen member of a minority in the cabinet.

*Government Corruption and Transparency.*—There were no reports of government corruption during the year.

The Ministry of Justice is responsible for combating government corruption. Public officials are not subject to financial disclosure laws.

The law provides for public access to government information, and the Government freely provides access on its Internet Web site.

### *Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

*Section 5. Discrimination, Societal Abuses, and Trafficking in Persons*

The law prohibits discrimination based on race, gender, disability, language, or social status, and the Government effectively enforced it.

*Women.*—The law prohibits rape, including spousal rape, and the Government enforced the law effectively. The legal penalties are between 5 and 10 years' imprisonment.

The law prohibits domestic violence, and the Government effectively enforced it. The law is gender neutral and provides that a batterer will be removed from the residence for 10 days; this can be extended an additional 3 months. Penalties may include fines and imprisonment. If a person approaches a nongovernmental organization (NGO) for assistance, the police are required to investigate. There were approximately 400 cases of police intervention relating to spousal abuse during the year and 200 police expulsions of the abusing spouse.

The Government funded organizations that provided shelter, counseling, and hot lines. There is a hot line for battered women. During the year government-sponsored NGO shelters provided refuge to approximately 310 women and 340 children. The Government also provided financial assistance to domestic violence victims. Information offices set up to respond to women in distress reported receiving 422 calls during the year.

Prostitution is legal and was common, but the activities associated with organized prostitution, such as profiting from, aiding, or trafficking prostitutes are punishable by law. There were no reports of police targeting prostitutes for abuse.

During the year the Government launched a public outreach and education campaign against foreign tourism that involved the sexual exploitation of children. The campaign was created in cooperation with the ECPAT (End Child Prostitution and Trafficking)-Luxembourg association and several travel agencies. The Government contributed to various projects against child sex tourism in Mali, India, and Pakistan.

The law prohibits sexual harassment, and the Government generally enforced it.

Women enjoy the same legal rights as men, including rights under family law, property law, and in the judicial system. The law mandates equal pay for equal work; however, according to government reports, women were paid 20 to 30 percent less than men for comparable work. The Ministry of Equal Opportunity is responsible for protecting the legal and social rights of women. The Government continued a gender mainstreaming media campaign that began in 2005.

*Children.*—The Government was strongly committed to children's rights and welfare. The law mandates school attendance from ages 4 through 15, and school attendance is universal through that age. Schooling is free through the secondary level, and the Government provides some financial assistance for postsecondary education.

A physicians' organization estimated that approximately 200 cases of child abuse were reported in 2006, resulting in about 60 children receiving medical treatment; no estimate was available on the number of abuse cases in 2007.

The Government provides free medical care, and boys and girls had equal access.

*Trafficking in Persons.*—Luxembourg is a country of destination for women trafficked transnationally for the purpose of sexual exploitation. Source countries primarily included Romania and Bulgaria. During the year the Government identified seven victims of trafficking. At year's end authorities were prosecuting one perpetrator for trafficking, and had tried and convicted 10 others for procuring prostitution and human trafficking.

The law prohibits all forms of trafficking in persons. The law criminalizes trafficking in human beings for sexual exploitation but does not offer a comprehensive and workable definition of the offense and omits some forms of exploitation, such as forced labor. The penal code provides for fines of \$730 to \$182,500 (500 to 125,000 euros) and prison terms of 1 month to 3 years for facilitating a foreigner's illegal entry and residence through direct or indirect assistance; authorities may apply this law in cases of trafficking for purposes other than sexual exploitation. The law provides penalties from 6 months' to 3 years' imprisonment and monetary fines for trafficking. If there are aggravating circumstances, prison sentences can range from 1 to 10 years. Authorities indicated that laws against organized crime may also be used in trafficking cases.

There were several cases during the year that resulted in conviction, fines, and prison sentences. For example, in April a French pimp arrested in 2004 and charged with procuring prostitution and human trafficking was sentenced to 12 months' imprisonment and a \$2,920 (2,000 euro) fine. In May a French pimp arrested in 2006 and charged with procuring prostitution and human trafficking was sentenced to 24-months' imprisonment and a \$2,190 (1,500 euro) fine.

There are no government services specifically for victims of trafficking; however, two NGOs which were fully financed by the Government provided shelter and counseling assistance to women in distress. Although the country has no formal witness protection program, the Government took substantial measures to protect victims' physical safety and identities. After the court proceedings had finished, a criminal investigative unit specialized in trafficking in persons investigations assisted victims in creating new identities and settling them abroad.

The Ministry of Justice was responsible for the Government's antitrafficking efforts, in cooperation with the ministries of foreign affairs and equal opportunity as well as NGOs.

The Government improved its law enforcement efforts with the creation of a special police unit to investigate trafficking-related crimes.

*Persons with Disabilities.*—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services, and the Government effectively enforced these provisions. The law does not require government or privately owned buildings to be accessible to persons with disabilities, but the Government subsidized builders to construct "disabled-friendly" structures. Despite these incentives, only a small proportion of buildings and public transportation vehicles had been modified to accommodate persons with disabilities. Aid for Handicapped Children, an NGO, is in charge of protecting the rights of persons with disabilities.

There are laws establishing quotas requiring businesses that employ more than 25 persons to hire workers with disabilities and pay them prevailing wages, but the Government acknowledged that these laws were not applied or enforced consistently.

*Other Societal Abuses and Discrimination.*—There were no reports of official or societal discrimination based on sexual orientation or against persons with HIV/AIDS.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law provides for the right to form and join unions without previous authorization or excessive requirements, and workers exercised these rights. Approximately 50 percent of the workforce (including trans-border workers) was unionized.

*b. The Right to Organize and Bargain Collectively.*—The law allows unions to conduct their activities without interference, and the Government protected this right in practice. The law provides for the right to collective bargaining, and workers exercised this right freely. Approximately 66 percent of workers were under collective bargaining agreements. The law provides for the right to strike, except for government workers who provide essential services, but no strikes occurred during the year. Legal strikes may occur only after a lengthy conciliation procedure between the parties. The Government's national conciliation office must certify that conciliation efforts have ended for a strike to be legal.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The Government effectively implemented laws and policies to protect children from exploitation in the workplace. The law prohibits the employment of children under the age of 16. Apprentices who are 16 years old must attend school in addition to their job training. Workers under the age of 18 have additional legal protection, including limits on overtime and the number of hours that can be worked continuously. The ministries of labor and education effectively enforced the child labor laws.

*e. Acceptable Conditions of Work.*—The national minimum wage for a single worker over the age of 18 was approximately \$2,190 (1,503 euros) per month for unskilled workers and approximately \$2,630 (1,804 euros) for skilled workers. The minimum wage was not sufficient to provide a decent standard of living for a worker and family; however, most employees earned more than the minimum wage.

The law mandates a maximum workweek of 40 hours. Premium pay is required for overtime or unusual hours. Sunday employment is permitted in continuous-process industries (steel, glass, and chemicals) and for certain maintenance and security personnel; other industries must request permission for Sunday work, which the Government granted on a case-by-case basis. Work on Sunday, allowed for some retail employees, must be entirely voluntary and compensated at double the normal wage or with compensatory time off on another day, equal to the number of hours worked on Sunday. The law requires rest breaks for shift workers and limits all workers to a maximum of 10 hours per day including overtime. The labor inspection

court and then the Superior Court of Justice are responsible for enforcing these laws.

The law mandates a safe working environment. An inspection system provided severe penalties for infractions. The labor inspectorate of the Ministry of Labor and the accident insurance agency of the social security ministry carried out effective inspections. No laws or regulations specifically provided workers with the right to remove themselves from dangerous work situations without jeopardy to their continued employment; however, every worker has the right to ask the labor inspectorate to make a determination regarding workplace safety, and the inspectorate usually did so expeditiously.

## MACEDONIA

The Republic of Macedonia is a parliamentary democracy with a population of approximately 2.1 million. The president, who is popularly elected, is head of state and commander in chief of the armed forces. A unicameral Parliament (Sobranie) exercises legislative authority. Parliamentary elections in July 2006 generally met international standards, although the preelection campaign and election day procedures were marred by irregularities and isolated instances of violence. Prime Minister Nikola Gruevski, who headed a multiethnic governing coalition, was confirmed in office in August 2006. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Police abuse of suspects continued to be a problem, and there were allegations of police harassment of ethnic minorities; however, authorities took measures to strengthen oversight of police. Corruption in the interior and justice ministries, and political pressure exerted on them, the courts, and the public prosecutor's office impeded the investigation and prosecution of some allegations of human rights abuse. Trafficking in persons continued to be a problem, although increased government attention contributed to an apparent decline in some forms of trafficking during the year. Societal discrimination against ethnic minorities, particularly Roma, continued to be a problem; however, tensions between the ethnic Macedonian and Albanian populations continued to decrease.

### RESPECT FOR HUMAN RIGHTS

#### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Arbitrary or Unlawful Deprivation of Life.*—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

On February 3, the Skopje Court of Appeals acquitted three former police officers and a businessman charged with the 2002 police killing of seven South Asian illegal immigrants in Rastanski Lozja. The prosecution appealed the acquittals to the Supreme Court, whose ruling was awaited at year's end. The prosecution alleged that former interior minister Ljube Boskovski ordered the killings, claiming that the immigrants were terrorists who threatened foreign Embassies in Skopje. However, at year's end the Government had not filed charges against Boskovski, who was in prison in The Hague facing unrelated war crimes charges. The acquittal and protracted judicial procedure in the case were widely criticized by the public, judicial officials, and international experts. A civil court had not ruled by year's end on the defendants' claims for monetary compensation for prolonged and wrongful detention.

At year's end the Kumanovo trial court, after three reversed judgments, was scheduled to retry for the fourth time one of the 12 defendants charged with terrorism for planting explosives in 2003 in Kumanovo and on nearby railway tracks, killing one person and injuring several others. The Skopje appellate court and the Supreme Court upheld the 2006 and 2007 convictions of four of the defendants; three received 14-year sentences and one a 10-year sentence. The remaining seven defendants remained at large.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits such practices; however there were credible reports that police at times used excessive force during the apprehension of criminal suspects and that they abused prisoners.

For example, on May 16, a man in Skopje accused police of using excessive force during a routine traffic stop. The Ministry of the Interior's Professional Standards Unit (PSU) determined that the police officers at this location abused their authority and initiated disciplinary procedures. Members of the Alphas special police unit

beat Alsat television cameraman Igor Ljubovcevski on September 26, causing him bodily injuries. The television crew was filming police as they stopped the vehicle of a member of Parliament of the Democratic Union for Integration party just outside of Skopje.

A number of cases from previous years remained unresolved. Of five cases of alleged police mistreatment referred to the prosecutor's office by the ombudsman's office in 2005, an investigation was opened in one, and three remained officially under review; the prosecutor declined to pursue the fifth case. After the prosecutor's office dropped its investigation of their assertions that police beat them in a police station in 2005, three Romani filed a civil suit, which was pending at year's end.

For the third year no developments were reported in the European Roma Rights Center's (ERRC's) criminal complaint over a 2004 police beating of two Romani men, Trajan Ibrahimov and Bergiun Ibrahimovic, in Skopje.

On February 15, the European Court of Human Rights ruled that the Government violated the European Convention for the Protection of Human Rights and Fundamental Freedoms by refusing to investigate an accusation by a Romani man, Pejrusan Jasar, of police brutality towards him while he was in custody in 1998.

The police statistical unit reported that citizens filed 251 credible complaints of police misconduct during the year, including 61 alleging excessive force. The ombudsman filed 50 such complaints, 14 charging use of excessive force and 36 other forms of misconduct, and various nongovernmental organizations (NGOs) filed 60.

*Prison and Detention Center Conditions.*—Prison conditions barely met international standards. The Government permitted visits by independent human rights observers. Significant problems noted by international observers were poor hygienic conditions and medical care, inadequate state funding, and overcrowding, including at the Skopje detention center.

In the pretrial detention facility in Skopje, juveniles and adults shared the same common spaces.

The Government usually granted permission for visits to convicted prisoners by independent humanitarian organizations, including the Council of Europe's Committee for the Prevention of Torture (CPT) and the International Committee of the Red Cross (ICRC), and the ombudsman's office. A CPT team visited the country in October. The law allows access to pretrial detainees for family members, physicians, diplomatic representatives, and representatives from the CPT and ICRC with the approval of the investigative judge, which was usually granted but often took considerable time to obtain.

*d. Arbitrary Arrest or Detention.*—The law prohibits arbitrary arrest and detention; however, arbitrary arrest and detention were problems.

*Role of the Police and Security Apparatus.*—The national police are a centralized force, subordinate to the Ministry of the Interior, consisting of uniformed police, criminal (civilian) police, and border police.

Despite improvements in recent years, an ethnic imbalance remained in the police force. At year's end, 21 percent of the force consisted of ethnic minorities, short of the Government's 25 percent recruiting quota for minority officers. Ethnic Albanians made up 25 percent of the population and constituted 17 percent of the police force.

International observers and local NGOs cited corruption, lack of transparency, and political pressure within the Ministry of the Interior as hindering efforts to fight crime, particularly organized crime. International organizations focused their assistance programs on police reform and training to professionalize the ministry and aid in fighting corruption.

In Kavadarci, legal proceedings stemming from corruption charges filed in 2004 continued at year's end. The appellate court overturned the Kavadarci trial court's original conviction, but a retrial also led to conviction, and a 1-year prison sentence, and an appeals court upheld it. At year's end the Supreme Court had not yet ruled on the subsequent extraordinary legal remedy, "a request for mitigation of the sentence," filed by the defense.

Police impunity remained a problem, although there were improvements. More aggressive internal investigations, coupled with the work of the office of the ombudsman, substantially reduced impunity.

The PSU conducts all internal affairs investigations and allegations of police misconduct. Unit officials were slow to complete investigations and bring charges in outstanding human rights cases from previous years. Nevertheless, international observers noted continued improvements in the Interior Ministry's response to new cases of individual police misconduct and more frequent and consistent disciplining of officers found guilty.

The PSU recommended disciplinary action against officers in 175 cases. The Interior Ministry punished employees by reductions in pay (in 81 cases against 145 em-

ployees), suspension from the police force (in 40 cases against 84 employees), and reassignment (in 18 cases against 43 employees), for a total of 139 cases. The PSU forwarded 87 cases of alleged police abuse to the prosecutor during the year with a recommendation for criminal prosecution. The prosecutor accepted charges in 82 of the cases. During the year 30 police officers and 19 border police officers were convicted of bribery and misuse of official position.

In a separate incident, in November a court convicted 30 members of the Interior Ministry's Rapid Deployment Unit of involvement in a December 2006 fight in a Skopje nightclub. Observers criticized the generally lenient sentences given to the perpetrators, considering the nature of the crime.

Representatives from a number of international organizations, including the Organization for Security and Cooperation in Europe (OSCE), the European Union (EU), and foreign governments continued to monitor police operations and advise the Interior Ministry on police reforms.

*Arrest and Detention.*—The law requires warrants issued by an investigative judge for arrest and detention, and police generally followed those requirements in practice.

The law provides that a detainee must be arraigned in court within 24 hours of arrest, and, in contrast with previous years, there were no reports that police skirted this requirement by transferring suspects from one police station to another to avoid exceeding the 24-hour period at any one station. Only an investigative judge, at the request of a prosecutor, may order detention of suspects for longer than 24 hours. The judge may approve two additional 24-hour periods. Police generally adhered to these procedures in practice.

On June 20, the Association of Psychiatrists of Macedonia reported that police delivered a man to a Skopje psychiatric hospital, where he was kept for 35 days without a court order, in violation of the law and police detention authority.

The law permits a detainee to contact a lawyer at the time of arrest and to have a lawyer present during police and court proceedings; however, there were occasional reports that detainees were denied this access. Such access must be approved by the warden of the detention facility and, in rare cases, also by the investigative judge. The law requires that indigent defendants be given access to attorneys, and this requirement was generally respected in practice.

The law permits immediate family members access to detainees and access was generally provided, although it was not always prompt. As in the case of lawyers, access must be approved by the facility warden, and in rare cases, by the investigative judge.

There were reports that police continued to call suspects and witnesses to police stations for "informative talks" without informing them of their rights. Most allegations of this practice involved accusations that police targeted the individuals for political reasons. The individuals were not arrested or held for extended periods of time.

There was a functioning bail system. The law sets the maximum length of pretrial detention at 180 days. However, individuals and some local NGOs alleged that judges increasingly abused their detention authority by ordering pretrial detention in cases where other means of guaranteeing the presence of defendants at trial (bail, home confinement, or relinquishment of the defendant's passport) could have been utilized. In addition, there were some reports of government pressure on judges to order pretrial detention in certain instances, including against members of the political opposition. The increasing length of pretrial detention was a contributing factor in overcrowding in the detention facility in Skopje.

*e. Denial of Fair Public Trial.*—The law provides for an independent judiciary, and the Government generally respected this provision in practice; however, the judiciary was weak, inefficient, and occasionally appeared to be influenced by political pressure, intimidation, and corruption. Some judicial officials accused the Government of using its budgetary authority and modest allocations to the court system as instruments to exert control over the judiciary.

The country has a three-tiered court system composed of trial courts, appellate courts, and the Supreme Court. The Constitutional Court, not considered part of the judicial branch, deals with matters of constitutional interpretation and certain human rights protection issues.

The planned implementation on January 1 of a number of judicial reform laws enacted in 2006 to enhance the independence and efficiency of the judiciary was delayed, and the delays resulted in reduced efficiency of the judiciary. The establishment of the new Administrative Court and an appellate court in Gostivar was delayed for several months because of delays in the election of members to the Judicial Council, a body of judges that oversees personnel and budgetary matters for the

courts. Based on unofficial reports from government authorities, through November the trial courts decided only 44 percent of the 1.6 million cases on their books and this increased the backlog of cases by 4 percent. However, seven trial courts participated in a pilot program to introduce modern case management techniques; they reduced their backlog of civil cases older than 3 years by 57.6 percent and their backlog of cases older than 1 year by 38.3 percent.

On January 14, a new chief public prosecutor was nominated by the Government and appointed by Parliament to a 6-year term. The former chief public prosecutor was removed from office in October 2006 for allegedly failing to perform his duties; some international and local observers saw his removal as politically motivated.

*Trial Procedures.*—The law provides for the presumption of innocence. Court proceedings are open to the public with some exceptions, such as trials involving minors or in which the personal safety of the defendant is at risk. Juries are not used. Trials are presided over by judges; two to three community-member consulting jurors assist each judge in determining the verdict, although the judge generally makes the final decision regarding the sentence. Defendants have the right to consult an attorney in a timely manner in pretrial and trial proceedings. This right was respected in practice at times; however, access to attorneys was sometimes not granted in a timely manner. The law requires that an attorney be provided at public expense for indigent defendants, and this requirement was generally respected in practice. Defendants may present and question witnesses and present evidence on their own behalf. Defendants and their attorneys are entitled to have access to government-held evidence, but this did not always occur in practice. Defendants have a right to appeal guilty verdicts.

The law provides that defendants may be tried in absentia as long as the trials they are repeated if the convicted individuals later become accessible to justice officials.

*Political Prisoners and Detainees.*—There were no reports of political prisoners or detainees.

*Civil Judicial Procedures and Remedies.*—There was a partially independent judiciary in civil matters, and citizens had access to courts to bring lawsuits seeking damages for, or cessation of, human rights violations. Reform legislation enacted in 2006 mandated designated trial courts of extended jurisdiction, i.e., the appellate courts, the Supreme Court, the Constitutional Court, and the new Administrative Court, to adjudicate citizens' lawsuits for various types of human rights violations. Although plagued with political and administrative delays, additional courts mandated by the 2006 law began to take shape during the year. The Administrative Court, created to hear cases against state institutions, became operational in late December.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law prohibits such actions, and the Government generally respected these prohibitions in practice.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. The law prohibits speech that incites national, religious, or ethnic hatred.

Individuals could criticize the Government publicly or privately without reprisal, and the Government did not attempt to impede criticism.

Media institutions and reporting were divided along ethnic and political lines, with the most striking divisions visible in reporting on controversial political issues. There were allegations of threats against media outlets that did not report favorably on the government, as well as more subtle government pressures.

The independent media were active and expressed a wide variety of views without restriction. There were six major daily newspapers in Macedonian, one of which was distributed without cost, as well as three dailies in Albanian. None of the Macedonian or Albanian media were officially government-controlled.

International newspapers and magazines were available throughout the country.

Macedonian Radio and Television, which generally favored the Government's views on political issues, was the country's sole public broadcaster. There were five private television broadcasters with national coverage and 46 private local and regional television stations. All broadcast news programs and reflected a variety of viewpoints. There were many independent radio stations.

Beginning in May broadcasting licenses were no longer issued by the Government but by the National Broadcasting Council, made up of nine members elected by Parliament on the basis of nominations from the Macedonian Academy of Sciences and Arts (one member), the Inter-University Conference (three), the Association of Jour-

nalists of Macedonia (two) and the Parliamentary Commission for Elections and Appointments (three).

In addition to the state-owned Macedonian Information Agency (MIA) and the private Makfax, two additional news agencies started operation during the year, Netpress in Macedonia and INA in Albanian. The news agencies were generally factual in their reporting.

On January 1, legal changes took effect that abolished prison sentences for defamation, libel, and slander, whether committed by means of the press, radio, television, electronic mail or through other public media, or at a public gathering. As a result, while redress for such offenses could be pursued in criminal or civil suits, offenders could be punished only by fines, damages to the injured party, or both. In some cases those who apologized to the injured party in court could be relieved of any punishment provided that the judge determined that the apology was sufficient.

On June 17, a court ruled in favor of journalists who sued the state in 2001 for illegal wiretapping. Both parties appealed the amount of damages, and the appellate court had the matter under review at year's end.

In a press release posted on its official web site in May, the Democratic Party of Albanians (DPA) used language widely regarded as insulting and threatening against journalist Iso Rusi following the appearance of his commentary which analyzed why the party was against the liberalization of the Law on Religious Communities. Media, NGOs, and the Helsinki Committee condemned the party's attacks on the journalist. Rusi did not press charges against the party.

In September there were two physical attacks against journalists. A security guard from the ethnic Albanian party Democratic Union for Integration (DUI) slapped A1 television journalist Lirim Dullovi on the face while Dullovi was at work covering developments in Parliament. Police issued an arrest warrant for the security guard. Members of the Alphas special police unit assaulted Alsat television cameraman Igor Ljubovcevski, causing him bodily injuries; the television crew was filming the police as they stopped the vehicle of an DUI member of Parliament just outside of Skopje. Domestic and international media organizations condemned the attacks. In protest, journalists and cameramen boycotted the first government press conference following the incidents involving their colleagues. Four policemen involved were reportedly suspended, and criminal charges were filed against one of them.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. A survey conducted in April found that 32 percent of the population used the Internet and 17 percent had access to the Internet in their homes. The majority of the users accessed the Internet at an Internet cafe (47 percent), in their homes (31 percent), at work (18 percent), or at school or university (17 percent).

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The law provides for freedom of assembly, and the Government generally respected this right in practice. For public gatherings of any kind, the organizers must notify the Interior Ministry so that the venue can be made secure. The same rule applies to registered or unregistered religious groups. According to the Ministry of the Interior, no such request had been made by any religious group over the last 3 years.

*Freedom of Association.*—The law provides for freedom of association, and the Government generally respected this right in practice.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, the law places some limits on religious practice by restricting the establishment of places of worship and refusing to recognize more than one community of any faith.

The law defines the constitutional provision for religious freedom, designating the Macedonian Orthodox Church, the Islamic community, the Roman Catholic Church, the Jewish community, and the Methodist Church as religious "communities." All other registered religious associations are considered to be religious "groups" and must register with the State Commission on Relations with Religious Communities and Groups. However, due in part to court decisions invalidating portions of the law, it has been enforced inconsistently. On September 5, the Parliament passed a



new law regulating the legal status of religious communities and groups that in the view of many observers generally met international standards.

The commission did not receive any new applications for registration during the year. On January 10, the Supreme Court upheld a 2006 commission decision to reject the application of the Reformist Movement of Adventists. The commission's decision was based on an article of the law that allows only one religious community to be registered for each denomination.

The law in effect during the year required all entities, including religious ones, to have a government "opinion" in order to obtain a permit to build a religious or any other facility. However, past court rulings restricting government authority to provide such opinions effectively blocked religious groups from obtaining construction permits for worship facilities. In practice the Government generally did not take action against groups that constructed buildings without permits.

Members of Jehovah's Witnesses alleged that government officials discriminated against their religious group during the year by refusing their request for a building permit, even though the group was officially registered and had the proper documentation.

The law in effect during the year somewhat restricted the availability of places of worship; for example, it requires that a permit be obtained at least 15 days in advance for services in places not specified in the law. The law also states that religious activities "shall not violate the public peace and order and shall not disrespect the religious feelings and other freedoms and rights" of persons who are not members of that particular religion. The Government did not actively enforce most of these provisions but acted upon complaints when they were received.

Although a permit or permission is not required to perform religious rites in a private home, members of the "Orthodox Archbishopric of Ohrid," a Christian Orthodox community that refused to recognize the self-declared autocephaly of the Macedonian Orthodox Church, remained unregistered.

On April 25, Jovan Vraniskovski, leader of the "Orthodox Archbishopric of Ohrid," was released from prison after serving 9 months of a 1-year sentence for embezzlement. Vraniskovski continued to claim that his conviction was a result of discrimination on account of his religious beliefs. According to a group representative, officials refused to return Vraniskovski's passport following his release from prison.

The law requires that foreigners entering the country with the intent to carry out religious work or perform religious rites receive approval from the State Commission on Relations with Religious Communities and Groups. When applying for visas, persons planning to perform religious work must submit a letter of invitation from representatives of a registered religious group in the country to the commission. The commission then issues a letter of approval to be submitted with the visa request. Approvals were normally issued within 1 week.

The restitution of religious properties expropriated by the former Yugoslav government was not fully resolved. Virtually all churches and many mosques have been returned to the ownership of the appropriate religious community, but other properties, such as larger parcels of land or community centers, have not. Restitution and compensation claims often were complicated by the fact that the properties have changed hands many times or have been developed. The Islamic community claimed it was not able to regain rightful use of several mosques that the Government undertook to return to it. The Islamic community and the Macedonian Orthodox Church cited greater difficulty in regaining possession of previously owned property if it was in a desirable location for investors or business owners, particularly in urban areas.

The Jewish community was the only religious group whose community property was fully restituted. On December 28, the Government signed an agreement with the Jewish community under which the Government agreed to compensate the community approximately \$24,800,000 (17 million euros) for all heirless Jewish property nationalized or otherwise confiscated by the previous regime. The Jewish community estimated that the amount would allow them to complete construction of a Holocaust Memorial Center for Macedonian Jews that was begun in 2005.

*Societal Abuses and Discrimination.*—There were isolated reports of vandalism of religious properties. On May 20, unknown perpetrators set fire to a mosque in Obednik, a small southwestern village. The fire caused little damage, and local authorities believed the perpetrators were not from the village. The act appeared to be an isolated case.

The long-running ownership dispute between the Bektashi religious group and the Islamic community over a religious compound in Tetovo remained unresolved. The Bektashis, a Sufi Islamic group, filed suit against the Government to reverse the former Yugoslavia's nationalization of the property and against the Islamic Community of Macedonia, which seized the complex by force in 2002 and continued to hold

services there, excluding Bektashi community members from the majority of the property.

The Bektashi reported that, on March 21, a large photograph at the entrance to the compound was vandalized and a number of plants and trees on the grounds of the compound were destroyed. The community said police investigated the incident, and, although the perpetrators have not been found, there had been a welcome increase in police presence at the compound.

The Jewish community estimated that approximately 600 Jews lived in the country during the year. There were no reports of anti-Semitic acts.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the Government did not use forced exile, internal or external.

*Internally Displaced Persons (IDPs).*—At year's end the UNHCR reported 779 persons displaced during the 2001 internal conflict were not fully resettled. Of these, 395 lived in collective centers, and 384 were lodged with host families.

IDPs received basic assistance, mostly from the Ministry of Labor and Social Policy, but had few opportunities for engaging in income-generating activities due to the high overall unemployment rate in the country. The Government allowed IDPs access to domestic and international humanitarian organizations, and allowed them to accept assistance provided by those groups.

During the year the Government continued to encourage IDPs to return to their homes of origin in areas the authorities considered safe. Some IDPs continued to assert that the Government was not providing adequate support to enable them to do so.

*Protection of Refugees.*—The law provides for the granting of asylum or refugee status to persons in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against "refoulement," the return of persons to a country where there is reason to believe they feared prosecution. The Government granted refugee status and asylum, but only in rare cases. Only 28 of 164 registered asylum seekers were recognized as refugees during the year. According to December figures, 1,115 persons enjoyed humanitarian protection, a status that was subject to annual review. A small decline in the number of registered asylum seekers and those granted humanitarian protection was due, in part, to some voluntary repatriations, and in part to government determination that circumstances in some foreign countries no longer justified granting humanitarian protection.

According to the UNHCR, a refugee status determination (RSD) mechanism was accessible and active, and the overall process was handled in a generally satisfactory manner. The country's RSD laws were considered satisfactory, but implementation of the RSD procedure in some cases was inadequate. The UNHCR noted shortcomings in refugee interview techniques and worked with Interior Ministry officials to improve them. A more serious shortcoming noted by the UNHCR was the lack of an effective appeals system for those not initially granted refugee or asylum status by the Government's RSD commission. The UNHCR reported that appeals rejected by courts of first instance were usually given only cursory review by the Supreme Court, which simply rubber-stamped the RSD commission's initial decisions.

The Government provided humanitarian protection status to most refugees and asylum seekers in the country. However, that status was valid for only 12 months on an individual basis and was subject to nonrenewal, which occurred in a few cases during the year.

At year's end there were slightly more than 1,850 refugees remaining in the country from the 1999 conflict in Kosovo, most of them Roma. Romani refugees, many of whom settled in Skopje, were often targets of private harassment and verbal abuse. However, refugees in the predominantly Romani municipality of Suto Orizari generally did not experience these problems.

*Stateless Persons.*—Under the Constitution, any Yugoslav citizen who had legal residence in Macedonia in 1991 could acquire Macedonian citizenship by simple ap-

plication. The unresolved citizenship status of some long-term residents remained a problem. A 2004 “transitory clause” temporarily eased naturalization requirements for foreigners married to Macedonian citizens, persons without citizenship, and persons with refugee status; however, the transitory clause expired in March 2006.

There was no survey to determine the number of residents without citizenship status; however, the UNHCR estimated that as of December there were 537 stateless persons and urged the Government to be flexible in interpreting the citizenship law. The UNHCR continued to provide legal assistance to persons wishing to change their citizenship status and generally received good cooperation from the Ministry of the Interior.

*Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The Constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, generally free, and fair elections held on the basis of universal suffrage.

*Elections and Political Participation.*—National parliamentary elections were held in July 2006. International observers characterized the elections as generally in accordance with international standards but noted serious irregularities, such as voter intimidation, ballot stuffing, and family or proxy voting in some areas. The official 20-day campaign period was marred by several violent incidents, including attacks on campaign offices, fights among party activists, and nonfatal shooting incidents. Most of these incidents occurred in the northwest part of the country and involved the rival ethnic Albanian political parties, DUI and DPA.

Some women from more traditional communities, particularly ethnic Albanians, were disenfranchised due to the practice of family or proxy voting by male family members on their behalf.

There were 37 women in the 120-seat Parliament and three women in the 23-member Council of Ministers. The law requires that one in every three positions on each political party’s list in both national and municipal elections must be from the less represented gender.

There were 28 ethnic Albanians, two Roma, two Turks, one Serb, one Bosniak, one Macedonian Muslim, and one Vlach in the 120-seat Parliament. There were seven members of minorities in the 23-member Council of Ministers.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials often engaged in corrupt practices with impunity.

According to the World Bank’s Worldwide Governance Indicators, government corruption was a serious problem.

Instances of corruption in the police and judicial systems were of particular concern. On April 5, Zoran Trajanov, chairman of the Kocani trial court, was sentenced to 1 year in prison for abuse of position. The State Judicial Council had previously revoked Trajanov’s immunity. On September 10, a court sentenced Nexhat Memeti, a former Gostivar trial court judge, to 2½ years in prison for abuse of position.

During the year several high-profile cases of corruption were filed or prosecuted. On June 14, after a yearlong extradition procedure, Metodija Smilenski, the former director of the bankrupt Export Import Bank, returned to Macedonia from Serbia to face trial in several corruption cases. On July 18, the Sveti Nikole trial court gave Smilenski his first conviction, on embezzlement charges, and sentenced him to 4 years in prison. On August 20, Smilenski went on trial on charges of colluding with the then governor of the Macedonian National Bank, Ljube Trepki, to embezzle funds by using the nation’s currency reserves to guarantee the debts of Smilenski’s Export Import Bank. Trepki was tried in 2006 for his part in the crime.

On August 1, the Parliament’s Committee on Mandate and Immunity issues stripped Vlado Buckovski, former prime minister and current opposition member of Parliament, of his parliamentary immunity. He faced criminal charges for abuse of power and embezzlement of funds, which allegedly took place in 2001 when he was minister of defense. Buckovski was questioned by an investigative judge on August 3. At year’s end the case was ongoing.

At year’s end a retrial continued in the case against Nikola Tasev, the former general manager of the Nova Makedonija publishing house, on charges of abuse of position in connection with the sale of 70 percent of the company on the eve of the 2002 parliamentary elections. In April 2005 Tasev was sentenced to 4 years in prison by the Skopje trial court but the appellate court ordered a retrial. Besnik Fetai, the economy minister at the time of the privatization, was acquitted of similar charges. Nova Makedonija was the country’s largest state-owned publishing house before its liquidation in 2003.

The State Commission for the Prevention of Corruption was responsible for investigating charges of corruption as well as complaints submitted by citizens. During the year the commission received 1,114 complaints concerning the work of state bodies, privatization procedures, judicial procedures, and other relevant cases.

Members of Parliament and high-ranking public officials were subject to financial disclosure laws.

The law provides for public access to government information. According to a local NGO, however, in the period September 2006–September 2007, over 40 per cent of the citizens' 629 requests for public access to government information were denied.

*Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views.

More than 4,000 domestic and internationally registered NGOs operated in the country, including Forum, Most, the Macedonian Helsinki Committee, and NGOs devoted to specific causes, including Romani rights, human trafficking, and voters' rights.

The OSCE-led international community efforts to engage the Government on human rights issues, and OSCE and EU monitoring missions continued to implement projects to improve relations between ethnic Macedonians and ethnic Albanians.

The ombudsman's office has a mandate to reduce discrimination against minority communities and promote their equitable representation in public life. The ombudsman's office operated six local branch offices around the country. Its representatives have the legal right to visit all detained persons, including those in pretrial detention; this right was exercised without restraint during the year. The ombudsman found that government institutions violated individuals' rights in 494 cases out of the 2,746 complaints received during the year. Most cases concerned violations of judicial procedures, police abuse, and labor and property rights. The Government acted on the ombudsman's recommendations in 70 percent of these cases but in some instances did not provide information requested by the ombudsman's office in the course of its investigations. During the year the ombudsman's office noted increased cooperation and communication with the Government compared to previous years.

The Government generally cooperated with the International Criminal Tribunal for the former Yugoslavia (ICTY). In 2005 the ICTY indicted two ethnic Macedonians—former interior minister Ljube Boskovski and former police officer Johan Tarculovski—on charges of complicity in the 2001 killing of ethnic Albanian civilians in Ljuboten. Proceedings began on April 16 and continued at year's end.

*Section 5. Discrimination, Societal Abuses, and Trafficking in Persons*

The Constitution and law prohibit discrimination based on gender, race, disability, religion, or national, social, or political affiliation, and the Government generally enforced these provisions. Societal discrimination against ethnic minorities persisted and inadequate protection of women's rights remained a problem.

*Women.*—While the law specifically prohibits rape, including spousal rape, conviction requires proof of both penetration and active resistance by the victim; however, legal sanctions were not a significant deterrent. The requirements for proof were more stringent than for other violent crimes. The penalties for rape or forcible sexual assault range from 1 to 15 years' imprisonment. Some rape cases were tried during the year. As with domestic violence, police and judicial officials were reluctant to prosecute spousal rape, and many victims did not come forward due to social stigma.

Domestic and other violence against women was a persistent and common problem; a survey conducted in 2006 by a local NGO specializing in the problems of family violence, found that 56 percent of women claimed to have been victims of psychological domestic violence, and 18 percent of women claimed to have been victims of physical domestic violence.

Cultural norms, including victims' concern over possible shame to the family, discouraged the reporting of violence against women, and victims of domestic violence rarely filed criminal charges. Although the law specifically criminalizes domestic violence and prescribes substantial punishments for violators, the law was rarely applied in practice. While the law provides for civil restraining orders to protect potential victims, there were reports that police officers were unaware of provisions of the law that allowed them to act to protect victims of family violence. Police often did

not respond to allegations of domestic violence. The Government did not require domestic violence training for police, prosecutors, or judges; however, international organizations provided such training to a number of law enforcement officials.

The Government operated six limited-capacity crisis centers for women at risk and funded a national NGO-operated hot line for victims of domestic violence in Skopje. Local NGOs working to combat domestic violence relied to a large extent on international donor assistance. Public concern about violence against women was not generally evident in the media, although some women's groups worked to raise awareness of the issue.

Prostitution is illegal. The law, however, was not always enforced. Some foreign women accused of prostituting themselves were deported; some men were prosecuted for "mediating" in prostitution.

Sexual harassment of women in the workplace was a problem, particularly in the private sector. Although the law does not specifically address sexual harassment, it could be prosecuted as a criminal act under antidiscrimination legislation; however, this did not occur in practice. Although women remained underrepresented in the higher levels of the Government and the private sector, there were several prominent professional women in the public sector, including a female deputy prime minister, interior minister, and economy minister.

Women from certain parts of the ethnic Albanian and Romani communities did not have equal opportunities for employment and education due to traditional or religious restrictions on their schooling and participation in society. In some ethnic Albanian communities, women were disenfranchised by the practice of men voting on behalf of female family members.

The Office of Gender Equality in the Ministry of Labor and Social Policy was responsible for ensuring the legal rights of women. The Law on Equality, implemented in May 2006, established gender commissions at the municipal council level. During the year a gender equality commission established by the Parliament began revising laws to promote equal protection for all genders.

Although the law requires men and women to be paid equally for equivalent work, wage discrimination against women remained pervasive, particularly in the private sector. While the law prohibits dismissal of women on maternity leave, discrimination against pregnant women continued in practice.

Among other activities, women's advocacy groups worked to combat domestic violence through awareness-raising campaigns, increase women's political involvement by training female candidates for local elected office, improve women's access to legal services, and promote the establishment of small and medium enterprises owned by females.

*Children.*—The Government was committed to the rights and welfare of children but provided only limited resources to this end. The ombudsman's office has a special unit for children that investigated complaints of violations of children's rights. The Ministry of Labor and Social Policy was responsible for children's welfare.

Education is mandatory through the eighth grade or to the age of 16; however, some children did not enter the educational system at all. The Ministry of Education reported that 95 percent of children were enrolled in school; no official statistics were available on school attendance or the number of children who did not have access to education. Primary and secondary education was free; however, students had to provide their own books and other materials.

Almost 90 percent of the children who finished primary school continued to secondary school; however, at both the primary and secondary levels, girls in some ethnic Albanian communities did not attend school. Approximately half of ethnic minority students did not go on to high school due to lack of classes in minority languages at the secondary level and to the conviction of many rural, ethnic Albanian families that girls should be withdrawn from school at age 14.

According to Romani community leaders, up to 10 percent of Romani children never enrolled in school. Of those who did enroll, 50 percent dropped out by the fifth grade, and only 35 to 40 percent finished the eighth grade. In ethnically mixed schools, Romani children were taught in classes with other pupils, but in classes in the predominantly Romani neighborhood of Suto Orizari in Skopje, 95 percent of the students were Roma. At times Romani students were sent to special schools for Romani; in some instances at the request of parents (pupils in such schools received food and clothing), and in others because educators judged that the students lacked the minimum preparation to enter regular primary school.

As in previous years, poor physical conditions of schools and insufficient classroom space were common complaints, particularly in the rural parts of the country. Students sometimes protested these conditions by refusing to attend school. Boys and girls generally had equal access to education, although there were isolated instances

of discrimination against girls in educational institutions in some ethnic Albanian areas.

Boys and girls had equal access to state-provided medical care.

Child abuse was a problem in some areas. During the year, according to interior ministry statistics, 86 cases of sexual abuse against children were reported, of which 53 cases involved sexual assault, 13 were cases of rape, five involved satisfying sexual urges in front of others, two involved showing pornography to minors, and one case of incest with a minor. The Center for Social Work of the Ministry of Labor and Social Policy and the Department for Juvenile Delinquency of the Ministry of the Interior were responsible for addressing child abuse. NGOs were also active in this area.

Child marriage occurred with some frequency in the Romani community and less frequently in the ethnic Albanian community. It was difficult to estimate the extent of underage marriage in the Romani community because such marriages frequently were not registered. A survey of 960 Romani women in 2005 by a local NGO found that 54 percent had given birth to their first child by the age of 18, while 3 percent had given birth between the ages of 12 and 14.

Romani adults often organized their children into groups to beg for money at busy intersections, on street corners, and in restaurants and cafes.

According to some estimates, there were between 500 and 1,000 street children in the country; most of them were Roma. With international support, the Ministry of Labor and Social Policy operated a day center for street children.

*Trafficking in Persons.*—The law prohibits all forms of trafficking in persons; however, there were reports that persons were trafficked to, through, within, and from the country.

Although Macedonia remained primarily a country of transit for trafficking, officials and other observers acknowledged that the number of individuals trafficked within the country was increasing.

NGOs and government officials noted a decline in trafficking to and through the country beginning in 2006 after Romania and Bulgaria, heretofore the primary countries of origin, joined the EU, and traffickers found more convenient routes westward. According to the International Organization for Migration (IOM), the initial decline continued during the year, in part because of police and antitrafficking activities (including intelligence gathering, investigation and identification), and EU integration and related economic development of the “traditional” source countries such as Romania and Bulgaria.

Albania and Serbia replaced Romania and Bulgaria as the most common countries of origin for trafficking victims. Little specific information was available about the destinations of victims trafficked through and from the country, although most were believed to be trafficked to Central and Western Europe.

Authoritative statistics on the scope of trafficking were difficult to obtain due to the changed modus operandi of the traffickers and to the fact that many of the potential victims refused to identify themselves as victims. Police raids and testimony by victims confirmed that a small number of trafficking victims were subjected to threats and physical or psychological abuse. However, NGOs and international community representatives reported that, to ensure that they did not identify themselves as trafficked victims if questioned by police, traffickers increasingly arranged for their victims to be residing in the country legally, paid them some money for their services, and granted them limited freedom of movement.

Trafficked women were forced to work in prostitution, often under the guise of dancers, hostesses, or waitresses in local clubs. There were no reports of trafficking for manual labor exploitation.

According to a government study, most internally trafficked victims were ethnic Macedonians from poor, dysfunctional families in the eastern part of the country, who were trafficked to bars and nightclubs in the western part. A smaller number of Roma and Albanian women were also trafficked and sexually exploited.

The Government’s National Commission for Prevention and Suppression of Trafficking in Persons and Illegal Migration was the lead coordinator for antitrafficking efforts. The Ministry of the Interior was the primary ministry involved in enforcement efforts, while the Ministry of Labor and Social Policy had primary victim protection responsibilities. Eight other ministries and court representatives also participated. During the year the commission opened an office to coordinate government and NGO efforts at sharing and comparing data on trafficking.

It is a criminal offense to traffic persons for sexual exploitation, forced labor or servitude, or slavery. The law specifies a minimum sentence of 4 years for most trafficking crimes and a minimum of 6 months for the destruction of identification documents of trafficked persons. Persons convicted of organizing trafficking receive a mandatory minimum prison term of 8 years, and 1 to 10 years for complicity in traf-

ficking. The law specifies a minimum 6-month sentence for persons who knowingly use, or enable another person to use, the sexual services of a trafficked person. The mandatory minimum sentence for trafficking in children or for knowingly using trafficked children and juveniles for sexual exploitation is 8 years.

Most victims of trafficking were discovered during police raids on bars and nightclubs. Police, who raided 71 suspicious bars in the period April–December, discovered 249 potential trafficking victims, 97 of them citizens. Local NGOs participated in the post-raid interviews and confirmed the police numbers. Nine of the victims discovered during the raids were minors.

By year's end, 55 trafficking-related cases had been prosecuted, and 118 individual suspects had been put on trial for involvement in trafficking.

On September 7, the Skopje trial court handed down trafficking-related sentences of 2 to 9 years to 18 defendants who were charged as part of the regional anti-trafficking and migrant smuggling operation "Danube." However, there were fewer reports than in previous years of traffickers in the country who were linked to regional trafficking networks.

The Government was forthcoming with its information and proactive in conducting raids on suspicious clubs. NGOs, international organizations like the IOM, and a number of Embassies in Skopje participated in a transparent anti-trafficking steering committee led by the Government's anti-trafficking commission.

Four victims (two of them minors) were discovered in an April 26 raid on a bar near Tetovo and testified against the bar's owner and the individual who guarded them. On July 6, a court sentenced Rexep Fejzulai in absentia to 6 years in prison and gave Rexep Karimani a 4-year sentence for "trafficking in persons under aggravated circumstances."

During the year the IOM operated a transit center that assisted 152 foreign victims of trafficking who had been discovered during police raids, up from 17 victims the previous year. The shelter provided assistance and housing throughout the trial process and until victims could be repatriated to their countries of origin. Four officers from the Interior Ministry were assigned to the shelter to provide protection to victims. In addition, a local NGO operated a shelter that assisted approximately 97 victims of internal trafficking who had been referred to the shelter by the National Referral Mechanism of the Ministry of Labor and Social Policy. All victims of trafficking identified in the country were entitled to, and usually received, housing and medical assistance.

*Persons with Disabilities.*—The law prohibits discrimination on the basis of disability; however, persons with disabilities faced discrimination in employment, education, access to health care, and other state services. There are no laws or regulations requiring buildings to be made accessible to persons with disabilities, and many public buildings remained inaccessible.

Advocates stated that employers were reluctant to hire persons with disabilities and that the difficulty of accessing educational and other opportunities prevented them from fully integrating into society.

Some members of Parliament and NGOs continued to push for legislation to improve the circumstances of persons with disabilities, but there has been little support from the Government.

The Ministry of Labor and Social Policy is responsible for the integration of persons with disabilities into economic life and the payment of benefits. In practice the benefits that persons with disabilities received did not cover their cost of living and medical care. The ministry provided persons with moderate and severe mental and physical disabilities with training to enable them to engage in work and other activities suitable to their capabilities.

*National/Racial/Ethnic Minorities.*—According to the 2002 census, the population was 64.2 percent ethnic Macedonian, 25.2 percent ethnic Albanian, 3.9 percent ethnic Turkish, 2.7 percent Roma, 1.8 percent ethnic Serb, 0.8 percent Bosniak, and 0.5 percent Vlach.

There were reports of police violence against Roma and Albanians, including beatings during arrest and while in detention. The most widely noted incident involved the "Mountain Storm" police operation in the village of Brodec, which involved a number of arrests of suspected gang members. Brodec inhabitants claimed that those arrested were innocent and victims of ethnic discrimination. The ombudsman's office and the Macedonian Helsinki Committee indicated that the police had used excessive force during their arrests. In December ICRC representatives were allowed to visit the Brodec detainees. ICRC's report had not been published by year's end.

According to the Roma NGO DROM, societal hostility toward Roma continued, but the instances of direct attacks have diminished significantly.

Relations between the ethnic Macedonian majority and the ethnic Albanian minority continued to be strained. However, there were some signs of continuing improvement, especially in restoring confidence between the communities. Reports of disputes in schools between parents and school authorities over ethnic issues decreased for the third consecutive year.

Students from different ethnic groups sometimes studied in separate shifts or separate facilities, either due to use of different languages of instruction or at their parents' request.

Ethnic Albanians continued to complain of official discrimination. They were concerned about the slow progress in reaching what they considered to be equitable representation in government ministries, while ethnic Macedonians often claimed that they were targeted for downsizing regardless of job performance. Some ethnic Albanians claimed they were effectively disenfranchised by discrimination in citizenship decisions.

The Government upgraded the "sector" for the implementation of the 2001 Ohrid Framework Agreement to a "secretariat" with greater authority and more personnel. The Ohrid Framework Agreement provides for better minority rights protection and integration of all sectors of Macedonian society. The secretariat had authority to hold accountable those state institutions that do not abide by the strategy for equitable minority representation.

According to the Framework Agreement's secretariat, in 2006 approximately 300 Albanian and other minority representatives were employed in state institutions. By the end of 2007, the number had risen to approximately 783. In addition, over 1,700 minority representatives were employed in public enterprises, courts, and other bodies under the purview of the secretariat. In 2006 the budget for Framework Agreement implementation was slightly more than \$1 million (44 million denars); during the year it was \$3.6 million (150 million denars) and in the adopted 2008 budget it was over \$4.8 million (200 million denars).

Ethnic Albanians remained underrepresented in the military and police, especially in the intelligence and counterintelligence agencies, although special efforts were made to recruit qualified minority candidates.

According to law the languages of ethnic minorities must be recognized as additional official languages in areas where those minorities comprise at least 20 percent of the population. In those areas citizens had the right to communicate with local offices of the central government in the language of the minority group and to receive responses and personal documents in the same language; however, this did not always occur in practice. Under the law those accused of crimes have the right to translation at state expense of all relevant judicial proceedings and documents; this did not always occur in practice.

The law provides for primary and secondary education in the languages of the ethnic minorities, and primary education was available in Macedonian, Albanian, Turkish, and Serbian. The number of ethnic minority students who received secondary education in their native languages continued to increase; however, ethnic Albanians complained that distribution of public educational resources was not proportional to ethnic groups' representation within the general population.

Ethnic minorities remained underrepresented at the university level, although there has been progress in increasing the number of minority students since the 2004 recognition of the predominantly ethnic Albanian Tetovo State University.

Ethnic Turks also complained of governmental, societal, and cultural discrimination. Their main concerns were slow progress in achieving equitable representation in government institutions, the absence of Turkish majority municipalities in the 2004 municipal redistricting, and the inadequacy of Turkish-language education and media.

Roma complained of widespread societal discrimination. NGOs and international experts reported that Roma were often denied job opportunities, access to public welfare funds, and entrance to establishments such as restaurants and cafes.

Roma had the highest rate of unemployment and the lowest personal and family incomes, were the least educated, and had the highest mortality rates of any ethnic group. The Government provided few social services to Roma, despite reports that unemployment among the Romani population was above 70 percent. In some instances Romani parents resisted sending their children to school due to their inability to pay for books and other fees or because they preferred for their children to work, either at home or on the streets.

During the year the Government supported campaigns, funded by the Budapest Roma Education Fund, which contributed to a slight increase in the number of Roma children who attend school.

*Other Societal Abuses and Discrimination.*—A local NGO representing the rights of homosexuals reported incidents of societal prejudice against homosexuals, includ-



ing harassment or discrimination by employers and state officials. The Macedonian Association for Free Sexual Orientation faced bureaucratic obstacles in organizing activities. The press carried homophobic articles.

The number of persons with HIV/AIDS was extremely low, and there were no reports of societal discrimination against persons with HIV/AIDS.

*Section 6. Worker Rights*

*a. The Right of Association.*—The law provides for the right to form and join unions, and workers did so in practice.

Unions may freely register with the Ministry of Labor and Social Policy. More than 50 percent of the legal workforce was unionized, and unions were particularly well represented in the public sector. There were two major union federations, the Confederation of Trade Unions of Macedonia (SSM) and the newer Confederation of Free Trade Unions (KSS), established in 2005. Several unions were not affiliated with either of the two confederations, including unions of journalists, police officers, farmers, and health care workers.

The law prohibits antiunion discrimination; however, it existed in practice. In some cases former employees accused private companies of firing workers for participation in union activities, although the companies usually had other justifications. Because of the delays in the court system, it could take a worker who was unjustly fired 2 to 3 years to regain employment through legal action.

Employers were rumored at times to have interfered in the internal affairs of unions by dominating union election campaigns or running their own candidates in union elections.

*b. The Right to Organize and Bargain Collectively.*—The law allows unions to conduct their activities without interference; however, the Government did not always actively enforce these laws in practice. The law protects the right of employees to bargain collectively, and most branch and local unions had collective bargaining agreements. All legally employed workers were covered by one of two collective bargaining agreements, one for public sector employees and the other for private sector employees. Although collective bargaining took place, employees had very little practical negotiating leverage due to the country's weak economic environment, and many collective bargaining agreements failed to keep pace with changes in the environment and workplace.

During the year the SSM negotiated a collective bargaining agreement with the largest employers' association covering private sector workers. The agreement established minimum standards for working conditions in those companies that are members of the employers' association. The other union federation, KSS, and other independent unions contested the right of SSM to negotiate such contracts on its own, and this dispute was not settled by year's end. In the private sector, branch unions negotiated at the national level with the respective branches of the chambers of commerce, and local unions negotiated with individual companies. Negotiations for collective agreements in the public sector initiated by KSS as the largest representative of public sector employees, started in the summer. SSM contested KSS's right to negotiate the public sector collective agreement, but KSS was the only union federation to meet the legal requirement of 33 percent membership among public sector workers. SONK, the teachers union and a member of KSS, completed negotiations with the Government on a collective agreement that covered workers in primary and secondary education. An ongoing legal dispute between SSM and KSS continued over ownership of a union owned building.

The law provides for the right to strike, and workers exercised this right in practice. The law allows members of the military and police to strike, but only if they adhere to restrictive guidelines and continue to perform essential services. However, the law on labor relations allows private employers to "exclude" or temporarily release up to 2 percent of a company's workers during a strike if the company considers these workers to be potentially violent or disruptive. The released workers would be rehired after the strike. The unions maintained that this provision allows employers to exclude union leaders from negotiations during a strike.

There is one export-processing zone, but it was not operational during the year.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred. Women and children were trafficked for sexual exploitation.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—While there are laws and policies to protect children from exploitation in the workplace, including a prohibition of forced or compulsory labor, government enforcement was uneven. The law mandates a prison sentence of at least 8 years for anyone who buys, sells, keeps, or takes children or minors for the purpose of exploitation.

The minimum age for employment was 15 years. The law prohibits employing minors under the age of 18 in work that is detrimental to their physical or psychological health and morality. The law also prohibits minors under the age of 18 from working nights or more than 40 hours per week.

There were no official reports of illegal child labor during the year; however, there was evidence that such labor was used in the gray economy, primarily involving children who begged and sold cigarettes and other small items at open markets, in the streets, and in bars or restaurants, sometimes at night. The children involved in these activities were primarily Roma and most often worked for their parents. Officials did not punish such violations, and children remained vulnerable to exploitation. A report funded by the U.N. Children's Fund (UNICEF) and published in 2005 found that approximately 500 children worked in such activities.

Minors were sometimes trafficked for sexual exploitation.

The Ministry of Labor and Social Policy was responsible for enforcing laws regulating the employment of children. Government efforts to eliminate child labor abuse have been largely ineffective; while the necessary laws are in place, there has been little practical implementation of the policy and laws.

During the year the Government funded a center in Skopje that provided education, medical, and psychological services to children who work on the street. A UNICEF-funded public awareness campaign on child labor and trafficking of minors ended in 2006, but a government-funded center for street children continued to operate. International donors supported programs to prevent children from working on the street and to increase school enrollment of children at risk for such work.

*e. Acceptable Conditions of Work.*—The country does not have a national minimum wage established by law. The average monthly wage according to official statistics was approximately \$346 (14,414 denars), which did not provide a decent standard of living for a worker and family. The Government statistics office estimated that 29.6 percent of the population lived below the poverty line.

The law establishes a 40-hour workweek with a minimum 24-hour rest period and vacation and sick leave benefits. Employees may not legally work more than 10 hours of overtime per week, 20 hours per month, or 190 hours per year. According to the collective agreement between the Government and the SSM, employees have a right to overtime pay of 135 percent of regular pay. In addition, employees who work more than 150 hours of overtime per year are entitled to a bonus of 1 month's salary. However, high unemployment and difficult economic conditions led many employees to accept work that did not comply with the law. In particular, small retail businesses often required employees to work well beyond the legal limits. During the year the Labor Inspectorate within the Ministry of Labor and Social Policy filed complaints against several private businesses for forcing workers to work long hours without the breaks required by law and for not legally registering all employees. In the case of such violations, the labor inspectors have the legal authority to close the establishment until the violations are corrected. In cases of repeated violations the owners can be fined. During the year authorities temporarily closed over 100 companies due to labor violations. None were fined.

The Ministry of Labor and Social Policy did not strictly enforce laws and regulations on worker safety. While workers have the legal right to remove themselves from situations that endanger their health or safety without jeopardy to their future employment, employers did not always respect this right in practice.

## MALTA

Malta is a constitutional republic and parliamentary democracy with a population of approximately 400,000. The president is the chief of state and is appointed by the unicameral Parliament. The president appoints as prime minister the leader of the party that gains a majority of seats in parliamentary elections. The most recent general elections in 2003 were free and fair. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens; however, there were reports that the Government detained illegal immigrants under poor conditions. Societal problems included child abuse and trafficking in persons.

### RESPECT FOR HUMAN RIGHTS

#### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Arbitrary or Unlawful Deprivation of Life.*—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution and law prohibit such practices, and there were no reports that government officials employed them.

On September 10, the Council of Europe's Committee for the Prevention of Torture (CPT) reported on allegations that soldiers had used excessive force to break up a 2005 demonstration by 80 to 90 illegal immigrants detained at the Safi Barracks. A CPT delegation interviewed detainees, who claimed that soldiers had violently beaten demonstrators who were already under control and were sitting or lying on the ground. Twenty-six demonstrators were treated in hospitals, 12 of whom were kept for 24 hours or longer. The CPT noted that reports of other witnesses and films and photographs seen by the CPT delegation corroborated these allegations. An earlier independent judicial inquiry into the incident had found that the detainees refused to obey legitimate orders of the soldiers and that although the use of force was generally justified, some individual soldiers used excessive force. That domestic investigation's report recommended that the armed forces receive additional training on handling detainees.

*Prison and Detention Center Conditions.*—While prison and detention center conditions generally met international standards, there were reports that the Government detained illegal immigrants under poor conditions.

In the September 10 report on its 2005 visit, the CPT stated that it found that a very large majority of illegal immigrants detained by the Government were housed in poor and sometimes unacceptable conditions. It noted, in particular, that since 2004 the Government housed approximately 100 detainees at the Safi Barracks in tents or metal hangars, and recommended that the detainees be transferred and the hangars decommissioned. At year's end, however, the detainees were still housed at the Safi barracks. Although the Government had renovated some of the buildings at the Safi complex, almost 700 migrants were still being held there.

The CPT also reported that illegal immigrants had been detained for up to 40 days in a room in the basement of Luqa International Airport that should not have been used for periods of detention longer than 24 hours.

The Government generally permitted visits by independent human rights observers, although none were reported during the year.

*d. Arbitrary Arrest or Detention.*—The Constitution and law prohibit arbitrary arrest and detention, and the Government generally observed these prohibitions.

*Role of the Police and Security Apparatus.*—Civilian authorities maintained effective control over the police force and the armed forces, and the Government has effective mechanisms to investigate and punish abuse and corruption. There were no reported problems related to impunity within the police force.

The 2006 case of a senior police official who was arraigned on bribery charges in connection with the organization of an illegal, clandestine lotto was ongoing at year's end. The individual who was charged with bribing the police official pled guilty to the charges and received a 6-month sentence suspended for 1 year.

*Arrest and Detention.*—A magistrate-issued arrest warrant is generally necessary to detain a person for questioning and may be issued on the basis of reasonable suspicion. According to the Constitution, police must either file charges or release a suspect within 48 hours of detention; in all cases authorities must inform detainees of the grounds for their arrest. These requirements were generally respected in practice. During the 48-hour detention period, arrested persons have neither the right to legal counsel nor to meetings with family members. Pretrial detainees are granted access to counsel, and family members may visit detainees once charges are filed. Bail was normally granted on a case-by-case basis.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

*Trial Procedures.*—The Constitution provides for the right to a fair public jury trial, and an independent judiciary generally enforced this right. Defendants have the right to counsel of their choice or, if they cannot afford counsel, to court-appointed counsel at public expense. Defendants and their lawyers have access to government-held evidence relevant to their case. Defendants may confront witnesses and present evidence; defendants enjoy a presumption of innocence and have the right to appeal.

*Political Prisoners and Detainees.*—There were no reports of political prisoners or detainees.

*Civil Judicial Procedures and Remedies.*—The Constitution provides for an independent and impartial court for the determination of civil rights or obligations, and access to a court to bring lawsuits seeking damages for, or cessation of, a human

rights violation. Access in the case of a breach of human rights is also covered under the European Convention Act, which incorporates the European Convention of Human Rights and Fundamental Freedoms. The Government generally respected these rights.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. The law prohibits foreign financial support, speakers, equipment, or printed materials in politics during the period leading up to elections, although this provision has rarely been enforced. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

During the year the Broadcasting Authority, an independent statutory body responsible for television and radio broadcasting, fined an independent television station for permitting the broadcast of material that could incite racial hatred. The station admitted the charge.

The independent media were active and expressed a wide variety of views without restriction. International media operated freely.

At year's end police continued to investigate, but had no suspects, in two 2006 incidents of suspected arson directed against a journalist and an editor. No connection had been proven, but circumstances indicated that the case could be connected to articles published by each of the targets concerning immigration, racism, and tolerance for migrants and refugees. In an October ruling, the appeals court dismissed the police commissioner's request that mobile telephone companies be required to divulge relevant information.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Use of the Internet was widespread; approximately 53 percent of households and 90 percent of schools (state, church, and private) had Internet access. Several Internet cafes and many blogs operated freely throughout the island.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The Constitution establishes Roman Catholicism as the state religion; however, numerous non-Catholic religious groups, including an Islamic community, various Protestant denominations, and a small Jewish community, practiced their faiths freely and were not required to register with the Government.

*Societal Abuses and Discrimination.*—There were no reports of anti-Semitic acts during the year. The Jewish community numbered approximately 120 persons.

Police made no arrests and had no suspects in the 2006 arson attack on seven cars belonging to members of the Jesuit community; the case remained under investigation at year's end. The attack was believed to be linked to the community's advocacy for migrants and refugees, rather than to their religious beliefs.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

The Constitution prohibits forced exile, and the Government did not employ it.

There were no reports of government restrictions on emigration or prohibition against the return of citizens who left the country.

*Protection of Refugees.*—The law provides for the granting of asylum or refugee status to persons in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol; and the Government has established a system for providing protection to refugees. The Government provided a second tier status, granting some asylum seekers humanitarian protection against "refoulement," the

return of persons to a country where there is reason to believe they feared persecution.

The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol; temporary protection was granted to approximately 399 persons from January to October.

The Government generally cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers. During the year the Government established the Organization for the Integration and Welfare of Asylum Seekers.

The Government generally excluded asylum requests by nationals of safe countries of origin. Such applicants may apply to the refugee commissioner for reconsideration within 7 days of notification by authorities. In such cases, the Office of the Refugee Commissioner calls applicants for a full interview and examination of their claim before ruling on their application.

Authorities detained “irregular immigrants”—persons seeking to emigrate illegally from Africa to the EU who were intercepted and brought to Malta by the armed forces—for up to 12 months after they arrived in Malta. Individuals had 2 months to file a claim to asylum and were detained while their cases were processed. Irregular immigrants who never applied for asylum, as well as those whose asylum applications and appeals were rejected, were confined for a maximum of 18 months from their date of arrival; after 18 months they were released, regardless of whether the police had arranged to repatriate them to their country of origin.

In 2006 the European Union and UNHCR issued reports criticizing the length of time irregular immigrants were confined in closed detention centers and the conditions within the centers. The problems reported included overcrowded facilities, unsanitary facilities, insensitivity of guards relating to the separation of men and women in confined spaces, the lack of meaningful activities within the centers, and the lack of access to legal resources. The UNHCR made recommendations to rectify the matter, but it appeared that the Government had not taken action to specifically address the concerns. UNHCR representatives have met with government officials on this matter and at year’s end were forming a working group to address the situation.

Illegal immigrants awaiting decisions on their cases occasionally protested their detention or attempted to escape from detention centers. In March 2006 approximately 370 illegal immigrants broke out of a closed detention center; a number of them were injured, along with police officers, before being captured and returned. A Sudanese man residing in the country and a number of other foreigners were detained by the police for organizing the escape. The Sudanese man was later tried and sentenced to 1 month’s imprisonment.

Authorities aimed to place detained children, pregnant women, elderly persons, and parents with infants in open centers where they were free to move about shortly after their arrival in the country. The armed forces and police are responsible for persons in detention, while the Ministry for Family and Social Solidarity has responsibility for the welfare and accommodation of persons released from detention centers.

### *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

*Elections and Political Participation.*—The most recent general elections in 2003 were free and fair. Political parties operated without restriction or outside interference.

There were six women in the 65-seat Parliament and two women in the 14-member Cabinet of Ministers. Approximately 13 percent of senior government officials were women, and two women held ambassadorial rank. There were six female magistrates.

There were no members of minorities in the Government.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively.

During the year a number of officials at officially appointed bodies were arraigned on corruption charges or were dismissed after earlier being convicted of corruption. Government officials were subject to financial disclosure laws; the court has the right to order financial disclosure, depending on its judgment of the circumstances. The police and the Permanent Commission against Corruption are responsible for combating official corruption.

The country does not have laws providing general access to government information. There are laws which provide access for the press and the public to certain government-held information. The Government retained discretion to release information that does not fall under these sector-specific laws, and generally provided access to such information.

*Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

*Section 5. Discrimination, Societal Abuses, and Trafficking in Persons*

The Constitution prohibits discrimination based on race, gender, disability, language, or social status, and the Government generally enforced this prohibition effectively. There were incidents of child abuse and trafficking in persons.

*Women.*—Rape, including spousal rape, is a criminal offense, and the Government effectively prosecuted those accused of such crimes. Rape, spousal rape, and violent or indecent assault carry sentences of up to 10 years in prison.

During the year the police domestic violence unit received 341 reports of domestic violence, a significant increase from 2006. The law prohibits domestic violence, and the Government effectively enforced it. Penalties ranged from 3 months to 20 years in prison.

A special police unit and several voluntary organizations provided support to victims of domestic violence. There is a hotline to assist victims of abuse through counseling and shelter referrals. The Government provided support to victims of domestic violence through the Department of Welfare. A government-supported shelter for women and children was in operation throughout the year; the Government also provided financial support to a shelter operated by the Catholic Church, among others.

Some nongovernmental organizations (NGOs) and victims' assistance advocates asserted that domestic violence was underreported, primarily because of societal attitudes and the attitude of law enforcement and medical service providers. The NGOs reported that women were afraid to report the crime because they feared that they would not be believed or protected.

The law prohibits prostitution, and the Government effectively enforced it. The law provides for sentences of several months to 2 years in prison. From January to August, the police arraigned 79 persons for offences related to prostitution. There were a number of prosecutions during the year.

Sexual harassment is unlawful and is punishable by a \$3,100 (1,000 lira) fine, 6 months' imprisonment, or both. The Government effectively enforced the law. In August the Times of Malta reported that a woman was awarded financial compensation of approximately \$6,100 (1,800 lira) after the Industrial Tribunal found she was forced to leave her employment due to sexual harassment.

Women enjoy the same legal rights as men, including under family law, property law, and in the judicial system. Redress in the courts for sexual discrimination was available. The Ministry for the Family and Social Solidarity and the National Commission for the Promotion of Equality for Men and Women were responsible for gender equality issues. The commission's program focused on broader integration of women into society. It advised the Government on the implementation of policies promoting equality of women and men.

Although women constituted a growing portion of the higher education graduates and the work force, they were underrepresented in management and generally earned less than their male counterparts. The National Council of Women of Malta reported "extremely low" female representation in the labor force. In the first quarter of the year, 35.5 percent of women between age 15 and 65 were employed, and the female unemployment rate was 7.3 percent, compared with an unemployment rate for males of 6.6 percent.

*Children.*—The Government was strongly committed to children's rights and welfare. It provided free, compulsory, and universal education through age 16. During the year approximately 95 percent of school-age children attended school, and 70 percent went on to post-secondary education. There were no apparent differences in the access of girls and boys to education.

The Government provided universal free health care to all citizens, with equal access for boys and girls.

A review conducted by officials at the state hospital's Department of Pediatrics indicated that the agency received 1,200 reports of child abuse in 2006. Prison sen-

tences were handed down in a number of cases involving sexual abuse of minors. A number of sources consistently claimed that authorities did not pursue cases of alleged sexual abuse of children by Catholic clerics unless a parent or adult filed a formal complaint, but rather allowed the church to handle the matter internally. If a formal complaint was filed, the same police investigations and judicial process as for other such complaints were followed. One such case was pending at year's end, with no new developments since 2006.

*Trafficking in Persons.*—The law prohibits all forms of trafficking in persons; the authorities arrested suspected traffickers and offered protection services to trafficking victims. There were no reports that persons were trafficked to, from, or within the country; however, there was anecdotal evidence that women from Serbia, Russia, Ukraine, Romania and other Eastern European countries may have been trafficked to Malta for forced prostitution.

The most recent confirmed case of trafficking occurred in December 2006, when police arrested four Maltese nationals and a foreign national for procuring a Romanian woman for prostitution in Malta. However, in previous years there were credible and specific reports that the country was a destination for persons, primarily from Ukraine, Russia, the Czech Republic, and Romania, trafficked for prostitution.

The criminal code prohibits trafficking and makes the offense punishable by 2 to 9 years in prison. The punishment is more severe if the offense is accompanied by grievous bodily harm, generates over \$15,000 (5,000 lira), or is organized by a criminal network. Persons can be charged if the offense took place within the country or if the person is a national or permanent resident. The law states that a person who forces by violence, threat, or deceit, another person over the age of 21 to leave the country for the purpose of prostitution can be imprisoned for up to 2 years; the maximum sentence increases to 4 years for trafficking persons under 21.

Authorities made five arrests for trafficking or trafficking-related offenses during the year. In January the Court of Appeals confirmed a suspended sentence for a convicted trafficker for trafficking two women into prostitution. Algerian national Khaled Masoud was convicted and jailed for trafficking 15 immigrants. A police officer convicted for complicity in trafficking in 2005 remained out of jail pending appeal. Another police officer was convicted and sentenced to 3 years' imprisonment.

The Government sometimes cooperated with other governments in the investigation of trafficking. The court ordered the extradition of two citizens to Italy where they were wanted for helping with the travel of Italy-bound Chinese illegal immigrants. There were no reports that authorities condoned or facilitated trafficking in persons during the year.

The Government provided protection of witnesses and encouraged victims to assist in the investigation and prosecution of traffickers; however, victims who had been arrested generally refused to provide testimony or would testify only in closed hearings. Once victims provided evidence, they were typically returned to the care of social services and deported to their country of origin.

The Government provides for social services to victims of trafficking through contracts with local NGOs, which also provided social and housing services to victims of domestic violence. Law enforcement authorities screened suspected victims of trafficking at border entry points and referred victims to local NGOs.

The Government did not offer programs or education for the prevention of trafficking, but law enforcement officials participated in a course sponsored by a foreign Embassy to identify and process victims of trafficking.

*Persons with Disabilities.*—The law prohibits both the public and private sectors from discriminating against persons with disabilities in employment, education, health care, access to goods and services, housing, and insurance, and the Government effectively enforced these provisions. Through September the National Commission for Persons with Disability (NCPD), the agency responsible for enforcement of this law, continued work on 76 complaints of discrimination against persons with disabilities that were pending from previous years. From October 2006 through September 2007, the NCPD opened investigations on 105 new cases. A total of 98 cases were satisfactorily concluded.

*National/Racial/Ethnic Minorities.*—A few thousand persons of Arab, African, and Eastern European origin lived in the country. There continued to be isolated reports that owners of some bars and discos periodically discouraged or prohibited darker-skinned persons, particularly of African or Arab origin, from entering their establishments. There were no reports of charges being pressed by the alleged victims.

Five cases involving incitement to racial hatred were pending in the courts. In four of the cases, the charges were brought in regard to allegedly racist comments made in speeches on immigration. During the year three cases were filed against

Norman Lowell, who represented a far right political party; in October Lowell filed a countersuit claiming violation of freedom of expression and opinion. The case was ongoing at year's end. The fourth case was brought against an individual who represented a far right NGO. The fifth case was brought against a professor by an employee; in October the professor was cleared of all charges, and the employee who brought the charges was found guilty of threatening the professor and fined.

*Other Societal Abuses and Discrimination.*—There were no reports of discrimination based on sexual orientation or against persons with HIV/AIDS.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution provides for workers to form and to join unions of their choice without previous authorization or excessive requirements, and workers did so in practice. Noncivilian military and police personnel are not allowed to join unions. Approximately 65 percent of the work force was unionized. Although all unions were nominally independent of political parties, the largest, the General Workers' Union, was regarded as having close informal ties with the Labor Party.

*b. The Right to Organize and Bargain Collectively.*—The law allows unions to conduct their activities without interference, and the Government protected this right in practice. The law provides for collective bargaining, and it was freely practiced. Workers, except noncivilian military and police personnel, have the right to strike, and they exercised this right by conducting legal strikes.

There are no special laws or exemptions from regular labor laws in the country's one export processing zone.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced or compulsory labor and the Government generally enforced it.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—There are laws and policies to protect children from exploitation in the workplace, and the Government generally implemented them effectively; however, some underage children were employed as domestic labor, restaurant kitchen help, or vendors and, during the summer, in businesses owned by their parents.

The law prohibits the employment of children younger than age 16. The Employment Training Corporation, a government entity under the Ministry of Education, Youth, and Employment, is responsible for labor and employment issues. It generally enforced the law effectively but allowed summer employment of underage youth in businesses operated by their families.

*e. Acceptable Conditions of Work.*—The national weekly minimum wage of approximately \$186 (59.63 lira, combined with an annual mandatory bonus of approximately \$688 (220 lira) and a \$284 (91 lira) annual cost of living increase to all employees to reflect inflation, provided a decent standard of living for a worker and family. In addition, citizens were entitled to government subsidies for housing, health care, and education.

The standard workweek was 40 hours, but in some trades it was 43 or 45 hours. Government regulations provided for a daily rest period, which is normally 1 hour, and 1 day of rest per week. Premium pay is required for overtime. Excessive compulsory overtime is prohibited, and workers cannot be obligated to work more than 48 hours, inclusive of overtime. The Ministry of Education, Youth, and Employment's Department of Industrial and Employment Relations generally enforced these requirements effectively.

The Occupational Health and Safety Authority (OHSA), a government entity composed of representatives of the government, unions, and employers, conducted regular inspections at work sites and cited a number of offenders. Enforcement of health and safety standards continued to be uneven; industrial accidents remained frequent, mostly in the manufacturing and building and construction sectors. Workers have the right to remove themselves from situations that endangered health or safety without jeopardy to their employment, and OHSA generally enforced this right. Allegations of physical and sexual abuse of workers were rarely made public and even more rarely prosecuted in court.

---

## MOLDOVA

Moldova is a republic with a form of parliamentary democracy, with an estimated total population of 4.2 million inhabitants; an estimated 533,000 persons live in the secessionist-controlled region of Transnistria. Approximately 750,000 Moldovans live outside of the country. The Constitution provides for a multiparty government with



power shared by the president, the executive, a unicameral Parliament, and the judiciary; however, in practice the three branches of government are heavily influenced by the presidency. Parliamentary elections in 2005 generally complied with most international standards for democratic elections. Communist Party leader Vladimir Voronin was reelected by Parliament in 2005 as president for a second consecutive term. Civilian authorities generally maintained effective control of the security forces. Unless specifically stated, all references herein exclude the secessionist region of Transnistria.

The Government generally respected the human rights of its citizens; however, security forces beat persons in custody and held persons in incommunicado detention, prison conditions remained harsh, and security forces occasionally harassed and intimidated the political opposition. There were reports of judicial and police corruption, arbitrary detention by police, and occasional illegal searches. The Government attempted to influence the media and intimidate journalists, maintained some restrictions on freedom of assembly, and refused official registration to some religious groups. Persistent societal violence and discrimination against women and children; trafficking in women and girls for sexual exploitation; discrimination against Roma; limits on workers' rights; and child labor problems were also reported.

In 1990 separatists supported by Soviet military forces declared a "Transdnier Moldovan Republic" (Transnistria) in the area along the eastern border with Ukraine. The Moldovan government has very limited authority in the region. Approximately 40 percent of Transnistria's population is Romanian-speaking, 28 percent is Ukrainian-speaking, and 23 percent is Russian-speaking. A 1992 cease-fire agreement established a tripartite peacekeeping force composed of Moldovan, Russian, and Transnistrian units. Voting in the 2005 Moldovan parliamentary election did not take place in Transnistria; however, more than 8,000 voters residing in Transnistria voted at polling stations in government-controlled areas. Transnistrian authorities held separate legislative elections in 2005 and "presidential" elections in December 2006.

The human rights record of the Transnistrian authorities remained poor. They restricted the right of residents to change their government, and interfered with the ability of Moldovan citizens to vote in Moldovan elections. Transnistrian residents were expected to vote in Transnistrian elections. However Transnistrian residents cannot freely put themselves forward as candidates, nor can restricted Transnistrian media freely report on candidates or issues. Transnistrian elections were neither monitored nor recognized by international organizations. Torture and arbitrary arrest and detention continued to be problems, and prison conditions remained harsh. Transnistrian authorities continued to harass independent media and opposition lawmakers, to restrict freedom of association, movement, and religion, and to discriminate against Romanian-speakers.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Arbitrary or Unlawful Deprivation of Life.*—There were no reports that the Government or its agents committed arbitrary or unlawful killings in the country, including Transnistria.

*b. Disappearance.*—There were no reports of politically motivated disappearances during the year in the country, including Transnistria.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits such practices and criminalizes inhuman treatment and torture; however, there were credible reports that police used cruel and degrading arrest and interrogation methods and that guards beat prison inmates. Under the law, inhuman treatment carries a sentence of 8 to 15 years' imprisonment; torture carries a sentence of 16 to 25 years.

In June the Organization for Security and Cooperation in Europe (OSCE) Mission to Moldova reported that jailed Gagauz activist and separatist Ivan Burgudji complained to visiting OSCE officials of being mistreated and subjected to humiliation during interrogation on charges of misappropriating funds. He also told OSCE officials that he had not received prompt medical treatment for severe back pain. On August 9, Burgudji underwent back surgery at the National Center of Neurological Surgery. At year's end he was reported to be in good health and remained in custody.

On July 13, the Moldova chapter of Transparency International (TIM) reported that the Prosecutor General's Office won convictions of five policemen from the Chisinau Central Police Station accused of torture and violent inhuman treatment. They received prison sentences of 2 to 5 years. The convictions stem from abuse cases that occurred in 2003 and 2004.

In one case, Andrei Chicu and Mircea Tataru received sentences of 5 years for detaining a person in November 2003 without cause and for using torture to obtain information about car thefts in the capital. In a second case, three policemen were found guilty of extortion and illegally detaining a person in 2004 who was already sentenced to jail. According to TIM, one of the policemen, Vladimir Ilisov, was sentenced to 7 years in a closed penitentiary; the other two, Vitalie Sarbu and Ruslan Dondiu, each received a 2-year suspended sentence, a fine of \$97 (1,054 lei), and both were deprived of the right to hold certain public offices for 2 years.

During the year the European Court of Human Rights (ECHR) ruled against the country in several cases involving inhuman treatment. For example, on January 16, the ECHR ruled that the Government failed to conduct a proper investigation into allegations by Ion Pruneanu that police beat him in detention in 2002. On March 27, the ECHR determined that Viorel Istratii, arrested in 2004, was denied emergency medical attention and handcuffed to a heater. On May 10, the court ruled that Vladimir Modarca, arrested in 2004, was detained for 20 months with three other persons in a cell measuring 48 square feet; electricity and water were frequently cut off.

In Transnistria, the region's closed military court system regularly ignored reports of alleged hazing and abuse. According to a Chisinau-based NGO, some conscripts were forced to march and run in boots that were several sizes too small.

On July 2, the Moldovan government rejected an ECHR ruling as "groundless" in the April 2006 torture case brought by Vitalii Kolibaba against police officers. Kolibaba filed the complaint in December 2006; the ECHR ruling referred the case back to the Government for comment, pretrial resolution, or settlement.

There were no developments during the year in the 2006 case of Mihai Corsacov, who accused two police officers of torture. In April 2006 the ECHR ruled unanimously in favor of Corsacov. In September 2006, the Prosecutor General's Office opened a criminal investigation into the charges against the officers and passed the findings to the Hincesti court to examine its merits.

*Prison and Detention Center Conditions.*—Conditions in most prisons, including those administered by Moldovan authorities and those in the separatist Transnistria region, remained harsh, dangerously overcrowded and in some instances life threatening. Cell sizes did not conform to local legal requirements or international standards. The incidence of malnutrition and disease, particularly tuberculosis, was high in all prisons. Conditions were particularly harsh in pretrial and presentencing facilities.

On September 17, the Department of Penitentiary Institutions announced that three prison guards were summarily dismissed for inhuman treatment or torture of prisoners. There were no developments in the Government's investigation into the July 2006 death of a pretrial detainee in a hospital after being beaten by a group of police officers.

According to news reports during the year, inmates in Balti Prison were each allotted two square meters (approximately 36 square feet) of space. Juveniles were held together with adults, and all prisoners suffered from poor ventilation and low-quality food; 31 prisoners were diagnosed with HIV/AIDS.

The Bender prison, which is controlled by the Government and housed 108 inmates, remained disconnected from municipal water, sewage, and electricity. A generator supplied electricity for 4 hours a day, and water was supplied in buckets.

In September, following a visit to the country, the Council of Europe's Committee for the Prevention of Torture (CPT) issued a preliminary report noting improvements in some areas. For example, authorities gave prisoners a summary of their rights, there were more employment opportunities inside the prisons, special rooms were set aside for prisoners with life sentences to meet with their families, and patients with tuberculosis received better treatment.

The CPT report also noted that physical mistreatment of prisoners almost always occurred at the time of arrest, and that a reduction in the overall number of detainees in detention centers that the CPT delegation visited had a positive effect on conditions. The report described allegations of physical abuse—electrical shock and beating the soles of the feet—as the most severe. However, in contrast to its previous report, the CPT did not use the term "life-threatening" to describe prison conditions.

Pretrial detainees were generally held apart from convicted prisoners, although there were reports of convicted prisoners remaining in detention facilities because of prison overcrowding. Children convicted of crimes were sent to adult prisons, where they were held in separate cells.

The Government permitted independent monitoring of prison conditions by local and international human rights observers, and prison officials generally allowed observers to talk in private with inmates. The Government cooperated with the Inter-

national Committee of the Red Cross (ICRC) and permitted visits to prisoners in accordance with the ICRC's standard practices.

In March 2006 Transnistrian authorities allowed a CPT delegation access to all detention facilities that it had asked to visit. It was the CPT's third visit to the separatist region.

*d. Arbitrary Arrest or Detention.*—The law prohibits arbitrary arrest and detention; however, in practice authorities did not observe these prohibitions.

In contrast with 2006, there were no reports of arbitrary arrest and detention.

Foreign nationals who attempted to conduct academic research in Transnistria were subjected to frequent involuntary interviews with state security services. Several Moldovan NGOs active in Transnistria reported frequent arbitrary stops by Transnistrian authorities, who on occasion confiscated legal rights training materials.

*Role of the Police and Security Apparatus.*—The national police force is the country's primary law enforcement body. It is subdivided into regional and city police commissariats, which are subordinated to the Ministry of Interior. Police corruption remained a problem.

The Office of the Prosecutor General is responsible for investigating police activities. However, staff of the prosecutor's office stated that the Ministry of Interior often ignored, or only superficially examined, their reports of violations by police. An internal affairs unit that reported to the ministry investigated incidents of impunity and corruption.

*Arrest and Detention.*—The law allows judges to issue arrest warrants based on evidence from prosecutors. Authorities must promptly inform detainees why they were arrested and describe the charges against them. Suspects may be detained without charge for 72 hours. The law provides accused persons the right to a court hearing; however, these rights were not always respected in practice.

Once charged, a detainee may be released on personal recognizance pending trial. The law provides for bail, but it was rarely used, and the bail system did not function well. Authorities generally did not authorize bail for detainees accused of violent or serious crimes.

On November 6, the ECHR called for the Government to award opposition political party leader Eduard Musuc \$17,500 (12,000 euros) in compensation for his illegal detention in 2006, and the violation of his rights to freedom. Musuc was arrested in September 2006 by the Government's Center for Combating Economic Crimes and Corruption (CCECC) on charges of fiscal impropriety. In October 2006 a court set bail at the unprecedented level of \$166,667 (2 million lei). Musuc failed to pay bail and was jailed on March 7. He remained in detention for 47 days. On April 23, the Buiucani District Court rejected as groundless a request from the prosecutor general to indict Musuc and released him from detention.

Detainees have the right to a defense attorney; however, at times this right was restricted. Authorities generally did not grant detainees access to a lawyer until 24 hours after being detained. Police often told persons that they were witnesses in a case, questioned them without a lawyer present and subsequently detained them as suspects. Detainees were often informed of the charges against them without a lawyer present. The Government required the local bar association to provide an attorney to indigent defendants but did not pay legal fees; such defendants often did not have adequate counsel. Detainees were generally allowed access to family members.

The law permits pretrial detention for up to 30 days. The courts may extend pretrial detention for up to 12 months, based on the severity of the charges. Detention of several months was common.

According to a November 2006 OSCE report on the country's trial procedures, trials were frequently postponed because of the absence of a key participant. In over half of trials that were monitored, prosecutors, defense attorneys, victims, or witnesses failed to appear in court with no explanation or prior notification.

In Transnistria security services continued to harass and detain persons suspected of being critical of the regime.

On June 22, Gagauz activist and separatist Ivan Burgudji was sentenced to 12 years in prison on charges of embezzling \$6,825 (81,900 lei) in 2002 from the Gagauz regional budget to operate an office in the Transnistrian city of Tiraspol. Moldovan police arrested Burgudji in December 2006 without a warrant and did not promptly inform him of the charges. The OSCE Mission to the country expressed concern over the severity of the sentence, saying it raised questions about its proportionality to the alleged crime. In January the autonomous Gagauz Executive Committee declared that the decision to establish the Tiraspol office was made in 1999 by the Gagauz Peoples Assembly and was never challenged by Moldovan authorities. The committee refused a Ministry of Interior request to participate in the

case against Burgudji, saying it had no complaint against him. Attorneys for Burgudji argued that the case was politically motivated because of their client's active support for Transnistrian and Gaguz independence.

*Amnesty.*—Amnesty was generally granted for persons sentenced to less than 4 years in prison.

On July 9, the Chisinau Court of Appeals amnestied former defense minister Valeriu Pasat. He was arrested in 2005 on charges of defrauding the Government of millions of dollars and for unlawfully selling state property. In January 2006, following a closed civilian trial, a court sentenced Pasat to 10 years in jail. In October 2006 the appeals court acquitted Pasat of some of the charges and reduced his sentence to 5 years. Pasat, who supported opponents of the country's president in the March 2005 parliamentary elections, claimed that the charges against him were politically motivated.

*e. Denial of Fair Public Trial.*—The law provides for an independent judiciary; however, official pressure and corruption remained a problem. There continued to be credible reports that local prosecutors and judges asked for bribes in return for reducing charges or sentences, and observers asserted that courts were sometimes politically influenced.

Political factors played a role in the reappointment of judges. According to a January report by the American Bar Association/Central European and Eurasian Law Initiative (ABA/CEELI), younger judges, who hold initial 5-year appointments, were vulnerable to executive-branch influence; their promotion is based on nontransparent criteria and subjective tests.

During the year the number of cases brought by Moldovans before the ECHR increased. On September 5, according to an OSCE report, Prime Minister Tarlev described the large number of adverse rulings from the ECHR as a major problem for the Government. Since independence in 1991, the Government has lost 104 cases filed with the ECHR and has been ordered to pay more than \$2.7 million (1.88 million euros) in fines.

The judiciary consists of lower courts, courts of appeal, and the Supreme Court of Justice. A separate Constitutional Court has exclusive authority in cases relating to the constitutionality of draft and final legislation, decrees, and other governmental acts. The Constitutional Court was the only court generally regarded as fair and objective. The Office of the Prosecutor General is autonomous and answers to Parliament. It is responsible for overseeing criminal investigations, prosecuting charges, and protecting the rule of law and civil freedoms. Prosecutors may open and close investigations without bringing the matter before a court, giving them considerable influence over the judicial process.

The military court system is separate but generally has similar problems of corruption and inefficiency. The jurisdiction of military courts extends to crimes committed by active duty, reserve and retired military personnel. Military courts can also try civilians for crimes committed against military personnel.

*Trial Procedures.*—By law defendants in criminal cases are presumed innocent; however, in practice a prosecutor's recommendation carried considerable weight and limited a defendant's presumption of innocence. Cases were presented to a judge or to panel of judges. Defendants had the right to a lawyer, to attend proceedings, to confront witnesses, and to present evidence. The law requires the local bar association to provide an attorney to defendants who cannot afford one. Prosecutors occasionally used bureaucratic maneuvers to restrict lawyers' access to clients. Defense attorneys were able to review evidence against their clients when preparing cases. Convicted persons have the right to appeal to a higher court.

A November 2006 OSCE report, which was based on a 6-month trial monitoring project in Chisinau, found a range of problems at the district and appeal court levels. For example, 80 judges in five district courts in Chisinau had access to only 12 courtrooms; as a consequence, 71 percent of trial hearings were held in judges' offices, where hearings were often interrupted by individuals requesting signatures, seeking to lodge complaints, or wishing to visit the judge. While most judges acted professionally, others engaged in frequent ex parte communications with prosecutors and defense attorneys, thus creating an appearance of impropriety. Space limitations during proceedings placed victims and witnesses in close proximity to defendants; victims and witnesses were often treated abusively and insensitively. Public access to trials was hindered because many judges did not publicly post their calendars or schedules of cases. Most court clerks were not diligent about their duties and some did not properly record trial proceedings. Delays and postponements bred disenchantment and eroded respect for trial proceedings.

The law provides for defendants to have an interpreter; however, the OSCE trial monitoring report observed a shortage of interpreters, a lack of knowledge of legal

terminology, and tendency to mix Romanian and Russian terms. Nearly 40 percent of court interpreters did not translate in a fully satisfactory manner. The OSCE report also noted that judges at times ordered proceedings to be conducted in Russian, even though some participants complained they could not understand the language.

*Political Prisoners and Detainees.*—There were no reports of political prisoners or detainees.

In June Transnistrian authorities released the final two members of the “Ilascu Group,” Andrei Ivantoc and Tudor Petrov-Popa, who spent 15 years in prison at hard labor. They were arrested in 1992 and convicted of anti-Soviet activities and killing two Transnistrian officials. On July 12, the European Parliament adopted a resolution condemning severe and widespread human rights violations in the separatist region. As examples, the resolution noted the cases of Ivantoc and Petrov-Popa, who were cited as having been subjected to “degrading treatment.”

*Civil Judicial Procedures and Remedies.*—By law citizens can seek damages in civil courts for human rights violations. Under the Constitution, the Government is liable in cases where authorities violate a person’s rights by administrative means; fail to reply in a timely manner to an application for relief; or make damaging errors during prosecution. However, judgments awarded in such cases were small and frequently not enforced.

During the year the ECHR issued a total of 61 adverse decisions on human rights violations, bringing the overall total since 1991 to 104. Of the 61 decisions, 29 faulted the authorities for not enforcing judgments in cases involving property disputes; 20 involved unlawful arrests and inhuman treatment; seven dealt with freedom of expression; four involved fair trial or access to courts, and one involved religious freedom. On March 15, Minister of Justice Vitalie Pirlog publicly criticized the courts for repeating “the same inadmissible mistakes.”

While the law provides for restitution of property and compensation for victims of political repression, commissions set up to receive petitions have not been funded to make payments. In Chisinau, where \$500,000 of funding (6 million lei) was allocated for compensation, there was no commission to make payments. Applicants must prove a direct causal connection between political repression and the seizure of their properties to receive restitution.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law prohibits such actions; however, the Government did not respect these prohibitions in practice.

It was widely believed that authorities, including the Ministry of Interior, the Prosecutor General’s Office, and the Security and Information Service, continued to conduct illegal searches and wiretaps. By law judges may authorize legal wiretaps only in cases where a criminal investigation is underway; however, in practice the judiciary lacked the ability to prevent illegal wiretaps by security organizations and police. Courts continued to accept evidence that was obtained illegally.

During the year opposition politicians repeated allegations that government authorities were monitoring them illegally. Some politicians reported that unidentified persons, whom they believed to be members of the security services, openly filmed and recorded their public appearances.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The law provides for freedom of speech and of the press; however, the Government sometimes restricted these rights and on occasion journalists were intimidated into practicing self-censorship.

Public criticism of the Government was generally allowed; however, members of the media and local NGOs believed that authorities attempted to impede criticism made by influential persons. During the year, according to international NGOs that monitor media practices, overall media freedom has deteriorated despite some progress with media law reform. For example, the Freedom House annual freedom of the press survey has rated the country’s media as “not free” for the past 4 years. The country’s last “partly free” media rating by Freedom House was in 2003.

The print media expressed diverse political views and commentary. The broadcast media were weaker in this regard because local private broadcasting was limited. The Government continued to influence the media through its role in distributing broadcast licenses and its financial support for privatized media outlets, including the public radio and television broadcaster Teleradio Moldova (TRM), which covered most of the country.

The broadcasting code regulates the activity of private television and radio stations, the government-controlled public broadcaster TRM, and the Government’s main regulatory authority for broadcasting, the Audiovisual Coordinating Council (ACC). Local media NGOs have expressed concern that the code places all public

television and radio stations under TRM's control, which could stifle independent media.

The Government owned the Moldpress News Agency; local and city governments subsidized approximately 25 newspapers. Political parties and professional organizations also published newspapers with circulation of less than 15,000. The Government did not restrict foreign publications, but most were not widely circulated because of their high cost. Newspapers from Russia were available; some published special weekly supplements for the country.

Several privatized newspapers, including the formerly government-owned Moldova Suverana and Nezaivisimaia Moldova, continued to publish favorable reports about the Government's activities and to exclude reports about opposition figures and alternative viewpoints. Opposition party-owned and independent newspapers, such as Flux, Timpul, Jurnal de Chisinau, and Ziarul de Garda, published more diverse views and articles critical of the Government and its policies.

According to the ACC, there were 47 radio stations and 213 television stations and cable operators in the country. Most of them rebroadcast programs from Romania, Russia, and Ukraine and offered a limited amount of locally produced programming. Other foreign programs, including international news broadcasts, were available by subscription from private cable television operators. Some local governments, including that of the autonomous territory of Gagauzia, also operated television and radio stations and newspapers.

The controversy over the Government's nontransparent privatization of the public broadcasters Radio Antena-C and Euro-TV continued during the year. In January the two stations were sold for approximately \$287,000 (3.5 million lei). According to local news reports, Radio Antena-C was sold for approximately \$123,000 (1.5 million lei), and Euro-TV was sold for approximately \$164,000 (2.0 million lei). The purchasers of both stations were alleged to be supporters of the ruling Communist Party.

The controversy began in December 2006 when the Chisinau Municipal Council dismissed the directors of the two stations, which often criticized the Government. Antena-C's signal was interrupted and police surrounded the station to prevent staff from entering. Many journalists at both stations were dismissed. Opposition parties, NGOs, and the international community expressed concern about the council's action, since it deprived the public of important alternative sources of information. Journalists at the two stations unsuccessfully challenged the privatization in court, but other cases brought by journalists who were dismissed were ongoing at year's end.

On March 14, officials from 14 Western diplomatic and international organizations issued a statement criticizing the sale and privatization of Radio Antena-C and Euro TV, noting a "worrying trend" in efforts by the Government to limit the space for the free flow of information.

On February 20, a six-member group of local media outlets spoke out against the ACC's unexplained refusal to renew the broadcast license of a popular FM station in Balti. In a statement the group said the suspension of the station, appeared to be an example, together with the actions against Radio Antena-C and Euro TV, of authorities attempting to limit a plurality of opinion and criticism of the Government ahead of local municipal election campaigns.

On May 23, the ACC criticized Teleradio Moldova for slanted coverage of progovernment candidates who were campaigning in nationwide municipal elections. According to an analysis by the Electronic Press Association, one-third of the public broadcaster's news reports praised the Government and government officials. On August 1, Prime Minister Tarlev complained that TRM was not reporting enough about government accomplishments and stated that the Government was drafting an agreement to stipulate what TRM should broadcast about the Government.

Opposition ACC members continued to complain about central government pressure, principally in the form of what they called abusive and arbitrary investigations of extortion. On July 31, the nine-member ACC removed its progovernment chairman and elected opposition representative Vlad Turcanu. However, Turcanu's election was not officially recognized, and he could not assume the chairmanship. On September 19, allegedly in response to government pressure, the ACC elected a new progovernment chairman, Gheorghe Gorincioi.

In contrast to previous years, no new libel cases were reported during the year. Libel is no longer a criminal offense and the law limits the amount of fines that can be claimed for slander. However, journalists reportedly continued to practice self-censorship and avoid controversial issues out of concern that government officials and other public figures could use civil defamation laws to retaliate for critical news coverage.

On March 28, in response to detention by police of two television news crews who were filming a peaceful protest in the capital, the head of the OSCE mission in the country issued a statement expressing concern over restrictions of freedom of the media. The statement characterized police actions against Pro TV and DTV and police confiscation of videotape showing the arrests as “neither proportional nor necessary in a democratic society.”

There were no developments in the October 2006 bribery case against Ghenadie Braghis, sales director of the independent Pro-TV media company. Braghis was arrested in September 2006 and detained for 10 days on allegations of bribery. Following his release, the prosecutor general reinstated bribery charges. Observers stated that Braghis’s arrest may have been politically motivated as retaliation for critical Pro-TV news reports about the interior minister. While in detention, Braghis was held incommunicado and denied prompt access to legal counsel.

In Transnistria authorities sharply limited freedom of speech and of the press. Alternative viewpoints were subjected to widespread censorship, and residents were wary of voicing alternative opinions and engaging in meaningful debate over key issues affecting the separatist region.

It was difficult to register, maintain, and financially sustain independent newspapers, radio stations, or television stations in Transnistria, though several existed. Most newspapers from government-controlled areas did not circulate widely in Transnistria, although they were available in Tiraspol.

Both of Transnistria’s major newspapers, Pridnestrovie and Dnestrovskaya Pravda, were official publications of the separatist administration. One independent weekly newspaper was published in Bender and another in the northern city of Ribnitsa. However, according to a study by a western academic researcher, the Ribnitsa-based Dobryi Den newspaper did not publish any articles critical of Transnistria or separatist authorities. Separatist authorities harassed independent newspapers for critical reporting of the Transnistrian regime. Opposition newspapers in the region, such as Novaia Gazeta and Chelovek i yevu Prava (Man and His Rights) were published, but had limited circulation of about 3,000.

Other Transnistrian media that printed reports critical of the secessionist authorities also had small circulations and appeared either weekly or monthly.

The majority of television and radio stations in Transnistria were controlled by the authorities, who largely dictated editorial policies and financial operations. Some broadcast networks, such as the TSV television station and the INTER-FM radio station, were owned by Transnistria’s largest commercial entity, Sheriff Enterprises. The enterprise also effectively controlled the Obnovlenie Party, which held a majority of seats in the region’s legislature. The other major television station in the region, Transnistrian Moldovan Republic TV, is operated by the Transnistrian government. While these outlets on occasion expressed alternative views on social and economic policy, Transnistrian authorities sharply criticized any mention of compromise with the Moldovan government or questioning of Transnistrian “independence.”

*Internet Freedom.*—There were no reports of government restrictions on access to the Internet or of government monitoring of e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail.

An estimated 11.5 percent of the country’s population could access the Internet. While few could afford computers and private access to the Internet, public access at cafes in major cities around the country was readily available.

In Transnistria, Internet connections were available in most parts of the region, and most residents accessed the Internet through publicly available computers at cafes. One single company, Sherriff, was the sole Internet provider in the region.

*Academic Freedom and Cultural Events.*—On September 3, Transnistrian authorities cordoned off the Romanian-language secondary school in Corjova and threatened to close it for playing the country’s national anthem at a school ceremony. Authorities also threatened school principal Constantin Sucitu with “unpleasant consequences” if he again violated Transnistrian law.

On October 16, a bust of Romanian writer Liviu Rebreanu was unveiled in Chisinau’s central park. Authorities had refused to allow installation of the bust since 2003, characterizing it as a symbol of Romanian nationalism.

There were no developments regarding the “integrated history” course that the Ministry of Education attempted to introduce for preuniversity students in 2006. Academicians had condemned the course for reflecting Stalinist ideas and promoting xenophobia and anti-Romanian sentiments.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The law provides for freedom of assembly; however, at times the Government limited this right in practice. On several occasions local authorities arrested and detained citizens during peaceful protests and later released them without charges.

On March 22, Chisinau municipal authorities banned the NGO Hyde Park from holding demonstrations at the Ministry of Foreign Affairs, the local office of the European Commission, and at the Romanian Embassy, to protest discrimination against ethnic Romanians. On March 27, police arrested and fined 15 Liberal Party members as they attempted to lay wreaths on the graves of National Assembly members who voted for reunification with Romania in 1918. Members of two television film crews were also arrested and detained; their videotape was confiscated.

On April 11, Chisinau municipal authorities refused the gay rights NGO GenderDoc-M permission to hold a demonstration calling for legislation to bar discrimination on the basis of sexual orientation. The denial was issued despite a February 13 Supreme Court ruling that a similar ban in 2006 was a violation of the right of assembly. On May 8, Chisinau Municipal authorities banned Amnesty International (AI) Moldova from gathering on Victory Day in memory of World War II veterans and women who had suffered in armed conflicts.

In Transnistria authorities usually did not permit free assembly; on those occasions when they did issue permits for demonstrations, authorities often harassed organizers and participants and ordered that the demonstrations take place in obscure locations away from city centers. Permits for demonstrations and public meetings were issued predominantly to organizations and groups loyal to the authorities.

On March 11 and 12, Transnistrian police preemptively arrested 10 persons who had planned a protest rally against the regime on March 13. At year's end there was no information regarding their whereabouts.

*Freedom of Association.*—The Constitution provides for freedom of association and states that citizens are free to form parties and other social and political organizations; however, the Constitution also prohibits organizations that are “engaged in fighting against political pluralism,” the “principles of the rule of law,” or “the sovereignty and independence or territorial integrity” of the country.

In Transnistria, authorities restricted freedom of association by intimidation and prosecution for alleged offenses or on fabricated charges. In April 2006 Transnistrian leader Igor Smirnov issued a decree prohibiting external financing of NGOs. After criticism from the international community and Transnistrian NGOs, Smirnov changed the decree to prohibit external financing of only those NGOs that are directly “engaged in political activities.”

On August 10, the Transnistrian government promulgated a law that gives the authorities broad and vague powers to fight extremism, which is defined as promotion of mass disorder, public defamation, or acts to change the constitutional order.

On October 25, the Tiraspol City Court gave Transnistrian Communist Party leader Oleg Horjan a suspended prison sentence of 18 months, and fined him approximately \$120 (1,000 Transnistrian rubles) for organizing unauthorized protest rallies in March and resisting arrest. Horjan was not permitted to participate in election campaigns during the period of his prison sentence, and faced mandatory prison time if found guilty of any further offense.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, the law includes restrictions that inhibit the activities of unregistered religious groups. There is no state religion; however, the Moldovan Orthodox Church received favored treatment from the Government. For example, the Metropolitan of Chisinau and All Moldova is issued a diplomatic passport, a privilege accorded to no other religious leader.

In Transnistria, separatist authorities continued to deny registration to a number of minority religious groups and harassed their members.

On July 26, Parliament passed a new religion law that requires religious groups to register with the Ministry of Justice. Previously, religious groups were required to register with the State Service for Religious Affairs (SSRA). Unregistered religious groups may not buy land or obtain construction permits to build churches or seminaries.

The new law notes the special status of the Moldovan Orthodox Church in the country's history and culture and simplifies registration procedures. However, it includes a new requirement for groups to obtain signatures from 100 citizens to register as a national religious organization. The law also allows religious groups more access to public places, permits congregations to switch denominational allegiance, but expands the definition of “abusive proselytism” to include psychological manipulation and subliminal techniques.



The SSRA was dissolved on October 16. All registration files were to be transferred to the Ministry of Justice within 2 months, and unresolved applications were to be transferred within 15 days. At year's end no religious organization had reported attempts to register with the Ministry of Justice.

Before it was formerly dissolved in October the SSRA still had not registered the True Orthodox Church of Moldova, despite a 2002 Supreme Court ruling in the church's favor and a February 27 ruling by the ECHR, which fined the Government \$15,600 (12,000 euros) for not registering the Church. The Ukrainian Orthodox Kyiv Patriarchate, the Central Muslim Spiritual Board of Moldova, a variety of Protestant congregations, and the Spiritual Organization of Muslims in Moldova continued to encounter bureaucratic obstacles to registration.

The SSRA, prior to its dissolution, continued to maintain that Muslim organizations had failed to present necessary documents for registration. The Spiritual Organization of Muslims (SOM) reported that a hearing on their case before the Chisinau Court of Appeals was again postponed because a Ministry of Justice representative was not available. The appeals court was also awaiting a justice ministry decision on the registration of the Ideli Tatar Muslim community. On December 9, the SOM affirmed its Constitution and planned to register with the Ministry of Justice as soon as new administrative structures were available.

On August 29, members of the Unification Church approached the SSRA to register their church under the provisions of the new religion law. An SSRA representative told members to return in 3 months when new Ministry of Justice administrative structures would be in place.

In December 2006 the SSRA registered the Church of Jesus Christ of Latter-day Saints (Mormons) in response to a Supreme Court ruling. The SSRA action ended a 6-year legal effort by the Mormons to obtain official government recognition.

On October 2, the Transnistrian Constitutional Court ordered the separatist government to comply with its August 16 order, which determined that the Jehovah's Witnesses should be accredited and permitted to import literature. On November 29, the Tiraspol City Court recognized Jehovah's Witnesses' right to have their new charter registered.

The ruling ended a 2½-year legal battle with the Tiraspol city prosecutor to request registration documents that are required to obtain accreditation. The prosecutor had twice ordered the community to bring its charter into compliance with the law.

On October 8, Igor Velikanenko of New Life Mission was arrested and questioned for 9 hours after he attempted to distribute free copies of a Protestant magazine in Tiraspol. Police charged him with illegally importing the magazines, even though they were cleared for entry by Transnistrian customs. Velikanenko paid a fine of \$139 (1,170 Transnistrian rubles). His car was confiscated for 8 days, but the magazines were not returned.

In August 2006 Transnistrian authorities forced the Ribnitsa-based nonprofit Pentecostal Christian charity Missia Svet (Light Mission) to change its name to the more secular-sounding Lucia Svet (Lucia Light) and closed down its drug rehabilitation center.

Foreign missionaries, like all other foreigners, may enter the country for 90 days on a tourist visa. Although the new religion law prohibits "abusive proselytizing," the Government did not take legal action against individuals or organizations for proselytizing. However, police and other local authorities frequently call visiting foreign missionaries into police stations for extensive questioning about religious and charitable services offered by the missionaries.

The new religion law does not address property restitution. However, the Law on Rehabilitation of Victims of Political Repressions provides for restitution of property confiscated during the Nazi and Soviet regimes to religious communities. Claims by the Moldovan Orthodox Church have been favored over those of other religious groups and the church has recovered nearly all of its property. In cases where property was destroyed, the Government offered alternative compensation. Property disputes between the Moldovan and Bessarabian branches of the Orthodox Church have not been resolved; representatives of the Bessarabian Orthodox Church claimed that their property rights were still being violated.

While the Lutheran Church reports that authorities have not returned or provided compensation for any of their pre-World War II properties, the Jewish community has had several of its properties restored.

*Societal Abuses and Discrimination.*—Members of Jehovah's Witnesses complained that local town councils and Orthodox priests and their adherents continued to impede their ability to practice their religion freely.

In Transnistria, non-Orthodox groups complained that they were generally not allowed to rent property and were often harassed during religious services.

The Jewish community had approximately 25,000 members, including 2,600 living in Transnistria. Synagogues functioned openly in the country, without harassment.

On March 25, five tombstones were knocked over in the Jewish cemetery in Chisinau. Jewish leaders considered the act to be a minor incident and stated that they had not experienced anti-Semitism during the year. On March 28, authorities arrested five young men in connection with the incident on suspicion of vandalism and desecrating a Jewish cemetery.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The law provides for these rights, and the Government generally respected them in practice. Transnistrian authorities at times restricted travel to and from the separatist region. On several occasions during the year Western diplomats stationed in Chisinau were denied entry into the secessionist region for routine visits. However, on other occasions, they were allowed in.

On September 19, the Transnistrian legislature approved a measure to cancel a “migration tax” that was levied on Moldovans from government-controlled areas and on some foreign nationals who crossed into Transnistria. The new measure was intended to take effect in 2008.

Transnistrian authorities often stopped and searched incoming and outgoing vehicles. According to the local Helsinki Committee, waits of up to 2 hours at Transnistrian customs occurred from time to time, as did arbitrary fines and seizures of the goods of persons entering or exiting the region.

During the year the length of stay for short-term visitors to Transnistria was lowered from 24 to 10 hours. A longer stay required an official letter of invitation and registration at a local passport office. Transnistrian authorities allowed farmers from government-controlled villages in the Dubasari region of Transnistria to travel to areas outside Transnistria to sell their produce. However, in August Transnistrian authorities prohibited farmers from harvesting their crops unless a Transnistrian customs officer was present. Farmers were required to provide transport for these officers from Tiraspol to their fields, which were approximately 20 miles (30 kilometers) away.

Moldovan law prohibits forced exile, and the Government did not employ it.

Moldovan citizens residing in Transnistria reportedly requested permission from the Moldovan government to perform military service in government-controlled areas to fulfill Moldovan government legal requirements and to avoid the harsh treatment meted out to conscripts in Transnistria. However, according to the legal rights NGO Promo-Lex, Moldovan authorities refused all requests and advised their citizens to complete military service in Transnistria.

Citizens generally were able to depart from and return to the country freely; however, there were some limitations on emigration. The law requires persons wishing to emigrate to first meet all outstanding financial obligations to other persons or legal entities. However, this requirement was not strictly enforced in practice. Close relatives who are dependent on a potential emigrant for material support must also give their concurrence.

*Protection of Refugees.*—The law provides for the granting of asylum or refugee status to persons in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. The Government granted refugee status and asylum.

The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 U.N. convention and its 1967 protocol. During the first 11 months of the year 68 persons filed for asylum. Of that number 18 received asylum; 35 applications were rejected and 15 others were administratively closed. The Government cooperated with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

As of November 30 there were 150 refugees in the country, according to the UNHCR. The majority of refugees and asylum seekers were from the former Soviet Union, including Russia, particularly its breakaway region Chechnya and Armenia; others were from the Middle East and African countries.

*Stateless Persons.*—As of September 30, there were 1,623 stateless persons with permanent residence in the country, and two with temporary residence. Stateless persons may obtain Moldovan citizenship only if they marry Moldovan citizens. Moldovan citizenship is derived by birth within the country’s territory (*jus soli*) and from one’s parents (*jus sanguinis*).

*Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice in most of the country through periodic, generally free and fair elections held on the basis of universal suffrage; however authorities at times harassed and intimidated the political opposition.

In Transnistria authorities restricted the right of residents to change their government and interfered with the right of Moldovan citizens to vote in Moldovan elections. For example, during the country's municipal elections in June, authorities aggressively blockaded a polling station at the Transnistrian town of Corjova, which was under central government administration, and beat local councilor Iurie Cotofana. They also arrested mayoral candidate Valentin Besleag without revealing charges against him. At year's end Besleag remained in prison, and Transnistrian authorities had not released details of the charges against him.

The country's Constitution provides for a form of parliamentary government. Parliament elects the president by a three-fifths majority vote. The president appoints the prime minister, who in turn names a cabinet. Parliament must approve both the prime minister and the cabinet.

*Elections and Political Participation.*—Multiparty parliamentary elections in 2005 complied with most international standards for democratic elections. While the balloting was free and fair, an OSCE election observation mission reported that campaign conditions and media coverage preceding the vote “were not satisfactorily equitable.” As a result, the elections fell short of meeting standards “central to a genuinely competitive election process.” Restrictive legal provisions and interference by authorities, in particular at the local level, hampered the campaigns of some candidates, particularly those representing the opposition.

There were 21 women and 26 members of ethnic minorities in Parliament. One woman and three minority members sat in the 21-member cabinet. Russian, Ukrainian, Bulgarian, Azeri, and Gagauz minorities were represented in Parliament.

Nationwide municipal elections were held on June 3 and June 17. An OSCE international election observation mission reported that the elections were generally free and well administered. However, while voters had a genuine choice of candidates, there were shortcomings, including intimidation of candidates and media bias.

For example, there were credible reports of harassment of opposition candidates by the ruling Communist party and authorities, which led to some candidate withdrawals. There also was misuse of state funds and equipment to promote Communist Party candidates and unbalanced media coverage that benefited progovernment candidates. However, the Communist Party lost its majority control of local governments; it went from controlling 29 districts to controlling 11. The party also lost the mayor's race in Chisinau to a Liberal Party candidate who polled 61 percent of the vote.

The Gagauz Christian Turkic minority enjoyed local autonomy in Gagauzia in the southern part of the country. According to the OSCE and the Council of Europe, the two rounds of voting for governor of Gagauzia in December 2006 were held in a generally orderly manner and complied with most international standards. Opposition candidate Mikhail Formuzal was elected governor for a 4-year term.

In Transnistria authorities restricted the right of residents to change their government and interfered with their ability to vote. Lack of education about voting rights, lack of transparency regarding the location of polling places, restrictions on media, widespread progovernment propaganda, and complex rules for transferring one's right to vote to one's district of residence interfered with residents exercising their right to vote.

Elections in 2005 for the Transnistria region's Supreme Soviet gave 23 out of 43 seats to the Obnovlenie (Renewal) Party and 13 to the Respublika (Republic) Party of “president” Igor Smirnov. In the December 2006 elections for Transnistrian “president,” Smirnov, was elected for a fourth consecutive time, receiving 82.4 percent of the vote according to official results. However, exit polls showed that Smirnov received 63.3 percent. None of the elections in the secessionist region have been monitored or recognized by international organizations.

*Government Corruption and Transparency.*—The law provides provide criminal penalties for official corruption; however, the Government did not implement these laws effectively, and corruption was reported by various NGOs and international organizations to be pervasive throughout government and society. The World Bank's worldwide governance indicators reflect that corruption was a serious problem.

The Government has acknowledged that corruption is a major problem and established special law enforcement agencies, such as the Center for Combating Economic

Crimes and Corruption (CCECC) and judicial units to fight corruption; however, some observers asserted that authorities used these units to harass political opponents.

During the year the CCECC opened 29 criminal cases against representatives of the judiciary on charges of fraud, corruption and trafficking of influence (requesting money and pretending to pay judges in return for a favorable decision). At year's end, no developments were reported on the status of these cases.

The law provides for free public access to official information; however, its implementation remained problematic. According to a 2006 Freedom House report, 82 percent of ministries and state agencies in Chisinau provided required information. However, only 9 percent of town halls, 24 percent of local police stations, and 25 percent of courts responded to requests for information.

*Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

Domestic and international human rights groups generally operated in the country without government restriction, investigating and publishing their findings on human rights cases.

However, international observers noted that government authorities and other officials often did not cooperate with or respond to the views of local independent NGOs, and that many NGOs lacked the institutional capacity to influence the Government meaningfully. During the year the Government involved NGOs in public discussions on plans for national development and efforts to combat trafficking in persons. Numerous local NGOs also cooperated with international organizations and foreign Embassies to observe the campaigns leading up to the June municipal elections.

In Transnistria, authorities continued to impede activities of human rights groups. For example, the interior ministry's migration service frequently blocked entry of NGOs into the region that had planned to meet with human rights counterparts and other contacts.

The Government continued to cooperate with the OSCE mission on international efforts to resolve the longstanding Transnistrian conflict. The OSCE participated in the Joint Control Commission, which monitored compliance with the 1992 cease-fire agreement that the Government negotiated with Russian and Transnistrian officials. Transnistrian authorities frequently limited OSCE access to the separatist region, including the three-mile security zone dividing Transnistria from the rest of the country. On August 1, authorities in Transnistrian-controlled Bender city forced the OSCE to evacuate and close its regional office there without explanation. Authorities also intimidated property owners to prevent them from renting new office space to the OSCE. In September the OSCE found office space near Bender in a building not under official Transnistrian jurisdiction.

The law provides for three parliamentary ombudsmen who make up the independent Moldovan Human Rights Center (MHRC). Parliament appoints the ombudsmen to examine claims of human rights violations, advise Parliament on human rights problems, submit legislation to the Constitutional Court for review, and oversee MHRC operations. MHRC personnel also provided training for lawyers and journalists, visited prisons, made recommendations on legislation, and organized roundtable discussions.

On July 26, Parliament enhanced the powers of the ombudsmen, granting them authority to independently select the places and persons they visit and to use audio-visual equipment and the assistance of specialists such as physicians, lawyers, and NGOs.

In 2006 the MHRC reported receiving 1,913 petitions (of which 1,008 came from prisoners) and granting 1,715 interviews. The MHRC also received more than 6,000 calls to its hot line and hits on its Web site. The MHRC report also noted little or no progress in the provision of access to justice and a fair trial, execution of court decisions, and no improvement in prison conditions.

In Transnistria authorities continued to control and intimidate NGOs by "inviting" NGO representatives to meetings with security officials and pressuring landlords not to renew leases for office space. Authorities restricted NGOs to providing legal advice and other assistance on apolitical programs, such as domestic disputes, access for the handicapped, and pension rights.

In March 2006, Transnistrian leader Igor Smirnov signed a decree, "to ensure security," prohibiting NGOs from receiving foreign funding and authorizing authorities to close any organization that violated the decree. Following international criticism, Smirnov altered the decree to prohibit only funding of NGOs directly engaged in political activities. Observers regarded the modified decree as a slight improvement, but still unduly restrictive.

The Chisinau-based NGO Promo-Lex reported that its members were stopped and questioned several times when attempting to enter Transnistria. While Promo-Lex members were ultimately allowed to enter, on occasion they cancelled visits to protect their employees inside Transnistria.

*Section 5. Discrimination, Societal Abuses, and Trafficking in Persons*

The law prohibits discrimination based on race, gender, disability, or social status; however, trafficking in persons and societal discrimination against women and some ethnic minorities, particularly Roma, were problems.

*Women.*—The law criminalizes rape or forcible sexual assault but does not specifically address spousal rape; penalties range from 3 years to life in prison. During the first 11 months of the year, 249 cases of rape were reported to the Ministry of Interior (MOI). Of that number, 147 cases were prosecuted. However, most observers believed that many rapes were not reported. There were no specific government activities to combat rape.

Domestic violence against women and spousal abuse remained a widespread problem; however the law does not specifically address or define domestic assault.

Women's groups continued to assert credibly that incidents of spousal abuse were underreported. According to the Ministry of Interior, 2,519 cases of spousal abuse were reported during the year; in 2006 2,855 domestic violence complaints were reported. However, the actual numbers were believed to be much higher.

The Government supported education efforts, usually undertaken with foreign assistance, to increase public awareness of domestic violence and to train public and law enforcement officials to address the problem. The city of Chisinau operated a women's shelter for victims of domestic violence. Private organizations operated services for abused spouses, including a hotline for battered women.

Prostitution is not criminalized; however, pimping is a crime with penalties ranging from 2 to 7 years in jail. Prostitutes may be penalized under civil law with fines or administrative detention of up to 30 days. Prostitution was widespread, and observers noted that sex tourism continued to grow, particularly in upscale hotels in Chisinau.

Trafficking in women for commercial sexual exploitation was a serious problem. The law does not prohibit sexual harassment, but it was a common problem.

Women have the same legal rights as men. In practice, women, who constituted approximately 50 percent of the workforce, received equal pay for equal work; however, women did not hold high-paying jobs in the same proportion as men.

*Children.*—The Government is committed to children's rights and welfare.

Extensive legislation protects children, and the Government provided supplementary payments for families with many children; however, conditions for children in the country remained difficult.

Primary education was free and compulsory until ninth grade. However, many inadequately funded schools, particularly in rural areas, charged parents for school supplies. While not illegal, such fees contradicted the Government's policies and resulted in some parents keeping their children at home. Government and local authorities provided annual assistance of \$30 (300 lei) to children from vulnerable families for school supplies.

According to a 2006 report of the U.N. Children's Fund (UNICEF), the percentage of children attending primary school dropped from 94% to 88% between 2000 and 2005. Approximately 16,000 young people between the ages of 15 and 16 leave the educational system each year without any professional qualifications. Secondary school enrollment was approximately 88.5 percent, with little difference in the rates for boys and girls. However, according to the Moldovan Human Rights Center (MHRC), secondary school attendance was decreasing because of absent parents (many of whom were working abroad), and the lack of preschools in rural areas were limiting educational opportunities.

The law prohibits child neglect and specific forms of abuse, such as forced begging; however, child abuse was believed to be widespread. No government statistics were available on the extent of the problem. In 2006 the NGO National Center for Child Abuse Prevention reported that it registered 116 cases of abuse.

Trafficking of children for the purpose of sexual exploitation and begging remained a problem. According to the Center to Combat Trafficking in Persons, 28 children under 18 were trafficked in the first 6 months of the year, compared to 61 in 2006. However, the actual numbers are believed to be much higher.

Conditions for children in orphanages and other institutions remained generally very poor. Underfunding caused major problems such as inadequate food, "warehousing" of children, lack of heat in winter, and disease. In its 2006 report, the MHRC stated that 85 percent of 10,350 institutionalized children were not or-

phans; one or both parents were living, and had entrusted their children to institutions because of poverty or departure to work abroad.

*Trafficking in Persons.*—The law prohibits trafficking in persons and provides for criminal penalties. However, trafficking was a serious problem and the country remained a major source, and to a lesser extent, country of transit, for trafficked persons, particularly women and girls for sexual exploitation.

Women and children were trafficked for sexual exploitation to Turkey, Israel, the United Arab Emirates (UAE), Ukraine, Russia, Cyprus, Greece, Albania, and to West European countries such as Austria, France and Portugal. Men and children were trafficked to Russia and neighboring countries for forced labor and begging. According to the latest available figures for 2005 and 2006 from the International Organization for Migration (IOM), 52 percent of the 1,568 Moldovan trafficking victims it assisted were between 19 and 24 years old. The vast majority of the victims were female; 13 percent were male. Approximately 56 percent of victims came from rural areas. The majority of victims (82 percent) were subjected to sexual exploitation, 11 percent were exploited for labor, 4 percent were forced into begging, and 3 percent suffered from multiple types of exploitation. The number of victims returned from the UAE increased from nine in 2005 to 39 in 2006.

The country was to a lesser extent also a transit point for trafficked victims from Ukraine, and there were reports of some internal trafficking of girls from rural areas to the capital, Chisinau.

Most victims were trafficked through false newspaper advertisements promising well-paying jobs abroad. The International Labor Organization's program for the elimination of child labor reported that in many cases traffickers of children were Roma.

Victims were transported across borders by car, van, train, or on foot. Sometimes false documents were used, but increasingly victims traveled willingly by plane with genuine documents, believing that they were headed for legitimate jobs. Some of the principal traffickers were travel and employment agencies. During the first 9 months of the year, the Ministry of Interior reported that it conducted 62 raids to inspect 195 travel and employment agencies; it withdrew the licenses of 14 (six travel and eight employment agencies) for suspected trafficking. Fines were levied amounting to \$5,074 (61,900 lei).

The law provides criminal penalties for trafficking ranging from 7 years to life imprisonment, depending on the circumstances and severity of the offense.

The Government's principal antitrafficking agency is the Center to Combat Trafficking in Persons (CCTIP), which operates a task-force to coordinate investigation and prosecution; provides witness protection; and cooperates with international law enforcement agencies.

During the first 11 months of the year the Ministry of Interior registered 495 trafficking cases. Of these, 246 involved trafficking in persons; 43 involved trafficking in children; 146 for pimping, and 60 for illegal migration. In that same period 219 persons were convicted for trafficking in persons violations: 50 for trafficking; 138 for pimping; nine for trafficking in children, 17 for organizing illegal migration, and five for organizing begging. Of the number convicted, 50 persons were sentenced, 17 received suspended sentences, 20 were amnestied, nine were acquitted and 123 were fined. No information was available on the length of prison terms.

There have long been reports that low- and high-ranking government officials, as well as border guards and police officers, were involved in trafficking, and international organizations and foreign governments criticized the Government for not making significant efforts to investigate, prosecute, convict, and sentence complicit officials.

In October 2006, the Ministry of Interior dismissed several senior officials for trafficking, including a former CCTIP deputy director who was under investigation on charges of protecting a major trafficker, Alexander Covali. According to the Ministry of Interior, other government investigators and prosecutors were also involved in the protection scheme and remain under investigation. In June 2006, police had arrested Covali and charged him with trafficking after finding confined women on his properties. He was released on bail but arrested again in August 2006 after an investigation revealed that he had been protected by police. He remained in jail at year's end awaiting a court hearing.

The ministry also reported that in the first 10 months of the year it investigated and eradicated 33 illegal migration and trafficking networks. Of that number, 18 trafficked for sexual exploitation, two for labor exploitation, 10 for illegal migration, one for begging, and two for internal pimping.

The Government had few programs to assist victims, in part because of limited resources. It continued to rely primarily on NGOs and international organizations for assistance and actively cooperated with them. Several NGOs offered repatriation

assistance, temporary housing, medical care, and job training for victims. The NGO Save the Children worked with trafficking victims, particularly repatriated girls. The NGO La Strada Moldova provided informational and educational services as well as a national toll-free hot line. In 2006 the IOM assisted 1,104 persons, including 265 new cases, 512 at-risk individuals, and 297 persons already registered with the IOM. The IOM continued a public information program aimed at helping citizens going abroad to avoid exploitation. Local NGOs also operated public school programs to educate young women about the dangers of prostitution.

There were reports of a significant amount of trafficking from and through the separatist region of Transnistria. The only major effort in the region to fight trafficking and provide assistance to victims was by the NGO Interaction. According to Interaction, which established a hot line in March 2006 with help from the IOM, it received 664 calls during the first 6 months of the year. Five hundred were for information on the legitimacy of foreign job offers, and 106 were emergency calls. The NGO also stated that it organized 370 seminars in 2006 and 2007 and provided emergency assistance, help in resettlement, and psychological counseling to 195 victims. Of that number, 116 were adults; the rest were ages 16–18. Authorities in Transnistria neither helped nor hindered Interaction's activities.

*Persons with Disabilities.*—The law prohibits discrimination against persons with physical and mental disabilities; however, in practice the Government generally did not enforce the law. The local NGO Gaudeamus reported continued widespread discrimination against students with disabilities.

There is no law mandating access to buildings for persons with disabilities, and few government resources were devoted to training persons with disabilities. The Social Assistance Division in the Ministry of Health and Social Protection and the National Labor Force Agency are responsible for protecting the rights of persons with disabilities.

*National/Racial/Ethnic Minorities.*—Non-caucasian foreigners were refused entry to Chisinau businesses because of their ethnic origin. On September 20, the Chisinau Central Court rejected a case of racial discrimination brought by Michael Gebre, a Moldovan citizen of Ethiopian origin. Gebre alleged that his supervisor at a state scientific organization used insulting language toward him. This was the first case brought to court by a member of the Moldovan Society of Descendants from African and Asiatic Countries.

Roma suffered violence, harassment, and discrimination.

Roma NGOs reported that Roma are denied medical services, are told that promised jobs are already filled when they report to employment centers, and are subjected to arbitrary arrests. The Roma were the poorest of the minority groups and continued to live in unsanitary conditions in segregated communities lacking basic infrastructure. These conditions often led to segregated education and schools with even fewer resources than existed elsewhere in the country. Many Romani children did not attend school, very few received a secondary or higher education, and no Romani-language education was provided. Roma NGO groups stated that 80 percent of Roma children were illiterate.

Official statistics put the number of Roma at 11,600. However, Romani NGOs estimated it to be 200,000, arguing that government census forms allow only one choice to identify one's ethnic group, and that many Roma are unwilling to identify themselves.

Minority rights and language were closely related problems.

Romanian, officially known as Moldovan, is the only official language. However, all official documents are also translated into Russian, which was used for inter-ethnic communication. Government officials are required to know both Romanian and Russian "to the degree necessary to fulfill their professional obligations." The law provides parents the right to choose the language of instruction for their children, and the Government observed this right in practice.

In Transnistria authorities continued to discriminate against Romanian speakers. Under a temporary arrangement Romanian-language schools were allowed to use the Latin script for instruction. However, they complained that the arrangement, which applies to all Romanian-language schools, could be rescinded arbitrarily at any time by the authorities. On August 28, Transnistrian authorities seized 900 science textbooks being transported to the central government-run Latin-alphabet Romanian-language high school in Tiraspol. Authorities stated that persons transporting the books refused to pay a 100 percent levy on items imported from government-controlled areas of Moldova into Transnistria. The text books were released 1 week later without payment of the import levy. In the Transnistrian city of Ribnitsa, a Romanian-language school continued to meet in temporary quarters

after Transnistrian authorities in the summer of 2004 confiscated its own building, which was built by the Moldovan government.

*Other Societal Abuses and Discrimination.*—There were reports of governmental and societal discrimination based on sexual orientation. According to the gay-rights NGO GenderDoc-M, lack of community recognition, negative media portrayals, and condemnation by the Orthodox Church often led to public ostracism of gays, lesbians, and their families. On April 11, Chisinau municipal authorities refused permission to GenderDoc-M to hold a demonstration calling for legislation to bar discrimination on the basis of sexual orientation (see Section 2.b.).

In Transnistria homosexuality was illegal, and gays and lesbians were subject to governmental and societal discrimination.

Several NGOs reported instances of discrimination against persons with HIV/AIDS, particularly in rural villages.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law provides workers the right to form and join unions; however, there were reports that the Government continued to pressure individual unions to join a confederation that supported government policies. The law also provides for the right to strike, except for workers in essential services, and workers exercised this right by conducting legal strikes.

Approximately 50 percent of the workforce was unionized.

However, the law does not stipulate penalties for violating trade union rights. As a result, prosecutors may reject appeals by trade unions against antiunion behavior by employers and the government; violations of the Trade Union Act remained unpunished.

There were two union associations, the Trade Union Confederation of Moldova (TUCM) and the Confederation of Free Trade Unions Solidaritate (Solidarity). The latter advocated government positions and was widely believed to enjoy government support. During the year, the Government continued to pressure local unions to quit the TUCM and join Solidaritate. On February 3, delegates from 30 workplace organizations convened in Chisinau to establish the Trade Union Association of Public Administration and the Civil Service. However, the Government refused to register the new trade union, asserting that the district organizations of the 30 entities had not been registered. However, the law requires only national registration and makes no provision for registration of district trade union associations.

*b. The Right to Organize and Bargain Collectively.*—The law provides for collective bargaining, the right to organize, and the right to conduct activities without government interference; however, the Government did not always respect these rights in practice.

A July 2006 law called for establishing a national commission for collective consultations and bargaining that includes trade unions, employers, and government representatives.

The government, company management, and unions negotiated national minimum wages in tripartite talks. Arbitration committees typically settled workplace labor disputes. If an arbitration committee failed to settle a dispute, parties could take it to the court of appeals.

Public officials and workers in essential services such as emergency healthcare, water and energy, telecommunications, air traffic control, law enforcement, the judiciary, and the armed forces, do not have the right to strike; the law provides for arbitration of disputes in these sectors with court mediation as a final option.

There are no special laws or exemptions from regular labor laws in export-processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children, but some reports stated that such practices occurred, particularly in the countryside during the harvest season when some children were compelled to work in fields.

*d. Prohibition of Child Labor Practices and Minimum Age for Employment.*—The law sets standards for child labor, including the minimum age for employment, hours of work, and working conditions, and prohibits the worst forms of child labor; however, the Government did not effectively enforce these protections.

Child labor was a problem. Because of poor economic conditions, parents often sent children to work in fields or to find other work, and those children living in rural areas often assisted in the agricultural sector. According to a report issued during the year by the International Labor Organization, two-thirds of rural children were engaged in farm work by the age of 14.

There were reports that children were trafficked within and to points outside the country for sexual exploitation, labor, and begging. The law provides for 10 to 15



years' imprisonment for persons involving children in the worst forms of child labor; under aggravated circumstances, the sentence could be life imprisonment. There were no reports of such convictions during the year.

The minimum age for unrestricted employment was 18 years. Persons between the ages of 16 and 18 were permitted to work under special conditions, including shorter workdays, no night shifts, and longer vacations. Children aged 15 were permitted to work if they obtain written permission from a parent or guardian. According to figures gathered by the International Labor Organization from the National Bureau of Statistics, there were 7,100 persons under the age of 18 in the workforce (approximately 1 percent all workers). However, these figures may be inaccurate because labor inspectors inspected only 4 percent of the total number of companies. The Government did not record the number of children under 15 who were employed.

Efforts to enforce child labor laws did not deter violations. The most common violations involving persons under 18 involved failure to issue work contracts, illegal overtime, scheduling work during school hours, and underpayment or nonpayment of wages.

Trafficking in children was a serious problem.

*e. Acceptable Conditions of Work.*—The legal minimum monthly wage was approximately \$25 (305 lei) for public sector employees and approximately \$58 (708 lei) for private sector employees. In September the Government stated that the average monthly wage was \$147 (2,130 lei). Neither minimum wage provided a decent standard of living for a worker and family. The Labor Inspection Office is responsible for enforcing the minimum wage. Budgetary constraints often prevented government and private sector employers from paying wages on time.

The law sets the maximum workweek at 40 hours with extra compensation for overtime, and the law provides for at least 1 day off per week.

The Government is required to establish and monitor safety standards in the workplace, and the Labor Inspection Office (LIO) is responsible for enforcing health and safety standards. However, according to the LIO it had the capacity to inspect only 4 percent of the approximately 180,000 registered enterprises in the country. For example, during the first 4 months of the year, the LIO conducted 2,001 health and safety inspections. In 2006, 6,025 inspections were conducted.

Workers have the right to refuse work if conditions represent a serious health or safety threat; however there were no reports that workers exercised this right in practice. Poor economic conditions led enterprises to economize on safety equipment and give inadequate attention to worker safety.

---

## MONACO

The Principality of Monaco, with a population of some 35,000, is a constitutional monarchy in which the sovereign prince plays a leading role in governing the country. The prince appoints the four-member government, headed by a minister of state chosen from a list of candidates proposed by France. The other members are the counselor for the interior, the counselor for public works and social affairs, and the counselor for finance and the economy. Legislative power is shared between the prince and the popularly elected 24-member National Council. The most recent National Council election was conducted in 2003 and was considered free and fair. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens, and the law and the judiciary provided effective means of dealing with individual instances of abuse. However, citizens did not have the right to change their government. During the year one person was convicted and fined for satirizing government officials on the Internet. Naturalized women could not transmit citizenship to their children.

### RESPECT FOR HUMAN RIGHTS

#### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Arbitrary or Unlawful Deprivation of Life.*—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution and law prohibit such practices, and there were no reports that officials employed them.

*Prison and Detention Center Conditions.*—Prison conditions generally met international standards. The Government permitted visits by human rights monitors. In March 2006 a delegation from the Council of Europe's Committee for the Prevention of Torture visited the country's detention facilities. The committee's report was issued in June 2007 and showed no claims of torture or mistreatment.

*d. Arbitrary Arrest or Detention.*—The Constitution and law prohibit arbitrary arrest and detention, and the Government generally observed these prohibitions.

*Role of the Police and Security Apparatus.*—Civilian authorities maintained effective control over the national police force and the Carabiniers du Prince, and the Government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

*Arrest and Detention.*—Arrest warrants are required, except when a suspect is arrested while committing an offense. The police must bring detainees before a judge within 24 hours to be informed of the charges against them and of their rights under the law. Most detainees are released without bail, but the investigating magistrate may order detention on grounds that the suspect might flee or interfere with the investigation of the case. The magistrate may extend the initial 2-month detention for additional 2-month periods indefinitely. The magistrate may permit family members to see detainees, and it is customary for magistrates to do so.

*e. Denial of Fair Public Trial.*—The Constitution and law provide for an independent judiciary, and the Government generally respected judicial independence in practice. Under the law, the prince delegates his judicial powers to the judiciary.

*Trial Procedures.*—The law provides the right to a fair public trial and an independent judiciary generally enforced this right. As under French law, in criminal cases a three-judge tribunal considers the evidence collected by the investigating magistrate and hears the arguments made by the prosecuting and defense attorneys. The defendant enjoys a presumption of innocence and the right of appeal. The defendant has the right to be present and the right to counsel, at public expense if necessary. Defendants have the right to question witnesses against them and to present their own witnesses. Defendants and their attorneys have access to government-held evidence relevant to their cases. After prisoners receive a definitive sentence, they are transferred to a French prison to serve out their terms.

*Political Prisoners and Detainees.*—There were no reports of political prisoners or detainees.

*Civil Judicial Procedures and Remedies.*—The principality has an independent and impartial judiciary for civil matters, and there is access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation. Administrative remedies are available for alleged wrongs, and are regularly used by plaintiffs.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution and law prohibit such actions, and the Government generally respected these prohibitions in practice.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution and law provide for freedom of speech and of the press, and the Government generally respected these rights. The Penal Code, however, prohibits public denunciations of the ruling family, a provision that the media respected in practice.

The independent media were active and expressed a wide variety of views without restriction.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail. Internet use is widespread, supported by an advanced and robust telecommunications infrastructure.

In August Monegasque citizen Marc Giacone satirized Prince Albert II and government officials on his Web site. He was convicted of defamation of the archbishop and minister of justice, and fined \$2,920 (2,000 euros).

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution and law provide for freedom of assembly and association, and the Government generally respected these rights in practice.

Outdoor meetings require police authorization, but there were no reports that police withheld authorization for political or arbitrary reasons. Formal associations

must be registered and authorized by the government, and there were no reports that the Government withheld registration for political or arbitrary reasons.

*c. Freedom of Religion.*—The law provides for freedom of religion, and the Government generally respected this right in practice. Roman Catholicism is the state religion. The Government denies permission to operate to religious organizations it regards as “sects.”

No missionaries operated in the principality and proselytizing was strongly discouraged; however, there is no law against proselytizing by religious organizations that are formally registered by the Ministry of State. There were no reports of religious organizations being denied registration during the year.

*Societal Abuses and Discrimination.*—There were no reports of societal violence, harassment, or discrimination against members of any religious group. The Jewish community was extremely small, and there were no reports of anti-Semitic acts.

For a more detailed discussion see the 2007 International Religious Freedom Report.

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. Residents moved freely across the country’s open borders with France. Nationals can lose their citizenship for specified acts, including naturalization in a foreign country. Only the prince can grant or restore nationality, but he is obliged by the Constitution to consult the Crown Council on each case before doing so.

The law prohibits forced exile, and the Government did not employ it.

*Protection of Refugees.*—The law provides for the granting of refugee and asylum status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol. Monaco depends on bilateral arrangements with France to provide refugee protection. There were no reported cases of the Government granting refugee status or political asylum during the year.

The Government was committed to cooperate with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees.

### *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The sole authority to change the Government and to initiate laws rests with the prince. The 1962 Constitution can be revised by common agreement between the prince and the elected National Council.

*Elections and Political Participation.*—As head of state, the prince plays an active role in government. He names the minister of state (in effect, the prime minister) from a list of names proposed by the French government. He also names the three counselors of government (of whom the one responsible for the interior is usually a French national). Together the four constitute the Government. The law prohibits public denunciations of the ruling family.

Only the prince may formally initiate legislation, but the 24-member National Council may propose legislation to the Government. All legislation and the adoption of the budget require the Council’s assent. Elections for National Council members are held every 5 years and are based on universal adult suffrage and secret balloting. The 2003 National Council elections were considered free and fair. Several political parties exist, operate freely, and are active on both the national and municipal level.

There were five women in the 24-member National Council, two women in the seven-member Crown Council, and five women in the 30-member Economic Council. There were no members of minorities in the Government.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption and the Government generally implemented these laws effectively. There were isolated reports of government corruption during the year, but no formal proceedings against government officials for corruption. Public officials are not subject to financial disclosure laws.

The law provides for public access to government information and the Government provides access in practice for citizens and noncitizens, including the foreign media.

*Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

While the Government imposed no restrictions on the establishment or operation of local groups devoted to monitoring human rights, no such groups were formed, nor did foreign groups seek to investigate human rights conditions in the country.

*Section 5. Discrimination, Societal Abuses, and Trafficking in Persons*

The Constitution provides that all nationals are equal before the law. It differentiates between rights accorded to nationals (including preference in employment, free education, and assistance to the ill or unemployed) and those accorded to all residents (including inviolability of the home). The law prohibits discrimination based on race, gender, disability, language, or social status, and the Government generally enforced it. However, some legal discrimination against women remained.

*Women.*—Rape, including spousal rape, is a criminal offense, and the Government effectively prosecuted those accused of such crimes. There were no such prosecutions during the year.

Reported instances of violence against women were rare. Spousal abuse is prohibited by law, and victims may bring criminal charges against their spouses.

Prostitution is illegal, and overt prostitution was uncommon, although it existed to an extent in a well-hidden form.

Sexual harassment is illegal, and the Government effectively enforced the law. There were no reports of sexual harassment during the year.

Although the country has legislated the equality of men and women in the civil code, there is no institution with a mandate to monitor gender inequalities. The law governing transmission of citizenship provides for equality of treatment between men and women who are nationals by birth; however, women who acquire citizenship by naturalization cannot transmit it to their children, whereas naturalized male citizens can.

Women were represented fairly well in the professions, but less well in business. While no data was available, observers believed that there was a small- and gradually diminishing-gender pay discrepancy.

*Children.*—The Government was committed fully to the protection of children's rights and welfare and had well-funded public education and health care programs. The Government provided compulsory, free, and universal education for children up to the age of 16. Health care for both boys and girls is of high quality and readily available to all citizens.

There were isolated incidents, but no societal pattern of abuse of children.

*Trafficking in Persons.*—The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the country.

*Persons with Disabilities.*—There was no reported governmental or societal discrimination against persons with disabilities. The law requires that public buildings provide access for persons with disabilities, and this goal has been largely accomplished.

*Other Societal Abuses and Discrimination.*—There were no reports of violence or discrimination based on sexual orientation or against persons with HIV/AIDS.

*Section 6. Worker Rights*

*a. The Right of Association.*—By law, workers are free to form unions, but fewer than 5 percent of workers were unionized. Relatively few workers, unionized or non-unionized, resided in the principality. Unions were independent of both the Government and political parties.

Antiunion discrimination is prohibited. Union representatives can be fired only with the agreement of a commission that includes two members from the employers' association and two from the labor movement. Allegations that an employee was fired for union activity may be brought before the labor court, which can order redress, such as the payment of damages with interest.

The Monegasque Confederation of Unions was not affiliated with any larger labor organization but was free to join international bodies.

*b. The Right to Organize and Bargain Collectively.*—The law provides for the free exercise of union activity, and workers exercised this right in practice. Agreements on working conditions were negotiated between organizations representing employers in a given sector of the economy and the respective union. Collective bargaining is protected by law; however, it is used rarely. There are no export processing zones.

The Constitution and law provide for the right to strike; government workers, however, may not strike.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution and law prohibit forced or compulsory labor, including by children, and there were no reports that such practices occurred.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The minimum age for employment is 16 years; those employing children under that age can be punished under criminal law. Special restrictions apply to the hiring, work times, and other conditions of workers 16 to 18 years old. The counselor of government for the interior is responsible for enforcing the child labor laws and regulations, and they were effectively enforced.

*e. Acceptable Conditions of Work.*—The legal minimum wage for full-time work is the French minimum wage, currently approximately \$12.07 per hour (8.27 euros), plus a 5 percent adjustment to compensate for the travel costs of the three-quarters of the workforce that commuted daily from France. The minimum wage provided a decent standard of living for a worker and family. Most workers received more than the minimum. The legal workweek was 39 hours. The Government allows companies to reduce the workweek to 35 hours if they so choose. Health and safety standards are fixed by law and government decree. These standards were enforced by health and safety committees in the workplace and by the Government labor inspector. Workers have the right to remove themselves from dangerous work situations without jeopardy to their employment, and the authorities effectively enforced this right.

## MONTENEGRO

Montenegro is a mixed parliamentary and presidential republic with a population of approximately 630,000. A new Constitution, approved by the Parliament on October 22, retained the country's existing governmental system, in which both the unicameral Parliament (the Assembly of the Republic of Montenegro) and the president are elected by popular vote. In June 2006, following a national referendum, the country declared its independence from the State Union of Serbia and Montenegro. Parliamentary elections followed in September 2006, and the Organization for Security and Cooperation in Europe (OSCE) stated that the conduct of the referendum and elections were generally in accordance with international standards. Civilian authorities generally maintained effective control of the security services.

The Government generally respected the human rights of its citizens; however, during the year there were reports of abusive and arbitrary arrests, police mistreatment of suspects in detention, police impunity, lengthy pretrial detention and delayed trials, substandard prison conditions, corruption in law enforcement agencies and the judiciary, trafficking in persons, and discrimination against women and ethnic minorities.

### RESPECT FOR HUMAN RIGHTS

#### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Arbitrary or Unlawful Deprivation of Life.*—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution and law prohibit such practices; however, police at times beat suspect's during arrests or while suspects were detained for questioning.

An internal police investigation established that on July 30, three Budva police officers used excessive force against a minor from Cetinje. The officers were suspended, and the case against them was pending with the prosecutor's office in Kotor at year's end.

Also on July 30, police officers in Bar beat two residents, Predrag Djukic and Ivan Abramovic, in a police station. The officers were suspended, and the case against them was pending with the prosecutor's office in Bar.

According to media reports, citizens pressed a number of charges against law enforcement officers for abuse against citizens during their arrest or when they were in detention. For example, charges were brought against police officers Sasa Andjelic and Ivan Radovic of Herceg Novi for abuse of power, extortion, and mistreatment of a flower seller in Herceg Novi. The officers were suspended. Police investigated allegations that police officer Borislav Obradovic of Herceg Novi had committed two serious violations of his authority on separate occasions involving citizens stopped for traffic violations. One case was forwarded to the state prosecutor in Herceg Novi for further investigation, while the other was forwarded to the police

internal affairs unit for disciplinary action; both cases were pending at year's end. The state prosecutor in Berane was investigating three Berane police officers suspected of abusing four Kosovar Albanians during their detention.

In October, following an investigation by police and the prosecutor's office, authorities forwarded an indictment to the court charging police with disproportionate use of force during a raid in Tuzi in September 2006. At the time, authorities asserted that they had foiled a terrorist plot and reported finding a large weapons stash and plans to attack government buildings. Some government opponents asserted that the raid, which took place just before parliamentary elections, was politically motivated (those apprehended were associated with an Albanian nationalist organization). An investigation by the Helsinki Committee of Montenegro concluded that police had used disproportionate force against some of the arrested persons and their family members during the arrests and subsequent interrogations.

*Prison and Detention Center Conditions.*—Prison conditions fell short of international standards, but authorities made some efforts to improve them. Prison facilities were antiquated, overcrowded, poorly maintained, and not adequately hygienic. The main prison held approximately twice as many prisoners as it was designed for, with some cells at even higher levels of overcrowding. In 2006 authorities completed construction of an extension to the main prison that included additional cell space to reduce overcrowding. Work also began on the reconstruction of the two existing prison sections and construction of two new buildings.

The law stipulates that authorities should hold juvenile prisoners separately from adults and that pretrial detainees be held separately from convicted criminals; however, these provisions were not always observed in practice due to overcrowding.

The Government permitted prison visits by human rights observers, including the International Committee of the Red Cross (ICRC) and local nongovernmental organizations (NGOs). Both the ICRC and the Helsinki Committee of Montenegro made several visits during the year. Representatives of the human rights ombudsman's office routinely visited prisons without prior notice, meeting with detainees and inmates.

*d. Arbitrary Arrest or Detention.*—The Constitution and law prohibit arbitrary arrest and detention, and the Government generally observed these prohibitions.

*Role of the Police and Security Apparatus.*—The national and border police forces were responsible for law enforcement and maintenance of order. They were supervised by the Interior Ministry and were generally effective. Impunity was a problem; the Government investigated police abuses, but criminal charges and convictions against police were rare. During the year, 14 officers were dismissed and eight fined for abuse of office and exceeding authority.

Police corruption was a problem; the small, close-knit society discouraged the reporting of corruption and facilitated criminals' access to law enforcement officers.

*Arrest and Detention.*—Arrests require a judicial warrant or a "strong suspicion that the suspect committed an offense." Authorities may detain suspects for up to 48 hours before bringing them before a judge and charging them. At arraignment the judge makes an initial determination of the legality of the detention. In practice arraignment generally occurred within the prescribed period of time. The law provides for access to an attorney during this initial period, but this did not always occur. Detainees generally had prompt access to family members. There is a system of bail; however, it was not widely used because citizens could rarely raise money for bail. The law permits authorities to detain suspects for up to 3 years from the date that charges were pressed until the issuance of a verdict by the court of original jurisdiction. After an initial guilty verdict, detention may be extended for an additional year awaiting the decision of an appellate court.

Long trial delays, combined with difficulty in meeting conditions for bail, occasionally led to lengthy pretrial detention. Pretrial detainees made up 54 percent of the prison population. The average period of pretrial detention, while difficult to determine, was believed not to exceed 1 year in 90 percent of cases.

*e. Denial of Fair Public Trial.*—The Constitution and law provide for an independent judiciary; however, a lack of cooperation between police and prosecutors, a backlog of cases, frequently primitive courtroom facilities, and judicial corruption remained problems. Governmental figures at times influenced prosecutors for political reasons. There were reports that judges issued tainted decisions out of fear of reprisals, including the loss of their jobs.

The court system consists of basic courts, higher (district) courts, an appeals court, an administrative court, and the Supreme Court.

Authorities investigated four cases of alleged war crimes. On February 10, the higher court in Bijelo Polje opened an investigation into the actions of 12 officers and soldiers of the Podgorica Corps of the former Yugoslav Army (VJ) suspected of

killing six ethnic Albanians from Kosovo in Kaludjerski Laz near Rozaje during the 1999 NATO intervention. Media reported that allegations that the VJ killed, in separate incidents, another 15 civilians between March and June 1999 would also be investigated. In December the higher court in Bijelo Polje opened an investigation into accusations that seven former military and police members committed war crimes against Muslims in 1992 and 1993 in the Bukovica region in the north of the country. The prosecutor's office in Podgorica began criminal proceedings against six police officers alleged to have been directly involved in the deportation of Muslims in 1992 to Republika Srpska, where they were later killed. However, no charges were filed against more senior figures widely believed to have been involved. Podgorica's basic court opened an investigation into the actions of six former members of the VJ suspected of committing crimes against civilians and prisoners of war in the Morinj prisoner-of-war camp.

*Trial Procedures.*—Criminal trials are public; juries are not used. Defendants have the right to be present at their trials and to consult with an attorney in a timely manner. Defendants have a right to engage an attorney; however, an attorney is provided at public expense only when the charge carries a possible sentence greater than 5 years in prison. Defendants and their attorneys have the right to access government-held evidence relevant to their cases. They enjoy a presumption of innocence and the right of appeal. Although the Government at times influenced the judiciary, defendants' rights were generally respected. Some observers contended that continuing control by the executive branch over the finances of the courts provided influential members of that branch with a means of exerting inappropriate pressure.

*Political Prisoners and Detainees.*—There were no reports of political prisoners or detainees.

*Civil Judicial Procedures and Remedies.*—The Constitution and law provide for an independent judiciary in civil matters. Parties have brought suit alleging human rights violations and at times prevailed. Beginning in 2004 victims' families brought a total of 42 cases against the Government for the 1992 deportation of Muslims and Bosniaks to the Republika Srpska in Bosnia and Herzegovina, where they were subsequently killed or disappeared. In many cases families were awarded monetary damages. By year's end, the basic court in Podgorica had decided 28 cases, and 14 cases remained in litigation; however, the Government has appealed all cases in which damages were awarded and by year's end had not paid any compensation.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution and law prohibit such actions, and the Government generally respected these prohibitions in practice. The law requires the National Security Agency (NSA) to obtain court authorization for a wiretap; however, some observers believed that police selectively used wiretapping and surveillance against opposition parties and other groups without court authorization. Many individuals and organizations operated on the assumption that they were, or could be, under surveillance.

Citizens could inspect secret files kept on them from 1945 to 1989 by the former State Security Service, the precursor of the NSA. During the year the NSA received eight requests.

There was a decline in evictions of Roma from illegal settlements.

## *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution and law provide for freedom of speech and of the press; however, there were some restrictions of freedom of the press in practice.

Individuals could criticize the Government publicly or privately without reprisal, and the Government did not monitor political meetings or otherwise attempt to impede criticism.

According to the Constitution and law, courts are permitted to ban any media content calling for the violent overthrow of the constitutionally defined order, challenging the territorial integrity of the republic, instigating war, violence or criminal acts, infringing citizens' freedoms and rights; or instigating national, racial, or religious intolerance or hatred.

The print media consisted of private newspapers and a state-owned newspaper that has a national circulation. On November 20, the Government issued a tender for the sale of 51 percent of its shares of the public company which published the state-owned newspaper. The independent media was active and generally expressed a wide variety of political and social views without government restriction. The Government did not restrict the distribution of foreign publications.

There was a wide variety of public and private broadcasting media that included a national public radio and television broadcaster, 14 local public radio and three

local public television stations, and 19 private television and 41 private radio stations. Domestic radio and television stations regularly rebroadcast programs from a number of foreign services.

Two journalists were physically attacked during the year and the perpetrators of the 2004 killing of Dan's editor and the 2006 killing of a writer's bodyguard were still unsolved at year's end. There were a small number of documented allegations of political pressure on the media.

On September 1, Zeljko Ivanovic, the director of Podgorica daily Vijesti, was assaulted by three persons in central Podgorica. After the attack Ivanovic told reporters that he believed it had been undertaken at the behest of Milo Djukanovic, the leader of the ruling Democratic Party of Socialists (DPS) and former prime minister, in retaliation for Vijesti's negative coverage of alleged corruption and mafia influence. On September 12, Djukanovic filed a lawsuit against Ivanovic, Ljubisa Mitrovic, the newspaper's editor-in-chief, and Daily Press, its publisher, for \$1.46 million (1 million euros) in compensation for his "damaged dignity and mental suffering." Vijesti's owners charged that the lawsuit was Djukanovic's attempt to suppress freedom of expression. The trial opened on November 26. The defense lawyers requested that the president of the court disqualify the judge from the trial because of his partiality towards the plaintiff after he rejected their request that Djukanovic appear in the court to undergo a medical examination to prove his mental suffering.

On December 11, the trial against two persons who confessed to attacking Ivanovic began in the basic court in Podgorica.

On November 2, in Berane, two masked persons physically assaulted Tufik Softic, a journalist and until recently editor-in-chief of public Radio Berane who also reported for the daily newspaper Republika. Softic told the media that he did not know his attackers and could not identify any motives for the assault. Police had not caught the perpetrators or discovered the motives for the attack at year's end.

There were no reports of direct government censorship of the media. Officials occasionally threatened to bring libel suits against media organizations that accused them of wrongdoing, and government officials filed libel suits against media organizations. Despite these developments, observers noted a modest increase in the willingness of the media to criticize the Government.

The prominence of articles and programs critical of the authorities during the year suggested that self-censorship was not a major problem; however, observers noted that some journalists were susceptible to various political and business influences due to their lack of expertise and to their political affiliations. In addition, some NGOs warned that the practice of individual officials bringing criminal libel charges against journalists could deter them from reporting candidly on events. Libel charges can carry fines of up to approximately \$29,848 (14,000 euros). The president of the higher court in Podgorica sued Petar Komnencic, a journalist for the weekly newspaper Monitor, for writing in an article that the police secretly wire-tapped him at the request of the special prosecutor for organized crime because of his alleged connections with criminals. The trial had not begun at year's end. The president of the higher court also sued the editor-in-chief of the daily newspaper Vijesti for defamation because of the newspaper's May 8 report from a closed session of the parliamentary security committee in which the police director reportedly named the president of the higher court as one of the judges who had obstructed some police investigations. The trial in this case was underway at year's end.

There were no arrests in the October 2006 attack in downtown Podgorica on Jevrem Brkovic, a prominent writer and the president of the Doclean Academy of Arts and Science. The attackers killed Brkovic's bodyguard and inflicted serious injuries on Brkovic. Brkovic speculated that his most recent novel, which dealt with cigarette smuggling and the nexus between politics and organized crime, had provoked the attack.

The 2004 killing of Dusko Jovanovic, the director and editor-in-chief of the leading opposition daily Dan, continued to reverberate, despite the controversial December 2006 acquittal of the person charged with the crime. Slavoljub Scekcic, a police official investigating Jovanovic's death and other unresolved killings, was himself killed in 2005. The trial of 10 persons indicted for Scekcic's murder began on March 26 and was underway at year's end.

The law mandates that former state-owned media be insulated from direct party or government control; however, some observers contended that the Government was seeking to maintain control over national public broadcasters. The Radio and Television Council, created to ensure the independence of formerly government-controlled broadcasting, is legally obliged to include NGO representatives on its board; however, on July 12 and December 17, and twice during 2006, the ruling coalition in the Assembly refused to verify by vote some NGO appointments to these positions. Opposition parties, some NGOs, and the rejected candidates called it a viola-



tion of the law, which only requires the Assembly to verify, not vote on, the candidates for council membership. Some observers also noted that a large number of existing council members had close ties to the Government and that the public broadcaster clearly favored the Government.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. According to the Telecommunications Agency, in 2007 there were some 150,000 Internet users, or 29 users per 100 citizens.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution and law provide for freedom of assembly and association, and the Government generally respected these rights in practice.

*c. Freedom of Religion.*—The Constitution and law provide for freedom of religion, and the Government generally respected this right in practice. Religious communities are separate from the state, equal under the law, and free to perform their rituals and services.

Authorities prevented the Serbian Orthodox Church's Bishop Filaret from entering the country on three occasions on the grounds that he was on a Hague Tribunal list of supporters of the fugitives and accused war criminals Radovan Karadzic and Ratko Mladic. Bishop Filaret declared a hunger strike in protest, and after 11 days the Government allowed him to enter, under the supervision of local state bodies, to perform religious ceremonies.

No progress was reported on the restitution of church property. The Serbian Orthodox Church claimed that the Government applied the restitution law in a discriminatory manner. There was no decision on a suit filed by the church in 2005 with the European Court for Human Rights alleging that delays in addressing its claims for property taken by the Government after World War II were politically motivated.

*Societal Abuses and Discrimination.*—Religion and ethnicity were closely intertwined, and in many cases it was difficult to identify discriminatory acts as primarily religious or primarily ethnic in origin. There were some reports that some elements in society continued to discriminate against some religious communities.

Tensions continued between the canonically unrecognized Montenegrin Orthodox Church and the Serbian Orthodox Church, including over church property. On April 18, police prevented several hundred supporters of the Montenegrin Orthodox Church from entering the monastery of the Serbian Orthodox Church in Cetinje. The leadership of the Montenegrin Orthodox Church continued to assert ownership of all Serbian Orthodox property, which they claimed was seized from them after Montenegro united with Serbia in 1918.

During the night of August 9–10, unknown perpetrators planted a bomb in Podgorica's New Martyrs church of the Serbian Orthodox Church. Police conducted an investigation, but did not arrest any suspects.

On September 21, a plaque on the Islamic Community Center in Bar was damaged by stones. The Board of the Islamic Community in Bar condemned the attack, which they said was the fifth instance of vandalism against the plaque.

A small, scattered number of adherents of Judaism lived in the country. A 2004 survey by the Government statistics office concluded that there was no organized Jewish community; an international Jewish NGO reached a similar conclusion.

There were no reports of anti-Semitic acts.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

The Government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the Government did not employ it.

*Internally Displaced Persons (IDPs).*—Although the country became independent from Serbia in June 2006, authorities continued to count 16,155 persons displaced from Kosovo as IDPs. They also listed 8,527 persons originally from Croatia or Bosnia and Herzegovina as "displaced persons." The figure was increased because of a

decision by the Government to treat 1,601 individuals waiting for a decision on their status as IDPs even though no final decision had been made. At year's end authorities had not determined whether either or both groups might qualify as asylees under the country's new law on asylum. Since June 2004, 24 persons with origins other than Kosovo, Croatia, or Bosnia and Herzegovina registered as displaced with the Government.

Approximately 2,000 displaced persons made claims for resident status, but none had been fully adjudicated by year's end.

By opening its borders in April 1999, the Government accepted and provided protection and assistance to some 50,000–70,000 IDPs from Kosovo. The Government allowed IDPs access to domestic and international humanitarian organizations and permitted them to accept assistance provided by these groups. Government neither attacked or targeted IDPs nor forcibly returned or resettled IDPs under dangerous conditions.

*Protection of Refugees.*—In June 2006 the Assembly passed an asylum law providing for the granting of asylum or refugee status to persons in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol. The Government established a system for providing protection to refugees that took effect on January 25. In practice the Government provided some protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. According to established procedures, authorities referred refugee cases to the UNHCR for adjudication in accordance with a previously signed memorandum of understanding. During the year, 10 persons applied to UNHCR for refugee status. Of these, one was granted, eight were rejected, and one was pending.

The Government was also prepared to provide temporary protection to individuals who may not qualify as refugees under the 1951 Convention and the 1967 protocol; however, no persons requested such protection during the year.

The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. Conditions for refugees varied; those with relatives or property in the country were able to find housing and, in some cases, employment. Others were housed primarily in private accommodations; there were many family settlements and one collective center.

Citizenship is derived from one's parents (*jus sanguinis*). There were cases in which refugees and IDPs were not recognized as nationals of Montenegro. The UNHCR reported that this was a significant problem among the children of refugees and IDPs who were born in Montenegro.

### *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The Constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

*Elections and Political Participation.*—The country declared its independence following citizen approval in a referendum in May 2006. The OSCE stated that the referendum was conducted in accordance with OSCE and other international standards. International and local observers noted scattered irregularities, the most significant of which were in rural areas where there were a number of reports that husbands directed their wives' voting. Elections for seats in the Assembly took place in September 2006. The OSCE stated that the conduct of the campaign and vote were generally in accordance with international standards. However, OSCE observers criticized the fact that changes to the electoral law were enacted after the call for elections and reiterated their view that the law giving party leaders the right to select half of their party's actual parliamentary representation from anywhere on the party's list of candidates impaired transparency.

The ruling DPS has held power without interruption, in various coalitions, since the reintroduction of multiparty democracy in 1991. However, the DPS competed on an equal legal footing with all other parties. All individuals and parties could freely declare their candidacy and stand for election.

In April the Interior Ministry terminated the employment of police officer Suad Muratbasic of Rozaje after first suspending him several months earlier. Muratbasic claimed that the suspension resulted from his refusal of an order to influence his Muslim neighbors to vote for the DPS during the September 2006 assembly elections. He also accused a DPS representative of involvement in his dismissal.

There were nine women in the 81-seat Assembly and one woman in the cabinet. There were 16 members of ethnic minorities in the 81-seat Assembly and two members of ethnic minorities in the cabinet. Five assembly seats were reserved by law for ethnic Albanians. Ethnic Albanians, Muslims, Bosniaks, and Croats participated in the political process, and their parties, candidates, and voters participated

in all elections. No Roma ran for or held seats in the Assembly, and Roma were significantly underrepresented in the government; only one person of Romani ethnicity held elective office at any level in the country.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption. However, the Government did not implement these laws effectively and there was a widespread perception of public sector corruption, particularly in the executive and judicial branches. The World Bank's worldwide governance indicators reflect that corruption was a serious problem. On July 12, the Government issued its first report on the implementation of its action plan against corruption. The report was prepared to give an all-inclusive analytical review of all completed measures within the first 9 months of the program's implementation (September 2006–May 2008). At the beginning of 2007, the Government established a national commission to monitor the implementation of the fight against corruption and organized crime. The commission appointed its president, vice president and secretary, determined its composition and defined the scope of its work. The deputy prime minister for European integration, Ms. Gordana Djurovic, is President of the National Commission.

Public officials were subject to financial disclosure laws.

There were widespread allegations of corruption in the privatization of state assets. Observers noted that a lack of transparency prevented citizens from judging the validity of those allegations. The Government stated that it received 204 requests for information about privatization activities, including 180 from one NGO, and that it had responded to all of them.

The law requires state officials, including members of the legislature, to disclose their salaries and property; however, the law was not fully implemented, and many officials refused to comply. There was no legal penalty for noncompliance.

On April 12, a Podgorica court acquitted Veselin Vukotic, deputy chairman of the Privatization Council, and Branko Vujovic, director of the Government's Agency for Restructuring of Economy and Foreign Investments, of violating the tender procedure in the privatization of the national oil company Jugopetrol. The Podgorica prosecutor lodged an appeal and the case was pending at year's end.

The Constitution and law provide for public access to information; however, the Government's record on providing access to public information was mixed. Some ministries were reluctant to implement the law fully and publicly criticized requests for information, while others were supportive. Authorities usually gave reasons for denials, and these could be appealed to the courts. While the courts usually supported access to information, their orders to the ministries were often ambiguous and, consequently, ignored.

#### *Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases; however, there was an accusation that police were responsible for making death threats against a human rights activist. Government officials were generally cooperative and responsive to their views.

A number of NGOs, including the Helsinki Committee of Montenegro, the Center for Democracy and Human Rights, the Center for Civic Education, Action for Human Rights, and the researcher Aleksandar Zekovic investigated human rights cases. Observers credited them with helping to reduce police brutality and other abuses.

In May Aleksandar Zekovic, an independent human rights researcher and a member of the Council for Civilian Oversight of Police Operations, accused Mirko Banovic, head of security for the national chief of police, of responsibility for numerous death threats. A police investigation ruled out Banovic as a suspect but failed to identify the perpetrators. Zekovic requested that state officials provide him with protection but later claimed that the protection provided was limited, i.e. provided only from home to work and back.

The Government cooperated with the International Criminal Tribunal for the former Yugoslavia (ICTY). On June 17, in Budva, Montenegrin police arrested former Serbian Police general Vlastimir Djordjevic, who was wanted by the ICTY, and transferred him to The Hague.

On February 26, the International Court of Justice in The Hague ruled that Montenegro is not party to the genocide lawsuit filed in 1993 by Bosnia and Herzegovina against the then Federal Republic of Yugoslavia (Serbia and Montenegro).

The ombudsman for human rights does not have authority over the work of the courts except in cases of excessively prolonged procedures, obvious abuses of procedure, and failure to execute court decisions. The office of the ombudsman operated

without government or party interference, and the Government provided the office with adequate resources. The ombudsman was generally considered to be effective. Upon finding a violation of human rights or freedoms, the ombudsman may initiate disciplinary procedures or dismissal of the violator. Failure to comply with the ombudsman's request for access to official data, documents, or premises, or with the ombudsman's request to testify at a hearing, is punishable by fines of 10 to 20 times the minimum monthly wage—\$730 to \$1,460 (500 to 1,000 euros). No fines were imposed during the year, since the ombudsman's requests were respected. In May the ombudsman's office released its third annual report to the Assembly. The greatest number of complaints, which were fewer than last year, concerned court delays, protection of labor rights, local government activities in the area of town planning, and enforcement of social and economic rights; only a few complaints involved police misconduct. The Government and the courts generally implemented the ombudsman's recommendations.

*Section 5. Discrimination, Societal Abuses, and Trafficking in Persons*

The Constitution and law prohibit discrimination based on race, gender, disability, language, or social status; however, the Government did not effectively enforce these prohibitions in practice. Violence and discrimination against women, child abuse, trafficking in persons, and discrimination against ethnic minorities were problems.

*Women.*—Rape, including spousal rape, is illegal. Enforcement remained a significant problem. There were no arrests or convictions for spousal rape during the year. Deeply ingrained societal attitudes continued to stigmatize rape victims, and judges frequently allowed negative aspersions on the victims' character to be entered into court proceedings. As a result, victims were reluctant to report rape, including spousal rape. Punishment for rape, including spousal rape, is 1 to 10 years in prison; however, authorities can only prosecute the crime if the victim brings charges.

During the year official agencies, including police and to some extent the judiciary, improved their response to domestic violence; however, efforts were still inadequate. Domestic violence is a crime punishable by a fine or a prison sentence of up to 10 years, depending on the seriousness of the offense or, if death results, by a sentence of 3 to 12 years in prison. A local NGO estimated that 80 percent of domestic violence against women involved spousal rape. Victims of domestic violence rarely filed complaints with authorities. According to a 2005 survey conducted by the NGO SOS, only 45 percent of victims reported domestic violence incidents to police. However, in 2006, 267 cases of domestic violence were reported to this NGO.

Prostitution is a crime, as are soliciting and procuring. The Government took active measures to suppress these offenses. Prostitution existed but was not widespread. Trafficking in women for sexual exploitation was a problem.

Sexual harassment was a problem. It was tolerated by society at large. Although victims were hesitant to report harassment, police were usually effective in intervening when requested to do so.

Women have the same rights as men in property law, family law, and the judicial system; however, in practice, women did not enjoy equal status with men. Traditional patriarchal ideas of gender, which maintained that women should be subservient to male members of their families, persisted and resulted in continued discrimination against women in the home. In rural areas women could not always exercise their right to control property, and husbands occasionally directed wives' voting. Few women held senior management positions in government or commerce. There were some signs of improvement, however; an increasing number of women served as judges, and there were many women in professional fields such as law, science, and medicine.

Women were legally entitled to equal pay for equal work; however, they did not always receive it in practice. The Government's Office for Gender Equality is responsible for protecting the legal and economic rights of women. The office issued publications on antidiscrimination and worked on the national action plan for gender equality. On July 24, the Assembly enacted legislation granting equal status to men and women in all areas of life.

*Children.*—The Government was reluctant to register all births of refugees and IDPs, resulting in statelessness and denial of some public services.

The Government was committed to the health and educational needs of children; however, it did not allocate adequate resources to achieve this goal. Most Romani children received little or no education beyond the primary school level, and the Government did not undertake adequate efforts to monitor or encourage continued school attendance of Roma. Romani children who attended school were often segregated.

Education was free, compulsory, and universal through the eighth grade. There was no difference in the treatment and attendance of boys and girls at the primary and secondary levels. Ethnic Albanian children had access to instruction in their native language; however, some Albanians criticized the Government for not providing an opportunity for ethnic Albanians to learn about their culture and history.

Boys and girls had equal access to state-provided medical care.

Child abuse was an underreported problem that the Government took little action to address. The law does not allow a juvenile to make an allegation of a crime without a parent or guardian present; consequently, there was almost no reporting of child abuse or incest to authorities.

Child marriage was a problem, particularly among Roma. In the Roma community, boys and girls generally married at an early age, with girls marrying somewhat earlier than boys. The problem was generally ignored by the Government.

Trafficking in girls for the purpose of sexual exploitation was a problem.

Child labor was a problem.

*Trafficking in Persons.*—The law prohibits all forms of trafficking in persons; however, there were reports that persons were trafficked to, from, through, and within the country.

Montenegro was primarily a transit point for trafficked persons, particularly women and children, and to a lesser extent, a source and destination for trafficking victims. Estimates of the actual number of trafficking victims, as opposed to those that came to official attention, were difficult to obtain. Traffickers increasingly avoided holding their victims in such public locales as bars and nightclubs.

Independence from Serbia transformed a significant portion of formerly internal trafficking into external, cross-border, trafficking. However, according to the International Organization for Migration (IOM), the overall level of trafficking remained at the same as in 2006.

Persons were trafficked primarily for prostitution, but trafficking for labor purposes existed as well. Internal trafficking was not a major problem. Trafficking victims were generally women and girls with less-than-average education and usually, but not always, poor.

Traffickers were often citizens who worked at times with foreign partners and were affiliated with broader organized crime organizations. They usually used fraud (false advertisements for travel or employment) to entice their victims and resorted to force and coercion to keep victims from escaping.

The maximum penalty for trafficking in persons is 10 years in prison. Authorities indicated that they received few reports of trafficking, but they prosecuted a number of cases during the year, most of which involved multiple defendants. For example, on February 6, two Montenegrin citizens were charged with human trafficking. On April 11, authorities charged one Montenegrin citizen with trafficking and one Montenegrin citizen and three Albanian citizens with facilitating prostitution. On March 29, charges were filed against Mladen Matovic, Milenko Matovic, and Milorad Savovic. Media reported on December 26 that members of the Matovic family were convicted of human trafficking and sentenced to 5 years in prison each.

A government-appointed and government-funded antitrafficking coordinator coordinated antitrafficking efforts with the ministries of interior, justice, health, and education. The Government also coordinated its antitrafficking efforts with other countries in the region, particularly through the Southern European Cooperative Initiative Center in Bucharest.

Early in the year, as part of an overall plan to reorganize the police force, the separate antitrafficking police team was disbanded, and its officers were reassigned to the organized crime department of the criminal police; however, they still worked on trafficking cases. Law enforcement personnel, including those at the borders, often lacked training in how to recognize trafficking operations. During the year international organizations, with the cooperation of Montenegrin authorities, sponsored training on trafficking problems for police (including border police), prosecutors, and judges.

There were no reports of official involvement in trafficking during the year. The IOM stated that it regarded officials' lack of training as a more serious problem than corruption in impeding their efforts to counter trafficking.

The law provides some protection to trafficking victims, distinguishing them from prostitutes, who were subject to fines, and illegal migrants, who were subject to deportation. Authorities generally observed these distinctions. Authorities established procedures for referring trafficking victims to social service agencies and repatriating them with IOM assistance. The Government funded one shelter, in Podgorica, which was operated by local NGOs, and, according to the National Coordinator for Anti-Trafficking, one trafficking victim was housed in this shelter along with another 12 persons residing there for other reasons.

Public awareness campaigns sponsored by the Government with international support continued throughout the country, however, according to IOM surveys, fewer than 13 percent of secondary school students were familiar with the problem of trafficking.

*Persons with Disabilities.*—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services; however, societal discrimination against persons with disabilities effectively limited their access to these benefits and authorities did not actively prosecute these infractions. The law mandates access to new official buildings for persons with disabilities, and the Government generally enforced this provision in practice. Facilities for persons with disabilities were inadequate at polling stations, although authorities provided mobile voting for handicapped or ill voters who could not come to the polling stations for the September 2006 elections.

The Ministry of health, labor and social welfare, and the Ministry of Education were responsible for protecting the rights of persons with disabilities.

*National/Racial/Ethnic Minorities.*—Societal discrimination against ethnic minorities was a problem. Prejudice against Roma was widespread, and local authorities often ignored or tacitly condoned their intimidation or mistreatment. According to a local NGO, 76 percent of Roma were illiterate, 80 percent did not speak the local language, 90 percent were officially unemployed, 40 percent had no access to public utilities, and 90 percent lived below the poverty level.

Roma from Kosovo, still formally considered by the Government to be IDPs, lived primarily in scattered settlements throughout the country and often lacked identity documents and access to basic human services. However, there were fewer cases of eviction from illegal settlements.

Authorities adopted an action plan in 2005 to improve the circumstances of Roma over the decade 2005–2015. These efforts had not resulted in significant improvements by year's end; however, authorities appropriated approximately \$584,000 (400,000 euros) for this purpose in 2008 under a "Strategy for Improvement of Roma Position in Montenegro 2008–2012."

*Other Societal Abuses and Discrimination.*—Society generally showed antipathy towards homosexuals, leading most homosexuals to conceal their identity. Violence against homosexuals was rare and not condoned by the Government. There were no reports of violence or discrimination against persons with HIV/AIDs.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law entitles workers, except for uniformed military and police personnel, to form and join unions of their choice without previous authorization or excessive requirements, and workers exercised this right in practice. Approximately 95 percent of the workforce in the formal economy was unionized.

*b. The Right to Organize and Bargain Collectively.*—The law allows unions to conduct their activities without interference, and the Government protected this right in practice. The law provides for the right of collective bargaining; however, collective bargaining remained at a rudimentary level. By law the registered workforce was covered by collective bargaining agreements. The law provides for the right to strike, and workers exercised this right by conducting legal strikes; however, the law prohibits strikes by military and police personnel.

There were no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor; however, there were reports that women and children were trafficked for commercial sexual exploitation.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—There were laws and policies to protect children from exploitation in the workplace, including those prohibiting forced or compulsory labor and those establishing acceptable working conditions. While the Government generally enforced these laws and regulations effectively, there were reports that children were trafficked for commercial sexual exploitation.

The official minimum age for employment is 15 years; however, in farming communities it was common to find younger children assisting their families. Romani children also worked in a variety of unofficial retail jobs, typically washing car windows or selling small items such as newspapers. Many Romani children also engaged in begging. However, such practices were not widespread.

Inspectors from the state labor inspector's office were responsible for enforcing the child labor laws.

*e. Acceptable Conditions of Work.*—The national minimum wage of approximately \$80 (55 euros) per month did not provide a decent standard of living for a worker and family. The Ministry of Health, Labor, and Social Welfare enforced the minimum wage; there were no reports during the year of employers failing to pay it.

The law requires a 30-minute rest period daily, limits hours worked to 40 per week except in specified unusual circumstances, and requires an unspecified premium for work in excess of 40 hours per week. There is no specific prohibition on excessive compulsory overtime. The Ministry of Health, Labor and Social Welfare effectively enforced the regulations on hours of work.

The Government did not give high priority to the enforcement of occupational safety and health regulations. Workers did not have the right to remove themselves from situations that endanger health and safety without jeopardy to their employment.

## THE NETHERLANDS

The Kingdom of the Netherlands, with a population of approximately 16.3 million, is a constitutional monarchy with a bicameral parliamentary legislative system consisting of the First Chamber, whose members are indirectly elected by the country's 12 provincial councils, and the Second Chamber, whose members are elected by popular vote. Elections held in November 2006 were free and fair. A prime minister and a cabinet representing the governing political parties (traditionally a coalition of at least two major parties) exercise executive authority. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens, and the law and judiciary provided effective means of addressing individual instances of abuse. There were reports of societal discrimination and violence against some religious and ethnic minorities, violence against women and children, and trafficking in women and girls for sexual exploitation.

Aruba and the Netherlands Antilles are two semiautonomous countries of the Kingdom of the Netherlands; they also feature parliamentary systems and full constitutional protection of human rights. In practice respect for human rights in these islands generally was the same as in the European Netherlands; however, conditions in the islands' prisons remained substandard in some respects.

### RESPECT FOR HUMAN RIGHTS

#### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Arbitrary or Unlawful Deprivation of Life.*—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits such practices, and there were no reports that government officials employed them.

*Prison and Detention Center Conditions.*—Prison and detention conditions in the Netherlands generally met international standards. Shortcomings, particularly overcrowding, continued to exist in the Netherlands Antilles and Aruba; however, authorities continued to improve the staffing and capacity of prisons in both of these territories. A pilot project employing house arrest for selected inmates continued; new women's and juvenile sections opened at the correctional institute in Aruba, and the detention center in Bonaire was renovated. Several shootings and other violent disturbances took place among inmates of the Bon Futuro Prison on Curacao. Prison guards went on strike three times over labor conditions.

The Government permitted visits by independent human rights observers in all three territories; however, no such visits occurred during the year.

*d. Arbitrary Arrest or Detention.*—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions in practice.

*Role of the Police and Security Apparatus.*—Civilian authorities maintained effective control over the regional police forces, and the Government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

*Arrest and Detention.*—Police officers, acting under the authority of the public prosecutor, conduct criminal investigations. Arrests must be ordered by prosecutor or senior police officer. Authorities must promptly inform detainees of the charges against them. Police may question suspects for a maximum of 12 hours and may

detain a suspect for up to 3 days (with possibility of extension of 3 days in cases of “urgent necessity”) by order of the public prosecutor without the permission of a magistrate; within 4 days, however, police must bring detainees before an examining magistrate for questioning. This magistrate also decides whether the detention may be extended and reviews the validity of continued detention every 30 days. Prolongation depends on progress in the preliminary investigation.

Defendants have the right to have their attorneys present during questioning; however the U.N. Committee Against Torture (CAT) expressed concern that persons in police detention may not have access to legal assistance during the initial period of interrogation. If the prosecutor believes an investigation is necessary, he must request a preliminary judicial inquiry from the investigative judge, who then assumes responsibility over the investigation. Authorities respected these rights in practice. There is no provision for bail.

Legislation that entered into effect in February modified some of these procedures in terrorism-related cases, permitting authorities to hold suspected terrorists up to 14 days if there is a “reasonable suspicion” of terrorist involvement.

In May CAT criticized the excessive length of pretrial detention and the high number of nonconvicted detainees in Aruba and the Netherlands Antilles.

*e. Denial of Fair Public Trial.*—The law provides for an independent judiciary, and the Government generally respected judicial independence in practice.

*Trial Procedures.*—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are public. Juries are not used. The law requires that defendants be fully informed about the proceedings at every stage. In criminal trials the law provides for prompt access to counsel (inexpensively for persons with low incomes), the presumption of innocence, and the right to appeal. The Government respected these rights in practice. Antiterrorism legislation, known as the Protected Witness Act, that took effect in November 2006, establishes special procedures permitting an examining judge to assess the reliability of official intelligence reports without exposing the identities of intelligence officers or releasing confidential intelligence information to the public. It enables intelligence officers to testify as “protected witnesses.”

The CAT expressed concern that, in the Netherlands Antilles, a lawyer is allowed to be present during interrogation only with the prior authorization of a magistrate. Procedures and rights were the same or similar in Aruba and the Netherlands Antilles, where they were generally respected in practice.

*Political Prisoners and Detainees.*—There were no reports of political prisoners or detainees.

*Civil Judicial Procedures and Remedies.*—There is an independent and impartial judiciary in civil matters. Lawsuits for damages related to a possible human rights violation may be brought before the regular court system or specific appeal boards. There were no problems enforcing domestic court orders.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law prohibits such actions, and the Government generally respected this prohibition in practice. Prior approval by a prosecutor is required for the use of most surveillance techniques, such as wiretapping or the use of undercover agents, in ordinary criminal or terrorist investigations.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

It is a crime to engage in public speech that incites hatred, discrimination, or violence against persons because of their race, religion, convictions, gender, sexual orientation, or handicap, and the Government prosecuted several cases during the year. The prosecutor’s office reviewed 46 cases on these grounds in 2006. The Government urged prosecutors and police to give proper attention to incidents of discrimination.

In October 2006 the nongovernmental organization (NGO) Reporters Without Borders described the country as one in which there had been no recorded censorship, threats, intimidation, or physical reprisals targeting journalists.

*Internet Freedom.*—There were no government restrictions on access to the Internet. Individuals and groups could engage in the peaceful expression of views via the Internet, including by email. Over 85 percent of the population had access to the Internet.

During the year authorities took measures to deal more effectively with incitement to discrimination on the Internet. Intensified efforts by the National Discrimi-



nation Expertise Center (LECD) resulted in the arrest and conviction of 11 administrators of or participants in right-wing extremist sites for discrimination or incitement to hatred, and more arrests were expected.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*—The law provides for freedom of assembly and association, and the Government generally respected these rights in practice.

*c. Freedom of Religion.*—The law provides for freedom of religion, and the Government generally respected this right in practice. There were no reports that the Government attempted to limit the freedom or exercise of religion during the year.

Despite calls by the Parliament in 2006 for the authorities to ban face coverings worn by some Muslim women, the Government did not impose restrictions on religious dress. Prevailing jurisprudence was that any restriction on wearing headscarves in schools and places of employment should be limited and based on security or other narrow grounds. In practice, headscarves were permitted almost everywhere, including in schools. The new government stated in February that it was willing to consider banning “face-covering clothing in the interest of public order and safety” without reference to religious practices, but did not take any action.

*Societal Abuses and Discrimination.*—Muslims faced continuing societal resentment. Major incidents of violence against Muslims were rare, but minor incidents, including intimidation, brawls, vandalism, and graffiti with abusive language were common. On July 21, for example, the police in Haarlem arrested five persons, aged 16–21, on suspicion of throwing Molotov cocktails at a mosque the day before (the action did not damage the mosque). Small groups of young Muslims and youths identifying themselves as “native Dutch” were responsible for most instances of violence. A number of offenders were arrested, prosecuted, and convicted.

A number of outspoken politicians, mainly from the right, openly argued that Islam was incompatible with Dutch traditions and social values. Geert Wilders, whose Party of Freedom won nine seats in the November 2006 general elections on an anti-immigrant and anti-Islam ticket, was the most prominent of several politicians seen as encouraging public opinion against Muslims by claiming that Islam preached violence and hatred.

The Government continued a comprehensive outreach campaign to counter anti-Muslim sentiments and right-wing nationalism, including a \$38 million (approximately 26 million euro) grant over 4 years for programs in both neighborhoods and schools. Authorities stressed their conviction that the majority of Muslims fit comfortably into Dutch society. At the same time, the Government made clear that it would combat groups espousing violence in support of an Islamist extremist agenda. These efforts raised public awareness and triggered debate, but concerns about the policy’s effectiveness remained.

The population included approximately 45,000 Jews. Anti-Semitic incidents continued to occur during the year, including verbal threats, cursing, and desecration of monuments and cemeteries. For example, a Jew wearing a yarmulke was pushed off of his bike by Moroccans in Amsterdam on January 10. Another Jew in Amsterdam wearing a yarmulke was repeatedly cursed at by Moroccan youths saying that “Jews should be gassed.” On November 28, during massive protests against long school hours, some school children in the town of Leiden chanted “ Hamas, Hamas, Jews should be gassed,” prompting the police to make four arrests on charges of creating a public disturbance. Certain small groups opposed to Israeli policies in the Occupied Territories, such as the Arab European League and the Stop the Occupation Movement, frequently used seemingly anti-Semitic language and images to express their views. The two groups responsible for most anti-Semitic incidents were North Africans in sympathy with Palestinians and supporters of right-wing extremist ideologies.

Anti-Semitism among right-wing extremists appeared to increase during the year. The independent Registration Center for Discrimination on the Internet described several hundred right-wing Web sites as extremist, including those of Stormfront.org, Polinico, National Alliance, and Holland Hardcore. The sites targeted not only Jews but also Muslims, blacks, and homosexuals.

Extreme right-wing anti-Semites expressed themselves primarily by vandalizing Jewish buildings and monuments, and the Center for Information and Documentation on Israel (CIDI) expressed concern about the sharply increased vandalism of monuments and desecration of cemeteries. Dozens of such incidents were recorded during the year.

The CIDI, which frequently criticized what it regarded as inadequate prosecution of anti-Semitic manifestations, reported considerable improvement during the year. However, CIDI called for even stronger government action against anti-Semitic Internet sites, describing the Internet as one of the main sources for dissemination of anti-Semitic and racist ideologies. On March 1, the Government opened a new cybercrime Web site through which citizens can report radical statements and hate e-mail.

The Government continued to condemn anti-Semitism and to work with NGOs to combat it.

It is a crime to engage in public speech that incites hatred, discrimination, or violence against persons because of their race, religion, convictions, gender, sexual orientation, or handicap, and the Government prosecuted several cases during the year. The Government urged prosecutors and police to give proper attention to incidents of discrimination, which included discrimination on religious grounds. The Government also took measures to deal more effectively with discrimination and incitement to hatred on the Internet. Intensified efforts by the LECD resulted in the arrest and conviction of 11 administrators of, or participants in, right-wing extremist sites on grounds of discrimination, and more arrests were expected. Critics, however, charged that law enforcement agencies could still do considerably more.

For a more detailed discussion, see the 2007 Report on International Religious Freedom.

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The laws provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

The Government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the Government did not employ it.

*Protection of Refugees.*—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. The Government remained committed to providing protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution; however, some observers asserted that some of the Government's procedures placed persons at risk of refoulement. The authorities provided economic assistance to those whom it denied asylum and who chose to return home voluntarily.

Authorities denied asylum to persons who came from a so-called safe country of origin or who resided for some time in a safe country of transit. European Union guidelines were used to define such countries. NGOs, including Amnesty International, and the UNHCR, raised cases in which protection from refoulement appeared to have been violated and called for stricter policies to prevent refoulement, which the authorities promised to investigate. These charges also drew intense political scrutiny and gave rise to parliamentary hearings that reversed or delayed government proposals to return asylum seekers from central and southern Iraq, as well as homosexuals and Christian converts from Iran.

In May the CAT expressed concern that asylum procedures did not allow asylum seekers enough time to substantiate their claims and consult an attorney, which could lead to a violation of the principle of nonrefoulement. That same month, the European Court of Human Rights (ECHR) also criticized the "excessive formalism" of the country's asylum procedures and called for a more generous assessment of asylum requests that takes into account reports produced by human rights nongovernmental organizations (NNNGOs), such as Human Rights Watch. The ECHR also criticized the requirement that the claims of each asylum seeker be adjudicated individually based on individual circumstances. In the court's opinion, membership in a persecuted minority should be sufficient grounds to grant asylum. After review, however, the Government concluded that an asylum seeker should continue to be required to demonstrate that he or she would personally face risks if deported.

In February, responding to widespread criticism that previous governments had failed to adjudicate the asylum requests of over 32,000 persons from 2000 and earlier, the new government announced a general amnesty for this group.

### *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections

held on the basis of universal suffrage. These constitutional rights also apply to the Netherlands Antilles and Aruba, where they were also exercised in practice.

*Elections and Political Participation.*—Parliamentary elections, held in November 2006, were free and fair.

Political parties operated without restriction or interference. In 2006 a court order prohibited the Government from subsidizing the orthodox Protestant Political Reformed Party (SGP), which did not accept female members on theological grounds. The SGP responded by permitting women to become party members and authorities reinstated the subsidy. However, the SGP continued to deny women the right to run for office, and several NGO's appealed, arguing that the party must allow women to run for office. The SGP responded that to do so would interfere with freedom of religion and freedom of association, and that the party's female members were not seeking to run for office. On December 21, The Hague Appellate Court ruled that the SGP was in violation of the Convention on the Elimination of All Discrimination against Women and that the Government was therefore obliged to take action to force SGP to change its policy. Both the SGP and the Government filed an appeal against this ruling with the Supreme Court.

There were 56 women in the 150-seat Second Chamber of Parliament, five female ministers in the 15-member cabinet, and six women among the 11 junior ministers. Women also held positions in the parliaments and cabinets of the Netherlands Antilles and Aruba.

There were approximately 15 members of ethnic minorities—Turkish, Moroccan, Surinamese—in the 150-seat Second Chamber of Parliament. Two junior ministers in the cabinet are Muslims of Turkish and Moroccan background.

*Government Corruption and Transparency.*—The law provides for criminal penalties for official corruption, and the Government generally implemented the law effectively. There were isolated reports of government corruption during the year.

There were press reports of corruption among some working-level law enforcement personnel at Schiphol airport, but the problem was not believed to be widespread or systemic. In September three Schiphol customs officers were arrested on suspicion of cocaine trafficking.

The Government pursued an active anticorruption policy coordinated by the Internal Affairs Ministry's Bureau for Promotion of Integrity of the Public Sector. The National Criminal Investigation Service coordinates investigations under supervision of the national prosecutor for corruption.

There were no laws requiring officials to make financial disclosures.

The law provides for public access to government information, and authorities generally respected that right for both citizens and noncitizens, including foreign media. Those seeking information could appeal any refusal to the regular courts. Disputes occasionally arose in court over the scope of the Government's right to withhold information based on the public interest. For example, there were disputes as to whether certain classified internal memos should be released.

#### *Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

Several domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

The Government has a long tradition of hosting international legal tribunals, including the International Court of Justice, the International Criminal Tribunal for the former Yugoslavia, the International Criminal Court, and the headquarters of the International Criminal Tribunal for Rwanda.

#### *Section 5. Discrimination, Societal Abuses, and Trafficking in Persons*

The law prohibits discrimination based on race, gender, disability, language, political preference, sexual orientation, and social status. The Government generally enforced these prohibitions; however, violence against women and children, trafficking in persons, and discrimination against ethnic minorities, were problems.

*Women.*—Rape, including spousal rape, is a criminal offense, and the Government effectively prosecuted those accused of such crimes. The penalty for rape is imprisonment not exceeding 15 years or a fine. The maximum sentence for marital rape is 8 years' imprisonment.

Domestic violence was the most prevalent form of violence in society. According to a fact sheet issued in April by the Ministry of Justice, 45 percent of the population has experienced domestic violence at some point in their lives. Of these, 10 percent reportedly experienced some form of physical, sexual, or mental abuse on at least a weekly basis, and 4 percent were raped. According to police records, ap-

proximately 80 percent of victims were women. Police estimated that approximately 12 percent of these cases were reported to police.

Spousal abuse carries a penalty one-third more severe than ordinary battery. Police records indicate that approximately 3 percent of the cases reported to police resulted in arrests.

The national organization Movisie (formerly TransAct), supported by the government, assisted victims of domestic violence and those investigating and prosecuting related crimes. The Government subsidized shelters for battered women. In April the Government launched a public information campaign against domestic violence. The increased focus resulted in a 10 percent increase in the number of incidents of domestic violence reported to the police between 2005 and 2006.

There were no statistics on honor killings during the year, but 279 cases of honor-related violence were reported in The Hague region alone in 2006. A government program to combat honor-related violence, begun in May 2006, continued. Authorities allocated approximately \$18.2 million (13 million euros) to the program, which is focused on social prevention, protection and criminal prosecution.

Prostitution is legal for persons who are at least 18 years of age and engage in the practice voluntarily. The Public Morality Act penalizes Dutch nationals who abuse minor children in foreign countries, even if the offense is not a crime in the country where it takes place.

The law requires employers to take measures to protect workers from sexual harassment. While there were no recent statistics on its prevalence, a 2003 study showed that 5.3 percent of female workers were sexually intimidated in the workplace. The Government funded an ongoing public awareness campaign and has taken measures to counter harassment among civil servants, but no information was available about its effectiveness.

Under the law women enjoy the same rights as men, including rights under family law, property law, and in the judicial system.

Approximately 59 percent of women were employed, nearly two-thirds of whom worked part time, often because of an inadequate number of daycare facilities. The Government was taking measures to make daycare more accessible. Female and male unemployment rates were 6.8 and 4.5 percent respectively. The Ministry of Social Affairs and Employment reported that women experienced a higher rate of unemployment, had fewer chances for promotion, and held lower-level positions than men, primarily because they more often worked part time. According to the ministry, women working in the private sector earned an average of 18 percent less than men, up from 23 percent less in 2006; however, when adjusted for level of experience and expertise required for the jobs, the differential was 7 percent.

The Government provided affirmative action programs for women, and collective labor agreements usually included provisions to strengthen the position of women. An official Equal Treatment Commission investigated complaints of discrimination against women.

*Children.*—The Government worked to ensure the welfare of children through numerous, well-funded health, education, and public information programs.

Education is compulsory, free, and universal, and mandatory attendance is enforced. In August the compulsory education act was amended, raising the age for compulsory attendance from 16 to 18 years. The act requires students in vocational education to reach a minimum level of job skills. The Government hoped this approach will reduce the number of students leaving school before graduation by 19,000 per year.

Boys and girls had equal access to state-provided medical care.

Child abuse was a problem. In an April study, Leiden University concluded that more than 100,000 children were victims of abuse. Many of them had been physically or emotionally neglected. The study estimated that 4,700 children had been sexually abused; and 19,000 had suffered from physical abuse. Experts estimated that approximately 50 to 80 children died each year from some form of abuse. Despite increased government funding to the Council for the Protection of Children, there still were long waiting lists for assistance.

The law prohibits female genital mutilation (FGM). While the Government's National Public Health Council estimated that at least 50 girls a year underwent FGM, the FGM Committee established by the Ministry of Health claimed that the number was much higher. In 2006 the Government launched a 3-year program to combat FGM through primary prevention and early identification. The maximum penalty for FGM is 6 to 9 years' imprisonment.

*Trafficking in Persons.*—The law prohibits all forms of trafficking in persons; however, trafficking in persons was a problem.

The Netherlands was a destination and transit country for trafficked persons. NGOs and police estimated that the number of women and girls trafficked for the purpose of sexual exploitation ranged from 1,000 to 3,600. The Foundation Against Trafficking in Women (STV), an independent NGO that helped victims of trafficking, registered 579 victims in 2006, up from 424 in 2005. The top five countries of origin were the Netherlands (157 victims), Nigeria (91), Bulgaria (42), Romania (35), and China (30). Of the 579 victims registered in 2006, 30 were male and 103 were under the age of 18. In the first 6 months of the year, the STV registered 198 victims, of whom 16 were male. A significant percentage of the 25,000 individuals engaged in prostitution in the country were reportedly trafficking victims.

Trafficking within the country was also a problem. Almost all of the 157 domestic victims registered in 2006 were girls with an immigrant background seduced by so-called lover boys, primarily young Moroccan or Turkish men and boys.

Most traffickers used threats of violence to the victim or the victim's family to control their victims. The groups most vulnerable to becoming victims of trafficking were underage girls and young women of Moroccan and Turkish descent (mostly lover-boy victims), underage asylum seekers, women with a dependent residence status (pseudomarrriage), and women recruited in Africa.

The maximum sentence for trafficking in persons is normally 6 years. Sentences may be increased in certain cases. For example, the maximum term is 10 years when the victim is under age 16, 12 years when the person being trafficked is seriously injured, and 15 years when trafficking results in the victim's death. The legal definition of trafficking in persons includes labor trafficking.

In 2005 the public prosecutor's office prosecuted 146 traffickers, compared to 252 in 2004, and the courts convicted 98 traffickers, compared to 135 in 2004. In February the National Crime Squad's Expertise Center on People Trafficking and Smuggling (EMM) dismantled two major trafficking networks from Turkey and Romania. In 2006 the EMM completed the investigation of four labor exploitation cases, all of which were awaiting court action at year's end.

The government, in particular the ministries of justice, internal affairs, foreign affairs, welfare and health, and social affairs, actively combated trafficking in persons. Local police forces established special units to deal with trafficking, and the EMM brought together experts from the national police Criminal Investigation Service, military border police, regional police forces, the Immigration and Naturalization Service, and the Social Information and Investigation Service. The national prosecutor for trafficking in persons supervised investigations conducted by the EMM, which also provided specialized training to police in the identification and protection of trafficking victims. The National Rapporteur on Trafficking in Persons, an independent, publicly funded agency, reports annually to the Government on the nature, extent, and mechanisms of trafficking as well as on the effects of national policies. Authorities participated in international investigations and cooperated closely with other governments on trafficking. In April the justice ministry's independent think tank concluded in an assessment of the Brothel Legalization Act that an estimated 8 percent of prostitutes working in the licensed sector were coerced into prostitution.

The Government provides a temporary residence mechanism (the B-9 visa) to allow trafficking victims 3 months to consider pressing charges against their traffickers. A victim who does so may remain in the country until the legal process has been completed. During this period, the victim receives legal, financial, and psychological assistance, and is permitted to work or attend vocational training. Victims may request a permanent residence permit on humanitarian grounds.

Specially trained police conducted regular inspections of brothels and other commercial sex establishments to verify that individuals in the sector were employed voluntarily and to identify any potential trafficking victims.

The Government subsidized NGOs working with trafficking victims. For example, the STV offered victims social support, legal advice, medical aid, shelters, and counseling.

The Justice Ministry cofinanced the La Strada program, aimed at preventing trafficking in women in Central and East European countries.

*Persons with Disabilities.*—Discrimination against persons with disabilities was prohibited, but government enforcement was inadequate, and there were some reports that such discrimination occurred. The penal code provides penalties for discrimination in employment, education, access to health care, and the provision of state services. The Equal Opportunity Commission (CGB) received several dozen complaints, mostly labor related, of such discrimination. The law requires access to public buildings for persons with disabilities, but public buildings and public transport often were not easily accessible in practice.

*National/Racial/Ethnic Minorities.*—Incidents of physical assault against minorities were rare, but members of minority groups experienced verbal abuse and intimidation and were at times denied access to public venues such as discotheques. The Muslim community of approximately 850,000 persons faced increased discrimination (see Section 2.c.).

Members of immigrant groups also faced discrimination in housing and employment. The minority unemployment rate remained roughly three times that of the ethnic Dutch workforce.

With the proliferation of Internet Web sites, the dissemination of racial and discriminatory material remained widespread. The NGO Discrimination on the Internet Registration Center cited a 24 percent increase in 2006 in reported expressions of discrimination over the previous year. Expressions of hostility toward Jews and Muslims, the two main target groups, sharply increased. A significant number of controversial expressions were voluntarily removed at the center's request. It reported the most serious cases (seven) to the Prosecutor's Office, which resulted in three convictions.

The Government pursued an active campaign to increase public awareness of racism and discrimination. Depending on the circumstances, persons could file complaints of racism or discrimination with the civil and criminal courts, the CGB, the national ombudsman, the Commercial Code Council, the Council for Journalism, the European Court of Justice, and the ECHR.

The majority of cases filed in criminal courts concerned racial defamation. Civil lawsuits often alleged discrimination against persons who were not ethnically Dutch in the supply of services, such as mobile phones, or access to clubs. The CGB primarily addressed incidents of discrimination in the labor market, including discrimination in the workplace, unequal pay, termination of labor contracts, and preferential treatment of ethnically Dutch employees.

*Other Societal Abuses and Discrimination.*—There was increasing harassment of homosexuals in larger cities, primarily from some groups of Muslim youth. For example, Moroccan youths beat a prominent foreign gay activist on the Dutch National Day, April 30. However, most harassment consisted of verbal epithets and abuse. Police gave antigay violence high priority. In response to criticism that the police did not register antigay incidents separately, the Amsterdam police for the first time in 2007 kept such records. It recorded 234 antigay incidents. Most of them involved cursing and threats, but in 79 cases violence was used.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—Workers are entitled to form or join unions of their own choosing without prior government authorization, and workers exercised this right in practice. Approximately 25 percent of the work force engaged in legal employment was unionized.

*b. The Right to Organize and Bargain Collectively.*—The law allows unions to conduct their activities without interference, and the Government protected this right in practice. The law provides for the right to organize, and specific laws provide for the right to collective bargaining; workers exercised these rights in practice. Approximately 86 percent of workers were covered by collective bargaining agreements. The law provides for the right to strike, and workers exercised this right by conducting legal strikes; some civil servants did not have the right to strike, but they had other institutionalized means of protection and redress. None of these protections extended to the significant number of workers who were employed in the underground economy.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children; however, there were reports that adults and children were trafficked for sexual exploitation and adults for labor exploitation. There were reports that Chinese workers were exploited in Chinese restaurants.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The Government enforced laws and policies to protect children from exploitation in the workplace; however, children were trafficked for commercial sexual exploitation.

The minimum age for employment is 16 years. Those in school at the age of 16 may not work more than 8 hours per week. The law prohibits persons under the age of 18 from working overtime, at night, or in activities dangerous to their physical or mental well being. A tripartite labor commission composed of representatives of government, enterprises, and unions monitored hiring practices and conducted inspections. The commission enforced the laws effectively.

Holiday work and after-school employment are subject to very strict rules set by law. The Ministry of Labor's inspection office, which is charged with enforcement,

found during the year that 75 percent of companies employing holiday workers and children under 18 complied with the regulations.

*e. Acceptable Conditions of Work.*—The minimum wage for adults of approximately \$1,840 (1,317 euros) per month provided a decent standard of living for a worker and family. Except in the underground economy, the Labor Inspectorate effectively enforced the minimum wage.

The law sets a 40-hour workweek. The average workweek was 30.6 hours (38.7 hours for full-time and 20 hours for part-time workers). Persons working more than 4.5 hours per day were entitled to a 30-minute rest period. Overtime is regulated. There are no exceptions for legal foreign workers. The Labor Inspectorate effectively enforced the labor laws.

The tripartite labor commission actively monitored and effectively enforced working conditions, including comprehensive occupational safety and health standards set by law. The Ministry of Labor and Social Affairs also monitored standards. Workers could remove themselves from dangerous working conditions without jeopardizing their continued employment, and they exercised this right in practice.

---

## NORWAY

Norway is a parliamentary democracy and constitutional monarchy; King Harald V is head of state. With a population of approximately 4.6 million, the country is governed by a prime minister, a cabinet, and the 169-seat Storting (Parliament) that is elected every 4 years and cannot be dissolved. Free and fair elections to the multiparty Parliament were held in 2005. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the rights of its citizens, and the law and the independent judiciary provided effective means of addressing isolated instances of abuse. During the year there were reports of violence against women and trafficking of women. Two incidents of apparent racism involving public sector employees generated significant media attention and public debate.

### RESPECT FOR HUMAN RIGHTS

#### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Arbitrary or Unlawful Deprivation of Life.*—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits such practices, and there were no reports that government officials employed them.

*Prison and Detention Center Conditions.*—Prison conditions generally met international standards, and the Government permitted visits by independent human rights observers; however, no such visits took place during the year. The system was considered transparent, and prisoners were represented by an ombudsman who could visit at prisoner request or on the ombudsman's own initiative.

*d. Arbitrary Arrest or Detention.*—The Constitution and law prohibit arbitrary arrest and detention, and the Government generally observed these prohibitions.

*Role of the Police and Security Apparatus.*—The national police have primary responsibility for internal security; however, the police may call on the armed forces for assistance in times of crisis. In such circumstances, the armed forces are under police authority. The Ministry of Justice and Police oversees the police forces.

The police force was generally effective, and corruption was not generally a problem. Adequate measures were in place to investigate police abuses. An independent police complaint commission investigates reports of corruption within the police force. There was a significant allegation of police brutality and racism in 2006. A Norwegian citizen of Nigerian origin, Eugene Obiora, died in September 2006 after four police officers arrested him in Trondheim. Obiora struggled during the arrest, and the police used a neck hold to restrain him. Obiora lost consciousness and later died in the hospital. The case against the four policemen initially was dismissed for lack of evidence. On appeal, the public prosecutor cleared the police officers of responsibility for Obiora's death on December 7. In connection with the incident, evidence of a racist attitude—graffiti on the wall of the police station handling the case—was leaked to the media. The charge of racism was actively under investigation at year's end.

*Arrest and Detention.*—The law requires warrants for arrests, and police generally arrested a person based on a warrant authorized by a prosecutor. Police must file charges against detained persons within 4 hours, and detainees must be promptly informed of the charges against them. An arrested suspect must be arraigned within 24 hours, at which time the arraigning judge determines whether the accused should be held in custody or released pending trial. These legal provisions were generally respected in practice. Arrested persons were allowed prompt access to a lawyer of their choosing or, if they could not afford one, to an attorney appointed by the Government. Arrested persons were generally allowed access to family members.

There is no bail system or similar mechanism. Defendants accused of minor crimes were routinely released pending trial. Defendants accused of serious or violent crimes, who are deemed a threat, remain in custody until trial.

*e. Denial of Fair Public Trial.*—The Constitution and law provide for an independent judiciary, and the Government generally respected judicial independence in practice.

*Trial Procedures.*—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right.

Trials are public, but juries are only used in criminal cases heard by the court of appeals. Charges are stated clearly and formally, and defendants enjoy a presumption of innocence. Defendants have the right to be present, to have counsel, to confront and question witnesses, to present evidence and witnesses, and to appeal. Defendants and their attorneys have access to government-held evidence relevant to their cases. The law extends the above rights to all citizens. There are no military courts; military crimes are tried in a civilian court, with the addition of a military judge to assist the civilian judges in trying the case.

*Political Prisoners and Detainees.*—There were no reports of political prisoners or detainees.

*Civil Judicial Procedures and Remedies.*—There is an independent and impartial judiciary in civil matters.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law prohibits such actions, and the Government generally respected these prohibitions in practice.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution and law provide for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail. Close to 80 percent of citizens had Internet access. Eighty-two percent of citizens accessed the Internet at home, and over 45 percent accessed the Internet at their workplace.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution and law provide for freedom of assembly and association, and the Government generally respected these rights in practice.

*c. Freedom of Religion.*—The Constitution and law provide for freedom of religion, and the Government generally respected this right in practice.

The state church is the Evangelical Lutheran Church of Norway, which was supported financially by the Government. The Constitution requires that the king and at least half of the cabinet belong to this church. Other denominations operated freely.

A religious community is required to register with the Government only if it desires financial support, which is provided by the Government to all registered denominations on a proportional basis in accordance with membership.

Amendments in 2005 to the law requiring that “religious knowledge and education in ethics” be taught as a subject in public schools effectively ended a controversy between the Government and a group of non-Christians, parents, and the Humanist Association (an atheist organization) who had successfully challenged the legality of the law mandating the course.

The law permits private or religious schools and day care centers to ask persons seeking employment whether they will respect and teach the denomination’s beliefs and principles. Employers may reject applicants on the basis of their responses; no



statistics were available on how frequently this occurred. In February the Ministry of Education allowed schools to ban the wearing of the niqab (a veil worn by strictly observant Muslim women that entirely covers the face except for the eyes), but there were no reports of such bans being implemented.

*Societal Abuses and Discrimination.*—The Jewish population is relatively small, with about 1,000 members.

Four persons charged in an armed attack on the synagogue in Oslo in September 2006 awaited court action at year's end; three of the four were accused of terrorism, and the main accused remained in custody.

The Government continued to support organizations that worked on combating discrimination. The Government also supported the foundation called "The White Buses," which took students from Norway to Auschwitz to educate them about the Holocaust.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government cooperated with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees and asylum seekers. The law prohibits forced exile, and the Government did not employ it.

*Protection of Refugees.*—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. The Government granted refugee status or asylum, and accepted refugees for resettlement.

The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol, and provided it to 900 persons through early November.

In June 13 Afghan refugees were involuntarily returned to Afghanistan after their asylum applications were denied. Some observers asserted that the Government's decision in this case was inconsistent with its international obligations, but the Government defended its actions as appropriate and maintained that the areas they were returning to (mostly around Kabul) were safe. On the eve of their deportation, several of the refugees claimed they had converted to Christianity, but their claims were ruled by the Church of Norway to be unsubstantiated. The authorities halted deportation after August because the security situation in the region to which some of the refugees were to be returned had deteriorated. Those refugees were permitted to refile their asylum claims even though they had previously been denied.

### *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The Constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

*Elections and Political Participation.*—Free and fair parliamentary elections held in 2005 resulted in the formation of a coalition government of the labor, socialist left, and center parties.

Political parties operated without restriction or outside interference.

There were 64 women in the 169-seat Parliament and six women among the 19 Supreme Court justices. Women headed 10 of the 19 government ministries. There was one member of a minority in Parliament. There were no minority ministers or Supreme Court justices.

*Government Corruption and Transparency.*—There were no confirmed reports of government corruption at the Federal level during the year. A case against several senior military members accused of inappropriately receiving free travel was dismissed, and the officers were cleared.

Public officials are subject to financial disclosure laws. The Ministry of Justice and the Police, and the Ministry of Finance are responsible for combating corruption.

The law provides for public access to government information, and the Government provided this access in practice.

*Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views. The country has a parliamentary ombudsman who had the Government's cooperation and operated without government interference.

*Section 5. Discrimination, Societal Abuses, and Trafficking in Persons*

The law prohibits discrimination based on race, gender, disability, language, or social status, and the Government generally enforced this prohibition in practice, although violence against women and trafficking in persons were problems, and there were two high-profile cases of racial discrimination.

*Women.*—The law criminalizes rape, including spousal rape, and the Government enforced the law. The number of rapes reported during the year was 900, an increase from 2006.

The penalty for rape is generally 1 to 10 years in prison depending on the severity of the assault, the age of the victim, and the circumstances under which the crime occurred. Although the number of rapes reported to the police rose in recent years, the number of rape convictions went down. A task force convened by the chief prosecutor's office to examine this trend reported in March that one problem was that the system is male-dominated; no concrete steps were identified to improve the system. The Ministry of Defense also identified a gap in the reporting and investigation of sexual assaults against female enlistees.

Violence against women, including spousal abuse, was a problem. The law provides higher penalties for domestic violence than for simple assault, and the Government enforced the law in practice. In 2006, 936 cases of domestic violence were registered. The penalty for domestic violence is generally 1 to 6 years in prison, with an increased term in more severe cases.

The Government generally, and the police agencies in particular, have programs to prevent rape and domestic violence and to counsel victims. There is a domestic violence coordinator in each of the country's 27 police districts to provide responsive and knowledgeable assistance to victims. Public and private organizations ran 50 government-funded shelters and managed five 24-hour crisis hot lines. The shelters provided support and counseling for victims and helped them gain access to social services, doctors, lawyers, and housing authorities.

Prostitution is legal, but organized prostitution and pimping are illegal. Nongovernmental organizations (NGOs) and the Government estimated that more than 2,500 persons sold sexual services in 2006. A few of these were men, and NGOs reported that a few persons selling sexual services appeared to be under the age of 18, although they generally claimed to be older. An estimated 73 percent of the persons engaged in prostitution were foreign women.

The law provides that "employees shall not be subjected to harassment or other unseemly behavior," and the Government effectively enforced this provision in practice. Employers who violate this law are subject to fines or prison sentences of up to 2 years, depending on the seriousness of the offense.

Women have the same legal status as men and enjoy identical rights under family and property laws and in the judicial system. The office of the gender equality ombudsman was generally effective in processing and investigating complaints of sexual discrimination. In 2006 the office received 276 complaints, a substantial drop from 2005.

The law protects the rights of women and provides that women and men engaged in the same activity shall have equal wages for work of equal value. According to the office of the gender equality ombudsman, which monitors enforcement of the law, women generally received 10 to 15 percent less in pay and benefits than men for equal work.

A 2005 law mandates that 40 percent of publicly listed companies' directorships were to be held by women. By the end of the year, 83 percent of corporations had complied. Existing companies that have not complied are to be warned and will then have 1 month to complete the requirements or they will be compulsorily dissolved. Corporations established after 2005 must meet the requirement before they can be registered as a company.

*Children.*—The Government was strongly committed to children's rights and welfare; it amply funded systems of education and medical care, with equal access for girls and boys.

The Government provides free education for children through the postsecondary level. Education is compulsory for 10 years, or through the 10th grade; most chil-

dren stayed in school at least until the age of 18. The school attendance rate was virtually 100 percent; parents lose a direct stipend of approximately \$300 (970 crowns) per month per child if their children fail to attend school.

The Government provides extensive, free medical care for children.

In 2006 childcare services investigated 30,800 allegations of abuse and intervened in 6,800 cases that authorities considered to constitute child abuse or failure to care for a child. An independent children's ombudsman office within the Ministry of Children and Families is responsible for the protection of children under the law. The directorate for children, youth, and family affairs provides assistance and support services. With five regional offices and 26 professional teams, the directorate is the Government's principal agency for the welfare and protection of children and families.

*Trafficking in Persons.*—Although the law prohibits trafficking in persons, there were unconfirmed reports that women, and possibly children under 18 years of age, were trafficked to and in the country for commercial sexual exploitation. The prevalence of trafficking is minor.

The maximum sentence for trafficking in persons is 5 years, with a maximum sentence of 10 years for aggravated cases; sentences are determined by several factors, including the victim's age, the use of violence or coercion, and any proceeds derived from exploitation. Traffickers can also be charged with violating pimping, immigration, and slavery prohibitions. Victims may sue their traffickers for compensation without impediment.

The Ministry of Justice and Police coordinates and implements antitrafficking measures. In 2006 police districts investigated 54 trafficking cases; there were 6 prosecutions and 5 convictions.

The Government cooperated with foreign governments, Interpol, and Europol in the investigation and prosecution of trafficking cases. The country's collaboration with other Scandinavian countries was particularly strong.

Police identified a number of possible victims trafficked by organized criminals for the purpose of sexual exploitation. Most of these suspected victims were women from Nigeria, Russia, Albania, Eastern Europe, and the Baltic countries. Suspected victims were often reluctant to press charges, making it difficult for police to identify and assist them and to prosecute traffickers.

Government officials believed that organized crime groups were responsible for most trafficking.

Although trafficking victims may be prosecuted for violating immigration laws, no such prosecutions occurred during the year. Deportation decisions concerning victims of trafficking may be suspended for a 90-day reflection period to provide time for practical assistance and counseling to the individuals concerned.

Government officials sought to improve public awareness of trafficking. At the end of 2006, the Government also issued a new plan of action to intensify efforts to combat trafficking, both domestically and internationally.

NGOs conducted outreach programs to provide trafficking victims with information on their legal rights and available health and other services. Foreign victims of trafficking have the same legal rights as other foreigners to apply for residency, asylum, welfare, social aid, and emergency health care.

The Government's assistance program for trafficking victims included support centers, shelters, and a 24-hour hot line. The Government also ran a national network of crisis centers where trafficking victims could seek assistance finding shelter, work, and education.

*Persons with Disabilities.*—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services. The law mandates access to public buildings for persons with disabilities, and the Government generally enforced this provision in practice.

The office for disabled persons in the Ministry of Labor and Social Inclusion was responsible for protecting the rights of persons with disabilities; that office coordinated relevant national policy and managed the social benefits system for such persons.

*National/Racial/Ethnic Minorities.*—Two cases of official racial discrimination were reported in the media. The first involved the death in police custody of Norwegian-Nigerian Obiora (see Section 1.d.). The second involved a Somali male who was left disoriented and bleeding after being physically assaulted in a public park. Ambulance personnel called to the scene refused to transport the victim, calling him a "pig" and leaving him without medical attention. Recorded comments between ambulance personnel and their dispatcher were clearly racist. The victim made his way to the hospital by taxi, where he was put in a medically induced coma to recuperate. The two ambulance personnel who abandoned the victim were suspended from serv-

ice. The incident sparked a public debate about racism in other public services as well.

*Indigenous People.*—The rights of the indigenous Sami were protected by the government, which provided Sami language instruction at schools in their areas, radio and television programs broadcast or subtitled in Sami, and subsidies for Sami-oriented newspapers and books. A deputy minister in the Ministry of Labor and Social Inclusion deals specifically with Sami issues.

In addition to participating freely in the national political process, the Sami elect their own constituent assembly, the Sameting. The law establishing the Sameting stipulates that this 39-seat consultative group is to meet regularly to deal with “all matters, which in [its] opinion are of special importance to the Sami people.”

*Other Societal Abuses and Discrimination.*—There were no reports of societal violence or discrimination based on sexual orientation or against persons with HIV/AIDS.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law allows workers to form and join unions of their choice without previous authorization or excessive requirements, and they exercised these rights in practice. Approximately 56 percent of the workforce was unionized.

*b. The Right to Organize and Bargain Collectively.*—All workers, including government employees and military personnel, have the right to organize and bargain collectively, and they exercised this right in practice.

The law provides for the right to strike, and workers exercised this right in practice; however, the Government may, with the approval of Parliament, compel compulsory arbitration under certain circumstances. Unlike in the previous year, the Government did not invoke compulsory arbitration.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The Government implemented laws and policies to protect children from exploitation in the workplace. Children 13 to 18 years of age may be employed part time in light work that will not adversely affect their health, development, or schooling. Minimum age rules were observed in practice and enforced by the Directorate of Labor Inspections (DLI). There were no other reports of illegal child labor during the year.

*e. Acceptable Conditions of Work.*—There is no legislated or specified minimum wage, but wages normally fall within a national scale negotiated by labor, employers, and local governments. The average daily wage provided a decent standard of living for a worker and family. Approximately 200,000 persons lived below the country’s poverty line.

The law limits the normal workweek to 37.5 hours and provides for 25 working days of paid leave per year (31 days for those over age 60). The law mandates a 28-hour rest period on weekends and holidays. The law provides for premium pay for overtime and prohibits excessive compulsory overtime.

The law provides for safe and physically acceptable working conditions for all employed persons. Specific standards are set by the DLI in consultation with non-governmental experts. Under the law, environment committees composed of representatives of management, workers, and health personnel must be established in all enterprises with 50 or more workers, and safety delegates must be elected in all organizations. Workers have the right to remove themselves from situations that endanger their health, but no statistics were available on whether they exercised this right in practice. The DLI effectively monitored compliance with labor legislation and standards.

Although foreign workers were provided the same legal protections, the media reported complaints from children of immigrants that they were excluded from mainstream society and that they had fewer and inferior job opportunities than did ethnic majority citizens.

---

## POLAND

The Republic of Poland is a multiparty democracy with a population of 38.5 million and a bicameral National Assembly consisting of an upper house, the Senate (Senat), and a lower house (Sejm). Executive power is shared among the prime min-

ister, the Council of Ministers, the president, and the Sejm. In 2005 Lech Kaczynski was elected president in a free and fair election. Parliamentary elections held on October 21 were also free and fair. Civilian authorities generally maintained control of the security forces.

The Government generally respected the human rights of its citizens; however, prison conditions remained poor with serious overcrowding; lengthy pretrial detention, police misconduct and excessive use of force by law enforcement officials remained problems. The judicial system was inefficient and continued to function poorly. Communist-era laws and regulations that remained in effect restricted freedom of speech and the press. Occasional anti-Semitic violence and harassment also were problems. There was discrimination against women in the labor market, sexual exploitation of children, trafficking in women and children, and societal discrimination and violence against ethnic minorities and homosexuals. Violations of workers' rights and antiunion discrimination also were problems.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Arbitrary or Unlawful Deprivation of Life.*—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

On May 31, a district court in Katowice found 15 Communist-era police officers guilty of firing on striking coal miners in 1981. Nine persons were killed and 25 others wounded in the incident at the Wujek coal mine in the southwestern part of the county. Commander Romuald Cieslak was sentenced to 11 years in prison; 14 officers under his command received sentences from 2½ to 3 years.

There were no major developments during the year in a separate but related case against Communist-era general Czeslaw Kiszczak, who was accused of ordering militia to open fire on striking Wujek miners. Kiszczak pleaded not guilty to the charge. On January 10, former general Wojciech Jaruzelski testified in Kiszczak's favor, stating that he categorically prohibited the use of weapons to break up the strike. In February the court suspended proceedings due to Kiszczak's poor health.

There were no developments in the 2004 case in which police in Lodz mistakenly used live ammunition instead of rubber bullets to quell a riot that followed a soccer game. One person was killed and a second injured. Families of the two shooting victims have received an undisclosed amount of compensation. There also was no development in a related case of the two police officers who allegedly distributed the live ammunition.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits such practices, and the Government generally respected these provisions in practice.

According to the criminal code, torture and cruel or degrading treatment are not reported as crimes. During the year the Helsinki Foundation for Human Rights (HFHR) in the country received 27 complaints regarding short-term detention and mistreatment by police officers. In addition, the HFHR stated that, during the first 3 months of the year, it received 219 complaints from prisoners and 255 complaints from persons in temporary detention, mostly about poor prison conditions, including inadequate medical treatment.

On April 12, the European Court of Human Rights (ECHR) awarded \$14,600 (10,000 euros) in damages to Dariusz Dzwonkowski for police misconduct. The case stems from charges Dzwonkowski filed 10 years earlier with the Wolmin Prosecutor's Office claiming he was detained and battered by police. The prosecutor had dismissed the complaint and charged Dzwonkowski with assaulting two police officers.

On May 18, the U.N. Committee Against Torture (CAT) criticized police for using excessive force on detainees. In particular, the CAT expressed concern about reports of excessive force by police during the 2004 riot in Lodz and the accidental use of "penetrating ammunition." The committee stated it also was concerned that the investigation into the shootings was still ongoing, and that information on disciplinary measures imposed on the responsible police officers was still lacking.

On June 20, the commissioner for human rights of the Council of Europe (COE) recommended in a report to the Government that it establish an independent committee to investigate numerous complaints of police misconduct. Not all complaints are investigated, and most internal police investigations of misconduct end without criminal charges.

For example, according to the COE report, 3,646 complaints of police misconduct were filed with prosecutors between January 2003 and September 2006. Of that number, 3,008 complaints were dismissed. During that same period the COE report noted that there were no convictions of police officers for misconduct.

The law on police misconduct outlines disciplinary actions, which include reprimands, demotion in rank, and expulsion. In 2006, the last year for which statistics were available, 4,856 cases of police misconduct were processed by the national police's Internal Affairs Office. Of that number, 913 police officers were disciplined, including 81 who were expelled from the police force.

*Prison and Detention Center Conditions.*—Conditions in prisons and detention centers remained generally poor. Overcrowding and inadequate medical treatment were among the main problems.

As of November 30, 89,484 persons were held in prisons and detention facilities, according to government statistics. Total capacity was estimated at 76,007 persons and overcrowding at 117 percent.

European Union (EU) standards set minimum cell size at 64 square feet (6 square meters). Under the country's criminal code, minimum cell size is set at 32.28 square feet (3 square meters); however, in practice this standard is often not met. The minimum cell size is approximately 16.5 square feet (1.5 square meters).

On February 28, the Supreme Court ruled in favor a prisoner's complaint for government compensation for being held in a severely overcrowded detention cell and subjected to demeaning conditions. The ruling overturned a lower court decision, which asserted that "cell discomfort is an integral part of punishment." The lower court was ordered to rehear the case as a violation of personal rights and human dignity.

There were no developments in the December 2006 Constitutional Tribunal case filed by prisoner against a justice ministry decree that permits overcrowding in prisons and detention centers. In April 2006 Human Rights Ombudsman Janusz Kochanowski withdrew a motion filed with the tribunal by his predecessor that challenged the ministry's decree. Kochanowski argued that the Ministry of Justice had adequately addressed concerns about the decree.

During the year the ombudsman received approximately 4,000 complaints regarding poor prison conditions, such as poor medical care, abuse by prison authorities, overcrowding, and violations of mail and visiting rights.

Juveniles were generally separated from adults; however, under the law juveniles and adults could be housed together in some cases. Convicted minors (15- to 17-year-olds) were segregated from adult prisoners. Juveniles (17- to 21-year-olds) accused of serious crimes were usually sent to pretrial detention.

Pretrial detainees were often held in prisons, but in separate areas. Conditions for pretrial detainees were generally similar to those for prisoners, but on occasion were notably worse due to greater overcrowding and poorer facilities.

During the year the Government permitted independent monitoring of prison conditions by local and international human rights observers, and prison officials generally allowed observers to talk in private with inmates. However, according to the Polish Red Cross, there were no regular visits with prisoners by the International Committee of the Red Cross.

*d. Arbitrary Arrest or Detention.*—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

*Role of the Police and Security Apparatus.*—The police force is a national law enforcement body with regional and municipal units overseen by the minister of interior. Corruption within the police force was widespread, and there was a public perception that police were unduly influenced by political pressures. Instances of corruption and serious criminal misconduct were investigated by the national police's Internal Affairs Office.

During the year there were several high-profile scandals involving the security apparatus. National and foreign media, and prominent intellectuals questioned the legality of some investigation methods used by police, the Prosecutor's Office, the Central Bureau of Investigation, and the Central Anticorruption Bureau. For example, in August former interior minister Janusz Kaczmarek, after being charged with leaking information about an ongoing undercover operation into corruption, alleged that the special services engaged in numerous irregularities and dubious practices on behalf of the Government. He claimed that he, several political opposition members, and journalists, were placed under surveillance and investigated by special services for political reasons.

In June the national police informed the nongovernmental organization (NGO) Open Republic of Poland, which combats anti-Semitism and xenophobia, that it had disciplined a police officer for not taking appropriate action during a nationalist demonstration on March 21 in Wroclaw that used explicitly racist slogans. The response was in reply to a complaint from Open Republic about laxity by police in preventing societal abuse and discrimination. In November 2006 Open Republic appealed to the Ministry of Interior to provide clearer guidelines to police on how to

respond to public demonstrations of anti-Semitism and homophobia. To date the NGO has not yet received a reply from the ministry. However, the NGO received replies from the Wroclaw and national police that police had taken all necessary measures during the March 21 demonstration in Wroclaw.

At year's end charges were brought against 17 persons, including five senior employees at national police Headquarters, in connection with a major corruption investigation. The case stems from media reports in August 2006 that accused senior officials of malfeasance in public tenders, including procurement of Romanian-made vehicles. The charges included abuse of power, failure to fulfill duties, and perjury. At the motion of the prosecution, the court issued warrants for the temporary arrest of seven officers and two civilians.

*Arrest and Detention.*—By law authorities must obtain a court warrant based on evidence to make an arrest, and authorities generally complied with the law in practice. However, pretrial detention was a serious problem that contributed to overcrowding and deterioration of detention facilities.

The law allows a 48-hour detention period before authorities must file charges, and an additional 24 hours for the court to decide whether to order pretrial detention. Detainees must be informed of the charges promptly and have the right to counsel; the Government provides free counsel to the indigent. Defendants and detainees have the right to consult an attorney at any time. There was a functioning bail system, and most detainees were released on bail.

Detainees may be held in pretrial detention for up to 3 months and may appeal the legality of their arrest. A court may extend pretrial detention every 6 to 12 months, but the total time in detention may not exceed 2 years. However, in practice detention frequently extended beyond the 2 years allowed by the law. In certain complex cases, the court may petition the Supreme Court for an extension beyond 2 years. Court inefficiency occasionally delayed pretrial detention hearings.

In May the CAT expressed concern about the length of pretrial detention, which could last up to 2 years, and that the country's law does not provide for a time limit for pretrial detention at the start of court proceedings.

On May 18, in remarks to the press, the country's human rights ombudsman estimated that there were approximately 15,000 pretrial detainees. He also stated that during the first 6 months of the year his office received nearly 700 complaints from detainees. According to the ombudsman, the overuse of detention by courts contributed to overcrowding and general deterioration of conditions in prisons and detention centers.

Since 2000 the European Court of Human Rights (ECHR) has heard 90 cases against the country. In 80 percent of these, the court determined that authorities violated the human rights and fundamental freedom of detained persons by lengthy pretrial detention and by delaying trial proceedings.

*e. Denial of Fair Public Trial.*—The law provides for an independent judiciary, and the Government generally respected this provision in practice; however, the judiciary remained inefficient and lacked resources and public confidence.

There is a four-tiered court structure composed of regional, provincial, appellate divisions, and a Supreme Court. These tiers are subdivided into five domains of jurisdiction: Military, civil, criminal, labor, and family. Regional courts try original cases. Provincial courts have a dual responsibility, handling appeals from regional courts and acting as the court of original jurisdiction for the most serious offenses. Appellate courts only hear appeals tried at the provincial level. The Supreme Court handles appeals of lower court decisions and ensures that the law is applied consistently throughout the country. The Constitutional Tribunal handles constitutional matters.

Military courts, which are supervised by the minister of justice and the prosecutor general, have jurisdiction over crimes committed by members of the military while on duty. Defendants enjoy the same rights as civilians.

Supreme Court judges are nominated by the National Judicial Council and appointed for life terms by the president. They have immunity from prosecution but are subject to dismissal by a court decision. There are 90 Supreme Court judges in four chambers: Civil, criminal, military, and labor-social security-public affairs. The first president of the Supreme Court is appointed by the president for a 6-year term from among candidates proposed by the General Assembly of the Judges of the Supreme Court.

The Constitutional Tribunal reviews the constitutionality of new laws, adjudicates disputes between government entities, and monitors the constitutionality of actions by political parties. There are 15 judges on the Constitutional Tribunal, nominated and approved by the Sejm.

The court system remained cumbersome, poorly administered, inadequately staffed, and under funded. The courts had numerous inefficiencies. Most notably there were more criminal judges than prosecutors in many districts. Court decisions frequently were not implemented. A continuing backlog of cases and the high cost of legal action deterred many citizens from using the justice system.

During the year the Government established a system of "24-hour courts," which expedited trials for minor offenders, such as football hooligans, petty thieves, and drunken drivers. Under the new system, the accused must be tried within 72 hours of arrest. Police and prosecutors have 48 hours to collect evidence and file a case; courts must issue a decision within 24 hours.

*Trial Procedures.*—Cases are tried in regional and provincial courts by a panel composed of a judge and two lay assessors. Defendants enjoy a presumption of innocence, are allowed to consult an attorney, must be present during trial, may confront and question witnesses, have access to government-held evidence, and may present evidence and witnesses. Prosecutors can grant witnesses anonymity if they express fear of retribution from defendants. Trials are usually public; however, the courts reserve the right to close a trial in some circumstances, including divorce proceedings, cases involving state secrets, or cases with content that may offend public morality.

After a court issues a verdict, a defendant has 7 days to request a written statement of the judgment; courts must respond within 7 days. A defendant has the right to appeal a verdict within 14 days of the response. A two-level appeal process is available in most civil and criminal matters.

The law provides for juries, usually composed of two or three individuals appointed by local officials.

Individuals continued to lodge complaints against the Government with the ECHR regarding trial delays, the right to a fair trial, and the lack of due process. For example, in 2005 the ECHR received 400 complaints of trial delays and 140 complaints concerning failure to provide due process.

On May 12, the Constitutional Tribunal declared many provisions of the country's "lustration" law unconstitutional. Passed in 1997 and amended in July 2006, the law was designed to expose officials who collaborated with the Communist-era secret police. The 2006 provisions required all politicians, civil servants, and others in positions of public trust, including school principals and journalists, to obtain a clearance from the Institute of Public Remembrance. Under the law the institute was mandated to investigate and make public Communist crimes committed in the country and to make the results public.

Under the lustration law, an estimated 700,000 persons could come under scrutiny of the Institute of Public Remembrance. Many lustration hearings were closed to the public because they involved classified documents. Critics continued to voice concern that procedures for vetting persons for government positions under the law were unfair because secret police records were subject to loss or tampering. In addition government officials and human rights NGOs were concerned that the law could be misused for political reasons. The revised version of lustration law under the tribunal's ruling while limited in scope still allows researchers and journalists to access the institute's files.

*Political Prisoners and Detainees.*—There were no reports of political prisoners or detainees.

*Civil Judicial Procedures and Remedies.*—The judiciary system is generally independent and impartial in civil cases, and there is access to courts to bring lawsuits seeking damages for or cessation of human rights violations. The Constitution and law provide for the sovereignty of and public access to the judiciary. However, implementation of court orders, particularly payment of damages, is slow, cumbersome, and ineffective. Court decisions are poorly enforced; recent changes to civil procedure place speed and efficiency ahead of individual rights, and the right to legal counsel in practice is limited.

*Property Restitution.*—The law provides for restitution of communal property seized during the Communist and Nazi eras. However, there is no general or comprehensive law on returning or compensating for privately-held real property confiscated during the same eras. The Sejm did not complete work on proposed legislation before parliamentary elections in October. However, despite the absence of a comprehensive law on private property claims, some illegally nationalized private property was restored. Between 2001 and August the total amount of compensation for illegally nationalized private property was approximately \$125 million (313 million zloty). Compensation from the State Treasury Reprivatization Fund was distributed to about 1,700 individuals and 40 businesses. Compensation payments were



also made to persons who lost private property as a result of persecution by the state.

Pursuant to a 2005 law concerning properties lost because of border changes after World War II, the Government paid compensation on 20 percent of the value. By the end of November the state treasury paid compensation in 2,266 cases of approximately \$31 million (78 million zloty). According to the government, the 2005 law could affect approximately 80,000 claimants for property now located in Lithuania, Belarus, and Ukraine. The law also requires the treasury to create registers of all claimants who have the right to compensation. The deadline for submitting applications for claims is December 31, 2008.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law prohibits such actions; however, the Government did not always respect these prohibitions in practice.

The law allows electronic surveillance for crime prevention and investigations. However, there was no independent judicial review of surveillance activities, nor was there any control over the use of information obtained by monitoring private communications. A number of government agencies had access to wiretap information.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The law provides for freedom of speech and of the press; however, in practice holdover Communist-era laws and regulations restricted these freedoms. For example, libel and some forms of defamation are criminal offenses; a person who insults or humiliates a constitutional institution is subject to a fine or imprisonment of up to 2 years; insulting a public official is subject to a fine or imprisonment of up to 1 year; and offending the object or spirit of a place of worship in public is punishable by a fine or a 2-year prison term. Libel suits against journalists are common, but those found guilty are usually only fined.

The law also prohibits hate speech, including dissemination of anti-Semitic literature. On May 18, David Irving, a British historian and outspoken Holocaust denier, was ejected from the Warsaw International Book Fair for bringing books that advanced anti-Semitic views.

Independent media were active and expressed a wide variety of views without restriction. Private television, satellite, and cable subscription services were available across most of the country. Private television broadcasters operated on frequencies selected by the Ministry of Communications and auctioned by KRRiTV, the National Radio and Television Broadcasting Council.

The five-member KRRiTV, which is responsible for protecting freedom of speech, has broad power to monitor and regulate programming, allocate broadcasting frequencies and licenses, and apportion subscription revenues to public media. While council members are required to suspend their membership in political parties or public associations, critics asserted that the council continued to be politicized.

The Catholic nationalist radio station Radio Maryja is designated a “public broadcaster” and exempted from paying regular licensing fees of up to \$548,000 (1.4 million zloty). The station, which features conservative Catholic call-in shows, has historically included some anti-Semitic statements. Radio Maryja is privately owned by the Polish province of the Congregation of the Most Holy Redeemer of the Catholic Church, which has provinces throughout the world.

The law prohibits the media from promoting activities that are illegal or against government policy, morality, or the common good and requires that all broadcasts “respect the religious feelings of the audiences and, in particular, respect the Christian system of values.” The Government enforced this provision in practice, levying fines during the year on programs deemed offensive.

The July 2006 case filed by journalist Jerzy Urban with the ECHR remained pending at year’s end. Urban argued that an \$8,000 (20,000 zloty) fine levied by a Warsaw appeals court for alleged slander was a violation of his right to free speech. The case stemmed from an article Urban published in 2002 in the news weekly *Nie* that criticized the pope.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

According to media reports, 51 percent of households in the country owned a personal computer and 37 percent had access to the Internet.

*Academic Freedom and Cultural Events.*—There were few government restrictions on academic freedom or cultural events.

At year's end a court rehearing the 2004 case of an artist convicted of offending religious beliefs remained pending. Dorota Nieznalska was sentenced to 6 months of "restricted freedom" and unpaid community service for placing a photograph of male genitals on a Christian cross. In 2004 the district court in Gdansk revoked the judgment of a lower court and instructed it to rehear the case. The court met during the year but has not yet reached a decision.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The law provides for freedom of assembly, and the Government generally respected this right in practice. Permits were required for public demonstrations and authorities generally issued them.

*Freedom of Association.*—The law provides for freedom of association; however, there were restrictions on this right in practice. Private associations must register with the local district court to obtain government approval to organize, and organizations must sign a declaration that they will abide by the law. In practice the procedure was complicated and subject to the arbitrary discretion of a judge. However, there were no reports that private associations were routinely denied registration, or that any registration was denied for political reasons.

*c. Freedom of Religion.*—The law provides for freedom of religion, and the Government generally respected this right in practice.

Under the criminal code, offending religious sentiment through public speech is punishable by a fine or a prison term of up to 3 years. Approximately 96 percent of the population was Roman Catholic.

There are 15 religious groups whose relationship with the state is governed by laws that outline the internal structure of the groups, their activities, and procedures for property restitution. There are 148 other registered religious groups that do not have a statutorily defined relationship with the state. All registered religious groups, including the original 15, enjoy equal protection under the law.

Religious education classes were taught in public schools. Parents could request instruction in any registered religion, including Protestantism, Orthodox Christianity, Judaism, and Islam. Children may choose between instruction in religion and ethics and may be exempted from religious instruction. Catholic church representatives were included on a commission that determined whether books were acceptable for school use.

At year's end a challenge by an opposition political party of the constitutionality of a controversial regulation on religious education remained pending before the Constitutional Tribunal. In June the minister of education and the Polish Episcopal Conference agreed that religious education should be graded and included in students' grade point averages. On July 13, the ministry signed a revised regulation to that effect. In September the Democratic Left Alliance challenged the regulation on grounds that it would discriminate against nonreligious students.

The Government continued to work with local and international religious groups to address property claims and other sensitive issues stemming from Nazi- and Communist-era confiscations and persecutions. There are five different commissions supervised by the interior minister that oversee religious property claims; one each for the Catholic Church, Jewish community, Lutheran Church, Orthodox Church, and for other denominations. Of approximately 10,000 communal property claims filed for restitution of religious property, more than 5,100 had been resolved and more than 1,200 properties had been returned by year's end.

As of September 30, 2,768 of the 3,063 claims filed by the Catholic Church had been concluded, with 1,463 claims settled between the church and the party in possession of the property, which usually is the national or local government.

There were 5,544 outstanding property claims submitted by the Jewish community. As of September 30, the commission either partially or entirely concluded 1,280 cases. Of that number 343 were settled amicably; 225 claims were either partially or entirely accepted; 417 ended in a decision to discontinue proceedings; 186 claims were rejected; and 352 properties were restored. The time period for filing claims under a 1997 law ended in 2002.

The Lutheran Church filed claims for 1,200 properties. As of September 30, 868 cases were concluded, of which 230 were resolved by a settlement between the parties; 153 ended in judgments; 485 claims ended in the decision to discontinue or to reject the application. The deadline for filing claims was 1996.

The Orthodox Church filed 486 claims with its commission, of which 215 were closed in full or in part.

The fifth property commission for all other denominations received 46 claims from the Protestant-Methodist Church and the Protestant-Lutheran Church. The commission concluded 24 cases, which included 12 decisions to discontinue, and two decisions to return the property. No agreement was reached in 10 cases.

*Societal Abuses and Discrimination.*—During the year there were reports of anti-Semitic incidents, including occasional desecration of Jewish cemeteries. The Jewish community was estimated at 20,000 to 30,000, including 2,500 registered members listed in the country's statistical yearbook. The Government publicly criticized anti-Semitic acts.

The country has made considerable progress in relations with its Jewish communities; however, its politics remained vulnerable to charges of extremism, intolerance, and anti-Semitism. During the year some Jewish leaders expressed concern over a reduction in government funding for Holocaust education and the inclusion in the governing coalition of two small political parties, some of whose members made anti-Semitic statements. However, following the October 21 parliamentary election, the two parties were no longer in the Government or represented in the Sejm.

On February 1, the Anti-Defamation League condemned then deputy prime minister Andrzej Lepper for accepting an honorary professorship from a private Ukrainian educational institution, the Interregional Academy of the Personnel Management. Better known by its Ukrainian acronym, MAUP, the institution accounts for nearly 90 percent of all anti-Semitic material published in Ukraine.

Also in February Maciej Giertych, a member of the European Parliament and former head of the League of Polish Families, published a booklet with anti-Semitic theories and proclamations. The booklet, *Civilization at War in Europe*, asserts that Christianity should be the sole determinant of European culture, education, and morality, and attacks Jews for impeding this goal. Giertych distributed an English language version of the booklet to all 785 members of the European Parliament. On March 2, he posted the contents in Polish on his personal Web site.

At year's end a number of criminal and civil cases remained pending against Leszek Bubel, a self-proclaimed anti-Semite and leader of the Polish National Party. The cases stemmed from actions to incite hatred towards other nationalities, and to disseminate anti-Semitic literature. For example, on March 1, the district attorney of the Wrzesnia region, which is east of Poznan, charged Bubel with violating hate speech laws. On October 26, a court in Bialystok began hearing a case against Bubel on charges of promoting anti-Semitic slogans and inciting hatred. Authorities in Lublin also brought similar charges against Bubel in October.

On November 27, Bubel pleaded not guilty before a Warsaw court on charges of inciting anti-Semitism in 2004 television ads prior to the country's accession to the EU. Bubel, who previously served 6 months in jail for inciting hostility and slandering Jews, could be sentenced up to 2 years in prison on similar charges stemming from the 2004 advertisements. In November 2006 the NGO Open Republic filed a civil suit against Bubel, claiming that his anti-Semitic comments and publications offended their dignity both as Poles and as human beings.

On May 18, prosecutors filed charges with a Wroclaw court against Polish administrators of Red Watch, a Web site maintained by the anti-Semitic and homophobic Polish Blood and Honor group. The charges, which are punishable by up to 5 years' imprisonment, included promoting a totalitarian state and inciting racial and national hatred. In 2006 police arrested the administrators of Red Watch, who allegedly posted information about a journalist described as "an enemy of white people;" the journalist was later stabbed in Warsaw by skinheads.

In July the weekly news magazine *Wprost* released an audiotape of a prominent Polish priest, Tadeusz Rydzyk, making anti-Semitic comments and claiming that President Lech Kaczynski "is in the pockets of the Jewish lobby." Rydzyk, a member of the Congregation of the Most Holy Redeemer who controlled a conservative Catholic media conglomerate that includes the influential Radio Maryja, suggested that Jews are greedy and that President Kaczynski is beholden to Jewish groups. Rydzyk suggested that the tape had been tampered with. President Kaczynski denounced the remarks.

On August 22, the district prosecutor in Torun decided against initiating an investigation of the Rydzyk tapes, arguing that Rydzyk did not commit a criminal offence of insulting a public official or Jews. However, two complaints were filed against the prosecutor's decision. One, filed by a private person was dismissed. The second, filed by the Union of Jewish Communities had not been reviewed by year's end.

On June 26, a groundbreaking ceremony took place in Warsaw to begin construction of a Museum of the History of Polish Jews. The ceremony marked the culmination of lengthy negotiations between the Ministry of Culture, Warsaw city officials, and the Jewish Historical Institute to build the museum. The groundbreaking was preceded by an opening in September 2006 of a temporary installation about the museum.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

The Government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, and other persons of concern.”

The law prohibits forced exile, and the Government did not employ it.

*Protection of Refugees.*—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. The Government granted refugee status or asylum.

The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol and provided it to 1,785 persons during the first half of the year. The Government granted refugee status to 108 persons during the first half of the year.

The majority of refugees and asylum seekers arrived from Russia’s Chechnya region; other asylum seekers were from Belarus, Pakistan, Ukraine, Georgia, and India.

Persons granted asylum or refugee status had the right to work, to receive social assistance and education, and to have access to a state integration program for 12 months. The program provides participants with contacts in the local community, assistance with accommodations, and help with job searches. Refugees receive monetary assistance for living expenses and language training and are registered in the national health care system. Despite this program many new immigrants had difficulty finding work commensurate with their skills due to the overall high rate of unemployment. Persons with temporary status also had the right to work and to receive social assistance but could not participate in the Government’s integration program.

The Government allowed UNHCR and NGOs to monitor refugee detention centers.

There were few reports of problems in refugee detention centers. The Government operated 19 refugee reception centers in the Warsaw, Bialystok, and Lublin areas with a capacity of 4,000. Previous reports indicated that the main difficulties in the centers included providing education for children, legal assistance, and medical treatment. In September the Government’s Office for Foreigners reported that 97 percent of all refugee children were enrolled in public schools. However, other remaining concerns include limited access to higher education, language and cultural barriers, and discrimination against refugee children by their peers.

### *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

*Elections and Political Participation.*—The 2005 presidential and parliamentary elections in October were both considered to be free and fair. Multiple candidates from various political parties freely declared their candidacy to stand for election and had access to the media. However, one area of concern noted by Organization for Security and Cooperation in Europe (OSCE) election observers was a lack of independent oversight of public broadcast media, which demonstrated imbalance in coverage of candidates.

There were 94 women in the 460-seat Sejm and eight women in the 100-seat Senat. There were five women in the 20-member Council of Ministers.

There was one minority member in the Sejm (representing the German minority in Silesia) and no minorities in the upper house. There were no minorities in the cabinet. The law exempts ethnic minority parties from the requirement that they win 5 percent of the vote nationwide to qualify for seats in individual districts.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption; however, the Government did not implement these laws effectively, and corruption was believed to be pervasive throughout government and society.

The World Bank’s Worldwide Governance Indicators reflected that corruption was a problem. There was a widespread public perception of corruption throughout the

Government. Citizens continued to believe that political parties and members of the legislative branch, the health care system, and the judiciary were the most corrupt.

The Central Anticorruption Bureau (CBA) has broad powers to audit the financial holdings of public officials and to fight corruption in public procurement. CBA head Mariusz Kaminski estimated the total value of corruption in the country at more than \$7.2 billion (18 billion zloty) annually. The CBA is authorized to conduct searches and secret videotaping, wiretap telephone conversations, and make arrests.

During the year the CBA conducted numerous high-profile and controversial investigations. For example, on February 12, a notable heart surgeon was arrested for the alleged murder of a patient and mistreatment of a relative and charged with 45 counts of corruption. He was released from detention on bail in May following a 5-month investigation that cast doubt on the murder charge.

On July 6, the CBA detained two persons who claimed to have connections in the Ministry of Agriculture that could obtain favorable land-use decisions from then minister of agriculture Andrzej Lepper in exchange for a bribe of \$1.2 million (3 million zloty). However, a CBA sting operation to catch agriculture officials failed due to an internal leak about the investigation. Lepper was dismissed as minister and his Samoobrona political party withdrew from the coalition government. An investigation into the source of the leak continues.

On October 1, the mayor of Hel and Parliament member Beata Sawicka were detained in connection with a real estate corruption scandal in the run up to the October 21 parliamentary elections. The CBA accused Sawicka of corruption for accepting a bribe to influence a public tender in Hel. Sawicka was released because of her parliamentary immunity, but subsequently expelled from the then-opposition Civic Platform Party. She was rearrested on November 5, but a court ruled against detention. In a statement released to the press on October 17, Sawicka intimated that she was seduced and manipulated into accepting the bribe by a CBA officer. On December 3, the mayor of Hel was released on bail.

On November 12, Polish billionaire and businessman Henryk Stoklosa, who allegedly was involved in a major on-going Ministry of Finance corruption investigation, was arrested in Germany and extradited to Poland. Three senior ministry officials were arrested in May 2006 in connection with the case. The Warsaw district prosecutor filed 22 charges against Stoklosa. According to the prosecutor, the officials canceled fiscal liabilities and issued tax exemptions over a period of 10 years in exchange for bribes from organized criminals and businessmen.

There were no major developments in the case of four former deputy mayors of Krakow arrested in December 2006 for involvement in a questionable land deal in 1999. The four were released on bail after 1 day in detention and prohibited from leaving the country.

In July businessman Marek Dochnal, who has been in detention since 2004, filed a complaint with the ECHR. Dochnal was arrested for allegedly bribing public officials for information concerning the privatization of a state-owned steel mill and the sale of shares of the country's largest oil company. The investigation was ongoing and his detention was extended several times; however, he has not been formally indicted and no trial date has been set.

The law provides for public access to government information; in practice the Government provided access to citizens and noncitizens, including foreign media. Government refusals of requests for information must be based on exceptions provided in the law related to government secrets, personal privacy restrictions, and proprietary business data. Refusals may be appealed.

#### *Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive to their views.

As provided for in the Constitution, the country's human rights ombudsman presents an annual activity report to the Sejm on the state of human rights and civic freedom in the country. In July the ombudsman reported that in 2006, 49,387 cases were filed with the office, a decrease of 2,156 from 2005.

#### *Section 5. Discrimination, Societal Abuses, and Trafficking in Persons*

The law prohibits discrimination based on race, gender, disability, language, or social status, and the Government generally enforced these provisions; however, violence and societal discrimination against women and ethnic minorities persisted.

*Women.*—Rape, including spousal rape, is illegal and punishable by up to 12 years in prison. During the year 1,827 cases of rape were reported to police. However,

NGOs estimated that the actual number of rapes was 10 times higher because women often were unwilling to report rape due to social stigma. Of the 1,827 reported rape cases, police forwarded 1,383 to prosecutors, and 121 to family court (for underage offenders) for indictment.

Domestic violence against women continued to be a serious problem. The increase in reports during the past 10 years was attributed to heightened police awareness, particularly in urban areas, as a result of media campaigns and NGO efforts. Under the law, a person convicted of domestic violence may be sentenced to a maximum of 5 years in prison; however, most convictions resulted in suspended sentences. The law provides for restraining orders on spouses to protect women from abuse.

According to police statistics, during the first half of the year, police carried out 41,782 interventions related to domestic violence. At year's end an estimated 4,500 persons were incarcerated for crimes of domestic violence. In 2006 the authorities prosecuted 20,809 cases of domestic violence, resulting in 8,938 convictions, some of which were pending appeal.

Women's organizations believed the number of women affected by domestic abuse was underreported, particularly in small towns and villages. The NGO Women's Rights Center reported that police were occasionally reluctant to intervene in domestic violence incidents if the perpetrator was a member of the police or if victims were unwilling to cooperate.

NGOs operated centers assisting victims of domestic violence by providing preventive treatment, counseling to perpetrators, and by training personnel to work with victims. The Government also provided victims and families with legal and psychological assistance, and operated 11 shelters for pregnant women and mothers with small children, as well as 184 crisis centers. However, neither the shelters nor the crisis centers were devoted exclusively to battered women and victims of domestic violence.

In 2005 local governments established 33 centers for victims of domestic violence. The centers, which are funded by the central government, provide social, medical, psychological, and legal assistance to victims and "corrective-educational" programs for abusers. During the year the Government allocated approximately \$3.8 million (9.6 million zloty) for the centers' operating costs. In addition, the Government spent \$181,000 (452,800 zloty) during the year on public awareness programs to counteract domestic violence. The awareness programs were implemented by local NGOs and governments.

Prostitution is legal, but pimping is prohibited. Experts estimated that 18,000 to 20,000 women worked as prostitutes, many of them employed in massage parlors and escort services that functioned as brothels.

The law prohibits sexual harassment. Under the criminal code, persons convicted of sexual harassment may be sentenced to up to 3 years in prison. The labor code defines sexual harassment as discriminatory behavior in the workplace that violates an employee's dignity, including physical, verbal, and nonverbal acts.

The NGO Center for Women's Rights stated that sexual harassment was a serious and underreported problem. Many victims do not report abuse out of shame or fear of losing their job or withdraw harassment claims in the course of police investigations. However, social awareness of the problem continued to increase as more cases of sexual harassment were reported by the media. During the year police reported 82 cases of sexual harassment, as compared with 54 cases in 2006.

On August 26, Stanislaw Lyzwinski, a former Sejm member, was arrested after Parliament waived his immunity from prosecution for providing jobs to women in exchange for sexual favors. He was charged with raping an employee, repeatedly forcing four women to have sex with him and other men in exchange for jobs, abetting the kidnapping of a businessman, and extortion. Lyzwinski was awaiting trial; if convicted, he could be sentenced to up to 10 years in prison.

The Constitution provides for equal rights for men and women in family law, property law, and in the judicial system; however, in practice there were few laws implementing this provision. Women mainly held lower-level positions and frequently were paid less than men for equivalent work, were fired more readily, and were less likely to be promoted.

The Ministry of Labor and Social Policy is responsible for combating gender discrimination, incorporating gender equality into governmental policy, and monitoring implementation of government programs to promote gender equality. During the year the ministry continued to implement a number of projects to combat gender discrimination in the workplace, including an EU project that involved local NGOs to combat discrimination on the grounds of sex, race, religion, disability, age, and sexual orientation. During the year the ministry also took part in a Council of Europe campaign to implement a program to counter domestic violence. The 8-year program, "Safer Together," includes educating victims about legal procedures, tight-

ening cooperation between organizations to assist victims, and developing a consistent system of procedures to exchange information among all entities involved in counteracting domestic violence.

*Children.*—The Government was committed to children's rights and welfare.

Education is universal and mandatory until age 18, and public schools are free. According to the U.N. Children's Fund, 98 percent of school-age children attended school. Most students continued their studies to the postsecondary level.

Incidents of child abuse were reported; however, convictions for abuse were rare. The law prohibits violence against children and provides for prison sentences ranging from 3 months to 5 years. During the year police reported 1,992 cases of sexually exploited children (pedophilia), 242 cases of presenting pornographic materials to minors, 44 cases of pimping with the involvement of minors, 73 cases of child abandonment, and one death caused by abandonment.

A government ombudsman for children's rights issued periodic reports on problems affecting children, such as pedophilia on the Internet, improving access to public schools for disabled children, and better medical care for children with chronic diseases. The ombudsman office also operated a 24-hour hot line for abused children. In 2006, the last year for which statistics were available, the ombudsman received almost 8,000 complaints. Of that number, 44 percent referred to contacts between parents and children, and 18 percent to protection against abuse and exploitation. Overall there was an increase of cases related to physical, sexual, and mental violence against children.

On March 26, police carried out a nationwide operation against distributors of child pornography. Charges were brought against 31 persons, 14 of whom were detained. Approximately 3,500 compact disks and 27 computers, which were used to sell and distribute child pornography via the Internet, were confiscated.

On August 21, police organized a nationwide operation against pedophiles that resulted in the arrest and detention of 48 persons. The operation was carried out in cooperation with the Interpol office in Germany.

*Trafficking in Persons.*—The law prohibits trafficking in persons; however, there were numerous reports that persons were trafficked to, from, and within the country.

Poland remained a source, transit point, and destination for trafficked persons, primarily women and girls, but to a lesser extent, boys and men for forced labor. Internal trafficking for the purpose of sexual exploitation also occurred.

Persons were trafficked to and through the country, primarily from Ukraine, Bulgaria, Romania, Belarus, and Moldova. A relatively high number were Roma from Romania. There are reports of small numbers of Turkish, Vietnamese, Cameroonians, Somalis, and Ugandans being trafficked into, within, and through Poland. Ukraine continued to serve as the largest source of persons trafficked through Poland, with Moldova also serving as a substantial source. Poles and foreigners were trafficked to Western Europe, in particular to Austria, Belgium, Denmark, Germany, Greece, Italy, the Netherlands, Spain, and Sweden, as well as to Japan and Israel. Some internal trafficking occurred; however, the extent of the problem was unclear because some victims may have chosen to engage in prostitution or other aspects of the sex trade. NGOs have noted a recent trend toward a higher percentage of victims being trafficked for labor in agriculture and other economic sectors.

Traffickers targeted young, unemployed, and poorly paid women, particularly those with weak family ties and support networks. Traffickers attracted victims with false promises of lucrative jobs, arranged marriages, fraud, and coercion. Some victims believed that they were accepting employment abroad as waitresses, maids, or nannies. Traffickers threatened victims with violence, and those who resisted or tried to flee were raped, beaten, or injured.

Authorities believed that large organized crime groups and individuals controlled the trafficking business and that victims were frequently trafficked by nationals of their own country, who collected a fee to allow passage into or through the country. According to arrest statistics, approximately 25 percent of traffickers were noncitizens. Authorities also believed that employment and talent agencies were sometimes used as fronts for trafficking operations.

Penalties for trafficking in persons range from 3 to 15 years' imprisonment. Pimping, recruiting, or luring persons into prostitution are also prohibited, with penalties of up to 10 years in prison. Individuals convicted of trafficking in children and luring women into prostitution abroad received the most severe sentences. Traffickers could also be prosecuted under laws criminalizing statutory rape and forced prostitution.

However, while the country's criminal code outlaws trafficking, it does not specifically define it. According to NGOs and some law enforcement officials the lack of a definition in the law had a negative impact on the prosecution of traffickers. In May the Human Rights Ombudsman called on the justice minister to incorporate a definition of human trafficking into the criminal code.

On February 2, the U.N. Committee on the Elimination of Discrimination Against Women urged the Government to include in its penal code a definition of trafficking, to strengthen data collection on trafficking, and to monitor systematically the impact of the implementation of its trafficking policies and programs.

During the year police identified 22 cases of human trafficking involving a total of 859 victims. Police forwarded 21 cases to prosecutors for indictment. According to the Ministry of Justice, during the first half of the year, two traffickers were convicted in courts of first instance; the sentences are subject to appeal.

On February 19, the private Polish television station POLSAT reported that a Vietnamese woman, who was recognized as a trafficking victim and covered by an Interior Ministry assistance program, was deported. On April 19, a ministry spokesman said the deportation was a mistake and that the ministry would revise procedures to ensure that such incidents would not occur again.

Also in February authorities worked with Italian officials to coordinate the prosecution of a trafficking ring that lured more than 300 Polish workers to Italy for agricultural work under conditions that amounted to forced labor. In July the Krakow Prosecutor's Office indicted 12 persons responsible for transporting Polish citizens to Italy. In Italy authorities indicted 19 Polish citizens for organizing force labor camps on Italian farms. More than 100 Poles were freed in July 2006 and more than 25 traffickers were arrested in a joint operation with Italian police. Workers were forced to work up to 15 hours a day for \$1.46 (one euro) per hour, slept on the ground, and were watched over by armed guards.

On May 15, authorities prepared to deport a Nigerian woman in critical medical condition who was being held at a border guard facility. However, following media reports that the woman may have been a trafficking victim, authorities rescinded deportation and granted her status as trafficking victim. According to the reports, the woman came to the country to play handball at sports club but ended up working in sex clubs where she was abused. An investigation into the case continued at year's end.

There were no developments in the May 2006 undercover investigation with Austrian police that broke up a major trafficking ring in Wroclaw. Organized criminal groups had set up a scheme involving three police officers and other coconspirators that trafficked up to 350 women to Austria across the Czech border for prostitution. Seven persons in Wroclaw were arrested.

The investigation and prosecution of six persons arrested in October 2006 for trafficking laborers to work in orange groves in Spain continued at year's end. Approximately 30 Poles were forced to work for no pay, lived in barracks, and given little to eat. Polish police learned about the work camp after several workers managed to escape and send electronic text messages for help. The six persons arrested were extradited to Spain to stand trial.

The ministries of interior and justice have primary responsibility for antitrafficking efforts; the Ministry of Foreign Affairs coordinated trafficking programs with foreign governments and international organizations. Following the establishment of a five-person central antitrafficking unit in July 2006, the national police created 17 regional teams to combat human trafficking and child pornography.

There continued to be unconfirmed reports that low-ranking local police took bribes to ignore trafficking activity.

Trafficking victims often did not turn to officials for help out of fear that border guards and police would deport them. In many cases unidentified trafficking victims were quickly deported by border guards, preventing the Government from providing assistance. NGOs attributed the deportations to the absence of national guidelines for police and border guards on how to approach and identify suspected victims. Victims were often prosecuted for carrying false travel documents, working illegally, and violating the terms of their visas. In some cases deported victims were met at the border by their traffickers, who provided them with new travel documents and returned them to the country.

The Ministry of Interior funded NGOs to conduct regional training in all provinces; several hundred law enforcement officials were trained in trafficking issues by La Strada, the Nobody's Children Foundation, and by the ministry itself.

During the year the Government allocated \$66,670 (200,000 zloty) for victim assistance and educational materials. The Government also worked extensively with antitrafficking NGOs, such as La Strada. While the Government provided space and funds to NGOs to operate shelters for trafficking victims, the number of shelters re-



mained inadequate, and NGOs frequently resorted to temporary arrangements to provide medical, psychological, and legal assistance to victims.

NGOs also conducted trafficking training courses at police and border guard academies; provided counseling for victims and their families; developed training and prevention materials; and conducted public awareness campaigns on the dangers of trafficking.

*Persons with Disabilities.*—The law prohibits discrimination against persons with disabilities in employment, education, or the provision of other state services, including health care. The Government effectively enforced these provisions; however, there were reports of some societal discrimination against persons with disabilities. According to the Organization for Economic Cooperation and Development (OECD), less than one in five disabled persons were employed, and those who were employed tended to have part-time or temporary jobs. According to the latest available census figure, there are approximately 5.5 million persons with disabilities in the country.

The law states that buildings should be accessible for persons with disabilities, and at least three laws require retrofitting of existing buildings to make them accessible. Public buildings and transportation generally were accessible.

The Ministry of Labor and Social Policy is responsible for disability-related matters. During the year the state fund for rehabilitation of persons with disabilities launched a nationwide campaign encouraging companies to employ persons with disabilities.

*National/Racial/Ethnic Minorities.*—There were incidents of racially motivated violence and verbal and physical abuse directed at Roma and persons of African, Asian, or Arab descent. The small Ukrainian and Belarusian minorities also continued to experience petty harassment and discrimination.

During the year there were several neo-fascist demonstrations organized in towns around the country. For example, in March a nationalist group, National Rebirth of Poland, and a neopagan organization, Zadruga, marched through central Wroclaw shouting racist slogans. Police brought charges against two organizers of the demonstration. On April 14, the National-Radical Camp organized a racist and anti-Semitic demonstration in Krakow. On June 16, neo-Nazis from several countries came to a village near Bialystok for a private concert of the fascist group No Remorse. In August the Bialystok prosecutor initiated an investigation into the gathering.

In contrast with 2006, there were no reports of neofascist, anti-Semitic, and xenophobic demonstrations at soccer matches by fans or groups such as Blood and Honor, the National Rebirth of Poland, and the All Poland Youth.

On April 6, a court in Olsztyn convicted two men for assaulting Abdel Mandili, a long-time resident from Morocco, with a dangerous weapon in 2006. One was sentenced to 2½ years in prison; the second received an 18-month prison sentence and was ordered to pay \$800 (2,000 zloty) in compensation to Mandili. The attackers beat Mandili unconscious at a theater festival in Olsztyn after his group performed a play about the difficulties of immigrants.

Societal discrimination against Roma continued. In some cases local officials discriminated against Roma by not providing adequate social services. Romani leaders complained of widespread discrimination in employment, housing, banking, the justice system, the media, and education.

During the year the International Organization for Migration (IOM) continued a project as part of an EU-wide undertaking to combat unemployment and to improve the situation of “disfavored” groups. Under the program, which was partly funded by the government, the IOM established Roma-run enterprises in four cities that have special legal status and tax privileges. They included firms offering catering and sewing services in Krakow and renovation and construction services in Szczecinek, a wood-processing enterprise in Slawno, and a music group and an enterprise engaged in construction work in Olsztyn.

The Roma Association claimed that more than 50 percent of Romani children did not attend public school out of fear that teachers would encourage assimilation and uproot them from their Romani traditions. The association also noted that the gaps in education made it impossible for Roma to end their poverty; approximately 90 percent of Roma were unemployed.

*Other Societal Abuses and Discrimination.*—During the year there were some reports of skinhead violence and societal discrimination against persons based on their sexual orientation.

On April 21, an estimated 2,000 persons took part in Krakow’s annual gay March for Tolerance to call for an end to prejudice against homosexuals in the country. In contrast to previous years the event took place in the city center without incident and organizers said they were satisfied with police protection.

At the same time, a counter Tradition and Culture March organized by the nationalist All Poland Youth took place along a route outside of the city center. Authorities assigned 530 police officers to keep an estimated 300 counter-marchers on a separate route away from the March for Tolerance. Clashes between the All Poland Youth demonstrators and police erupted as some marchers threw eggs, stones and ran at police cordons. Police arrested some 13 protestors.

On May 16, in remarks to the press, then Minister of Education and Sejm member Roman Giertych stated that he planned to prohibit the spread of homosexuality in schools by proposing amendments to the law to prohibit activities that promoted "homosexuality, pornography, or other phenomena violating moral norms." Giertych's proposal was not implemented and his political party, the League of Polish Families, was no longer represented in Parliament.

On May 18, the U.N. Committee Against Torture (CAT) raised concerns over violence and hatred against homosexuals in the country. In its concluding observations, the CAT recommended that the Government incorporate an offence in the criminal code to punish hate crimes as acts of intolerance, inciting hatred and violence based on sexual orientation.

On May 19, for the second consecutive year, Warsaw authorities allowed the annual Equality Parade to take place in the city center. Approximately 4,000 local and international gay rights advocates participated in the march without serious incident. However, several prominent members of Parliament publicly denounced the event. For example, Roman Giertych called the participants "foul pederasts." Another member of his party, Wojciech Wierzejski, labeled the group a "degenerate horde." The parade was banned in 2005 by Warsaw city officials, a decision that the ECHR stated was a violation of freedom of association and assembly.

There were reports of discrimination against persons with HIV/AIDS. On November 30, panelists at a Warsaw conference on HIV/AIDS in the country noted that discrimination, stigmatization, and ignorance remained major problems for persons with HIV. The conference, which featured medical, governmental, and humanitarian experts, noted that, over the previous 10 years, the number of newly detected cases of HIV in the country has stabilized at 550–700 per year. Panelists noted incidents of discrimination against HIV positive persons, including several cases of doctors refusing to treat them. Panelists also remarked on weaknesses in educating school children about HIV/AIDS and called for better education to combat discrimination.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law provides that all workers, including civilian employees of the armed forces, police, and frontier guard, have the right to establish and join trade unions. While many workers exercised this right in practice, many small and medium-sized firms discriminated against those who attempted to organize labor. As a rule, newly established small and medium-sized firms were non-union, while privatized formerly state-owned enterprises frequently continued union activity.

Under the law, 10 persons are required to form a local union and 30 persons for a national union. Unions must be registered with the courts. A court decision refusing registration may be appealed. The law does not give trade unions the freedom to exercise their right to organize all workers. For example, workers on individual contracts cannot form or join a trade union.

The law prohibits antiunion discrimination; however, labor leaders reported that employers frequently discriminated against workers who attempted to organize or join unions, particularly in the private sector. In state-owned enterprises, such as the health, water, and forestry sectors, there were cases in which workers had their employment contracts terminated and replaced by individual contracts to prevent them from joining a union.

Discrimination typically took the forms of intimidation, termination of work contracts without notice, and closing the workplace. The law also did not prevent employer harassment of union members for trade union activity; there were unconfirmed reports that some employers sanctioned employees who tried to set up unions. Managers also asked workers in the presence of a notary public to declare whether they were union members.

In February eight workers fired by the Selgros supermarket near Wroclaw for trying to form a union reached a settlement with the company. Six of the employees returned to work, and the other two received compensation. The workers, who were fired in December 2006, sued the company in the Labor Court.

*b. The Right to Organize and Bargain Collectively.*—The law allows unions to conduct their activities without interference; however, in practice the Government failed to protect this right at small and medium-sized companies. The law provides for and protects enterprise-level collective bargaining over wages and working condi-

tions. As of January there were 166 collective bargaining agreements between employers and trade unions with 205 amendments addressing salary, work conditions, or the needs of individual companies. A tripartite commission composed of unions, employers, and government representatives was the main forum that determined national wage and benefit increases in areas such as the social services sector.

Key public sector employers (largely in heavy industry and the social services sector) could not negotiate with labor without the extensive involvement of the ministries to which they were subordinate. The law provides for parties to take group disputes to labor courts, then to the prosecutor general, and as a last resort, to the Administrative Court. During the first 6 months of the year, groups filed 2,539 to district inspection offices.

All workers have the right to strike except those in essential services, such as security forces, the Supreme Chamber of Audit, police, border guards, and fire brigades. These workers had the right to protest and seek resolution of their grievances through mediation and the court system. A majority of strikes were technically illegal because one or both sides did not follow each step exactly. Labor courts acted slowly in deciding the legality of strikes, while sanctions against unions for calling illegal strikes and against employers for provoking them were minimal. Unions alleged that laws prohibiting retribution against strikers were not enforced consistently and that the small fines imposed as punishment were ineffective deterrents. Organizers are liable for damages and may face civil charges and fines.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children; however, there were reports that women and children were trafficked for commercial sexual exploitation and that men and boys were trafficked for labor in the agricultural sector.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The law protects children from exploitation in the workplace, including forced or compulsory labor, and the Government generally enforced the law in practice; however, there were reports that children were trafficked for commercial sexual exploitation and labor.

The law prohibits the employment of children under age 15. Persons between the ages of 15 and 18 may be employed only if they have completed primary school, the proposed employment constitutes vocational training, and the work is not harmful to their health.

The State Labor Inspectorate (PIP) reported that increasing numbers of minors worked, and that many employers underpaid them or paid them late. During the first 6 months of year, the inspectorate conducted 214 investigations involving 1,155 underage employees. Fines were levied in 82 cases, amounting to approximately \$20,000 (54,900 zloty).

*e. Acceptable Conditions of Work.*—The new national monthly minimum wage of \$374 (936 zloty) that took effect in January did not provide a decent standard of living for a worker and family. The large size of the informal economy and the low number of government labor inspectors made enforcement of the minimum wage difficult. A large percentage of construction workers and seasonal agricultural laborers from Ukraine and Belarus earned less than the minimum wage.

The law provides for a standard workweek of 40 hours, with an upper limit of 48 hours per week, including overtime. The law requires premium pay for overtime hours, but there were reports that this regulation was often ignored. The law provided for workers to receive at least 11 hours of uninterrupted rest per day and 35 hours of uninterrupted rest per week.

The law defines strict and extensive minimum conditions to protect worker health and safety. It empowers PIP to supervise and monitor implementation of worker health and safety laws and to close workplaces with unsafe conditions. However, the PIP was unable to monitor workplace safety sufficiently. According to government statistics, 658 persons were injured, of whom 156 were killed and 319 seriously injured, during the first 3 months of the year. Employers routinely exceeded standards for exposure to chemicals, dust, and noise.

The law permits workers to remove themselves from dangerous working conditions without losing their jobs; however, they were unable to do so in practice without jeopardizing their employment.

## PORTUGAL

Portugal, with a population of approximately 10.6 million, is a constitutional democracy with a president, a prime minister, and a Parliament elected in multiparty elections. National parliamentary elections in February 2005 were free and fair. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Police and prison guards occasionally beat and abused detainees, and prison conditions remained poor. Lengthy pretrial and preventive detention remained a problem. Violence against women and children were problems. There was discrimination against women and ethnic minorities, and trafficking for forced labor and for sexual exploitation.

### RESPECT FOR HUMAN RIGHTS

#### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Arbitrary or Unlawful Deprivation of Life.*—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution and law prohibit such practices; however, there were credible reports of disproportionate use of force by police and of mistreatment and other forms of abuse of detainees by prison guards.

During the year the Inspectorate General of Internal Administration (IGAI) investigated new reports of mistreatment and abuse by police and prison guards.

*Prison and Detention Center Conditions.*—Prison conditions remained poor, and guards continued to mistreat prisoners occasionally. Other problems included overcrowding, inadequate facilities, poor health conditions, and violence among inmates.

Most of the guidelines and legislative proposals the Government adopted in 2004 to reform the prison system had not been applied in practice. However, some improvements were made during the year, including a decrease in prison overcrowding and continued personnel training.

According to the director general for prisons, approximately 35 percent of the 11,875 total prison population was infected with HIV/AIDS or hepatitis B or C or both. The largest number (at least 20 percent) were infected with hepatitis C, while at least 10 percent were infected with HIV/AIDS. According to the directorate general for prisons, 91 persons died in prisons during 2006, 74 from illness; 14 were reported to have been suicides. The Government's AIDS prevention and treatment program continued in two major prisons on a 3-year trial basis, and the prison service instituted a needle exchange program.

Although there was a youth prison in Leiria, at times juveniles were held with adults elsewhere in the prison system. Pretrial detainees were held with convicted criminals.

The Government permitted visits by independent human rights observers, and prisons were visited during the year by the Human Rights Committee of the Portuguese Bar Association and by news media for spot reports and articles. The country also cooperated with the International Committee of the Red Cross; the director general of the ICRC, Angelo Gnaedinger, visited Lisbon in October for a conference on humanitarian principles.

*d. Arbitrary Arrest or Detention.*—The Constitution and law prohibit arbitrary arrest and detention, and the Government generally observed these prohibitions.

*Role of the Police and Security Apparatus.*—There were approximately 50,000 law enforcement officials, including police and prison guards. The ministries of justice and internal administration are primarily responsible for internal security. The Republican National Guard (GNR) has jurisdiction outside cities, and the Public Security Police (PSP) has jurisdiction in cities. The Aliens and Borders Service has jurisdiction over immigration and border issues.

There were media reports that some members of the security forces committed human rights abuses. In 2005 the IGAI received 207 complaints of human rights abuses. The majority of complaints were against the PSP and the GNR (118 and 76, respectively). The complaints included physical abuse, threatening use of firearms, excessive use of force, illegal detention, and abuse of power. Each complaint is investigated by the IGAI, and punishment for officers found to have committed abuses ranges from temporary suspension to prison sentences.

The major problems within the police forces were understaffing, insufficient training with firearms, and inconsistent or weak law enforcement. Police corruption was

an isolated problem. During the year police officers received professional training, and the Government regulated their actions through mechanisms established by law.

An independent ombudsman chosen by the Parliament and the IGAI investigates complaints of abuse or mistreatment by police; however, nongovernmental organizations (NGOs) criticized the slow pace of investigations and the lack of an independent oversight agency to monitor the IGAI and Ministry of Interior.

*Arrest and Detention.*—The Constitution and law provide detailed guidelines covering all aspects of arrest and custody, and the authorities generally followed the guidelines. Persons can be arrested only based on a judicial warrant, except that law enforcement officials and citizens may make warrantless arrests when there is probable cause that a crime has been or is being committed or that the person to be arrested is an escaped convict or a suspect who escaped from police custody.

Under the law an investigating judge determines whether an arrested person should be detained, released on bail, or released outright. A suspect may not be held for more than 48 hours without appearing before an investigating judge. Changes in the penal code went into effect on September 15. Under the new regulations, investigative detention for most crimes is limited to a maximum of 4 months for each suspected crime; if a formal charge is not filed within that period, a detainee must be released. In cases of serious crimes, such as murder, armed robbery, terrorism, and violent or organized crime, or crimes involving more than one suspect, investigative detention may last up to 18 months and may be extended by a judge to 3 years in extraordinary circumstances. A suspect in investigative detention must be brought to trial within 14 months of being charged formally. If a suspect is not in detention, there is no specified deadline for going to trial. Detainees have access to lawyers from time of arrest, and the Government assumes any necessary legal costs for indigent detainees.

Lengthy pretrial detention remained a problem, although the authorities made some progress reducing the length of time persons were detained before trial. As of December 15, 2,454 individuals (21 percent of the prison population) were in preventive detention, a decrease of 3 percent from the previous year. The average detention time was 8 months (down from 26 months), while approximately 20 percent of preventive detainees spent more than 1 year in incarceration.

*e. Denial of Fair Public Trial.*—The Constitution and law provide for an independent judiciary, and the Government generally respected judicial independence in practice.

Critics, including the media, business corporations, and legal observers, estimated the backlog of cases awaiting trial was at least a year.

*Trial Procedures.*—Jury trials can be requested in criminal cases but were rare. Civil cases do not have jury trials. Defendants are presumed innocent and have the right to consult with an attorney in a timely manner, at government expense if needed, and the right of appeal. They can confront and question witnesses against them, present evidence on their behalf, and have access to government-held evidence. These rights were generally respected in practice.

*Political Prisoners and Detainees.*—There were no reports of political prisoners or detainees.

*Civil Judicial Procedures and Remedies.*—There is an independent and impartial judiciary in civil matters. Citizens have access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation. There are administrative as well as judicial remedies for alleged wrongs.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution and law prohibit such actions, and the Government generally respected these prohibitions in practice.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution and law provide for freedom of speech and of the press, and the Government generally respected these rights. An independent press and judiciary and a functioning democratic political system combined to ensure freedom of speech and of the press.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including e-mail. According to a December survey by the National Statistics Institute, 40 percent of the population between the ages of 16 and 74 used the Internet; however, the rate increased to 81 and 90 percent for high school and university

graduates, respectively. Internet access was available in all public elementary and high schools. All Federal Government offices and 97 percent of hospitals had Internet access.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution and law provide for freedom of assembly and association, and the Government generally respected these rights in practice.

*c. Freedom of Religion.*—The Constitution and law provide for freedom of religion, and the Government generally respected this right.

The law provides a legislative framework for religious groups either established in the country for at least 30 years or recognized internationally for at least 60 years. Qualifying religious groups receive benefits including full tax-exempt status, legal recognition to perform marriages and other rites, permission for chaplain visits to prisons and hospitals, and recognition of their traditional holidays.

The Roman Catholic Church maintains an agreement with the Government that recognizes the legal status of the Portuguese Episcopal Conference, and allows citizens to donate 0.5 percent of their annual income taxes to the Roman Catholic Church.

Legislation approved on June 28 gives marriages performed by well-established non-Catholic groups legal status equivalent to civil ceremonies. Religious groups such as Jews, Muslims, Baha'is, Evangelicals, and Adventists may now marry within their own religious communities without also having to register in the civil registry. Previously, only Catholic marriages were automatically recognized as legal.

Also on June 28, the Government appointed former prime minister Mario Soares as chairman of the Religious Freedom Committee, the first time a non-Catholic was named to this position; Soares is agnostic.

In November the Government officially recognized Scientology as a religion.

*Societal Abuses and Discrimination.*—The Jewish population was estimated at 3,000. On September 25, approximately 20 tombstones in Lisbon's Jewish cemetery were vandalized. Two youths, aged 16 and 24, were arrested; they were released with restrictions on their movement and were awaiting trial at year's end. On October 6, government ministers, members of Parliament, and Muslim, Christian, and Baha'i religious leaders gathered in Lisbon to demonstrate solidarity with the Jewish community. The speakers strongly denounced the incident and the minister of the interior declared "today, we are all Jews." The Parliament approved resolutions condemning the vandalism and underscoring that the Constitution guarantees full rights and freedoms to Jews.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government cooperated with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the Government did not employ it.

*Protection of Refugees.*—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. The Government granted refugee status or asylum.

The country's system for granting refugee status was active and accessible. In addition to refugees and applicants for political asylum, the Government also provides temporary protection to individuals who may not qualify as refugees under the 1951 convention and its 1967 protocol. In 2006 the country granted humanitarian protection to seven persons, and granted asylum to 23 persons.

### *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The Constitution and law provide citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

*Elections and Political Participation.*—Free and fair national parliamentary elections were held in 2005. Political parties could operate without restriction or outside interference.

There were 64 women in the 230-member Parliament and two women in the cabinet. There was one member of a minority group in the Parliament; there were none in the cabinet.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively. There were no reports of corruption in the executive or legislative branches of the central government during the year; however, there were media reports of corruption involving local government officials. The highest-profile corruption cases involved mayors Fatima Felgueiras, Valentim Loureiro, and Isaltino Morais. Felgueiras (Socialist Party), who went abroad from 2003–05 to escape arrest, was accused of embezzlement and abuse of power, and was being tried in court at year's end. Loureiro, a Social Democratic Party (PSD) mayor and chairman of the board of the Portuguese professional soccer league, was accused of corruption and influencing of referees in Portuguese soccer; his trial was scheduled to begin in February 2008. Morais (PSD) was accused of tax evasion, corruption, and money laundering, and was awaiting trial.

Public officials were subject to financial disclosure laws. The Central Directorate for Combating Corruption, Fraud, and Economic and Financial Crime is the Government agency responsible for combating corruption.

The Constitution and law provide for public access to government information, and the Government provided access in practice for citizens and noncitizens, including foreign media.

#### *Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views; however, most of the groups continued to complain about the slow pace of investigations and remedial actions.

The country has an independent human rights ombudsman who is responsible for defending human rights, freedom, and the legitimate rights of all citizens. The ombudsman had adequate resources and published mandatory annual reports and special reports on such issues as women's rights, prisons, health, and the rights of children and senior citizens.

The Parliament's First Committee for Constitutional Issues, Rights, and Liberties and Privileges, exercises oversight over human rights issues. It drafts and submits bills and petitions for parliamentary approval. During the year these included petitions to revise legislation on missing persons (including children) and to provide Internet access to the handicapped and elderly. Credible human rights NGOs considered the committee's work valuable.

#### *Section 5. Discrimination, Societal Abuses, and Trafficking in Persons*

The Constitution and law prohibit discrimination based on race, gender, disability, language, and social status; however, discrimination against women and ethnic minorities persisted.

*Women.*—The law makes rape, including spousal rape, illegal, and the Government generally enforced these laws. Statistics were not available, however, for the number of persons prosecuted, convicted, or punished.

Violence against women, including domestic violence, continued to be a problem. Penalties for violence against women range up to 10 years' imprisonment, depending on the seriousness of the offense. Similarly, penalties for sexual harassment in the workplace range up to 8 years. In 2005 the Government established the Portuguese Structure against Domestic Violence, which launched a nationwide awareness campaign against domestic violence, trained health professionals, proposed legislation to improve legal assistance to victims, increased the number of safe houses for victims of domestic violence, and signed protocols with local authorities to assist victims. The Government encouraged battered women to file complaints with the appropriate authorities, and simultaneously offered the victim protection against the abuser. In addition recent legislation allows third parties to file domestic violence reports. Authorities handled more complaints of violence during the year, but the increase may have been due to these measures to encourage reporting rather than an actual increase in violence against women.

During the first 6 months of the year, 8,387 cases of violence against women were reported to the Association for Victim Support (APAV); more than 86 percent of

these involved domestic violence. The APAV is a nonprofit organization that provides confidential and free services nationwide to victims of any type of crime.

The law provides for criminal penalties in cases of violence by a spouse, and the judicial system prosecuted persons accused of abusing women; however, traditional societal attitudes still discouraged many battered women from using the judicial system.

According to the head of the government-sponsored Mission Against Domestic Violence, approximately 10 percent of cases were brought to trial. The vast majority were resolved outside the court system by lawyers who mediated between the parties. In 2005, according to the Ministry of Justice, there were 870 court cases related to domestic violence and only 460 prosecutions.

The Government's Commission for Equality and Women's Rights operated 14 safe houses for victims of domestic violence and maintained an around-the-clock telephone service. Safe-house services included food, shelter, and health and legal assistance.

Prostitution was legal and common, and there were reports of violence against prostitutes. Pimping and running brothels are illegal and legally punishable. The new penal code raises the penalty for sex with minors between the ages of 14 and 18 from 2 years' to 3 years' imprisonment.

Sexual harassment is a crime if perpetrated by a superior in the workplace. The penalty is 2 to 3 years in prison.

The Commission on Equality in the Workplace and in Employment (CITE), which is composed of representatives of the government, employers' organizations, and labor unions, is empowered to examine, but not adjudicate, complaints of sexual harassment. Reporting of sexual harassment was on the rise. According to a 2004 study conducted by the Higher Institute for Labor and Entrepreneurial Sciences and published by CITE, one out of three women claimed that she had been a victim of sexual harassment, which ranged from offensive gazes to sexual propositions, insults, and threats of coerced or unwelcome touching.

The civil code provides women full legal equality with men; however, in practice women experienced economic and other forms of discrimination. Of the 367,312 students enrolled in higher education in the 2005–06 school year, 55 percent were women. Women made up 62 percent of the working population and were increasingly represented in business, science, academia, and the professions, but their average salaries were about 23 percent lower than men's.

Discrimination by employers against pregnant workers and new mothers was a common problem.

*Children.*—The Government was strongly committed to children's rights and welfare. Nine years of compulsory, free, and universal education were provided for all children through the age of 15. Practically all children attended school; however, 31.1 percent dropped out before completing high school during the 2005–06 school year. The Government also provided preschool education for children age 4 and older.

Child abuse was a problem. The nonprofit APAV reported 287 crimes against children under 18 years old during the first 6 months of the year. Approximately 85 percent of the cases involved domestic violence.

The high-profile trial that began in 2004 of persons accused of involvement in a pedophilia operation at the Casa Pia children's home in Lisbon continued at year's end. The eight accused reportedly abused 46 children and faced charges that included procurement, rape, sexual acts with adolescents, and sexual abuse of minors.

There were reports that Romani parents often used minor children for street begging.

*Trafficking in Persons.*—The law prohibits all forms of trafficking in persons; however, there were reports that persons were trafficked to, from, and within the country.

Portugal is primarily a destination and transit country for women, men, and children trafficked from Brazil, Eastern Europe, and, to a lesser extent, Africa. Some victims were trafficked to the country for forced labor. The majority of victims from Brazil were trafficked for the purpose of sexual exploitation. An estimated 5,000 women, mostly Brazilians, were trafficked to the country annually.

Trafficked persons generally lived in hiding in poor conditions. Some trafficked workers were "housed" within a factory or construction site, and some were not paid. Moldovan, Russian, and Ukrainian organized crime groups reportedly conducted most of the trafficking of Eastern Europeans. The traffickers frequently demanded additional payments and a share of earnings following their victims' arrival in the country, usually under threat of physical harm. They often withheld the iden-



tification documents of the trafficked persons and threatened to harm family members who remained in the country of origin.

The Government increased its antitrafficking efforts and reported that it actively dismantled trafficking networks during the year, and reduced their overall presence in the country. The Government continued to cooperate with other European law enforcement agencies in trafficking investigations.

All forms of trafficking are illegal. The newly revised penal code, in effect since September, explicitly criminalizes labor and sex trafficking and increases penalties for both types of trafficking offenses. The penalty for trafficking is 12 years in prison.

The Government provided subsidies for victims to obtain shelter, employment, education, access to medical services, and assistance in family reunification. The Government also provided legal residency to many trafficking victims, although most victims were repatriated. Some NGOs assisted the Government in tracking and providing legal, economic, and social assistance to trafficking victims. Victims who initially were detained were later transferred to NGOs for protection and assistance. The Government operated 20 National Immigrant Support Centers throughout the country to provide immigrants, including trafficking victims, with multilingual information and assistance, and provided funds to enable NGOs to offer shelter and other assistance to trafficking and other victims.

The Government sponsored antitrafficking information campaigns and public service announcements throughout the year. It broadcast various programs on state-run channels to educate and inform the general public, including potential trafficking victims and consumers. A statistics-gathering unit within the Ministry of Interior was established in January to assist the Government's antitrafficking efforts by monitoring trafficking more effectively.

*Persons with Disabilities.*—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services, and the Government effectively enforced the law. The law also mandates access to public buildings for such persons, and the Government enforced these provisions in practice; however, no such legislation covers private businesses or other facilities.

The Ministry of Labor and Social Solidarity oversees the National Bureau for the Rehabilitation and Integration of Persons with Disabilities, which is responsible for the protection, professional training, rehabilitation, and integration of persons with disabilities, and for enforcement of related legislation.

*Other Societal Abuses and Discrimination.*—There were no reports of societal violence or discrimination based on sexual orientation or against persons with HIV/AIDS.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law provides workers with the right to form or join unions of their choice without previous authorization or excessive requirements, and they exercised this right in practice. Approximately 35 percent of the total workforce was unionized.

*b. The Right to Organize and Bargain Collectively.*—The law allows unions to conduct their activities without interference, and the Government protected this right in practice.

The law provides for the right to strike, and workers exercised this right in practice. During the year there were strikes in the education, health, transportation, and agriculture sectors. If a long strike occurs in an essential sector such as justice, health, energy, or transportation, the Government may order the strikers back to work for a specific period. The Government has rarely invoked this power.

Police officers and members of the armed forces have unions and recourse within the legal system, but they may not strike.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced and compulsory labor, including by children; however, there were reports that women, men, and children were trafficked to the country for labor, and women were trafficked for sexual exploitation.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The Government effectively implemented laws and policies to protect children from exploitation in the workplace. The minimum working age is 16 years. There were instances of child labor, but the overall incidence was small and was concentrated geographically and by sector. The greatest problems were reported in Braga, Porto, and Faro, and tended to occur in the clothing, footwear, construction, and hotel industries.

The Government's principal body to address, monitor, and respond to reports of illegal child labor is the Plan for the Elimination of Exploitation of Child Labor. The Ministry of Labor and Social Solidarity is responsible for enforcing child labor laws, and generally it did so effectively.

*e. Acceptable Conditions of Work.*—The monthly minimum wage, which covers full-time workers, rural workers, and domestic employees ages 18 and older, was approximately \$588 (403 euros) and did not provide a decent standard of living for a worker and family. However, widespread rent controls and basic food and utility subsidies raised the standard of living. Most workers received higher wages; the Ministry of Labor estimated the average monthly salary of workers, excluding public servants, to be \$1,190 (817.80 euros).

The legal workday could not exceed 10 hours, and the maximum workweek is 40 hours. There is a maximum of 2 hours of paid overtime per day and 200 hours of overtime per year, with a minimum of 12 hours between workdays. The Ministry of Labor and Social Solidarity effectively monitored compliance through its regional inspectors.

Employers are legally responsible for accidents at work and are required by law to carry accident insurance. The General Directorate of Hygiene and Labor Security develops safety standards in line with European Union standards, and the general labor inspectorate is responsible for their enforcement. According to the Inspectorate General for Labor, there were 160 deaths from work-related accidents during the year. Workers injured on the job rarely initiated lawsuits. Workers have the right to remove themselves from situations that endanger health or safety without jeopardy to their employment, and the authorities effectively enforced this right.

## ROMANIA

Romania, a country of approximately 21.6 million persons, is a constitutional democracy with a multiparty, bicameral parliamentary system. The December 2004 election of President Traian Basescu had a few irregularities, but generally was judged free and fair, as was the May referendum which restored him to office following his suspension by the Parliament in April. Civilian authorities generally maintained effective control of the security forces.

The Government addressed some human rights problems during the year; however, abuses continued to occur. There were reports of police and gendarme harassment and mistreatment of detainees and Roma. Although slightly improved over previous years, prison conditions remained poor. The judiciary exercised its independence, but lacked the public's trust in its ability to impartially apply the law. Restrictions on freedom of religion became a greater concern following the adoption of a restrictive, discriminatory religion law in December 2006. In general, property restitution was slow during the year. While the Government made some limited progress in the restitution of religious property seized during the communist era, it failed to adopt legislation to facilitate the return the Greek Catholic churches confiscated by the communist government in 1948. Corruption remained a widespread problem. There were continued reports of violence and discrimination against women, along with significant lapses in the protection of children's rights. Persons, mainly women and children, were trafficked for sexual exploitation, but also for labor and forced begging. The neglect of and inadequate assistance for persons with disabilities was a problem. Societal violence and discrimination against the Roma was pervasive. Homosexuals continued to suffer societal discrimination. Discrimination against persons living with HIV/AIDS, particularly children, was a serious problem.

### RESPECT FOR HUMAN RIGHTS

#### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Arbitrary or Unlawful Deprivation of Life.*—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

Human rights nongovernmental organizations (NGOs) asserted that the police made excessive use of firearms in cases of minor crimes.

There were no further developments in the case of a 22-year-old Romani man, Adrian Cobzaru, shot and killed by a police officer in Bucharest in September 2006 while he was allegedly stealing goods. The Bucharest police declined to disclose the results of an internal investigation regarding the use of a weapon by the officer. With legal support provided by the Roma Center for Social Intervention and Studies (Romani CRISS), an NGO that monitors the observance of Roma rights, Cobzaru's

family filed a criminal complaint. At year's end, the complaint was pending at the prosecutor's office within the Bucharest Tribunal.

There were no further developments in the 2005 death of Dumitru Ciobu in police custody or the fatal shooting of Gheorghe Cazanciuc by police. Romani CRISS provided support for the filing of complaints to the European Court of Human Rights (ECHR) by the families of the victims of the police intervention in a Roma neighborhood in Buhusi, Bacau County, in 2002, during which police shot and killed two Roma and injured two others.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution and law prohibit such practices; however, there were numerous credible reports of police mistreatment and abuse of detainees and Roma, primarily through excessive force and beatings by police. There were also reports of mistreatment of abandoned children with physical disabilities in state institutions and of prolonged incarceration for misbehavior within state orphanages.

In many cases of police violence against Roma, police claimed they used force in self-defense, responding to alleged hostility by Roma communities during police raids in search of criminal offenders. Romani CRISS and other NGOs continued to claim that police used excessive force against Roma and subjected them to brutal treatment and harassment.

For example, on April 6, criminal investigation police and the special intervention squad raided a Roma community in Liesti, Galati County, in an attempt to arrest a convicted thief. During the raid, police shot seven Roma with rubber bullets; four required hospitalization as a result. Police alleged they had to use the weapons because about 200 Roma assaulted them, while the Roma claimed that the police opened fire on curious bystanders who went outside to see what was happening.

On June 2, three policemen from Bucharest police precinct 22 allegedly assaulted a university lecturer, Serban Marinescu, who was attempting to file a complaint against a taxi driver. After a discussion with the taxi driver, the policemen did not allow Marinescu to submit the complaint, and instead handcuffed and beat him with their fists and kicked him. On July 30, the Association for the Defense of Human Rights in Romania-The Helsinki Committee (APADOR-CH) requested information from the chief of police on the results of the internal police investigation into this case. According to the police, this investigation was suspended pending the completion of the criminal complaint that Marinescu filed with the prosecutor's office. The criminal case was still pending at year's end.

On July 20, police and the special intervention squad raided a Roma community in the village of Ciurea, Iasi County, allegedly to arrest several convicted offenders. According to police reports, the Roma's violent reaction led police to fire warning shots which injured three Roma, allegedly by ricochet. The victims included two minor girls, aged 15 and 12. The police inspectorate began an investigation to ascertain whether the officers had used their weapons in accordance with regulations. In August the family of the 12-year-old filed a criminal complaint against two policemen for attempted murder and against Liviu Zamfirescu, the chief of the Iasi police inspectorate. The case was pending at year's end.

On August 30, a policeman from Bucharest police precinct 22 allegedly assaulted two young people who had come to police headquarters to file a complaint. An investigation into the alleged beating was in progress.

The criminal complaint filed in July 2006 by Maria and Lucian Tamaris against the police for abusive behavior remained pending; one of the officers involved was fired for harming the image of the police by violating police procedures, and five other officers were admonished.

No further updates were available on the investigations into the following alleged police beatings in recent years: The August 2006 beating of Bucharest student Alexandru Ungureanu; the 2005 beating of a Romani man in a bar in Moreni; the 2005 beating of two men in Buzau; the 2005 beating of Bucharest student Razvan Vasile Muraru in Tulcea County; and the 2005 police beating of four persons, two of them minors, in Tibana, Iasi County.

A police investigation into alleged abuse of Roma during a September 2006 altercation between police and Roma in Apalina, Mures County, concluded that police "inappropriately managed" the incident in which 36 Roma and one other person were injured; however, during the year the prosecutor's office in Targu Mures declined jurisdiction to prosecute police named by 49 Roma in their criminal complaint and sent the case to the prosecutor's office in the Reghin court of first instance (judecatorie), which decided that there was no abusive behavior.

Criminal complaints alleging police abuse remained pending in the following 2006 cases: The May case filed by five Roma in the village of Gepiu, Bihor County; the

August complaints filed by five Roma in the village of Bontida, Cluj County; and the August case filed by Roma in Pata Rat, Cluj County.

In April Serban Pretor, a former state secretary, filed an ECHR complaint stemming from a 2004 incident in which Praetor was physically assaulted by two members of the Guard and Protection Service (SPP). The SPP is responsible for physical protection of the president, prime minister, prominent parliamentarians, and select visiting foreign dignitaries. It is a separate entity from the police, and reports directly to the National Defense Council, headed by the president. In October 2006, the Magistrates Court of Appeals in Constanta acquitted the two SPP officers and reduced the compensation to be paid to Pretor. The two failed to pay the court-ordered compensation.

There were no developments in the January 2006 complaint filed by the European Roma Rights Center (ERRC) against the Government in the ECHR, alleging excessive and unjustified use of force by police against a Romani family in 2003, and an ineffective investigation of the incident. The Pandeles were allegedly abused by the police in Targu Frumos after protesting a municipal decision not to renew their license for a stand in the local market.

There were no developments in the appeal filed by the family of Nelu Balasoiu, who died after allegedly being tortured by police in Jilava prison in 2002; in July 2006 the prosecutor's office in Craiova decided to cease criminal prosecution of police responsible for the alleged torture.

On July 27, the ECHR ruled against the Government in a 1999 case filed by a Romani man, Belmondo Cobzaru. The court determined that police officers treated the plaintiff inhumanely and the investigation was biased and incomplete. In 1997 three policemen beat up Cobzaru at police headquarters in Mangalia. The military prosecutor's office in Constanta dismissed Cobzaru's criminal complaint, and declined to prosecute the officers due to alleged lack of evidence.

Lesbian, gay, bisexual, and transgender rights NGOs complained that police singled out their community members for violence and harassment (see Section 5).

*Prison and Detention Center Conditions.*—Prison conditions remained harsh and generally did not meet European standards.

At year's end, 29,335 persons, including 525 minors, were in prison or juvenile detention facilities in a system with a capacity of 34,000. Unlike in previous years, overcrowding did not represent a serious problem.

Sanitation and hygiene in prisons did not meet international standards. Medical facilities were not sufficient to care for all prisoners and detainees. Heating and hot water were not available in several facilities. Many prisoners had lice and scabies, and reported insufficient availability of medications.

APADOR-CH reported that prison meals did not provide the minimum necessary calories, water at some prisons was unsuitable for drinking, and that access to healthcare was limited by a lack of doctors. According to an order issued by the National Authority of Penitentiaries, effective July 1, prison doctors were authorized to treat only prisoners and not the prison staff and their families. APADOR-CH had lobbied for such a rule for several years. NGOs also stated that insufficient daily activities, work opportunities, and educational programs continued to be problems. The Government continued some efforts, including partnerships with NGOs, to alleviate harsh conditions and deter the spread of HIV and tuberculosis.

Media and human rights organizations reported that the abuse of prisoners by authorities and other prisoners continued to be a problem. Prisoners from the penitentiaries in Craiova, Turnu Severin, Jilava, Bistrita, Slobozia, Tulcea, Braila, Deva, Colibasi, and Arad complained to human rights NGOs that prison staff beat and punished them for minor infractions.

An unannounced visit by the justice minister to the Aiud penitentiary in March exposed poor hygiene in detention areas; mistreatment of prisoners by prison staff, including physical and verbal abuse; and use of Penitentiary Security Intervention Troops to maintain order. Unlike ordinary prison guards, intervention troops are a special squad comprised of direct-hire prison enforcers who intervene to control prison populations, sometimes through the application of nonlethal, physical force. As a result of these conditions, the prison director was dismissed.

APADOR-CH reported two deaths in the Colibasi penitentiary during the first 4 months of the year: A prisoner died as a result of a violent conflict with another inmate; another prisoner committed suicide. In May a prisoner died in a penitentiary in Arad following a fight with another inmate. In August a prisoner died in Gherla Penitentiary, reportedly due to a heart attack. In November a prisoner died in the Maximum Security Penitentiary in Bacau following the consumption of alcoholic beverages manufactured inside the prison.

APADOR-CH questioned the death of prisoner Ionel Garcea in the prison hospital of Rahova on July 19, asserting that medical negligence may have played a role in

his death. APADOR-CH also called for the establishment of a joint medical commission of the ministries of justice and health to investigate the causes of deaths in prisons. The two ministries had agreed to such a commission in a joint order issued June 25, but the commission did not begin its activity by year's end.

APADOR-CH also criticized the practice of designating some prisoners as "cell representatives," a designation which provided such prisoners with special privileges beyond those enjoyed by the general prison population. This practice was repeatedly criticized by domestic and foreign organizations.

According to APADOR-CH, the practice of labeling certain prisoners as "dangerous" remained a problem in the absence of clear standards for such classification. Prisoners labeled "dangerous" were subjected to a variety of restrictions beyond those experienced by the general prison population and had no right to appeal that determination. NGOs also criticized the practice of subjecting prisoners to multiple punishments for a single act of misbehavior.

After visiting 12 police detention facilities, APADOR-CH also criticized the conditions in such facilities, noting poor sanitation conditions, lack of natural light, and the absence of activities for those detained.

Many police detention facilities and some prisons did not provide for the confidentiality of discussions between prisoners or detainees and their lawyers in person or via telephone.

Pretrial detainees were sometimes held in facilities with convicted prisoners and treated similarly due to overcrowding. Juveniles were sometimes kept in cells with adults.

The Government permitted prison visits by human rights observers, foreign government officials, and media representatives, and such visits took place during the year.

The February 2006 regulations for religious assistance in prisons allow unrestricted access of all religious groups to prisons. Orthodox priests no longer attended meetings between representatives of other faiths and prisoners.

*d. Arbitrary Arrest or Detention.*—The Constitution and law prohibit arbitrary arrest and detention, and the Government generally respected these prohibitions.

*Role of the Police and Security Apparatus.*—The Ministry of the Interior and Administrative Reform is responsible for the national police and the gendarmerie, as well as the border police; the Office for Immigration; the General Directorate of Information and Internal Protection, which oversees the collection of intelligence on organized crime and corruption; the general anticorruption directorate; and the Special Protection and Intervention Group. The national police agency is the inspectorate general of police, which is divided into specialized directorates and has 42 regional directorates for counties and the city of Bucharest. The internal intelligence service also collects intelligence on major organized crime, major economic crimes, and corruption.

While police generally followed the law and internal procedures, police corruption remained a significant reason for citizens' lack of respect for the police and a corresponding disregard of police authority. Extremely low salaries, which were sometimes not paid on time, contributed to the susceptibility of individual law enforcement officials to bribes. According to human rights NGOs, forensic reports were frequently unreliable, often erring in favor of police and other officials. Instances of high-level corruption were referred to the national anticorruption directorate, resulting in 19 indictments from January through August. The ministry's anticorruption directorate continued to publicize its anticorruption telephone hotline to generate prosecutorial leads for corruption within the police.

Impunity for police abuse was a problem. Complaints of police misconduct were handled by the internal disciplinary council of the units where the reported officers worked. In 2006 (the most recent year in which figures were available), the Human Rights and Humanitarian Law Department in the General Police Inspectorate investigated nine cases of alleged violations of human rights by 18 officers. Separately, 61 corruption cases (15 police officers and 46 security agents) were identified in 2006. In 2006, the General Anticorruption Directorate of the Ministry of Administration and Interior also investigated 996 cases of corruption among its employees, a category separate from human rights violations.

Police reform continued during the year. The government, with support from law enforcement agencies from other countries, offered police training workshops on topics such as human rights and the proper treatment of criminal suspects. The police increased hiring of women and minorities. In February 2006 a Romani woman was hired as a police officer for the first time. According to police statistics released in August, there were 5,485 female police officers, representing over 10 percent of the total force, and 30 Roma officers.

*Arrest and Detention.*—The law provides that only judges may issue detention and search warrants, and the Government generally respected this provision in practice. The law requires authorities to inform detainees at the time of arrest of the charges against them and their legal rights. Police must notify detainees of their rights in a language they understand before obtaining a statement. Detainees must be brought before a court within 24 hours of arrest. The law provides for pretrial release at the discretion of the court. A bail system also exists; however, it was seldom used in practice. The law requires that the Government provide an attorney for all detained individuals. Detainees have a right of access to counsel and generally had prompt access to counsel and their families. Indigent detainees were provided with legal counsel at public expense.

The law allows police to take any person who endangers the public, other persons, or the social order to a police station. There were allegations that police often used this provision to detain persons for up to 24 hours. Human rights NGOs complained that authorities were frequently able to listen to discussions between detainees and their lawyers in police detention facilities.

A judge may order pretrial detention for periods of up to 30 days, depending upon the status of the case. The court may extend these time periods; however, pretrial detention may not exceed 180 days. Courts and prosecutors may be held liable for unjustifiable, illegal, or abusive measures.

*Amnesty.*—On February 7 and March 1, President Basescu issued pardons to a woman and a man suffering from serious illnesses and who were convicted for contempt of court rulings. On November 20, the president signed two decrees pardoning, for medical reasons, a former wrestling champion convicted of fraud and an 83-year-old man.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and judges exercised this independence. The judiciary, however, lacked the public's trust that its judges were accountable and did not serve political or financial interests. Public opinion surveys consistently revealed a widespread perception of corruption and lack of fairness within the judiciary.

The law establishes a four-tier legal system, beginning with the lower court (judecatorie), followed by the intermediate court (tribunal), the appellate court, and the High Court of Cassation and Justice. There is a separate Constitutional Court, composed of nine members serving 9-year, non-extendable terms, with three members each appointed by the president, the senate and the Chamber of Deputies. The Constitutional Court validates electoral results and makes decisions regarding the constitutionality of laws, treaties, ordinances, and internal rules of the Parliament. A prosecutor's office is associated with each court. The court having original jurisdiction over a case is determined by the nature of the offense and by the position a defendant may hold in public service.

NGOs and public officials were frequently critical of the judicial system during the year. One cause was the failure of the judiciary's oversight body, the Superior Council of Magistrates (CSM), to create procedures for addressing potential conflicts of interest among its members. The CSM practice of delegating magistrates to non-justice positions within the judiciary and appointing them to various government agencies also contributed to depleting the already understaffed courts and prosecutors' offices. The general prosecutor criticized the High Court of Cassation and Justice for frequently returning case files to prosecutors for additional investigations rather than ruling on the case as presented. Such requests for further investigation contributed to frequent delays in court procedures, thus raising the prospect of political influence. Critics also expressed concern over a lack of judicial impartiality, because some members of Parliament continued to practice as defense attorneys, both personally and through their law firm associates.

*Trial Procedures.*—Trials are open to the public. The law does not provide for trial by jury. The law provides for the right to counsel and a presumption of innocence until a final judgment by a court. The law requires that the Government provide an attorney to juveniles in criminal cases; in practice local bar associations provided attorneys to indigents and were compensated by the Ministry of Justice. Defendants have the right to be present at trial, to consult with an attorney in a timely manner, to confront or question witnesses against them, to have a court-appointed interpreter, and to present witnesses and evidence on their behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases. Both plaintiffs and defendants have a right of appeal.

The law provides for the investigation by civilian prosecutors of crimes by the national police and prison employees. Military prosecutors continued to try cases that involved "state security" in military cases. Other cases involving "state security" but not military issues were tried by civilian prosecutors. Crimes by the gendarmerie

continued to fall under military jurisdiction. Local and international human rights groups criticized the handling of cases by military courts, claiming that military prosecutors' investigations were unnecessarily lengthy, biased, and often inconclusive. Some lawyers claimed such lengthy investigations only served to discredit the reputations of their clients rather than hold them accountable for any actual wrongdoing.

In a landmark ruling in a military court case that included allegations against former president Ion Iliescu, the Constitutional Court ruled on June 20 that military prosecutors could not investigate cases involving civilians. The military prosecutor then divided the file and brought the case against the army personnel to court in August and turned over the case against the former president to the general prosecutor's office for re-examination. This continued the 17-year investigation into the 1990 miners' riots, which were allegedly organized by the authorities to break up student pro-democracy protests.

*Political Prisoners and Detainees.*—There were no reports of political prisoners or detainees.

Following the end of communism, no law was ever passed to annul the sentences of political prisoners who had served prison terms during the Communist era; individuals had to endure a lengthy appeals process to have their communist-era criminal records expunged. In a September judgment involving a former political prisoner seeking reparations, the appeals judge cited a law that pre-dated the former prisoner's incarceration in ruling that the time limit for appeal had expired in the 1970s.

*Civil Judicial Procedures and Remedies.*—Civil courts functioned in every jurisdiction of the country. Civil courts do not use a jury and function in a similar fashion as the criminal courts. Crime victims can assert civil remedies in either civil courts or criminal courts if they choose. This can result in a combined civil/criminal trial to resolve all issues arising from the criminal case. Civil courts are administered by the Ministry of Justice and the magistrates are overseen by the CSM. Civil courts operated with the same degree of judicial independence as criminal courts.

Although there were problems regarding efficient management of courts, CSM's statistics for 2006 showed that some 90 percent of trials were concluded in less than 6 months. Criminal trials tended to be even faster, on average, due to strict timelines established by the criminal procedure code.

Litigants sometimes encountered difficulties enforcing civil verdicts because the procedures for enforcement of judgment orders were impractical and caused delays.

Administrative and judicial remedies were available for violations of civil rights by government agencies.

*Property Restitution.*—The 2005 law to improve the property restitution process clarifies the procedures for restitution and establishes new application deadlines and fines for officials who hinder the process. The law creates a property fund worth approximately \$5 billion (14 billion lei) for the compensation of owners with properties that cannot be returned in kind. However, the fund was not yet listed on the stock exchange. On June 28, the Government adopted an ordinance to enable the fund to be evaluated and then listed on the stock exchange by mid-2008. The ordinance also provides for cash payments in lieu of restitution of up to about \$215,000 (500,000 lei), paid over a 2-year period. Claims in excess of this amount will be paid with stock in the property fund. On November 20, the Government paid the first cash compensation to 20 former owners. The restitution process was very slow during the year, and the large majority of restitution cases remained unresolved. But during the year some significant buildings were returned to their former owners, including the Peles and Pelisor Castles, which were restituted to former King Michael in March.

Former owners' organizations continued to assert that inertia hindered property restitution at the local level. In some cases, local government officials continued to delay or refuse to provide necessary documents to former owners filing claims. They also refused to turn over properties in which county or municipal governments had an interest.

The ECHR ruled in favor of the former owners in a large number of restitution cases, including at least 12 such cases during the year.

The number of restitution claims submitted increased greatly as a result of the 2005 law. Of the 201,750 claims filed for restitution of buildings, some 102,273 were resolved by the beginning of November, 37,962 of which were rejected; 42,629 cases qualified for compensation in stock from the Property Fund; and 15,597 claims were resolved by return of the properties in kind.

During the year the Government did not encourage the Orthodox Church to return Greek Catholic churches and church properties confiscated by the communist state and given to the Orthodox Church.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

The law permits the use of electronic interception both in criminal cases and for national security purposes. In exceptional circumstances (when there is a clear and present danger to national security), government institutions may begin interception without a judicial warrant. Following this, however, a request for authorization must be submitted within 48 hours. Although the penal procedure code provides that warrants may be issued only by judges, under the law on national security a prosecutor may authorize the issuance of a warrant for an initial period of 6 months, which can be extended indefinitely in 3-month increments without judicial approval. There were reports of electronic interception used outside of these legal parameters.

In March the Director of the Foreign Intelligence Service (SIE), Claudiu Saftoiu, admitted before a parliamentary commission that the SIE tapped telephones, which would be illegal for the SIE. He later disavowed his statement, and subsequently resigned.

On May 11, the Bucharest Tribunal ordered the Romanian Intelligence Service (SRI) to pay approximately \$21,500 (50,000 lei) in compensation to businessman Dinu Patriciu, who had sued the SRI for illegally tapping his telephones. The SRI appealed the ruling and an appeal was pending at year's end.

According to Romani CRISS, evictions of members of the Roma community continued to occur both in Bucharest and in other localities during the year.

Criminal complaints filed by Romani CRISS and Roma families whose homes in Bucharest suburb Chitila were demolished in January 2006 remained pending; the homes had been illegally erected on public land.

Also pending was a 2005 complaint by Romani CRISS in connection with police raids in a Romani community located on the outskirts of Cluj-Napoca, during which 10 Roma dwellings were set on fire.

The 250 Roma evicted from their homes in Piatra Neamt in August 2006 remained unable to return. They were evicted following a decision by the town's mayor to repair the block of apartments they were living in.

There were no further developments in the lawsuits regarding the 2005 eviction of 40 Romani families in Tulcea who were relocated to the premises of Tulcea harbor and to old barracks formerly used for flood victims. In August with support from APADOR-CH and ERRC, the evicted Roma filed grievances seeking compensation. Approximately 250 Roma evicted in Zalau in 2005 continued to live in areas with poor conditions.

In May, the court of Harghita County accepted an appeal filed by Romani CRISS against an earlier court ruling not to prosecute the vice mayor of Miercurea Ciuc and sent the case to the prosecutor's office to begin proceedings; in 2005 the National Council for Combating Discrimination (CNCD) fined the mayor's office in Miercurea Ciuc, approximately \$1,560 (4,000 lei) for the 2004 forced eviction and relocation of approximately 140 Roma to a hazardous area near a wastewater treatment facility. The Roma lacked alternative housing and continued to reside in that area.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice. Journalists and private citizens could criticize government authorities, including those at senior levels. There were isolated cases of authorities intimidating or censoring the press, or attacking journalists, although this occurred substantially less frequently than in previous years.

Laws restricting freedom of speech continued to cause concern among the media and NGOs. Insulting state insignia (the coat of arms, national flag, or national anthem) is an offense punishable by imprisonment; however, there were no prosecutions or convictions under this provision. On January 18, the Constitutional Court ruled that an August 2006 law decriminalizing "insult and defamation" was unconstitutional. The Constitutional Court declared that previously existing provisions in the penal code criminalizing insult and defamation should reenter effect. Domestic media organizations criticized that decision. The Organization for Security and Cooperation in Europe (OSCE) representative for press freedom also expressed concern, calling the ruling was a setback in achieving a free press and a more favorable working environment for the media.



The independent media were more active than in previous years and expressed a wide variety of views without restriction. Politicians and others with close ties to various politicians and political groups either owned or indirectly controlled numerous media outlets in the provinces, and the news and editorial tone of these outlets frequently reflected the views of the owners. In some cases, oligarchs' control of media outlets was disguised through offshore holdings and other murky ownership arrangements. The tendency towards the concentration of national news outlets in the hands of a few wealthy businesspeople continued with the purchase of some outlets and the creation of others.

During the year there were a number of instances in which members of the public insulted and harassed journalists. However, public authorities and politicians were still responsible for many cases of harassment, though there were fewer reports of threats against journalists than in previous years.

On February 12, general manager Stelian Ungureanu and editor-in-chief Ramona Jitaru of local newspaper *Monitorul de Bacau* were assaulted by the mayor, the vice-mayor and several local councilors in Dofteana, Bacau County. The two journalists were beaten and threatened and their camera was damaged as they tried to photograph the mayor's car while it was stopped for inspection by the traffic police.

On April 7, before the start of a soccer match in Bucharest, supporters of the soccer club *Steaua Bucharest* attacked cameraman Robert Cristea from public television TVR and broke his camera. The assault took place in clear view of mounted gendarmes who did not intervene because they believed regulations prohibited them from dismounting their horses. Cristea was hospitalized with serious injuries.

On July 2, Gabriel Stoica, a journalist from Pro TV, was beaten and had his camera destroyed while he was filming two members of a feared mafia clan in Braila. Although a police car was close to the scene, officers did not intervene.

On September 12, Parliament appointed Alexandru Sassu, a former official in the main opposition Social Democratic Party, president of the public television station, TVR. The decision displeased human rights organizations, as Sassu was the first politician to occupy the job since 1989. On October 11, Sassu cancelled broadcast of a tape featuring a minister allegedly taking a bribe from a former government minister. Media NGOs said that the cancellation was a case of political interference in the editorial decisions of TVR. When the editorial staff protested Sassu's decision, he restructured the news department, relieving the news director of her editorial authority. Those editors and producers hired by the news director were removed from the principal evening news program and were reassigned to other newscasts.

Unlike in previous years, there were no reports of vandalism against the homes of journalists, and police did not confiscate any publications for reasons of national security or arrest journalists for leaking classified information. Prosecutors dropped charges against journalists Marian Garleanu and Sebastian Oancea for leaking information.

The new religion law that went into effect in January includes a provision that forbids acts of "religious defamation" and "public offense to religious symbols." NGOs and the CNCD expressed concern that this provision broadly interpreted could infringe on freedom of speech and conscience.

*Internet Freedom.*—There were no reported government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. The Internet was widely available in the country and costs decreased due to competition. Internet cafes were widely available nationwide.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The law provides for freedom of assembly, and the Government generally respected this right in practice. The law provides that unarmed citizens can assemble peacefully, but states that meetings must not interfere with other economic or social activities and may not be held near locations such as hospitals, airports, or military installations. Organizers of public assemblies must request permits in writing, 3 days in advance, from the mayor's office of the locality where the gathering will take place.

*Freedom of Association.*—The Constitution provides for freedom of association, and the Government generally respected this right in practice. The law prohibits fascist, communist, racist, or xenophobic ideologies, organizations, and symbols (such as statues of war criminals on public land). Political parties are required to have at least 25,000 members to have legal status, a number some NGOs criticized as excessively high.

The Pro Democracy Association and several other prominent NGOs criticized an August 2006 law stipulating that mayors and local officials who change their polit-

ical party affiliations after being elected will lose their elected position. NGOs asserted that the law violates both freedom of association and citizens' fundamental right to choose their leaders.

*c. Freedom of Religion.*—The Constitution and the law provide for freedom of religion, and the Government generally respected this right in practice; however, there were some restrictions, and several minority religious groups continued to claim credibly that government officials and Orthodox clergy impeded their proselytizing and interfered with other religious activities.

Under the provisions of a new religion law that became effective in January, the Government implemented a discriminatory three-tiered system of recognition: “religious groups,” “religious associations,” and “religions.” “Religious groups” are groups of individuals who share the same faith but do not receive any support from the state or tax exemptions. “Religious associations” are legal entities that do not receive government funding, have to be registered as such in a religious association registry, and are exempted from taxes only for places of worship. To register, religious associations must have 300 Romanian members and are required to submit members’ personal data, in contrast to non-religious associations that can register with only three members. To receive “religion” status, a religious association must demonstrate 12 years of continuous religious activity and meet a membership threshold of 0.1 percent of the total population (approximately 22,000 members). The new religion law recognizes the same 18 religions that had this status prior to its adoption. The law was adopted despite strong domestic and international criticism that it discriminated against smaller minority religions by imposing impediments for such groups to obtain official recognition.

The law does not prohibit or punish assembly for peaceful religious activities; however, several minority religious groups continued to complain that local authorities and Orthodox priests prevented religious activities from taking place on various occasions, even when their organizers had been issued permits.

Jehovah’s Witnesses and the Greek Catholic Church reported that, in some cases, local authorities either delayed or opposed granting construction permits for unjustified reasons. A Greek Catholic community in Pesteana faced continued discrimination and harassment following the decision of a group of villagers, along with the Orthodox priest, to switch to the Greek Catholic faith in 2005. Tensions continued during the reporting period due to the Orthodox Church’s refusal to comply with a January 2006 court ruling allowing Greek Catholics access to the local cemetery, and the local authorities refused to issue a construction permit for a Greek Catholic church.

The Seventh-day Adventist Church reported difficulties in obtaining approval to use public halls for religious activities following pressure by Orthodox priests, especially in rural areas or small localities. The press and minority religious groups continued to report instances of Orthodox clergy harassing members of other faiths. On January 13, the mayor of Branisca, Hunedoara County, asked two members of Jehovah’s Witnesses to leave the locality and told them that their preaching activity was illegal. The prosecutor’s office investigated the Jehovah’s Witnesses’ complaint, but did not bring criminal charges against the mayor. Several religious groups made credible complaints that, in some instances, local police and administrative authorities tacitly supported sometimes violent societal campaigns against proselytizing. Members of various minority religions continued to report that their charitable programs in children’s homes and shelters were perceived as proselytizing directed at adherents of the Orthodox Church; however, unlike in previous years, no conflicts were reported.

In Certeze, Satu Mare County, Orthodox priests reportedly pressured the local authorities to refuse to return a piece of land to the Greek Catholic Church and to issue a construction permit for a new church. Similar cases of refusal to return land occurred in Baisoara and Feleacu, Cluj County.

A Roman Catholic Csango community, an ethnic group that speaks a Hungarian dialect, alleged the Roman Catholic Bishopric of Iasi continued to oppose holding religious services in Hungarian, despite a 2005 CNCD decision that denying religious services in the mother tongue is a restriction on religious freedom.

Although the new religion law entitles religious denominations to bury their believers in other denominations’ cemeteries if they lack their own cemetery and communal cemeteries, Orthodox priests reportedly denied permission to the Greek Catholic Church, the Seventh-day Adventist Church, the Baptist Church, and the Baha’i Faith to bury their members in either religious or secular cemeteries in numerous communities.

Several religious groups reported that, after the adoption of new regulations for religious activity in prisons in February 2006, the access of religious groups to detention facilities improved significantly. The 2006 regulations provide for unre-

stricted access of recognized religions and religious associations to any place of detention, even if their assistance is not specifically requested. The regulations also provide that prison representatives in charge of religious assistance should not be priests or representatives of any faith.

Only officially recognized religious groups have the right to teach religion in public schools. However, a number of recognized minority religious groups complained that they were unable to have classes on their faith offered in public schools. Attendance in religion classes was optional; however, the Baptist and the Greek Catholic churches reported cases of children who were pressured to attend Orthodox religion classes.

In November 2006 the CNCD, in answer to a complaint filed by a Buzau-based NGO, asked the Ministry of Education to remove religious symbols from schools, with the exception of classrooms where religious classes were taught. In December 2006 the Ministry of Education decided that parents, local communities, and school administrators should be empowered to decide on the presence or absence of religious icons in the classroom. On June 18, the Bucharest Court of Appeal rejected the Ministry's appeal of the CNCD decision. The Ministry again appealed the Appellate Court's ruling and the case was pending at year's end.

The 2005 restitution law permits religious denominations to reclaim previously nationalized properties that housed schools, hospitals, or cultural institutions; however, implementation of the law was slow during the year. Of the 14,716 claims for restitution of religious property since its establishment in 2003, the National Authority for Property Restitution (ANRP) had ruled on 2,929 properties, 1,188 of which were returned by the end of the year. Approximately 300 claims were rejected.

Property restitution was particularly important for the Greek Catholic Church, whose properties, including churches, were confiscated during the Communist regime. Most Greek Catholic churches were given to the Orthodox Church after their forced merger in 1948, and many other Greek Catholic Church properties were taken over by the Government. Since 2003 the Government returned 108 out of 6,723 total properties claimed by the Greek Catholic Church.

The Orthodox Church continued to resist the return of Greek Catholic churches it had acquired when the Greek Catholic Church was forcibly merged into the Orthodox Church in 1948. A 2005 law permits the Greek Catholic Church to take court action whenever its dialogue with the Orthodox Church over church restitution fails. Although this law was invoked and some cases were resolved in favor of the Greek Catholic Church, courts delayed hearings on many lawsuits filed by the Greek Catholic Church. In some lawsuits, the courts asked the Greek Catholic Church to submit the number of believers in the localities in question, even though there was no such legal requirement.

By year's end, the Orthodox Church had returned fewer than 200 of approximately 2,600 Greek Catholic churches and monasteries. With the exception of the leadership of the Orthodox Metropolitanate of Banat, all other Orthodox Church representatives opposed the restitution of Greek Catholic churches and refused to return properties, even when ordered to do so by a court. Tensions continued in many localities where the Orthodox Church refused to comply with court rulings that ordered restitution of churches to the Greek Catholic Church. On May 28, in Valanii de Munte, Bihor County, approximately 30 Orthodox priests and 80 parishioners prevented the enforcement of a final court ruling returning a church to the Greek Catholics.

The Orthodox Church continued to demolish Greek Catholic church buildings under various pretexts and also attempted other methods to shield churches from restitution. On April 5, using a frequently employed tactic of building new walls around the outer walls of the older church, the Orthodox Church demolished an 18th century Greek Catholic church in Badon, Salaj County. Authorities did not react to the Greek Catholic complaints about the illegal demolition. A similar case occurred in Taga, Cluj County in May 2006.

The historical Hungarian churches, including the Hungarian Roman Catholic and the Hungarian Protestant Reformed, Evangelical, and Unitarian churches, received a small number of their confiscated properties from the Government. Since 2003 Hungarian churches received 655 of the approximately 2,700 properties they claimed under the law on return of religious property.

In Oradea, the Hungarian Reformed Church, the municipal office, and the Orthodox Church continued their dispute over possession of land used for a playground adjoining the Reformed Church high school. The municipality granted the land to a neighboring Orthodox Church despite repeated protests by the Reformed Church, which complained of discrimination; the case remained unresolved at year's end.

In September 2005, the Bucharest city government illegally approved a permit for construction of a building next to the Roman Catholic Saint Joseph's Cathedral, threatening to damage the cathedral's foundation. Despite domestic and international protests, including street demonstrations and messages from the Vatican and European Parliament, as well as complaints by the Roman Catholic Church, construction continued. In July, a court in Dolj County ruled to suspend construction and an appeal upheld the ruling. However, construction continued unabated.

The 2005 restitution law provided for a broader scope of claimable properties and compensation for demolished buildings. This law was potentially beneficial to the Jewish community, which filed over 3,700 restitution claims.

*Societal Abuses and Discrimination.*—According to the 2002 census, the Jewish population numbered 5,785. Acts of anti-Semitism, including vandalism against Jewish sites, continued. In many such cases, the Federation of Jewish Communities notified the authorities, but perpetrators were often not identified. The Center for Monitoring Anti-Semitism, an NGO, noted that authorities tended to play down such incidents, repeatedly attributing the acts to children, drunkards, or persons with mental disorders, often without any proof or investigation.

Various acts of desecration or vandalism of Jewish property occurred during the year. On January 1, the Center for the Study of the History of Romanian Jews was vandalized and the Federation of Jewish Communities filed a complaint with the police. On January 12, a group of minors vandalized an old Jewish cemetery in Tulcea; the prosecutor's office declined to prosecute them. On February 11, four minors vandalized 22 tombs in a Jewish cemetery in Bucharest, causing damage of approximately \$3,700 (9,200 lei). The police asked the prosecutor's office to not bring charges against the minors. On October 15, the grave of a writer was vandalized in one of the Jewish cemeteries in Bucharest. On October 22, unidentified persons stole two menorahs from the chapel of one of the Jewish cemeteries in Bucharest.

There were no further developments in the March 2006 vandalism of 20 tombs in the Jewish cemetery in Resita; the May 2006 case of two minors who drew swastikas on the walls of the Lutheran church in Cluj; the May 2006 appearance of swastikas and anti-Semitic graffiti on the walls of a house in Bucharest; and the June 2006 appearance of swastikas on several buildings in downtown Cluj.

The case of four juveniles who drew swastikas and anti-Semitic slogans on tombstones in two cemeteries in Suceava in 2005 and whose prosecution for vandalism and dissemination of fascist, racist, and xenophobic symbols began in December 2006, remained pending.

During the year, the extremist press continued to publish anti-Semitic articles. The Legionnaires (successors of the Iron Guard, an extreme nationalist, anti-Semitic, pro-Nazi group that existed in the country in the interwar period) continued to republish inflammatory books from the interwar period. Authorities occasionally investigated and prosecuted offenders, but all court cases resulted in acquittals.

During the year, anti-Semitic views and attitudes were expressed on the talk shows of private television stations, which failed to respond to complaints filed by Jewish organizations regarding such views. Extremists continued to publicly deny that the Holocaust occurred in the country or that the country's leader during World War II, Marshal Ion Antonescu, participated in Holocaust atrocities in Romanian-administered territory. In January the Federation of Jewish Communities and a Jewish NGO filed a criminal complaint against a professor who consistently denied the occurrence of the Holocaust in Romania through media appearance and in his books.

The New Right and other nationalist organizations continued to sponsor marches, followed by religious services, to commemorate Corneliu Zelea Codreanu, the founder of the Legionnaire movement and other fascist leaders. During the year, commemorations of Codreanu and the Legionnaire movement took place on June 24 in Bucharest, September 13 in Galati, September 22 in Predeal, and November 24 in the vicinity of Bucharest.

There was no further action regarding the June 2006 complaint, filed by the Federation of Jewish Communities based on the law that forbids racist, xenophobic, and pro-Nazi propaganda, against three nationalist organizations that sponsored a public religious service to commemorate the 60th anniversary of Marshal Antonescu's death.

In March the Federation of Jewish Communities released a declaration expressing sadness and surprise at a December 2006 ruling by the Bucharest Appellate Court, which partially exonerated Marshall Antonescu and some others convicted for war crimes. Antonescu and his government were directly responsible for widespread atrocities and mass murder against Romanian Jews and Roma during World War II.

In its April annual report, the Simon Wiesenthal Center included Romania in the category of countries that paid insufficient attention to or were unsuccessful in efforts to investigate Nazi war criminals.

The Government continued to make progress in its effort to expand education on the history of the Holocaust in the country. The Government included the Holocaust in compulsory history courses covering World War II in 7th grade; as a full chapter in the 9th grade history curriculum; as part of World War II history in 10th grade; as a specific theme in 11th grade; and in the chapter on national minorities in the 12th grade curriculum. An optional course on the "History of the Jews and Holocaust" was also offered to 12th graders.

On various occasions throughout the year, high-level officials continued to make public statements against extremism, anti-Semitism, and xenophobia, and criticized Holocaust denial.

On June 6, the Government earmarked approximately \$170,000 (400,000 lei) for the rehabilitation of 14 synagogues by the end of the year.

During the year, the leader of the extreme nationalist Greater Romania Party (PRM), Corneliu Vadim Tudor, continued to make statements and write articles containing strong anti-Semitic attacks. In a speech on March 23, Tudor denied that any Holocaust activities had occurred in the country. On May 24, the president withdrew by decree the Star of Romania medal from Tudor. Tudor challenged the decree, and on June 26 a Bucharest court suspended its enforcement until the lawsuit was resolved.

On April 18, Edward Iosiper, ambassador-designate to Israel, appeared before the Parliament for his confirmation hearing. According to press reports, Iosiper's hearing had anti-Semitic overtones. Two PRM members of Parliament demanded to know whether Iosiper felt "Jewish or Romanian." They continued this line of questioning without any intervention by other members of the Parliament's foreign affairs committee. Iosiper was subsequently approved as ambassador to Israel.

During the year, the Government earmarked approximately \$4 million (9.9 million lei) for construction of a Holocaust memorial in Bucharest.

An April 2006 law to combat anti-Semitism and prohibit fascist, racist, and xenophobic organizations includes the persecution of Roma in addition to Jews in its definition of the Holocaust, since approximately 14,000 Roma were killed in the country during that period. However, authorities failed to enforce the law against participants in a June 9 anti-gay parade, who used Nazi symbols and slogans.

The country commemorated National Holocaust Day on October 9 with events in several cities that were attended by key dignitaries, including the president.

On October 22, the president apologized for the deportation of thousands of Roma during the World War II, the first time a government official did so publicly. He also awarded the Order of Faithful Service to three Romani Holocaust survivors.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The law provides for these rights, and the Government generally respected them in practice.

The law prohibits forced exile, and the Government did not employ it.

*Protection of Refugees.*—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. An August 2006 law on asylum prohibits the expulsion, extradition, or forced return of any asylum seeker at the country's border or from within the country's territory, but denies protection to people who participated in terrorist acts, crimes against humanity, or other serious offenses.

In practice, the Government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution; however, the Office of the U.N. High Commissioner for Refugees (UNHCR) considered the time limits provided by the law for submitting appeal applications and court procedures to be too short.

The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. The UNHCR stated that government-sponsored programs for integrating refugees continued to improve.

On June 20, the National Office for Refugees merged with the Authority for Aliens to create the Romanian Immigration Office, a new central authority for immigration, asylum, and alien integration policy.

According to the Authority for Aliens, there were 223 stateless persons of foreign and Romanian origin in 2006. While some of these stateless persons were born in Romania, limited information was available on the nature of this problem. The law

provides for birth registration as a basic right; however, some children were not registered at birth and were rendered de facto stateless by their lack of and inability to obtain identity documents.

*Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

*Elections and Political Participation.*—The country held national elections for Parliament in November 2004 and for the presidency in December 2004. The parliamentary and first round of presidential elections were characterized by widespread irregularities, including the non-use of electoral cards, possible multiple voting, and claims of fraud during the electronic tabulation of votes. In the second round of presidential elections in December 2004, the Government reduced the possibility for multiple voting, but some irregularities occurred.

Since the 2004 elections, the country was governed by a coalition including the National-Liberal Party, Democratic Party (PD), and others. In April, however, the PD was expelled from the coalition. While the remaining government coalition controlled only 23 percent of parliamentary seats, it remained in power with tacit support of the Social Democrats, the main opposition party that holds a single party plurality in Parliament.

Following expulsion of PD party members from the cabinet, Parliament voted to suspend President Basescu from office, against the non-binding advice of the Constitutional Court, for allegedly violating the Constitution. While the president was suspended, Parliament voted to lower the threshold for removing the president permanently from office. However, in a May 19 referendum, 74 percent of voters rejected the removal of the president from office, thereby restoring Basescu to the presidency.

The May 19 referendum had minor irregularities, but was considered generally free and fair. Campaigning during the referendum raised some questions as to the non-transparent sources of campaign financing and the limitations on access to broadcasting and print media.

The November 25 European Parliament election was generally seen as free and fair, albeit characterized by lack of voter interest and low turnout.

The law requires political parties to register with the Bucharest tribunal and to submit their statutes, program, and a roster of at least 25,000 signatures. These 25,000 “founding members” must be from at least 18 counties, including Bucharest, with a minimum of 700 people from each county. The party statutes and program must not include ideas that incite war; discrimination; hatred of a national, racist, or religious nature; or territorial separatism.

Organizations of ethnic minorities can also field candidates in elections if they meet requirements similar to those for political parties. The law defines “national minorities” as only those ethnic groups represented in the council of national minorities and provides that these organizations meet requirements that are more stringent than those of minority groups already represented in Parliament. Such organizations must provide the Central Electoral Bureau a list of members numbering at least 15 percent of the total number of persons belonging to that ethnic group, according to the most recent census. If 15 percent represents more than 25,000 persons, then at least 25,000 names from at least 15 counties, with no fewer than 300 persons from each county, must be submitted. Human rights NGOs criticized these requirements as discriminatory and aimed at eliminating competition to the mainstream organizations representing Hungarians and Roma, namely the Democratic Alliance of Hungarians in Romania (UDMR) and the Roma Party-Pro Europe.

While the law does not restrict women’s participation in government or politics, societal attitudes presented a significant barrier. In Parliament 31 of 331 deputies and 14 of 137 senators were women. Following the April dismissals of the ministers of justice, European integration, and environment, there were no female ministers in the 18-member cabinet (the Government cut the number of cabinet members from 24 to 18 in April). On December 17, a woman, Norica Nicolai, was nominated to become the new justice minister, but her confirmation and swearing-in did not take place before year’s end. Only one of the prefects (governors) of the 42 counties was a woman.

The law grants each recognized ethnic minority one representative in the chamber of deputies if the minority’s political organization cannot obtain the 5 percent of the votes needed to elect deputies outright. Organizations representing 18 minority groups received deputies under this provision. There were 50 members of minorities in the 468-seat Parliament. There were four members of minorities in the cabinet;

three were ethnic Hungarians and one ethnic Armenian. There were no members of minorities on the High Court.

Due to the political fragmentation of the Romani community, only one Romani organization, the Roma Party-Pro Europe, was represented in Parliament. Low Romani voter turnout due to lack of awareness, means, or identity cards further exacerbated the problem.

Ethnic Hungarians, represented by the UDMR, were the only ethnic minority to gain parliamentary representation by surpassing the 5 percent threshold. Competing ethnic Hungarian associations alleged that their attempts to register were unfairly blocked by the more influential existing party.

*Government Corruption and Transparency.*—Reports of corruption and the Government response to corruption remained a focus of public discussion, political debate, and media scrutiny. According to Transparency International, there was a high public perception of corruption; one third of Romanians admitted that they offered bribes to obtain various public services during the year. NGOs and the media continued to note that no major case of high-level corruption had yet resulted in judgments involving prison sentences. There were, however, some convictions of lower level officials for corruption.

The National Anticorruption Directorate (DNA) was the exclusive institution responsible to investigate and prosecute high-level corruption, including cases involving members of Parliament and government officials. While under pressure from the then-new justice minister, Tudor Chiuariu, the DNA's organizational structure and leadership remained intact within the nominal authority of the prosecutor general's office; it maintained a distinct budget and its prosecutors continued to operate under the exclusive authority of the DNA Chief Prosecutor.

The DNA indicted 201 defendants in 89 cases during the first half of the year, including several former and current officials at senior levels of government. During the year it began investigations of three current ministers and three former ministers in four cases. During the first half of the year, the courts rendered 39 final convictions in cases involving 62 defendants, including a mayor, three judges, and various mid-ranking officials. The courts rendered an additional 40 convictions against 80 defendants, which were subject to appeal.

Twenty-five defendants in 12 DNA cases were also acquitted during the first half of the year. Two-thirds of these acquittals resulted from Parliament's decriminalization of an offense related to the improper issuing of bank credits. This change in the law was meant to reflect the widespread privatization of the country's banking system; with banks now in private hands, violation of a bank's internal lending norms should no longer be viewed as "official" corruption. However, the law was also given retroactive effect, thereby shielding numerous officials who had engaged in corrupt practices within Romania's formerly public banks. Prosecutors and judges found they could no longer pursue corruption charges when the predicate offense had been removed from the criminal code. Several of the acquitted were accused of contributing to Romania's banking collapse in the late 1990s.

The DNA was authorized to prosecute corruption without regard to the political affiliation of the accused. Opposition politicians, however, continued to allege that investigations of high level officials tended to focus on members of former administrations, contributing to questions about the office's impartiality.

During the suspension of the president in May, the new justice minister requested the dismissal of the chief prosecutor of high level corruption cases. The timing and manner of this move, though legal, raised questions of political interference in ongoing prosecutorial investigations. Three officials within the Ministry of Justice resigned in protest, and the media, NGOs, and foreign observers questioned whether prosecutorial independence was sufficiently protected. The CSM delayed its consultative advice until after it conducted a 45-day inspection of the DNA. An unidentified CSM member divulged details of the confidential investigation to the press to discredit the DNA and compromised at least one ongoing investigation into high-level corruption. There were widespread reports that the CSM investigation resulted in publicizing DNA's operational secrets, including its means of collecting evidence in ongoing investigations.

In September, the DNA asked the president to approve the launch of a criminal investigation against the justice minister and a former minister for information technology for allegedly facilitating an illegal transfer of public property to private individuals in April. In response, the justice minister proposed and the Government adopted an emergency ordinance dismissing the presidential commission responsible for issuing an advisory report on corruption allegations to the president. The president subsequently challenged the emergency ordinance in the Constitutional Court, which at the end of November ruled the ordinance unconstitutional. Moreover, in its decision, the court stated that the president had full authority to approve, with-

out the advice of any other body, a request for initiating a criminal investigation against a current or former minister. As a result of the court's ruling, the justice minister resigned in early December.

The DNA enhanced its coordination with antifraud units set up within various ministries. The Interior Ministry's Anticorruption General Directorate, which investigates alleged corruption within the ministry, maintained an anticorruption telephone hotline to receive tips regarding corrupt officers from the general public. The Antifraud Department attached to the prime minister's office continued to investigate cases involving the misuse of European Union (EU) funds. The Ministry of Defense also maintained its own antifraud section.

In July the Constitutional Court declared that an ordinance permitting the DNA to initiate criminal investigations against former ministers without presidential or parliamentary authorization was unconstitutional. Such authorizations were previously required only prior to investigations against current members of the Government. This procedural ruling resulted from an appeal in a case against former prime minister Adrian Nastase who challenged the DNA's authority to investigate him. Consequently, the DNA awaited a court determination as to whether it had to begin the criminal investigation against him anew.

In May Parliament passed a law establishing a National Integrity Agency (ANI) to audit officials' declarations of assets, incompatibilities, and conflicts of interests. The law establishing the ANI stipulated that it would identify "illicit" wealth, meaning that proof of illegal activity would be required before an investigation could be initiated. At the end of May, the Government amended the ANI law by emergency ordinance, lowering the standard of investigation to proof of "unjustified" wealth, defined as a change in assets that cannot be justified based on an official's legitimate sources of income. The ANI is authorized to examine annual asset declarations, but not bank accounts or other assets of individuals without their permission. An investigation may proceed only while an official continues to hold office. Anonymous tips of an official's unjustified accumulation of assets cannot be used as grounds to initiate investigations.

The law provides for access to government information related to official decision-making; however, human rights NGOs and the media reported that the law was poorly and unevenly applied. Procedures for releasing information were arduous and varied greatly by public institution. On numerous occasions NGOs and journalists took cases to court to obtain information.

The Government ordered the intelligence services to release the files of the Communist-era Securitate intelligence service, but many observers claimed the review of individual files of officials by the National College for the Study of Securitate Archives (CNSAS) served only select political interests. There were also complaints that the CNSAS did not have full access to all of the Securitate-era files and did not provide individuals, including former political prisoners, their complete Securitate files. There was broad speculation that the continued presence of former Securitate members in the intelligence services and among the political parties hindered release of these files.

There also were reports that local authorities occasionally impeded journalists, NGOs, and the general public from accessing public information that could have proved detrimental to select political interests.

#### *Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views. Unlike in previous years, there were no reports of intimidation or harassment of NGOs.

The ombudsman's office to protect citizens' constitutional rights had limited power and no authority in cases requiring judicial action. During the first 9 months of the year, the office handled 5,118 complaints.

The CNCD is an independent governmental agency that is under parliamentary control. During the year the CNCD received 787 public complaints of discrimination, of which 264 were resolved. Approximately 110 of the cases involved alleged discrimination on the basis of nationality and ethnicity; 15 complaints reported discrimination on religious grounds. The CNCD received 70 complaints regarding discrimination against Roma in the areas of the right to personal dignity (32 complaints), education (10 complaints), equal access to employment (nine complaints), and access to public places (four complaints). The 2006 antidiscrimination law stipulates increased fines for discriminatory attitudes: \$156 to \$1,560 (400 to 4,000 lei)



for discrimination against individuals and approximately \$230 to \$3,120 (600 to 8,000 lei) for discrimination against groups of persons or communities.

Both chambers of Parliament have a human rights committee, but since these committees were comprised of political party representatives, their recommendations often simply reflected the parties' views.

*Section 5. Discrimination, Societal Abuses, and Trafficking in Persons*

The law forbids discrimination based on race, gender, disability, ethnicity, language, or social status, among other categories. However, the Government did not enforce these provisions effectively in some circumstances, and women, Roma, and other minorities were often subject to discrimination and violence.

*Women.*—Rape, including spousal rape, is illegal. The prosecution of rape cases was difficult because it required a medical certificate and a witness, and a rapist could avoid punishment if the victim withdrew the complaint. The successful prosecution of spousal rape cases was more difficult because the law requires the victim to personally file a criminal complaint against the abusive spouse and does not permit other parties, such as relatives or support organizations, to file a complaint on the victim's behalf. The law provides for 3 to 10 years' imprisonment for rape; the sentence increases to 5 to 18 years if there are aggravated circumstances. There were 459 rape convictions in 2006. NGOs provided counseling and shelters for rape victims.

Violence against women, including spousal abuse, continued to be a serious problem, and the Government did not effectively address it.

The law prohibits domestic violence and allows police intervention in such cases; however, the law on domestic violence was difficult to apply because it contradicts the criminal procedures code and does not include provisions for the issuance of restraining orders. NGOs reported that domestic violence was common. According to a 2004 National Reproductive Health survey, 27.7 percent of women reported being verbally abused, 20.9 percent reported physical abuse, and 3 percent reported sexual abuse during 2003. A report released in August by the Romanian Group for Human Rights Defense stated that some 9,300 persons reported they had been victims of domestic violence since the beginning of the year, with the most cases registered in Bucharest. The criminal code imposes aggravated sanctions for violent offenses committed against family members.

Very few cases of domestic abuse were prosecuted in the courts. Many cases were resolved before or during trial when victims dropped their charges or reconciled with the accused abuser. In cases with strong evidence of physical abuse, the court can prohibit the abusive spouse from returning home. The law also permits police to fine the abusive spouse for disturbing public order. In 2006 there were 145 cases of domestic violence in court.

In 2006 the National Agency for Family Protection (ANPF), within the Ministry of Labor, Family, and Equal Opportunities, allocated approximately \$105,000 (295,237 lei) to NGOs to tackle domestic violence. Of these funds, approximately \$33,018 (92,747 lei) were spent by the end of 2006 to create six new shelters for victims, support eight existing shelters, and create five centers for rehabilitation and social reintegration of abusers. A total of 50 shelters and 54 counseling centers existed; however, they were insufficient and unevenly distributed, and some parts of the country lacked any kind of assistance. Many shelters were frequently closed due to insufficient funding. During the year the National Domestic Violence Coalition, composed of more than 30 NGOs, worked with ANPF to organize a number of domestic violence awareness campaigns. The Government funded 26 public institutions that provided counseling and support to domestic abuse victims. In addition, 52 NGOs from all regions of the country worked on domestic violence.

Prostitution is illegal, but was prevalent. Police implicitly tolerated most cases by limiting their intervention to fining prostitutes for loitering or disturbing the peace. There were anecdotal reports that sex tourism existed in Bucharest and other major cities. No laws existed to punish clients of prostitution, unless the prostitute was a minor and the client admitted knowing that fact before the act.

There were reports of trafficking in women and children.

The law prohibits any act of gender discrimination, including sexual harassment; however the population's awareness of the problem continued to be low. No effective programs existed to educate the public about sexual harassment.

The law grants women and men equal rights, including under family law, property law, and in the judicial system. In practice, the Government did not enforce these provisions, nor did authorities focus attention or resources on women's issues. Women had a higher rate of unemployment than men and occupied few influential positions in the private sector. According to a survey released by the Partnership for Equality Center in September, differences between the salaries of women and

men continued to exist in all sectors of the economy. As a rule, women had lower levels of education and worked in lower-paid employment areas.

Romani culture strongly discouraged women from working outside the home. Romani women often lacked training, marketable skills, or relevant work experience. According to an Open Society Institute (OSI) report released in 2006, only 26 percent of Romani women interviewed were part of the workforce. A 2005 survey by the United Nations Development Program (UNDP) found that the unemployment rate of Romani women between ages 25 and 54 was four times higher than that of non-Romani women. Romani women also were three times as likely to be unemployed compared to Romani men. The average monthly income of women surveyed by OSI was \$41 (106 lei).

The ANPF is responsible for advancing women's concerns and family policies. During 2006–07, the ANPF spent approximately \$460,000 (1,080,000 lei) to support domestic violence prevention services in partnership with civil society and to develop services for the social reintegration of family violence victims and of perpetrators.

The law on equal opportunities for men and women was amended in July 2006 to extend protections to public employees as well as private sector employees. The amended law gives a female employee returning from maternity leave the right to return to her previous or similar position.

*Children.*—The Government publicly committed itself to children's rights and welfare, but competing priorities, bureaucratic inefficiency, and poorly allocated resources prevented this commitment from being fulfilled in practice.

Birth registration was not universal, and some children were denied public services as a result. The most common reason that some children were not registered at birth was that parents did not declare the child's birth to authorities. This was sometimes because parents lacked identity documents or residence papers, or the birth took place abroad in countries where parents were illegally present. Most such children did have access to schools, and authorities assisted in obtaining birth documents for unregistered children. However, the access of such children depended on the decision of school authorities. Romani CRISS called for a change in the law to provide free access of children without identity documents to school and the obligation of school authorities to help them obtain these documents. Undocumented children also faced difficulties in getting access to health care. There were also reports of mistreatment of physically disabled abandoned children in state institutions and of prolonged incarceration for misbehavior within state orphanages.

Public education was free and compulsory through the 10th grade or age 16. After the 10th grade, schools charged fees for books, which discouraged lower-income children, particularly Roma, from attending. The U.N. Children's Fund (UNICEF) reported that approximately 90 percent of primary school-age children attended school. Conditions within the schools were often not conducive to learning. In September approximately 10,000 of the country's 24,000 schools did not meet the minimum sanitary conditions. Some schools ran two half-day schedules to accommodate more students.

The highest level of education achieved by most children was secondary school, although Romani students had lower rates of attendance at all education levels.

A general health insurance plan covers all children until age 18 or until graduation from secondary school. All schools have medical units which supply first aid and carry out vaccination campaigns. Boys and girls had equal access to medical care in schools. All medical costs for children are waived.

Child abuse and neglect continued to be serious problems, and public awareness of the issue remained poor. Media reported several severe cases both in families and in child welfare institutions. In 2006 child welfare services received approximately 12,000 calls and written notifications of child abuse and neglect. As a result 2,300 children were separated from their abusive families, and another 5,700 children and their families received services. However, community-based social services remained unevenly distributed, raising serious concerns about the lack of accessibility of children and families to basic social services.

The legal age of marriage is 18, but girls as young as 15 may marry in certain circumstances. Illegal child marriage was common within certain social groups, particularly the Roma. While there were limited statistics available on the extent of the problem, a UNDP survey found that 35 percent of Romani girls were married before reaching the age of 16. In January the Government's National Roma Agency recommended that the Government devise a plan to increase the Romani population's knowledge about child protection and family legislation. An information campaign targeting traditional Roma communities began in March.

Trafficking in girls for the purpose of sexual exploitation was a problem. There also were isolated cases of children who prostituted themselves for survival without third-party involvement, and some instances of boys as victims of trafficking.

In a report published in April with support from UNICEF, the Center for Legal Resources documented violations of basic human rights in institutions for children and youth with mental disabilities. Such violations ranged from the lack of adequate services to limitations of individual freedom or placement of children under 2 years of age without mental disabilities in such institutions. Government investigations in those institutions confirmed the abuses, which resulted in disciplinary personnel actions.

While the law protects children from abuse and neglect, the Government has not established a mechanism to identify and treat abused and neglected children and their families. The abandonment of children in maternity hospitals remained a problem with over 2,216 left in hospitals by their parents in 2006, according to official statistics. NGOs claimed the official statistics did not accurately account for many abandoned children; many children living in state institutions were never officially recognized as abandoned.

The National Authority for the Protection of Children's Rights (ANPDC), in coordination with the Ministry of Health, made some progress in discouraging child abandonment through prenatal counseling and training of hospital personnel. However, children's rights NGOs and local child welfare officials reported that these efforts were insufficient to resolve the continued high number of abandonment cases, resulting in many essentially healthy children being kept in hospitals because family reintegration or foster placement was unavailable. According to the Children's High Level Group study on the prevention of child abandonment, 60 percent of children abandoned by their parents were left in hospitals, while the remaining 40 percent were abandoned in other places, including on the street.

The 2005 child welfare law and its implementation continued to create confusion among entities responsible for child welfare and to prolong the time that a child spent in the child welfare system before being reunited with biological parents or being adopted. NGOs and child protection authorities continued to report that judges, police, and social workers generally lacked clear instructions from the central government, training, and the resources necessary to implement the legislation. During the year the decision-making process improved slightly due to a better working relationship between courts and county child welfare departments. But thousands of children remained institutionalized or in foster care rather than legally approved for adoption. There were credible reports of attempts to force family reunification for abandoned children in cases where biological family members explicitly stated they did not want the children or in which there was a high risk of child abuse or child labor.

There were many reports of abandoned children being forced to wait for several years in institutions or foster care while authorities searched for their biological parents to formalize their abandonment in court. The Government claimed there were only 883 children available for adoption in the country in December 2006, and over 1,680 families that wanted to adopt children. However, this number represented only a fraction of the estimated 6,000 children placed in state care each year. These low figures were due to the state's non-recognition of the physical abandonment of children. There was no time limit on parents' absence for the children to be legally recognized as abandoned. Instead, government policy aimed to reintegrate children into biological families even years after physical abandonment. Many foster parents wishing to adopt children already in their care were forced to wait for the abandoning parents' statement of abandonment in court before the children could be declared legally adoptable. Some expressed fears that the foster children who had spent years in their care could be taken back by the biological parent or relatives and forced into begging on the street.

The public child welfare system tracked approximately 102,000 children. More than half of these lived with extended families or in foster care, and approximately 26,600 lived in public and private institutions. The Government continued to build smaller residential units for children in need of protection, including children with disabilities. The number of children in institutions continued to drop, from 31,000 in 2005 to 25,580 by September. The foster care system expanded to care for 20,120 children as of September compared with 16,800 children in 2005.

Abandoned children under 2 years of age were only allowed to be placed in foster care, or placed with other families, including for adoption, if reunification with biological parents failed. Roma children, who were disproportionately represented among abandoned children, continued to suffer racial discrimination and were rarely adopted by Romanian families.

The law requires that young people in state care who reach the age of 18 be given assistance in seeking employment. Since 2003, child welfare authorities implemented a system for providing labor market information, skills training, or job placement services for older children in residential care.

Child labor was a problem.

A National Statistics Institute survey released in 2003 on children's activities—the only nationwide survey to document the extent of child labor—found that between 40,000 and 80,000 children were involved in activities identified as the worst forms of child labor as defined by the International Labor Organization (ILO), including begging, drug dealing, stealing, prostitution, hazardous labor in agriculture, and victims of trafficking. Over 90 percent of these children were from rural areas. Street children in urban areas were the most vulnerable to sexual exploitation. Child labor was widespread in Romani communities, where children engaged in activities such as begging, street vending, and windshield washing.

While the Government did not maintain official estimates on the number of children living on the streets, a UNICEF report published in September estimated that there were approximately 2,000 nationwide, of whom 500 permanently lived in the streets of Bucharest. NGOs working with homeless children believed there were two or three times that number. NGOs noted that the number decreased only because the children have grown up, but they remain on the streets, often sniffing bags paint solvent to suppress hunger.

The Government continued to administer four national programs for the protection of children's rights, with funding from the state budget. The programs focused on closing large state-run institutions for children, developing services for children with disabilities, implementing the national professional standards of child welfare services and monitoring children's rights, creating and developing community social services to support family cohesion, and preventing neglect of children whose parents were working abroad. During the year ANPDC allowed the national child welfare offices to begin to compete with NGOs for the implementation of these programs. SERA Romania, a local NGO, contested this decision in court asserting infringement of the 2005 law regarding public funding for non-profit activities. As a result, two of the four national interest programs were put on hold pending a court ruling on the case.

*Trafficking in Persons.*—The law prohibits trafficking; however, trafficking in persons continued to be a serious problem. The law defines trafficking as the use of coercion to recruit, transport, harbor, or receive persons for exploitation. Coercion includes fraud or misrepresentation. Exploitation includes slavery, forced labor, prostitution, being a subject in pornography, organ theft, or other conditions that violate human rights. For minors under the age of 18, it is not necessary to prove coercion.

The country was a point of both origin and transit for trafficking in persons. While the majority of trafficking cases involved international trafficking between the country and Western Europe—particularly Italy and Spain—cases of domestic trafficking were also reported. Victims—primarily women and children—were trafficked for purposes of sexual exploitation, labor exploitation, and forced begging. In the first 6 months of the year, the Government identified 936 victims of trafficking, 408 males, and 528 females. Of all reported victims, 150 were minors.

Women between the ages of 18 and 25 were most likely to become victims of trafficking for sexual purposes. Children were more likely to become victims of trafficking if they came from orphanages, single parent homes and/or lived in a dysfunctional family environment (e.g. families with financial difficulties, abuse, or alcoholism).

Traffickers ensured the victims' compliance through threats, violence, and the confiscation of travel documents.

Government officials reported that small groups of Romanian citizens were the most common operators of trafficking rings; several domestic prostitution rings were also known to be active in trafficking victims into, through, and from the country. In recent years the number of women and minors involved in trafficking as recruiters has increased.

Most victims were trafficked through or out of the country under seemingly legal means. Traffickers used employment agencies and travel companies as fronts for their activities. It was not difficult for traffickers to obtain legal work papers for the victims they intended to traffic. Most women trafficked for sexual exploitation were recruited either by persons they knew or by responding to newspaper advertisements.

Unlike in previous years, there were no allegations of involvement by border guards or other officials in cases of trafficking. Following the country's entry into the EU on January 1, the vast majority of trafficking victims left the country

through legal means, thereby eliminating the need for traffickers to rely on bribing officials.

The sentencing guideline for convicted traffickers is 3 to 12 years. The law provides for 5 to 15 years' imprisonment for trafficking in minors, for multiple victims, if a victim suffers serious bodily harm or health problems, or if the trafficking is done by a public servant during his or her official duties. A sentence of 15 to 25 years is mandated for trafficking that leads to the death or suicide of the victim. These penalties are increased by 2 to 3 years if the trafficker belongs to an organized crime group and by 5 years if coercion is applied against minors.

Under 2005 revisions to the law, victims of trafficking who are arrested for prostitution or begging cannot be prosecuted for these offenses. In practice, however, victims were frequently not recognized as victims of trafficking upon arrest and were therefore treated as criminals. Only after a period of investigation were they typically declared "victims."

The National Antitrafficking Agency (ANITP), which has 15 regional centers, is responsible for collecting all information related to trafficking in persons and coordinating government efforts to combat trafficking and treat trafficking victims. Regional centers coordinated victim/witness cooperation with law enforcement and helped victims access social services. Foreign donors supported training programs on victim/witness coordination offered during the year. Such programs helped victims better negotiate the cumbersome judicial system and led to more frequent convictions of traffickers. However, victims continued to face discrimination from the society at large, especially in small villages, due to cultural biases against women who are victims of trafficking.

ANITP also administered a national trafficking database to expedite identification of victims and improve victim assistance. This led to fewer instances in which victims were identified only after being charged as offenders, which had been a significant problem in past years.

During the first half of the year, the International Organization for Migration (IOM) assisted 70 victims, of whom 63 were female, and 7 were minors. In 2006 IOM assisted 137 victims, 15 percent of whom were minors. IOM assisted the return of 44 from Italy and 33 from Spain. In previous years, Bosnia-Herzegovina and Macedonia were the destination countries for a high number of victims, but that number decreased significantly in recent years. The increase in trafficking victims destined for Italy and Spain paralleled the increase in overall migration of young Romanians who travel to these countries for low-wage jobs.

The law requires the Government to protect trafficking victims, but implementation of the law remained weak and uneven. Reports of law enforcement officials losing contact with identified victims were common. Some identified victims reportedly chose not to press charges to avoid bureaucratic judicial procedures. Although the Government trained border police to encourage victims to identify themselves, few victims were willing to do so. There were reports that repatriated victims faced social discrimination in their home countries.

A technical secretariat, established by ANDPC in 2005 and charged with implementing a national action plan to fight child trafficking and exploitation, carried out activities related to repatriation, protection, and social reintegration of unaccompanied Romanian children in difficulty in other countries, regardless of whether such children were victims or offenders. Between January and September, Romanian diplomatic missions reported that 269 Romanian children were abandoned in nine European countries. Most of these children were found in Italy and Spain. According to the National Authority for the Protection of Children's Rights, by October, 62 of these children had been repatriated. Most of the other children are receiving child welfare services in the countries where they were found.

During the year the Government worked with domestic and international NGOs to build public awareness of trafficking risks and to improve and expand the services offered to victims. Public officials, including the president, made public statements during the year about the trafficking problem.

The ANDPC, the national antidrug agency, and territorial general directorates for social assistance and children's protection implemented a program in several cities to monitor child labor. The project established a system of services for the protection, rehabilitation, and social reintegration of child victims of domestic and international trafficking.

*Persons with Disabilities.*—The law prohibits discrimination against all persons in employment, education, access to health care, or the provision of other services. However, the Government did not fully implement the law, and discrimination against persons with disabilities remained a problem during the year.

The law mandates accessibility for persons with disabilities to buildings and public transportation. In practice, the country had few facilities specifically designed for

persons with disabilities. In a 2006 study, the national agency for persons with disabilities inspected 325 important local state institutions, such as prefecture buildings, county council buildings, and museums, and found that 73 percent of these structures lacked adequate accommodations for persons with disabilities. Few public and private facilities voluntarily installed accessible features.

As of March 31, the Government reported that approximately 438,000 adults and 55,000 children were registered as persons with disabilities. Of this number, almost 17,000 adults and 193 children were receiving special care in residential institutions. The country had 149 residential institutions for adults with disabilities. NGOs estimated that there were some 300,000 persons with intellectual disabilities, and close to 3 million total persons with disabilities.

An Amnesty International (AI) report released in May 2006 criticized the conditions in psychiatric hospitals, which continued to fall below international standards. The country had 38 psychiatric hospitals, four of which were considered secure facilities for convicted criminals, and 66 outpatient mental health facilities, most of which were not in operation.

According to reports by human rights NGOs, the placement, living conditions, and treatment of patients in many psychiatric wards and hospitals did not meet international human rights standards and were below professional norms. Most psychiatric hospitals had poor hygiene, insufficient heating, and insufficient food rations. Some hospitals lacked running water, were heavily overcrowded, lacked a sufficient number of beds, and had no mechanism for complaints of abuse. Patients were in many cases secluded in rooms with metal bars on the windows based on arbitrary decisions of the staff. Conditions in psychiatric wards did not improve during the year.

Although the Government adopted an action plan regarding persons with mental disabilities in 2005, NGOs asserted that this plan failed to improve conditions in psychiatric institutions; most aspects of the plan were not implemented. The provision of community-based mental health care services remained inadequate.

A May 2006 NGO report by Mental Disability Rights International (MDRI) harshly criticized the Government for its treatment of children with mental and physical disabilities. MDRI found that children were being detained in adult facilities, some children were kept in permanent restraints, and abuse and neglect were commonplace throughout the country's mental institutions and healthcare facilities.

The Center for Legal Resources, a local NGO, reported that minors with mental disabilities were routinely mistreated in state care institutions. These children were subjected to both verbal and physical abuse, including being tied to their beds, beaten, and threatened that they would be sent to psychiatric hospitals. Some minors were sent to psychiatric hospitals without the consent of the minors' legal guardians. According to human rights NGOs, there was no system to ensure that the rights of children with mental disabilities were observed in state care institutions.

*National/Racial/Ethnic Minorities.*—A study released in June by the Institute of Public Policies and Romani CRISS pointed to the danger of online discrimination and hate speech on the discussion forums of four national dailies. The study revealed that hate speech was mostly directed against Roma and homosexuals.

On August 1, the Government established an institute to study national minority issues, to research the history, culture, religion, and government-implemented policies regarding national minorities. The institute will also conduct surveys and polls regarding national minorities.

Discrimination against Roma remained a serious problem. NGOs reported that Roma were denied access to, or refused service in, many public places. Romani groups complained that police brutality, including beatings and harassment, was routine. On December 11, Roma were evicted from a tent camp illegally built close to the belt road of Bucharest sector 6. In January and August 2006, police forcibly beat and evicted Roma from their homes.

According to a Roma Inclusion Barometer, launched by the Soros Foundation Romania in February, Roma continued to feel discriminated against in society; over 50 percent viewed themselves as disadvantaged in interactions with local government, the police, and the healthcare system. Forty-one percent of Roma believed that they were treated worse than other ethnic groups in the education system.

The annual AI report on global human rights issues, released in May, gave particular attention to the Roma, who continued to face discrimination in all areas including employment, education and housing.

In December the Civic Alliance of Romanian Roma published a progress report assessing government actions during the first 2 years of the Decade of Roma Inclusion (2005–2015). The report indicated that the Government had made significant progress in the areas of health care and education for Roma, but had not established programs to address the continued lack of jobs and housing.

Roma faced persistent poverty with poor access to government services, few employment opportunities, high rates of school attrition, inadequate health care, and pervasive discrimination. Although some government initiatives have shown positive results, Roma activists viewed many programs as replacing Roma culture with a deepening culture of dependence.

A 2004 European Commission report estimated that the Roma population numbered between 1.8 and 2.5 million persons, although the most recent official census of 2002 reported the significantly lower number of 535,000. According to NGOs, government figures were low because many Roma either did not reveal their ethnicity or lacked any form of identification.

According to data from the 2002 census, the average number of years that Roma spent in school was 6.8 for the population over 10 years of age. The national average was 11.2 years, almost double the rate of Roma school participation. Only 0.19 percent of the Roma population had a university education, compared to 7 percent for the general population. The disparity between Roma and non-Roma was even more striking at the level of secondary school where the completion rate for the general population was 64.2 percent and for the Roma population was only 29.1 percent. According to the Roma Inclusion Barometer, 23 percent of the Roma were illiterate, and 95 percent did not complete high school.

NGOs and the media reported that discrimination by teachers and other students against Romani students served as an additional disincentive for Romani children to complete their studies. There were reports of Romani children being placed in the back of classrooms, of teachers ignoring Romani students, and of unimpeded bullying of Romani students by other schoolchildren. In some communities, authorities placed Romani students in separate classrooms from other students and even in separate schools. During the 2006–2007 school year, Romani CRISS identified 23 cases of Romani children segregated from other students in schools in Gorj, Dolj, Brasov, Cluj, Neamt, Constanta, Salaj, Harghita, Sibiu, and Mures counties. At the beginning of the year, Romani CRISS filed five complaints with the CNCD regarding the segregation of Romani students in schools in Craiova, Dolj County; Roman, Neamt County; Dumbraveni, Sibiu County; and Atid, Harghita County. On May 24, the CNCD decided that the segregation of Roma students at the school in Craiova represented a discriminatory act. The other four complaints were pending.

On July 19, the Ministry of Education issued an order forbidding the school segregation of Romani students, a decision requested by Romani CRISS long ago.

According to OSI, ethnic Roma were five times as likely as members of the majority population to live below the poverty line. OSI also estimated that approximately 60 percent of Roma lived segregated from the majority population in communities with substandard housing and without basic governmental services such as schools, adequate healthcare, running water, electricity, and waste disposal.

Exclusion from the administrative and legal system was a problem for Roma communities. During the year, according to OSI research, 4.9 percent of Roma lacked a birth certificate. Among non-Roma citizens, less than 1 percent lacked a birth certificate. Similarly, 6 percent of Roma, compared to 1.5 percent of non-Roma, lacked identity cards. The lack of identity documents excluded Roma from participating in elections, receiving social benefits, accessing health insurance, securing property documents, and participating in the labor market. Roma were also disproportionately unemployed and underemployed.

On June 6, the Government approved the establishment of a commission, comprised of Romani and non-Romani experts in Roma history, to study the historical period of Roma slavery and to draft a report on this issue by the end of the year.

Stereotypes and use of discriminatory language against Roma were widespread; journalists and even high-ranking officials frequently made discriminatory statements. On May 19, suspended president Traian Basescu used the term “stinking gypsy” to describe a television reporter. In answer to a complaint by Romani CRISS, the CNCD decided the president’s statement was discriminatory and admonished him. The president lost his appeal of the court’s decision. Romani CRISS filed similar complaints against Social Democrat parliamentarian Vasile Dancu, who, on June 18, pointed to the “difference between Social Democracy and Gypsy-like attitudes,” and Prime Minister Calin Popescu Tariceanu, whose comments reportedly associated Roma with criminality on July 2. On July 17, the CNCD decided that the prime minister’s statement was not a discriminatory act but Romani CRISS appealed the decision. A decision was pending in Dancu’s case. On November 2, Foreign Minister Adrian Cioroianu stated on television, with reference to some Roma who committed crimes abroad, that the Government “should buy land in the Egyptian desert to place there those who embarrass us.” Nine NGOs demanded Cioroianu’s resignation, the CNCD issued a statement condemning his statement, and Romani CRISS filed a complaint with the CNCD. On November 15, the CNCD

decided it could not rule on the complaint because it had already adopted a position the case when it publicly blamed Cioroianu.

In January 2006 the CNCD decided that an anti-Romani speech made by Corneliu Vadim Tudor, the leader of the extreme right Greater Romania Party, was in breach of the antidiscrimination law; in September 2006 the CNCD fined the New Right (Noua Dreapta), an organization with extremist and xenophobic views, and three of its leaders for discriminatory articles against the Roma on the organization's Web site.

Based on a 2003 CNCD ruling that the owner of a public bar committed a discriminatory act by posting a notice denying access to Roma, the victims filed a complaint, and a court in Botosani ruled in 2006 that the defendant should provide access to Roma to the bar and pay moral damages amounting to \$230 (600 lei) to the plaintiffs.

On August 21, a violent conflict broke out between ethnic Hungarians and Roma in Apata village, Brasov County. Private security guards reportedly observed Roma stealing crops from a farm. A mob of approximately 150 ethnic Hungarians quickly formed, and the mob, reportedly armed with axes, clubs, and stones, entered the Roma neighborhood and broke the windows of several Roma houses. About 130 gendarmes and police were called in to diffuse the near-riot. Three people were slightly injured, no one was hospitalized. The two groups blamed each other for the conflict. To defuse future tensions, county and local authorities established joint teams, comprised of land owners and Roma representatives, to patrol the area in order to prevent any theft of crops. An investigation of the incident was in progress at year's end.

On April 26, the ECHR took note of the Government's acceptance of responsibility for violent incidents in Casinul Nou, Harghita County in 1990, which resulted in the burning of 29 Roma houses, and in Plaiesii de Sus, Harghita County in 1991, during which one Roma was killed and 27 Roma houses were set on fire. In addition, the Government agreed to pay compensation of approximately \$180,000 (133,000 euros) to the victims and to implement a program to improve interethnic relations in the two localities.

Despite a 2005 ruling in favor of the Roma, in April 2006 a court in Ludus ruled against the seizure of perpetrators' property to compensate Romani victims of mob violence in the village of Hadareni in 1993 that resulted in the deaths of four persons and the burning of 13 Romani houses. On January 19, the Mures County court rejected an appeal of this ruling. In September Roma representatives filed a new complaint with the ECHR, stating that their rights to a fair trial and property were infringed upon.

An ongoing national program existed to identify Roma without birth certificates and/or identification documents and to help them obtain such documents. Progress was, however, slow.

Between March and December, the ANR carried out an information campaign for Romani women aimed at increasing access to health care.

Ethnic Hungarians were considered by the Government to be the largest ethnic minority, comprising 1.4 million persons according to the 2002 census. There are also approximately 60,000 ethnic Ukrainians, 60,000 ethnic Germans, and other minorities in smaller numbers. In the Moldavia region where the Roman Catholic Csango minority resided, the community continued to operate government-funded Hungarian-language school groups; 988 students in 14 localities received Hungarian language classes during the 2007–08 academic year. However, 66 students did not receive Hungarian-language classes following an intimidation campaign waged by the school and local authorities that made the parents withdraw the applications for such classes.

The Bolyai Initiative Group, a group of young professors from the Cluj-based Babes-Bolyai University (UBB) who supported the reopening of the Hungarian-language state-owned Bolyai University, and the Hungarian Civic Union (UCM) had no further success in pursuing allegations of discrimination against ethnic minorities in the teaching of the Romanian language in schools. On August 8, President Traian Basescu stated that ethnic Hungarian students in the counties where ethnic Hungarians represent the majority population should be taught Romanian as a foreign language. The issue of the absence of bilingual signs in Hungarian and Romanian at the UBB was not addressed by the school following the dismissal of two ethnic Hungarian UBB faculty members in November 2006 for trying to install such signs. In January, a UDMR senator submitted a motion to the Council of Europe regarding discrimination of ethnic Hungarians in institutions of higher education. In April, the Bolyai Initiative Group sent requests for the establishment of separate Hungarian-language faculties within the UBB to the European Parliament and the OSCE. On June 18, the UDMR submitted a declaration to the European Parliament



calling for the reopening of Bolyai University (which, had previously operated as a separate, state-funded Hungarian-language university).

*Other Societal Abuses and Discrimination.*—NGOs reported that police abuse and societal discrimination against homosexuals was common and that open hostility prevented the reporting of some harassment and discrimination. Members of the gay and lesbian community continued to voice concerns about discrimination in public education and the health care system.

Approximately 400 people participated in the annual “march of diversity” gay pride parade in Bucharest on June 9. The local authorities mobilized hundreds of police to protect the participants, but there were still verbal and violent physical attacks against the marchers. One group of protesters threw stones, trash, and firecrackers at march participants, and also attacked the police. Police arrested over 100 people, including 13 minors. Five young men were charged with violent actions and 50 persons received fines for misconduct. Some participants in a counterdemonstration organized by the New Right and some religious organizations displayed symbols of the Iron Guard and wore t-shirts displaying a portrait of Legionnaire leader Codreanu. Although the law forbids the display and promotion of Nazi and neo-Nazi symbols, the authorities did not take any legal action against the counterdemonstrators.

Following repeated requests by the Accept Association, an NGO promoting lesbian, gay, bisexual, and transgender rights, police announced that an investigation was initiated in March regarding the case of six participants in the 2006 “march of diversity” who were assaulted by a group of youths on the subway.

Among persons held in police detention, an increasing number of young men who other inmates perceived as being homosexual complained of harassment and of being subjected to violence by other inmates, while authorities failed to effectively protect them.

In June George Becali, the owner of a soccer team and head of the right-extremist New Generation Party, launched a strong attack against gays in a public address, calling on them not to attend his team’s soccer matches.

In July a Bucharest court ruled in favor of a person who accused the Distrigaz Sud gas utility of discrimination in access to services on grounds of sexual orientation. A Distrigaz Sud employee verbally harassed the plaintiff when the latter came to pay Accept Association’s utility bill. The plaintiff was then physically assaulted by a company security guard. The court ordered Distrigaz Sud to pay the victim moral damages of approximately \$1,300 (3,000 lei). Accept Association and the victim also complained to the CNCND and a decision of that body remained pending.

The authorities rarely enforced laws prohibiting discrimination against persons with HIV. Discrimination against persons with HIV/AIDS impeded access to routine medical and dental care. Breaches of confidentiality involving individuals’ HIV status were common and rarely punished.

An August 2006 Human Rights Watch (HRW) report noted widespread discrimination faced by children with HIV/AIDS and authorities’ failure to protect children from discrimination, abuse, and neglect. According to the report, fewer than 60 percent of the children and youths with HIV/AIDS attended school. Most HIV/AIDS infections were the result of contaminated blood transfusions and other medical procedures in the late 1980s and early 1990s. Doctors often refused to treat children and youths with HIV/AIDS. Medical personnel, school officials, and government employees did not keep the confidentiality of information about the children, which caused the children and families to be denied services such as schooling. In some situations the children and their parents were threatened by parents of other children to keep them out of school. There were also reports that children without any mental disability were placed in centers for children with mental disabilities because they were HIV/AIDS-positive.

Children had no legal right to learn of their HIV status without parental consent, and adolescents often lacked the ability to make informed decisions on medical treatment, education, and employment. Over half of HIV-infected adolescents were sexually active; they frequently experienced reduced access to facilities for reproductive healthcare and the prevention of HIV and sexually transmitted infections. A June 2006 HRW report found that, although the country was the first in Eastern Europe to provide universal access to antiretroviral therapy, stigma and discrimination against persons with HIV/AIDS frequently impeded their access to education, medical care, government services, and employment. The Government lacked a strategy to manage the transition of HIV-positive children living in institutions or foster care after they turned 18. Fewer than 60 percent of HIV-positive children and adolescents attended some form of schooling.

The law set penalties for knowingly transmitting HIV.

During the year the Government cooperated with international organizations to implement a national AIDS strategy by conducting conferences and disseminating brochures to raise public awareness of the disease.

*Section 6. Worker Rights*

*a. The Right of Association.*—All workers, except certain public employees, have the constitutional right to associate freely and to form and join labor unions without prior authorization, and they freely exercised this right. However, employees of the Ministry of Defense, most employees of the Ministry of Interior and Administrative Reform, most employees of the Ministry of Justice, prison personnel, and intelligence personnel were not allowed to unionize.

The majority of workers belonged to one of the five main national trade union confederations. Approximately 40 to 50 percent of the workforce was unionized, a decrease of approximately 10 percent from 2006. According to trade unions, this decline was due to the increasing number of small and medium enterprises in which employees do not join unions, the shuttering of factories, and multinational companies' discouraging their employees from becoming union members.

The right to form unions was generally respected in practice, and many employers created enterprise-friendly unions. Union officials said that union registration requirements stipulated by law were complicated but generally reasonable. However, unions objected to the requirement that they submit lists of prospective union membership with their registration application. Since employers also had access to this list, union officials feared that this could lead to reprisals against individual employees, hindering the formation of new unions. Unlike in previous years, there were no reports of government interference in labor negotiations, trade union activities, collective bargaining, or strikes.

The law has specific provisions against union discrimination, which were generally respected.

*b. The Right to Organize and Bargain Collectively.*—The law allows unions to conduct their activities without interference, and the Government protected this right in practice. The law provides workers the right to bargain collectively, but government control of many industrial enterprises and the absence of independent management representatives at these entities hindered collective bargaining. Approximately 80 percent of the total workforce was covered by collective labor contracts at the branch and unit levels. A national collective labor contract for 2007–2010 was concluded in January among the main employers' associations, trade unions, and the Government. However, contracts resulting from collective bargaining were not consistently enforced. The wages of public employees were guided by a minimum wage stipulated by law and a pay scale specific to each ministry that was based on that ministry's annual budget.

While the law permits strikes by all workers except judges, prosecutors, related Ministry of Justice staff, and employees of the ministries of defense, internal affairs, and the intelligence service, lengthy and cumbersome requirements made it difficult to hold strikes legally. Unions may strike only if all arbitration efforts have failed and if employers have been given 48 hours' notice. Unions complained that they must submit their grievances to government-sponsored conciliation before initiating a strike, and that the courts had a propensity to declare strikes illegal. Companies may claim damages from strike organizers if a court deems a strike illegal.

There are no exemptions from regular labor laws in the country's six free trade zones and 31 disadvantaged zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—Child labor remained a problem. Although a 2005 law provides protection from exploitation for children, the Government did not consistently enforce the measure in practice.

The minimum employment age is 16 years, but children may work with the consent of parents or guardians at age 15. Minors are prohibited from working in hazardous conditions. Employment of children under 15 years old is prohibited under the Labor Code. Employment of youths over the age of 15 enrolled in compulsory education is also prohibited for certain activities included on a list approved in June. Working children under the age of 16 have the right to continue their education, and the law obliges employers to assist in this regard. In practice, however, many children were reported to occasionally forego attending school while working. Children aged 15 to 18 may work no more than 6 hours per day and no more than 30 hours per week, provided that their school attendance is not affected. They cannot work overtime or during the night, and have the right to an additional 3 days

of annual leave. Employers formally implicated in most cases of child labor exploitation were fined, but there was no case of imprisonment and judges did not consider child labor accusations as crimes. The labor inspectorate within the Ministry of Labor stated that in 2006 its inspectors carried out inspections on 100,200 employers. Out of 16,571 persons found without legal employment documents, 206 were youths aged 15 to 18.

The National Authority for Child Rights Protection began to monitor child labor cases based on a methodology established, tested, and consolidated with the technical and financial support of ILO's International Program on the Elimination of Child Labor. Statistics for June–December 2006 showed 595 reports of child labor, 514 of which were confirmed; 302 of the cases were in urban and 212 in rural areas; 202 were girls and 312 boys; 337 of these children were subsequently withdrawn from child labor.

A 2005 law concerning protection and promotion of the rights of the child requires schools to immediately notify social services of children missing classes to work. Social services are authorized to work with schools to reintegrate such children into the educational system. The Government also conducted information campaigns to raise awareness among children, potential employers, and the general public.

The national authority for protection of children's rights, set up in 2005 by the government, under the Ministry of Labor, Family and Equal Opportunities can impose fines and close factories for child labor exploitation, but enforcement tended to be lax except in extreme cases. Despite the prevalence of child labor, there were no reports of anyone being charged or convicted during the year under any of the child labor laws.

Children were trafficked for the purpose of sexual exploitation.

Child labor, including begging, selling trinkets on the street, or washing windshields, remained widespread in Romani communities; children engaged in such activities could be as young as 5 years old. There was official recognition of the problem, and the country continued to show progress in eliminating the worst forms of child labor.

In 2006 the National Authority for the Protection of Child Rights allocated approximately \$213,600 (600,000 lei) for the development of special services for child victims of abuse, neglect and exploitation, including child labor, trafficking in children and child refugees. However, no NGOs submitted proposals to implement programs in this field. An additional \$2.35 million (6.6 million lei) was allocated for the development of a network of community-based social services for children and families. The programs implemented by several NGOs in five counties (Caras Severin, Galati, Hunedoara, Mehedinti and Salaj) included: The establishment of 26 day care centers for children at risk, the training and employment of 77 social community workers, and the establishment of 91 community consultative councils trained in children's rights issues.

*e. Acceptable Conditions of Work.*—The latest collective labor contract published in January stipulated a gross minimum monthly wage of \$190.00 (440 lei) for a full time schedule of 170 hours per month, which translated into approximately \$1.12 (2.59 lei) per hour. The minimum wage for skilled workers is 20 percent higher. The minimum monthly wage of approximately \$190 (440 lei) did not provide a decent standard of living for a worker and family. Minimum wage rates were generally observed and enforced by the Ministry of Labor, Family and Equal Opportunities. In practice, many employers paid supplemental salaries under the table to reduce both the employee and employer's tax burdens. However, this practice negatively impacted employees' future pensions and their ability to obtain commercial credit.

The law provides for a standard workweek of 40 hours or 5 days. Overtime is to be paid for weekend or holiday work, or work in excess of 40 hours, which may not exceed 48 hours per week averaged over 1 month. The law requires a 24-hour rest period in the workweek, although most workers received 2 days off per week. The Ministry of Labor, Family and Equal Opportunities effectively enforced these standards. Union leaders complained that overtime violations were the main problem facing their membership, as employees were often required to work more than the legal maximum number of hours and the overtime compensation required by law was not always paid. This was especially prevalent in the textile, banking and finance, and construction sectors. Union officials alleged that a majority of on-the-job accidents occurred during this compulsory, uncompensated overtime. Employers' organizations responded that overtime regulations were overly rigid and did not accommodate fluctuations in work patterns.

In August 2006 the Government amended the labor code regarding collective layoffs and part-time contracts to bring the law into line with EU directives. Rules governing contracts for part-time or temporary work were made more flexible and al-

lowed contracts for any period of time. The amendments also modified rules for collective layoffs, including mandatory union consultation.

The law stipulates penalties for work performed without a labor contract in both the formal and informal sectors of the economy. Employers who use illegal labor may be jailed or fined up to \$43,500 (100,000 lei).

The Ministry of Labor, Family and Equal Opportunities had authority to establish and enforce safety standards for most industries, but lacked trained personnel to enforce them. Employers often ignored the ministry's recommendations, which were usually only applied after an accident occurred. Workers had the right to refuse dangerous work assignments but seldom invoked it in practice. Union officials stated that enforcement of safety measures improved after Romania's EU accession in January, especially at newly-established work sites. Inspections took place more often, particularly in high risk industries and companies with higher accident rates in comparison with their peers.

---

## RUSSIA

The Russian Federation has a strong presidency with a weak multiparty political system, a government headed by a prime minister, and a bicameral legislature (Federal Assembly) consisting of a lower house (State Duma) and an upper house (Federation Council). The country had an estimated population of 141.4 million. The dominant pro-presidential United Russia party received a constitutional majority (more than two-thirds of the seats) in December 2007 State Duma elections, which, according to international observers, were not fair and failed to meet many Organization for Security and Cooperation in Europe (OSCE) and Council of Europe standards for democratic elections. Reelected in 2004, President Vladimir Putin's term expires in May 2008, and a new presidential election is scheduled for March 2, 2008. Civilian authorities generally maintained effective control of Federal security forces.

There were numerous reports of government and societal human rights problems and abuses during the year. Security forces reportedly engaged in killings, torture, abuse, violence, and other brutal or humiliating treatment, often with impunity. Hazing in the armed forces resulted in severe injuries and deaths. Prison conditions were harsh and frequently life threatening; law enforcement was often corrupt; and the executive branch allegedly exerted influence over judicial decisions in some high-profile cases. The Government's human rights record remained poor in the North Caucasus, where the Government in Chechnya forcibly reined in the Islamist insurgency that replaced the separatist insurgency in Chechnya as the main source of conflict. Government security forces were allegedly involved in unlawful killings, politically motivated abductions, and disappearances in Chechnya, Ingushetiya and elsewhere in the North Caucasus. Disappearances and kidnappings in Chechnya declined, as Chechen President Ramzan Kadyrov established authoritarian and repressive control over the republic, and Federal forces withdrew. Federal and local security forces continued to act with impunity, especially in targeting families of suspected insurgents, and there were allegations that Kadyrov's private militia engaged in kidnapping and torture. In the neighboring republics of Ingushetiya and Dagestan, there was an increase in violence and abuses committed by security forces.

Government pressure continued to weaken freedom of expression and media independence, particularly of the major television networks. Unresolved killings of journalists remained a problem. The Government restricted media freedom through direct ownership of media outlets, influencing the owners of major outlets, and harassing and intimidating journalists into practicing self-censorship. Local governments tried to limit freedom of assembly, and police sometimes used violence to prevent groups from engaging in peaceful protest. The Government used the law on extremism to limit freedom of expression and association. Government restrictions on religious groups were a problem in some regions. There were incidents of discrimination, harassment, and violence against religious and ethnic minorities. There were some incidents of anti-Semitism.

Continuing centralization of power in the executive branch, a compliant State Duma, corruption and selectivity in enforcement of the law, media restrictions, and harassment of some NGOs eroded the Government's accountability to its citizens. The Government restricted opposition political parties' ability to participate in the political process. The December elections to the State Duma were marked by problems during the campaign period and on election day, which included abuse of administrative resources, media bias in favor of United Russia and President Putin, harassment of opposition parties, lack of equal opportunity for opposition in reg-

istering and conducting campaigns, and ballot fraud. The Government restricted the activities of some nongovernmental organizations (NGOs), through selective application of the NGO and other laws, tax auditing, and regulations that increased the administrative burden. Authorities exhibited hostility toward, and sometimes harassed, NGOs involved in human rights monitoring. Violence against women and children and trafficking in persons were problems. Instances of forced labor were also reported. Domestic violence was widespread, and the Government reported that approximately 14,000 women were killed in such violence during the year. There was widespread governmental and societal discrimination as well as racially motivated attacks against ethnic minorities and dark-skinned immigrants. There was a steady rise this year in xenophobic, racial, and ethnic attacks and hate crimes, particularly by skinheads, nationalists, and right-wing extremists.

Although there was some improvement in areas of the internal conflict in the North Caucasus, antigovernment forces continued killing and intimidating local officials. There were reports of rebel involvement in terrorist bombings and politically motivated disappearances in Chechnya, Ingushetiya, and elsewhere in the North Caucasus during the year. Some rebels were allegedly involved in kidnapping to raise funds, and there were reports that explosives improvised by rebels led to civilian casualties. Thousands of internally displaced persons (IDPs) continued to live in temporary accommodation centers in the North Caucasus; conditions in those centers reportedly failed to meet international standards.

The Government improved its human rights performance in some areas, successfully prosecuting more cases; according to the NGO SOVA Center there has been an increase in convictions for each of the last 3 years of ethnic, racial, and religious hate crimes and mistreatment. The Defense Ministry took action to reduce the frequency and severity of hazing in the armed forces, which reportedly declined 26 percent in the first 3 months of the year.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Arbitrary or Unlawful Deprivation of Life.*—There were no confirmed reports that the Government or its agents committed politically motivated killings; however, numerous disappearances in Chechnya and elsewhere in the North Caucasus, with the presumption of death, raised concern that Federal and local forces continued to engage in unlawful killings as reported in previous years.

On November 22 in Serpuchov, Yuri Chervochkin, a 22-year-old activist in the National Bolshevik Party (NBP), was beaten into a coma by unknown attackers and died on December 10 without having regained consciousness. Chervochkin had participated in demonstrations (Marches of Dissenters) led by the Other Russia political opposition movement and had been arrested at least twice for political activities. He was reportedly warned by the authorities not to participate in a dissenters' march planned for November 24 in Moscow, and other NBP members claimed he was killed by government security forces.

Deaths due to hazing in the military continued to be a problem. Through the end of October, 20 military servicemen were killed in hazing incidents, according to the Ministry of Defense. In 2006, 33 servicemen were killed and 6,700 were injured in hazing incidents. Human rights observers noted that few of the accused had been prosecuted and held accountable. One exception was the October 2006 conviction of Captain Vyacheslav Nikiforov, who was sentenced by a military court to 12 years in prison for kicking to death soldier Dmitriy Panteleyev in August 2006.

On May 5, a noncommissioned officer reportedly hazed conscript Sergey Zavyalov, who later died of head injuries from the abuse. The Sertolovo Military Garrison Prosecutor's Office charged a sergeant in Zavyalov's garrison with "deliberate infliction of grave physical injuries." The case had not yet gone to trial by year's end.

On August 27, conscript Sergey Sinkonen died of severe head injuries after two inebriated officers at the Plesetsk Space Center beat him and put him in a dog cage. The Ministry of Defense investigated the incident and dismissed the base's deputy commander, who was in charge of the center at the time of the incident. In December Warrant Officer Vadim Kalinin and Captain Viktor Bal were convicted and sentenced to 14 and 11 years in prison.

In past years, Chechen rebels killed a number of Federal soldiers whom they had taken prisoner; many other individuals were kidnapped and then killed in Chechnya by both Federal and rebel troops, as well as by criminal elements. There were also deaths from land mines and unexploded ordnance.

There were some minor developments in high-profile killings cases from 2006.

On July 5, the government, citing constitutional restrictions, refused a request from the United Kingdom to extradite Andrey Lugovoy, a primary suspect in the

November 2006 fatal poisoning, by polonium 210, of former Russian intelligence officer Aleksandr Litvinenko in London. Separate investigations into the death continued during the year in Russia and the United Kingdom. Many observers alleged the killing was politically motivated, by non-state or state actors, in part because of the highly restricted nature of the substance used to poison Litvinenko, however a link has not yet been proven. In December Lugovoy was elected to the State Duma, where he has substantial immunity from prosecution in Russia.

On June 9, the trial of five suspects began for the October 2006 killing of Dalnegorsk mayoral candidate Dmitriy Fotyanov. Fotyanov was allegedly killed because his election would have threatened the suspects' business interests. The jury trial was ongoing as of year's end.

In December investigators concluded their preliminary investigation into the September 2006 killing of banking reform advocate, Central Bank Deputy Chairman Andrey Kozlov. The former chairman of the board of directors of VIP Holding, Aleksey Frenkel, was charged with ordering the killing in revenge for Kozlov's decision to revoke the license of VIP Holding. An accomplice and the alleged hitmen have also been charged, and the trial was expected to begin in early 2008.

There were no developments reported in the investigation into the October 2006 killing of Aleksandr Plokhin, a branch director of VneshTorgBank, the November 2006 killing of Konstantin Meshcheryakov, coowner of Spetssetstroibank, or the 2005 assassination of Zagir Arukhov, Dagestan's minister of nationality policy, and none were expected.

*b. Disappearance.*—During the year there were reports of disappearances, some of which were alleged to be politically motivated and involved Federal or local governments, throughout the North Caucasus in connection with the conflict in Chechnya. There were no reports of political disappearances outside of this region in the country. The NGO Memorial reported 75 disappearances—25 in Chechnya, 22 in Ingushetiya, 22 in Dagestan, and six in North Ossetiya—during the first 8 months of the year; in most cases, government forces involved in disappearances acted with impunity. Criminal groups in the region, possibly with links to rebel forces, frequently resorted to kidnapping (see Section 1.g.).

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits such practices; however, there were credible reports that law enforcement personnel engaged in torture, abuse, and violence to coerce confessions from suspects and allegations that the Government did not consistently hold officials accountable for such actions. During the year there were reports of torture and other cruel, inhuman, or degrading treatment or punishment by Federal or local government security forces in connection with the conflict in Chechnya.

Although prohibited in the Constitution, torture is not defined in the law or the criminal code. As a result, the only accusation prosecutors could bring against police suspected of such behavior was that they exceeded their authority or committed a simple assault.

Cases of physical abuse by police officers usually occurred within the first few hours or days of arrest. Some of the methods reportedly used were: Beatings with fists, batons, or other objects; asphyxiation using gas masks or bags (at times filled with mace); electric shocks; or suspension by body parts (for example, suspending a victim from the wrists, which were tied together behind the back). A Muslim prisoner alleged that an interior ministry officer pulled parts of his beard out and forced vodka down his throat. Allegations of abuse were difficult to substantiate because of limited access to medical professionals. According to the annual report of the country's human rights ombudsman published in February, the majority of police brutality cases in 2006 were reported in Komi and Mordoviya republics, Krasnoyarsk Krai, Amur, Kirov, Sverdlov, and Tyumen regions. A November 2006 report by Amnesty International documented 114 cases of alleged torture by police to obtain confessions.

In 2006 the human rights ombudsman received approximately 3,000 complaints about abuses in jails and prisons. The ombudsman's office determined that half merited investigation, but were only able to adequately investigate 123 cases due to obstruction by prison officials.

In March the European Court of Human Rights (ECHR) ruled that the Government had violated the rights of Andrey Frolov through inhumane prison conditions. Frolov, who has been imprisoned in St. Petersburg since 1999, had protested the prison overcrowding and testified that he and 15 other prisoners had to take shifts sleeping because they shared a cell designed to hold eight persons.

In 2006 four suspects under detention in a murder investigation in the town of Birsk, Bashkortostan, were beaten by police until they confessed. All charges

against the four were dropped when a local human rights group and independent newspaper publicized the case.

In July a Moscow district court began hearings in the case of Dmitriy Noskov, who claimed that police tortured him in 2004 to coerce him into confessing to a robbery. Doctors who examined him documented a concussion and extensive injuries.

Reports by refugees, NGOs, and the press suggested a pattern of police beatings, arrests, and extortion directed at persons with dark skin or who appeared to be of Caucasus, Central Asian, African, or Roma ethnicity.

Trials began in September against eight policemen charged with beating 32 persons during the 2004 "crime prevention" crackdown in Blagoveshchensk. The accused were mostly junior officers of the town police and the Bashkortostan OMON (a special police detachment). The highest ranking defendants were Lieutenant Colonel Ildar Ramazanov, head of the Blagoveshchensk town police and the OMON unit commander. The cases were pending at year's end.

There were a limited number of cases reported where psychiatry was used against those dissatisfied with the authorities, according to the Russian Research Center for Human Rights. There was some indication that psychiatry was being used as a tool in the resolution of inheritance, business, and property disputes. The Government's and courts' interpretation of the law resulted in a monopoly by government consultants in the provision of expert testimony in court cases. The exclusion of testimony by nongovernmental expert psychiatric witnesses left plaintiffs desiring a second opinion with no recourse, and has allegedly led to corruption and bribery. The human rights ombudsman's office has an experts' council that engaged in some cases to assist persons who were treated improperly by the courts.

In July human rights and opposition activist Larissa Arap was involuntarily confined to a psychiatric hospital in Apatity, reportedly in revenge for her published critical comments about the facility in an earlier confinement. She alleged that hospital staff abused her during her involuntary confinement. A team of independent psychiatric experts assembled by the human rights ombudsman examined Arap and advocated for her release in an August court hearing, testifying that psychiatric hospitalization was not necessary. The court deferred to the hospital's judgment, and the hospital released Arap 10 days after the court hearing. Arap's legal challenge of her hospitalization was rejected by the courts.

In August a Novosibirsk regional court ruled that NBP member Nikolay Baluyev should undergo psychiatric treatment. Baluyev was accused of conspiring to commit a terrorist act and of keeping a weapon.

On December 6, a court ordered the release of Andrey Novikov, a reporter for Chechen Press online, after having spent 10 months in a Yaroslavl psychiatric hospital. Novikov was convicted in December 2006 on charges of sedition and inciting violence and, on February 14, ordered committed to a psychiatric hospital. Novikov had written articles critical of the military campaign in Chechnya.

On November 23, a day before a planned Other Russia demonstration, Artem Basyrov, an Other Russia activist, was involuntarily hospitalized in a Mari El Republic psychiatric hospital. On December 25, the Mari El Hospital commission released Basyrov. Basyrov claimed that his hospitalization was politically motivated.

Various abuses against military servicemen continued, including but not limited to the violent hazing of junior recruits (known as "dedovshchina") in the armed forces and security services. Such mistreatment often included beatings or threats of increased hazing to extort money or material goods. Cases were usually investigated only following pressure from family members or the media.

According to the Office of the Military Prosecutor, the number of hazing incidents in the army decreased by about 26 percent during the first 3 months of the year, compared to the same period in 2006. During the period January–March, 944 servicemen were reportedly victims of hazing (compared to 1,245 servicemen in 2006) and one serviceman died after being beaten. As of June, 8,097 crimes and incidents occurred in the army and six deaths from hazing have been reported. The defense ministry reported 417 noncombat deaths in the armed forces during the year, 208 of which were recorded as suicides. In March 2006 the Council of Europe reported that hazing led to deaths every year among young conscripts. Between 50 and 80 percent of all conscripts and young servicemen were reportedly subjected to physical violence, initiation rites, beatings, rape, or humiliation on the orders of superiors or their peers.

Regional Committees of Soldiers Mothers received a total of 3,500 complaints from 20 regions across the country. The complaints from soldiers and parents mostly related to beatings, but also concerned sexual abuse, torture, and enslavement. Soldiers often did not report hazing to either unit officers or military prosecutors due to fear of reprisals, since in some cases officers allegedly tolerated or even encour-

aged hazing as a means of controlling their units. Officers reportedly also used beatings to discipline soldiers.

On July 7, drill sergeant Peter Tarasov severely beat conscript Artem Kaznacheyev in the presence of 170 other soldiers for failing to adequately perform morning exercises. Kaznacheyev spent 2 weeks in a coma, had two operations, and suffered severe damage to his lungs, liver, and other internal organs. Kaznacheyev is recovering and was dismissed from the army for medical reasons. Tarasov was arrested and was awaiting trial at year's end.

There were no developments in the severe hazing in 2005 of three recruits—Anton Afanasyev, Yuriy Afanasenko, and Aleksandr Laptev—at Yekaterinburg's military base No. 32.

There was evidence that the military was attempting to deal with its abuse problems. Between January and August, approximately 1,700 officers and 2,455 servicemen were convicted of various crimes, most commonly abuse or physical assault, but continued serving in the army, according to the Federation Council Committee on Defense and Security. A series of high-profile demotions, firings, and prosecutions were also made in response to a number of hazing incidents in Primorye in 2006. During the year, after numerous media reports detailed how soldiers in Primorye's Pogranchniy region were being mistreated and extorted, allegedly with the consent of officers, the Ministry of Defense sent a team from Moscow to investigate. Hazing reportedly continued to be a serious problem in units that had previously served in areas of military conflict.

In February a military court sentenced Private Yevgeniy Yegorov to 5 years in prison and Corporal Aleksey Vinikaynen to 3½ years in prison for participating in more than 15 hazing incidents between fall 2005 and summer 2006. The two served in an elite division of the interior troops.

On September 26, in the high-profile 2005 case of private Andrey Sychov, who was beaten so badly he had to have his legs and genitals amputated, a Chelyabinsk military court sentenced Corporal Aleksandr Sivyakov to 4 years in prison. Sivyakov was stripped of his rank, banned from holding a command position for 3 years, and fined \$825 (22,000 rubles). Two codefendants in the trial, privates Pavel Kuzmenko and Gennadiy Bilimovich, were convicted of hazing a soldier of equal rank and given suspended sentences of 18 months and a year of probation.

Former defense minister and current first deputy prime minister, Sergey Ivanov, ordered parent committees to be embedded in the army and in drafting commissions. As of April 27, 2,661 parent committees have been active in the army and 81 in the drafting commissions.

Although in 2006 President Putin ordered the Ministry of Defense to create a military police force to end hazing and fight criminal activity in the armed forces, the defense ministry this year cancelled plans to create this police force.

*Prison and Detention Center Conditions.*—Prison conditions remained extremely harsh and frequently life threatening. The Ministry of Justice's Federal Service for the Execution of Sentences (FSIN) administered most of the penitentiary system centrally from Moscow. In April 2006 the State Duma passed a law prohibiting the Federal Security Service (FSB) from operating prisons and transferred all FSB prisons to the Ministry of Justice. There were five basic forms of custody facilities in the criminal justice system: Police temporary detention centers; pretrial detention facilities (SIZOs); correctional labor colonies (ITKs); prisons designated for those who violate ITK rules; and educational labor colonies (VTKs) for juveniles. In most cases juveniles were held separately from adults.

As of July 1, 889,600 persons were in the custody of the criminal justice system, an increase of 101,000 since July 2005. Among them were 12,100 juveniles and 63,000 women. The number of juveniles decreased from 14,500 two years ago, while the number of female inmates increased from 48,000.

According to official statistics, approximately 2,000 persons died in SIZOs in 2004, the most recent year for which data was available. According to the FSIN, in 2005 the mortality rate among inmates increased 12 percent. Most died as a result of poor sanitary conditions or lack of medical care (the leading cause of death was heart disease). The press reported that individuals were mistreated, injured, or killed in various SIZOs. Some of the reported cases suggested habitual abuse by officers. Inmates in the prison system often suffered from inadequate medical care, and the numbers of inmates infected with tuberculosis and HIV increased. According to FSIN data, approximately half of all prisoners had mental disorders, one of every 15 prisoners had tuberculosis, and one in 25 was HIV-positive. Tuberculosis infection rates were far higher in detention facilities than in the population at large.

Abuse of prisoners by other prisoners continued to be a problem. Violence among inmates, including beatings and rape, was common. There were elaborate inmate-enforced caste systems in which informers, homosexuals, rapists, prison rape vic-



tims, child molesters, and others were considered to be “untouchable” and were treated harshly, with little or no protection provided by prison authorities.

Penal institutions remained overcrowded, but there were reports of some improvements. Federal standards call for a minimum of four square meters per inmate. By the end of 2006, only 48 percent of the SIZOs met or exceeded this minimum standard.

Conditions in SIZO pretrial facilities—where suspects are held until the completion of a criminal investigation, trial, sentencing, or appeal—remained extremely harsh and posed a serious threat to health and life. Conditions within different SIZOs varied considerably. Health, nutrition, and sanitation standards remained low due to a lack of funding. Poor ventilation was thought to contribute to cardiac problems and lowered resistance to disease. Overcrowding was common, and the Federal Prison Service reported that approximately 158,000 suspects were being held in pretrial detention facilities designed to house 130,000.

Most convicts were imprisoned in ITKs. At year’s end there were 719,600 inmates in 766 ITKs. These facilities provided greater freedom of movement than SIZOs; however, at times, guards humiliated, beat, and starved prisoners. The country’s prisons, distinct from ITKs, were penitentiary institutions for those who repeatedly violate the rules in ITKs.

By year’s end, 62 VTKs held 10,700 prisoners from 14 to 20 years of age. Conditions in the VTKs were significantly better than in the ITKs, but some juveniles in the VTKs and juvenile SIZO cells reportedly suffered from beatings and rape. While juveniles were generally held separately from adults, there were two prisons in Moscow and one in St. Petersburg where children and adults were not separated. Schooling in the prisons for juveniles was reportedly mandatory through a high-school graduation.

According to the NGO For Human Rights, prison officials did not allow human rights observers or defense attorneys to enter the 41 of 765 prisons with the worst records of abuse, such as torture or collective punishment.

In August the Foundation for Prisoners Rights Defense reported several riots in ITKs in Sverdlovsk region, one involving about 700 prisoners that resulted in 18 seriously injured persons. The Federal Service for Execution of Punishment denied there had been a riot and claimed there had only been a fight between two inmates. The Foundation for Prisoners Rights also reported an August riot among 100 prisoners in the juvenile colony near Kirovograd. Official reports claimed 40 prisoners were involved. In September there was a riot in St. Petersburg’s Kresty prison.

In 2006 the human rights ombudsman investigated 2,966 of the 3,036 complaints it received from prisoners. In 2006 the General Prosecutor’s Office found grounds to investigate 2,200 of the 40,000 complaints it received from prisoners.

According to the general prosecutors’ office, over 8,000 employees in the criminal system were held responsible for various violations in 2006.

Since 2004 authorities have refused to grant the International Committee of the Red Cross (ICRC) access, under ICRC’s standard criteria, to those detained as part of the conflict in Chechnya, and the ICRC subsequently was forced to suspend its detention visits.

*d. Arbitrary Arrest or Detention.*—The law prohibits arbitrary arrest and detention; however, in practice they remained problems.

*Role of the Police and Security Apparatus.*—The Ministry of Internal Affairs, FSB, and the Office of the Prosecutor General are responsible for law enforcement at all levels of government. The FSB’s core responsibilities are security, counterintelligence, and counterterrorism, but it also has broader law enforcement functions, including fighting crime and corruption. The FSB operated with limited oversight by the prosecutor general and the courts.

The national police force, which falls under the Ministry of Internal Affairs, is organized on federal, regional, and local levels. Although regulations and national laws prohibit corrupt activities, corruption was widespread, and there were few crackdowns on illegal police activity.

There have been some significant prosecutions of corrupt police officers. For example, prosecutors continue to pursue the “Werewolves in Uniform,” a case involving police officers within the Ministry of Internal Affairs who used their official positions to engage in criminal activity. In 2006 the leader of the group and six other officers were convicted of charges that included extortion, bribery, and trafficking in drugs and weapons. They were sentenced to terms ranging from 15 to 20 years. Four other members of the group were still being tried.

According to the Moscow prosecutor’s office, 77 police officers were prosecuted and 1,692 disciplined in Moscow during the first 6 months of the year.

According to the internal security department of the Ministry of Internal Affairs, the number of police officers prosecuted and or disciplined increased by approximately 15 percent. The most common crimes committed by police officers were abuse of authority, exceeding authority, bribery, and fraud.

Although government agencies such as the Ministry of Internal Affairs continued to educate officers about safeguarding human rights, the security forces remained largely unreformed.

*Arrest and Detention.*—By law, an individual may be taken into custody for 48 hours without court approval if arrested at the scene of a crime, provided there is evidence of the crime committed or a witness. Otherwise a court-approved arrest warrant is required. After arrest, detainees are typically taken to the nearest police station where they are informed of their rights. The police are obliged to write an official protocol, signed by the detainee and the police officer within 3 hours of detention, which states the grounds for the detention. Police must interrogate the detainee within the first 24 hours. Prior to the interrogation, the detainee has the right to meet with an attorney for 2 hours. No later than 12 hours after detention, police must notify the prosecutor and the detainee's relatives about the detention unless a prosecutor issues a warrant to keep the detention secret. Police must release the detainee after 48 hours, subject to bail conditions, unless a court decides to keep the person in custody in response to a motion filed by police no later than 8 hours before the expiration of the 48-hour detention period. The defendant and his or her attorney must be present at the court hearing. By law, within 2 months of a suspect's arrest, police must complete their investigation and transfer the file to the prosecutor for arraignment, although a court may extend the criminal investigation for up to 6 months in cases classified as complex. With the personal approval of the prosecutor general, a judge may extend that period up to 18 months.

Legal limitations on detention were generally respected; however, there were reports of occasional violations of the 48-hour time limit following an arrest. Frequently, authorities failed to write the official protocol of detention within 3 hours after the actual detention and held suspects in excess of detention limits. In addition there were reports that police obtained defense counsels friendly to the prosecution. These "pocket" defense counsels allowed interrogation of their clients. The general ignorance of legal rights by both defendants and their defense counsels contributed to the persistence of these violations.

Judges occasionally suppressed confessions of suspects whose confessions were taken without a lawyer present. They also freed suspects who were held in excess of detention limits, although they usually granted prosecutors' motions to extend the detention period for good cause. The Supreme Court overturned a number of cases in which lower court judges granted permission to detain individuals on what the Supreme Court deemed inadequate grounds.

Authorities selectively detained and prosecuted members of the political opposition. Some observers considered the 2003 arrest on fraud charges, and additional charges of money laundering during the year, of prominent and politically active businessman Mikhail Khodorkovskiy and the 2004 arrest on fraud charges of Yukos Oil Company lawyer Svetlana Bakhmina to constitute possible cases of selective arrest and prosecution with political motives, regardless of their guilt or innocence on the specific charges against them (see Sections 1.e. and 2.b.).

*Amnesty.*—In July 2006, following the death of terrorist warlord Shamil Basayev, the Government issued a partial amnesty for militants who surrendered by January 15. The amnesty did not apply to militants suspected of crimes such as rape, murder, or terrorism. The amnesty also applied to servicemen, with the exception of those accused of selling or stealing weapons. According to the FSB, 546 militants surrendered during the designated period. On June 15, in a media announcement, Chechnya President Kadyrov rejected any further amnesty opportunities for those who had not surrendered.

*e. Denial of Fair Public Trial.*—The law provides for an independent judiciary; however the judicial branch did not consistently act as an effective counterweight to other branches of the Government.

The law requires judicial approval of arrest warrants, searches, seizures, and detentions. Judges allegedly remained subject to influence from the executive, military, and security forces, particularly in high profile or politically sensitive cases, in making decisions.

In May the Government enacted a law that substantially reduced prosecutorial oversight of criminal investigations and transferred investigative authority over many serious cases from the general procuracy to a new body called the Investigation Committee. The investigation committee is formally part of the General Procu-

racy but its chief is appointed directly by the president, not by the general prosecutor, and it therefore operates largely independently of the General Procuracy.

Beginning in September, investigators no longer needed prosecutorial approval to open criminal investigations.

In 2006 the Government increased judges' salaries by nearly 40 percent in an effort to combat corruption. However, there were continued reports of judges being bribed by officials and others. During the first 6 months of 2006, the Supreme Qualifying Collegium of Judges reported that 39 judges were removed from the bench and 151 were given warnings. Authorities did not provide adequate protection from intimidation or threats from powerful criminal defendants.

The judiciary is divided into three branches. The courts of general jurisdiction, including military courts, are subordinated to the Supreme Court. These courts hear civil and criminal cases and include district courts, which serve every urban and rural district, regional courts, and the Supreme Court. Decisions of the lower trial courts can be appealed only to the immediately superior court unless a constitutional issue is involved. An arbitration (commercial) court system under the High Court of Arbitration constitutes a second branch of the judicial system. Arbitration courts hear cases involving business disputes between legal entities and between legal entities and the state. The Federal Constitutional Court (as well as constitutional courts in a number of administrative entities) constitutes the third branch.

The president approves judges after they have been nominated by the qualifying collegia, which are assemblies of judges and some members of the public. After a 3-year period, the president must reconfirm the judges. Judicial watchers have alleged that the executive's role in approving and reconfirming judges has ensured an increasingly progovernment judiciary. The collegia also have the authority to remove judges for misbehavior and to approve prosecutors' requests to prosecute judges.

Justices of the peace deal with criminal cases involving maximum sentences of less than 3 years and with some civil cases. Justices of the peace work in all regions except Chechnya.

*Trial Procedures.*—Trials typically are conducted before a judge without a jury. The defendant is presumed innocent. The defense is not required to present evidence and is given an opportunity to cross-examine witnesses and call defense witnesses. Defendants who are in custody during the trial are confined to a caged area and must consult with their attorneys through the bars. Defendants have the right of appeal.

In 2006 the percentage of convictions increased by 4 percent to 70 percent of all criminal cases heard by courts. The acquittal rate increased slightly to 0.9 percent. Courts dismissed 30 percent of criminal cases during trial. According to Supreme Court statistics, during the first 6 months of 2006, the percentage of convictions in criminal cases increased by approximately 4.7 percent in comparison to the same period in 2005. The percentage of cases dismissed also increased by approximately 2 percent.

The law provides for the use of jury trials for a limited category of "especially grave" crimes, such as murder, in higher-level regional courts. In 2006 out of 1,224,431 persons tried by criminal courts, 1,320 persons were tried by jury. By January 1, all regions except Chechnya implemented jury trials as a result of a law passed by the State Duma during the year. In contrast to trials conducted by a judge, less than 1 percent of which ended in acquittal in 2006, approximately 18 percent of cases tried by juries ended in acquittals, although one-third of those acquittals were later reversed on appeal by the Supreme Court. The professional competence of jury trial participants, including both parties and, to some extent, judges, remained an issue of serious concern to domestic and international observers.

Prior to trial defendants are provided a copy of their indictment, which describes the charges in detail. They are also given an opportunity to review the criminal file following the completion of the criminal investigation. Defense attorneys are allowed to visit their clients in detention, although conditions reportedly made it difficult for attorneys to conduct meaningful and confidential consultations with their clients.

The law provides for the appointment of a lawyer free of charge if a suspect cannot afford one; however, this provision was often ignored in practice. The high cost of competent legal services meant that lower-income defendants often lacked competent representation. There were few defense attorneys in remote areas of the country. Public centers, staffed on a part time basis by lawyers, continued to offer free advice on legal rights and recourse under the law; however, they were not permitted to handle individual cases.

The Federal Government funds a limited experimental system of legal assistance for indigent persons in 10 regions.

According to the NGO Independent Council of Legal Expertise, defense lawyers were the targets of police harassment. Professional associations at Federal and local levels reported police efforts to intimidate attorneys and cover up their own criminal activities.

Authorities abrogated due process in continuing to pursue espionage cases involving persons, including foreigners who allegedly obtained information considered sensitive by security services. In some instances prosecutors pursued such cases after earlier courts had rejected them. The proceedings in some of these cases took place behind closed doors, and the defendants and their attorneys encountered difficulties in learning the details of the charges. Some human rights observers contend that the FSB sought to discourage citizens and foreigners from investigating problems that the security services considered sensitive.

The FSB insisted on a closed trial for Oskar Kaibyshev, the former director of the Institute for Metal Superplasticity Problems, who was convicted in August 2006 of unsanctioned export of technologies to South Korea citing security reasons. Kaibyshev was convicted and given a suspended prison sentence of 6 years and was banned from holding senior positions in state organizations for 3 years.

*Political Prisoners and Detainees.*—Human rights organizations and activists have identified various individuals as political prisoners: Zara Murtazaliyeva, Valentin Danilov, Igor Sutyagin, Mikhail Khodorkovskiy, Platon Lebedev, and Svetlana Bakhmina. All remained imprisoned at the end of the year. Mikhail Trepashkin, previously identified by some observers as a political prisoner, was released this year.

Zara Murtazaliyeva of Chechnya was convicted in 2005 of preparing to carry out a terrorist attack in Moscow in 2004. She was sentenced to 9 years in a general regime prison. Murtazaliyeva's defense lawyers and human rights defenders who monitored her trial maintain that the charges against her were fabricated, and some considered her a political prisoner. The defense lawyers appealed the verdict to the Presidium of the Supreme Court and also filed an appeal to the European Court of Human Rights (ECHR) in September 2005. The appeal was pending and Murtazaliyeva remains in prison.

Valentin Danilov was serving a 13-year sentence for allegedly transferring classified technology to China. Colleagues and supporters asserted that the information in question was declassified over a decade ago, leading some human rights organizations to consider Danilov's case to be politically motivated. In 2004 the Supreme Court overturned a 2003 jury acquittal, and Danilov was retried by a judge and convicted. Danilov has appealed to the ECHR, and in January 2006 Danilov's defense appealed the verdict to the Presidium of the Supreme Court. Neither court had responded to the appeals by the end of this year. Danilov also applied for a pardon, but on June 7, the Presidential Pardon Commission declined to pardon Danilov because he had not admitted his guilt.

Igor Sutyagin, a disarmament researcher with the Institute for U.S. and Canadian Studies of the Russian Academy of Sciences, was convicted in 2004 on espionage-related charges and was serving a 15-year sentence in a maximum security prison for allegedly passing classified information about Russia's nuclear weapons to a London-based firm. Sutyagin and human rights groups claimed that he had no access to classified information, and that the Government sought a severe sentence to discourage others from sharing sensitive information with other countries. Amnesty International has deemed Sutyagin a political prisoner, and other domestic and international human rights groups raised concerns that the charges were politically motivated and that there were problems in the conduct of the trial and the lengthy sentence. In 2005 Sutyagin was transferred to a colony in Arkhangelsk Oblast, which was further from his family than his previous detention place in Udmurtiya. Sutyagin appealed to the Supreme Court and the ECHR in 2006; the appeals were pending at the end of the year. On April 19, the Parliamentary Assembly of the Council of Europe passed a resolution urging Russia to release Sutyagin. In June the Presidential Pardon Commission declined to pardon Sutyagin because he had not admitted guilt.

Mikhail Khodorkovskiy and codefendant Platon Lebedev were serving 8-year prison sentences following their 2005 convictions for fraud, tax evasion, and embezzlement. Some human rights activists objected to sentencing both men to prisons that were not in the area where they lived or were sentenced. In October 2005 authorities transferred Khodorkovskiy to a prison in Chita Oblast (3,000 miles from Moscow) and Lebedev to a prison north of the Arctic Circle, more than 1,200 miles from Moscow. In December 2005 Lebedev's defense team filed an appeal stating that sending him to a prison not in the area where Lebedev lived or was sentenced violated Russian law. The Moscow City Court has rejected all appeals to review the case against Khodorkovskiy. In November 2006 the Supreme Court refused to pro-

ceed with Khodorkovskiy's appeal. Both were transferred to the detention center in Chita in December 2006 due to new investigation activities being conducted. Khodorkovskiy's and Lebedev's appeals of their convictions in Russian courts were rejected in November and were pending at the ECHR as of year's end. The arrest and conviction of Khodorkovskiy raised concerns about the right to due process and the rule of law, including the independence of courts and the lack of a predictable tax regime. Many observers believed that Khodorkovskiy's conviction was one of a number of politically motivated moves against wealthy "oligarchs" who represented centers of actual or potential political and media opposition to President Putin. Some observers believed that, despite the possibility that the charges against Khodorkovskiy may have had some merit, he was selectively targeted for prosecution because of his politically oriented activities and as a warning to other oligarchs against involvement in political or civil society issues or providing financial support to independent civil society.

In February the General Procuracy brought new charges of embezzlement and money laundering against Khodorkovskiy and Lebedev. A conviction on the new charges could extend their imprisonment up to 15 years. The case remained in the pretrial stage at year's end. On December 24, the Supreme Court overturned lower court decisions and ruled that the new trial could be held in Chita instead of Moscow.

In June the Moscow Prosecutor General's office, citing violations of professional ethics, attempted to have one of Khodorkovskiy's lawyers, Karina Moskalenko, disbarred. The Moscow Bar Association considered the charges, but found her behavior and work to be within the law and rejected the prosecutor's application.

In April Svetlana Bakhmina, a lawyer who had worked for Yukos Oil Company (Yukos), was sentenced to 6½ years in prison on embezzlement charges linked to the Khodorkovskiy case. Some human rights groups consider Bakhmina a political prisoner. Several organizations expressed concern about reports regarding Bakhmina's lack of access to her family and medical treatment while in custody. Some observers claimed that she was being held in an attempt to pressure Dmitriy Gololobov, her former boss at Yukos, to return from London. In September 2006 Bakhmina's lawyers requested the court postpone the imposition of her sentence until her youngest child turned 14; Bakhmina's youngest child was 5 years old, and the law allows for applications to delay sentencing in such cases. On October 2, the Simonovsky court in Moscow rejected the request and sent Bakhmina to a women's penal colony in the central part of the country. Many observers saw the treatment of Bakhmina as politically motivated.

In May 2006 Ernest Bakhshetsyan, head of the Russian Customs Service in the Far East, was charged with abuse of office. Observers believed that the charges were fabricated by local businessmen who were threatened by Bakhshetsyan's crackdown on smuggling. Bakhshetsyan remains in custody. His trial began on October 29 and was pending at year's end.

Mikhail Trepashkin was released on November 30 after serving his 4-year prison sentence for charges of disclosing state secrets. Amnesty International and some Russian human rights activists considered Trepashkin to be a political prisoner. Trepashkin was tried in 2004 following publication of his claims that the FSB was responsible for a series of Moscow apartment bombings in 1999. Human rights activists expressed concern that the Trepashkin case reflected FSB manipulation of due process and an arbitrary use of the judicial system. The Government investigation alleged Chechen terrorists were responsible for the bombings, and the Government cited these bombings as partial justification for the Government's resumption of the armed conflict against Chechen fighters. Trepashkin, a former FSB official, was a consultant to a Russian parliamentary commission investigating possible FSB involvement in the bombings. Trepashkin's arrest came a month after his charges were published and 1 week before he was scheduled to represent in court the relatives of a victim of one of the bombings. Following a series of appeals contesting his sentence and his prison conditions, including the denial of proper medical care for severe asthma, prison authorities instead transferred Trepashkin from a prison settlement to a harsher general regime prison. Trepashkin appealed his transfer. On July 19, the ECHR ruled that the Government had violated Article 3 (inhumane or degrading treatment) of the European Convention on Human Rights due to the poor prison conditions in which he was held at the end of 2003.

*Civil Procedures.*—The criminal procedure code provides that an individual or business may seek civil compensation for a criminal violation. The law clearly provides for bringing a criminal or civil case on human rights violations, but implementation was inconsistent.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law allows officials to enter a private residence only in cases prescribed by Federal law or on the basis of a judicial decision. Authorities did not always observe these provisions in practice. The law permits the Government to monitor correspondence, telephone conversations, and other means of communication only with a warrant and prohibits the collection, storage, utilization, and dissemination of information about a person's private life without his or her consent. While these provisions were generally followed, problems remained. There were allegations of electronic surveillance by government officials and others without judicial permission, and of entry into residences and other premises without warrants by Moscow law enforcement. Late in the year, prosecutors brought several cases against law enforcement officers for illegal wiretapping. Illegal wiretapping charges have been brought against a former higher ranking member of the State Narcotics Control Service and several former Ministry of Internal Affairs officials were being tried in Moscow at year's end for conducting illegal wiretaps in exchange for money.

In July prominent human rights lawyer Boris Kuznetsov filed information with the court in defense of his client, a former member of the Federation Council, which included transcripts of conversations recorded by the FSB without court authorization. The state prosecutor subsequently charged Kuznetsov with revealing state secrets, and Kuznetsov fled the country in July. A number of human rights observers described the charges against Kuznetsov as politically motivated, as he has represented sensitive high-profile cases such as the family of Anna Politkovskaya and the families of the Kursk submarine crew.

Law enforcement agencies have legal access to telephone and cellular phone company clients' personal information and require providers to grant the Ministry of Internal Affairs and FSB 24-hour remote access to their client databases. In past years, some experts opined that this access was unconstitutional, but no legal challenges were ever filed.

The Government requires Internet service providers to provide dedicated lines to the security establishment, enabling police to track private e-mail communications and monitor Internet activity.

Human rights observers continued to allege that officers in the special services abused their positions by gathering compromising materials on public figures. Regional branches of the FSB reportedly continued to exert pressure on citizens employed by foreign firms and organizations, often to coerce them into becoming informants.

Federal forces and progovernment Chechen forces reportedly abducted relatives of rebel commanders and fighters.

*g. Use of Excessive Force and Other Abuses in Internal Conflicts.*—During the year complex and interlocking insurgencies caused continuing instability in the North Caucasus. These included the remnants of a nationalist separatist insurgency in Chechnya, a widening Islamist insurgency throughout the North Caucasus, and continued clan warfare among elite groups struggling for power. Federal and local security forces were implicated in the excessive use of force to quell the insurgencies and engaged in human rights abuses, including torture, summary executions, disappearances, and arbitrary detentions. Chechen rebels also committed human rights abuses, including major acts of terrorism and summary executions. The role and number of Federal forces has decreased considerably, leaving most security operations to local forces. Federal forces were rushed to Ingushetiya in August, however, following the failure of local forces to deal with a deteriorating security situation, and abductions and attacks have increased. Overall, despite some decreases in disappearances and killings, the human rights record remained poor, and unrest continued in and around the Chechen Republic and worsened considerably in the Republic of Ingushetiya.

*Killings.*—The Government's use of indiscriminate force in areas of the North Caucasus with significant civilian populations resulted in numerous deaths. While security forces generally conducted their activities with impunity, courts did address a few incidents. In June 2006 the Supreme Court overturned the acquittals of four servicemen charged with killing Chechen civilians and ordered new trials.

There was a significant increase in the number of killings, usually by unknown assailants, targeting both civilians and officials in Ingushetiya. Human rights organizations report that, in contrast to years when the conflict in Chechnya was more severe and Ingushetiya had relatively few killings, during the year there were more killings, attacks, and abductions in Ingushetiya than in any other republic in the North Caucasus. Ingushetiya authorities, including President Murat Zyazikov, have attempted to minimize the number of abuses and attacks, despite the deployment of several thousand additional Interior Ministry troops to stabilize the republic.

During February and March, security forces from Ingushetiya and neighboring Chechnya and North Ossetiya carried out several special operations in Ingushetiya in which nine suspected insurgents were killed.

According to human rights organizations, the situation continued to deteriorate in the summer. On June 17, police in Surkhakhi killed suspected insurgent Ruslan Aushev in a special operation that the NGO Memorial noted was conducted with extreme brutality. On September 2, police killed Aпти Dolokov during a special operation in the town of Karabulak. Human rights organizations reported that police fatally shot Dolokov in the head after they had immobilized him. On September 27, police from the Federal and local ministries of internal affairs killed two brothers, 24-year-old Said-Magomed and 21-year-old Ruslan Galayev in their homes in front of their families. The two were suspected of being religious insurgents. On October 9, police killed fifth-year law student Albert Gorbakov in Malgobek when he allegedly resisted arrest. According to Memorial, Gorbakov offered no resistance, but police shot him after he and others followed police orders to get out of their vehicle.

In April 2006 Bulat Chilayev, an employee of the NGO Civic Assistance, and Aslan Israilov disappeared and were later reported killed after being detained at a checkpoint near the village of Sernovodsk by armed men thought to be members of the Chechen Republic security forces. According to Civic Assistance, investigators found identification at the site of the kidnapping belonging to a member of a Chechen unit attached to the Ministry of Defense. Both men were reported to have been killed on the day they were detained.

In March 2006 Federal serviceman Aleksey Krivosonok was convicted of the November 2005 killings of three persons detained by Federal forces at a checkpoint near the village of Staraya Sundzha in Chechnya. Krivosonok was sentenced to 18 years in prison and ordered to pay \$7,692 (200,000 rubles) to the family of each victim. In May 2006 the Grozny garrison military court convicted serviceman Pavel Zinchuk of causing grave bodily harm in the same incident and sentenced him to 7 years in prison.

On February 13, the North Caucasus circuit military court began new hearings in the case of Sergey Arakcheyev and Yevgeniy Khudyakov, police officers of the interior ministry who were accused of murdering three civilians in 2003. On February 1, the military collegium of the Supreme Court overturned the December 2006 ruling of the North Caucasus circuit military court and released Arakcheyev and Khudyakov from custody. On December 28, the North Caucasus military court sentenced Arakcheyev and Khudyakov to 15 and 17 years, respectively; Khudyakov did not appear for the sentencing and at year's end his whereabouts were unknown.

In April 2005 armed men took two persons who had filed cases with the ECHR from their homes; the body of one of them was found in May 2005, while the other was still missing.

There were no reliable estimates of civilian casualties as a result of military operations. Then Chechen state council chairman Taus Dzhabrailov reportedly told the press in June 2005 that more than 160,000 persons had been killed in Chechnya since 1994. Memorial has estimated that 75,000 civilians died during the two Chechen conflicts. Chechen officials acknowledged the presence of mass graves and dumping grounds for victims. In 2006 a new mass grave was reportedly discovered; with the remains of at least 57 persons, apparently rebel fighters and civilians killed during government forces' bombardment of the city in 2000. Chechen Ombudsman Nurdi Nukhazhiyev reported that the remains of approximately 3,000 persons were buried in mass graves in Chechnya.

Memorial noted that security forces indiscriminately used overwhelming force and heavy artillery to minimize their losses. On March 24 officers of the local military commandant's office fired upon three women in Shatoy District, Chechnya. One of them, Khaldat Mutakova, was killed, and the other two, Zalpa Mutakova and Zaira Kasumova, were wounded. In April a woman was wounded during an assault on a house in Untsukul'skiy district, Dagestan. On May 20 in Khasavyurt, Dagestan, two bystanders, an adult and child, were killed by militia fire. On May 22 militia officers fired at a suspect in the middle of a crowded square in the town of Kaspiysk, Dagestan; three bystanders were wounded.

In October 2006 the mountain village of Zumsoi was subjected to an aerial bombardment and two missile strikes. Memorial reported that in December 2006 two civilians were killed and one wounded when they came under fire from a military helicopter near the village of Chozhi-Chu. In June 2005 members of the Chechen-manned Vostok (East) Battalion of the Military Intelligence Directorate (GRU) raided the village of Borozdinovskaya, possibly in retaliation for the murder of the father of one of the battalion members. Members of the battalion forced male occupants from their homes, beat them, and forced them to lie on the ground in heavy rain for several hours. Two civilians were killed, two homes were burned, and 11

men were detained. Approximately 1,000 villagers fled to neighboring Dagestan, 900 returned in 2005, and the remainder was settled in Dagestan this year after living in a tent camp for nearly 2 years. The whereabouts of the 11 men detained remained unknown. In October 2005 a military court convicted one Vostok commander, Mukhadi Aziyev, of abuse of power and gave him a 3-year suspended sentence.

In most cases security forces acted against civilians with impunity, and even the limited efforts by authorities to impose accountability failed. One exception was the June 14 conviction of Eduard Ulman, who was sentenced to 14 years in prison for killing Chechen civilians. Three other servicemen, Vladimir Voevodin, Aleksandr Kalaganskiy, and Aleksey Perelevskiy disappeared in April but were sentenced in absentia to 9 to 12 years in prison.

Federal forces and their opponents continued to use antipersonnel mines in Chechnya, although Landmine Monitor reported that Chechen fighters increasingly used improvised explosive devices. Reports suggested that the number of landmine casualties was declining over time. According to UNICEF estimates, from 1995 to 2007, 3,060 civilians were injured and 692 killed by landmines and unexploded ordnance, including 187 children killed and 566 injured.

*Abductions.*—During the year there were reports of Federal and local government involvement in disappearances in Chechnya, Dagestan, and Ingushetiya. The number of disappearances declined in Chechnya, but increased in Ingushetiya and Dagestan. There were continued reports of abductions followed by beatings or torture to extract confessions, abductions for political reasons, and kidnappings for ransom by criminals. Security forces alleged to be involved in these disappearances acted with impunity. The NGO Memorial reported 25 disappearances in Chechnya through August, a marked decrease from the approximately 150 cases reported during the same period of 2006. Through August, 22 persons were reported as disappeared in Ingushetiya, 22 persons were reported disappeared in Dagestan, and (through June) five persons were reported disappeared in North Osetiya.

According to Chechnya's General Prosecutor's Office, 80 persons were abducted in the first 6 months of the year. As of July 11, according to Chechen Ombudsman Nurdy Nukhazhiyev, 2,700 persons were officially missing in Chechnya.

The human rights NGO Memorial documented a marked decrease in the number of abductions in Chechnya through August and attributed the decrease to Chechen President Ramzan Kadyrov's orders to militants under his control. Other human rights observers were less optimistic that the numerical decrease reflected actual improvement, but rather a reluctance by family members to report relatives as abducted due to fear of reprisal. During the first 8 months of the year, Memorial documented 25 abductions in which 17 persons were reported released, five disappeared, and one killed. Two cases remained under investigation by authorities. In 2006 Memorial documented 187 abductions, and 63 disappeared, 11 of whom were later found dead. Memorial documented 323 abductions in 2005.

On January 10, according to Memorial, members of an unknown security agency abducted Zelimkhan Kurbanov in Grozny. He was later charged with carrying out terrorist attacks and sabotage in Grozny. On February 13, Interior Ministry police took into custody Kurbanov's brother Said Magomed Kurbanov and held him in custody for 1 day and reportedly mistreated him. Federal Interior Ministry police (ORB-2) officers reportedly warned Magomed Kurbanov not to tell anyone how they treated him and that they still held his brother in custody.

On February 20, Memorial reported that ORB-2 police took Ramzan Khasiyev and Shakhid Ipayev into custody; they beat Ipayev and tortured Khasiyev with suffocation and electric shocks. The two were reportedly released after Khasiyev's brother, a member of another law enforcement agency, intervened. On March 5, a criminal case was opened against the ORB-2 policemen for the torture of Khasiyev. On April 24, Ipayev was detained by Federal narcotics police after he testified against the ORB-2 officers.

On July 19, according to Memorial, unidentified police officers took two brothers, Umar and Ali Bikiyev, into custody after a warrantless search of their house. On July 22-23, relatives of the two brothers held a spontaneous rally at the Government building in Grozny demanding their release. The two were released separately 1 month later.

Memorial reported an increase in the number of abductions in Ingushetiya: 22 persons were abducted during the first 8 months of the year, compared to 11 in all of 2006. In Dagestan, Memorial documented seven abduction cases through May and an additional 15 cases in July; a significant increase compared to the same period in 2006. The NGO Mothers of Dagestan reported 21 persons disappeared during the same period, and the NGO Movement for Human Rights stated that, between April and August, at least 20 persons were abducted by security forces.



On June 27 Memorial reported that residents of the village of Surkhakhi prevented members of the FSB from taking Khalit Aushev into custody by stopping them from leaving the village until the local police arrived. The FSB officers did not have a warrant for his arrest. This action followed the June 17 special operation in Surkhakhi in which Ruslan Aushev was killed and FSB officers reportedly beat and tortured several other members of the Aushev family living in the village.

In late April three residents of Makhachkala, Ramaz Dibirov, Isa Isayer, and Muhamar Mammayer disappeared. According to Memorial, the head of the Division for Combating Terrorism of the Dagestani Republic Ministry of Internal Affairs told relatives of the men on June 30 that the men were in police custody. As of September 30, their whereabouts remained unknown.

On September 12 armed men reportedly abducted Vagap Tutakov in Chechnya. The International Helsinki Federation stated that there was reason to believe he was targeted for political reasons. Tutakov, a former member of the Ichkeria Parliament to the Parliamentary Assembly of the Council of Europe and Aslan Makhadov's Special Representative in Strasbourg, had supported Chechnya's independence and was critical of Russian policies in the North Caucasus.

Amnesty International reported that it was aware of only one conviction by a Russian court in cases involving disappearances in Chechnya. In 2005 a Grozny court convicted Lieutenant Sergey Lapin, a member of a special forces riot police unit, of inflicting serious harm and other charges related to the torture and disappearance of Chechen citizen Zemlikhan Muralov in 2001.

There were continued reports during the year that government forces took relatives of Chechen rebels as hostages to force them to surrender. According to Memorial, on January 16, officers of the Republic of Chechnya's Antiterrorism Center abducted five relatives of Khozh-Akhmed Dushayev in the village of Kurchaloy. Dushayev was wanted on suspicion of being a Chechen rebel. All five were later released. On April 15, officers from the Antiterrorism Center (ATC) detained relatives of Bislan Ilmiyev, an ATC officer under suspicion of aiding antigovernment fighters. Ilmiyev's wife, mother, 1-year-old child, his brothers, their wives, and their children were detained. Ilmiyev's brother Ruslan was later released and ordered to find his brother, according to Memorial.

Chechen security forces seized relatives of Chechen commander Doku Umarov in May 2005, including his father, wife, and 6-month-old son. They later released the wife and child, but the father's location remained unknown. In August 2005 security forces also detained Doku Umarov's sister, Natasha Khumadova. A source in the Urus-Martan district administration told Interfax that armed persons broke into Khumadova's house and threatening her with weapons, led her away. In August Chechen officials erroneously announced that Umarov, who later became the separatist "president," had voluntarily surrendered. Subsequent reports noted that it was Umarov's older brother, Akhmad, who surrendered. Appearing at a press conference with Chechen officials, Akhmad Umarov said that he had been arrested in March 2005 and held by authorities since. Human rights activists suggested that Akhmad Umarov had never participated in fighting alongside rebels, and that his detention was an effort to pressure Doku Umarov to surrender. At year's end there was no further information on the whereabouts of Umarov's relatives.

Some killings of government officials appeared connected with ongoing strife in the North Caucasus. The prosecutor's office of Chechnya reported that, between 2000 and 2006, 71 criminal cases were opened based on actual or attempted assassinations of municipal administration leaders or their staff. Of these cases, nine have gone to trial.

In June 2006 Ingushetiya Ministry of Internal Affairs Lieutenant Colonel Musa Nalgiyev, three of his children, a driver, and bodyguard were killed as he took the children to a child care center. Nearby, on the same day, deputy district administrator Galina Gubina was shot and killed. In August 2006 Dagestani prosecutor Bitar Bitarov died in a car bomb attack in the town of Buinaksk, Dagestan Republic. When Dagestani Minister of Interior Adilgeriyev Magomedtagirov was traveling to the scene, his car was targeted by a car bomb and automatic weapons fire; he survived. In October 2006 the administrative head of the village of Chechen-Aul, Umar Khatsiyev, was shot and killed in his home.

Criminal groups in the Northern Caucasus, possibly having links to rebel forces, frequently resorted to kidnapping. The main motivation behind such cases apparently was ransom, although some cases had political or religious overtones. The hostage-takers held many of their victims in Chechnya or Dagestan.

Although incidents continued, statistics of both authorities and Memorial appeared to indicate a continued decline in abductions and disappearances in Chechnya compared to previous years. However, human rights groups and authorities interpreted the data differently. Government spokesmen attributed the appar-

ent decline to efforts begun by the Chechen government in 2004 to reinforce existing requirements that military forces have license plates on their vehicles when entering a village, be accompanied by a representative of the prosecutor's office and local officials, identify themselves when entering a house, prepare lists of all persons arrested during the operation, and share those lists with local authorities. Chechen officials subsequently prohibited law enforcement officers from wearing masks.

Human rights groups attributed at least part of the statistical decline to the reluctance of detainees' relatives to complain to the authorities or human rights groups out of fear of reprisals. Citing numerous incidents in which unidentified armed men wearing camouflage broke into houses and abducted civilians, they expressed skepticism about government assertions that regulations governing the behavior of security forces were being more closely observed.

The decline in abductions by Federal forces was partly offset by the increasing role of the security forces under the command of Chechen President Kadyrov, either on their own initiative or in joint operations with Federal forces. Human rights groups reported that these forces were frequently suspected of disappearances and abductions, including those of family members of rebel commanders and fighters. The International Helsinki Foundation for Human Rights estimated in a February 2005 report that Kadyrov's security forces were responsible for up to 75 percent of the crimes in Chechnya.

In April Kadyrov and other officials announced that steps had been taken to remove units from Kadyrov's direct oversight. Kadyrov abolished the Chechen Republic's Antiterrorist Center and reorganized its forces into two police battalions and subordinated them to the Federal Ministry of Internal Affairs. Human rights activists contended, however, that these forces maintained their loyalty to Kadyrov, and that he continued to exert control over them.

According to human rights observers, government forces responding to Chechen attacks at times engaged in indiscriminate reprisals against combatants and non-combatants.

Amnesty International reported Federal and Chechen security forces targeted female civilians, both in response to terrorist bombings carried out by Chechen women and to put pressure on male relatives suspected of being rebels. In August 2006 masked men in camouflage detained Yelena Yersenoyeva, the widow of Chechen terrorist Shamil Basayev, and also a journalist and AIDS activist in Grozny. Two days before the detention, Yersenoyeva had written to human rights organizations claiming she and her family were being harassed by Chechen security forces. In October 2006 Yersenoyeva's mother was reportedly abducted from a village near Grozny. There was no further information on their whereabouts.

During the year, the ECHR found Russia responsible in 14 cases dating from 2000, for the disappearance and presumed death of disappearance victims, and for inhuman treatment of families by refusing to provide information on the victims' fate. In some cases, appellants said that they were offered settlements or threatened in an effort to have them drop their cases.

On July 5, the ECHR found the Russian government responsible for the disappearance and murder of former speaker of the Chechen Parliament, Ruslan Alikhadzhiyev. There have been no reports on Alikhadzhiyev since Russian soldiers arrested him during a military operation in 2000. On July 12, the ECHR found Russia responsible for the disappearance of Ayubkhan Magomedov, who was arrested by Federal forces in Chechnya in 2000, and not heard from since.

In April and May, the ECHR found Russia responsible for five human rights violations in the disappearance and killing of Shakhid Baysayev and Shamil Akhmadov, and awarded their families compensation. The ECHR asked the Government to investigate the cases and to bring those responsible to justice.

On June 21, in the case of Bitiyeva vs. Russia, involving the killing of four members of a Chechen family in 2003, the ECHR found that Russia violated several articles of the European Convention on Human Rights and ordered it to pay \$124,000 (85,000 euros) compensation.

Chechen Republic forces loyal to President Ramzan Kadyrov and Federal troops continued to arrest relatives of Chechen separatist leaders and fighters to force them to surrender, according to human rights groups.

*Physical Abuse, Punishment, and Torture.*—Armed forces and police units were reported to have routinely abused and tortured persons in holding facilities where Federal authorities sorted out fighters or those suspected of aiding rebels from civilians.

In Chechnya there continued to be reports of torture by government forces. On March 13, the Council of Europe's Committee for Prevention of Torture published a statement about cruel treatment and torture in Chechnya, based on visits to the region in 2006 and the Russian Government's comments. The committee noted Rus-

sia's inability to effectively combat torture in Chechnya. In March European Council Commissioner for Human Rights Thomas Hummarberg visited Chechnya and stated that torture and cruel treatment were widespread in Chechnya, and that those who used torture acted with total impunity. On March 14, Amnesty International accused the Russian government of negligence with regard to violations in Chechnya and called on it to take immediate steps to eradicate torture, cruel treatment, arbitrary detentions, and disappearances, and to prosecute those who committed such crimes.

In 2006 Human Rights Watch reported that it had documented 115 torture cases in Chechnya between July 2004 and September 2006. The report concluded that most of the incidents occurred at one of at least 10 unlawful detention centers. In 2006 Memorial representatives discovered an illegal detention center in Grozny where detainees were reportedly held, tortured, "disappeared," and killed by Federal police units that had temporarily been assigned to Chechnya. Despite appeals to officials to investigate Memorial's allegations, the building—a former boarding school for deaf children—was demolished.

On February 14, according to a written complaint sent to NGO Memorial, unknown security officers abducted Shamsudi Khadisov to an unknown location where he was chained to a radiator, interrogated and tortured. Khadisov was then moved to ORB-2 offices where he was beaten and forced to falsely confess to a crime. When he recanted following his transfer to the investigation isolation facilities (SIZO-20/1) he was returned to ORB-2 offices, where security officers beat him and threatened to abduct and torture his relatives. Following a failed suicide attempt, Khadisov was again moved to SIZO.

On March 12, in Chechnya, ORB-2 officers reportedly detained and tortured Ramzan Khasiyev and Shakhid Ipayev over an 11-hour period. Doctors who examined the men recorded a concussion, spine trauma, and other injuries. Prosecutors opened a criminal case against the ORB-2 officers.

On July 10, unidentified security officers (allegedly from the Chechen Ministry of Internal Affairs) detained Mikhail Akbulatov in Shatoy village, Chechnya, and tortured him. The interrogators, who spoke Chechen, questioned him about rebel groups. After 20 hours, he was returned to his village. A doctor who examined him reported signs of torture.

Following arrests made after the 2005 attack on Nalchik, during which militants attacked buildings associated with security services, Human Rights Watch reported there were at least eight cases in which detainees were mistreated and that lawyers for five detainees were barred from representing their clients. A year after the arrests, authorities released some detainees. Ruslan Nakhushiev, head of the Islamic Research Institute in Nalchik, who sought to promote dialogue between authorities and the Muslim community, disappeared in 2005 after being questioned about the attack by the FSB; in December 2006 the Ministry of Internal Affairs of Kabardino-Balkaria included him on its list of most wanted criminals.

In some cases of alleged physical abuse and torture, according to NGOs, relatives were afraid to file complaints about torture and abuse, due to fear of additional reprisal.

According to Memorial, there were no arrests or convictions of servicemen during the year for crimes committed against civilians.

According to Memorial, the resumption of security sweeps, known as "zachistki," added to abuses reported in the North Caucasus. During April and May, sweeps were conducted by Federal forces and local law enforcement in the villages of Ali-Yurt, Surkhakhi, Gaybek-Yurt, and Vosnesenovskaya, and in the town of Malgobek in Chechnya. The sweeps lasted for several days and, in some cases, officers refused to identify themselves. In at least one case, security forces also looted homes and beat civilians. Similar security sweeps were conducted in Ingushetiya. Human rights activists believed that such operations contributed to a culture of fear that authorities used to minimize resistance.

Government forces continued to abuse individuals seeking accountability for abuses in Chechnya and continued to harass those who appealed to the ECHR. Amnesty International and other human rights groups have reported reprisals against applicants to the court, including killings, disappearances, and intimidation. According to press reports and human rights NGOs, at least five applicants to the ECHR have been killed or abducted. In its July 5 ruling in the case of *Alikhadzhiyeva v. Russia*, the ECHR noted that the relatives of disappeared persons and witnesses should be protected from intimidation and revenge.

Chechen human rights Ombudsman Nurdi Nukhazhiyev continued the practice of his predecessor in not cooperating with human rights NGO Memorial, and he and Chechen President Kadyrov spoke out publicly against the NGO.

The Independent Commission on Human Rights in the Northern Caucasus, headed by the chairman of the State Duma Committee on Legislation, has reduced the number of commission offices in Chechnya. The commission heard hundreds of complaints, ranging from destruction or theft of property to rape and murder; however, it was not empowered to investigate or prosecute alleged offenses and had to refer complaints to military or civil prosecutors. Almost all complainants alleged violations of military discipline and other crimes by Federal and Chechen Republic forces.

In contrast to past years, there were few reports of Chechen rebel fighters committing serious human rights abuses such as terrorist acts against civilians in Chechnya and elsewhere in the country or using civilians as human shields.

In a large number of incidents, unidentified persons targeted officials in violent attacks. On February 7, Vedeno district, Chechnya, deputy administration head Mayrbek Murdagamov was killed by an explosive device as he was leaving his home. On February 14, Patriots of Russia Dagestan branch leader Eduard Khidirov and his brother were severely wounded when their car came under fire in Makhachkala. On February 20, Vladimir Albegov, Federal judge of Prigiridnyy district court in North Osetiya, was found dead on a road near Vladikavkaz. Albegov had disappeared 3 days earlier. A criminal case has been opened.

According to Memorial, in Dagestan representatives of the Ministries of Internal Affairs and Defense and Traffic Police (GIBDD) continue to be targeted on numerous occasions. For example, on July 18, five militia officers died and eight were injured in Kizil-Yurt village when a remote-controlled device detonated at a sports facility where officers were exercising. On August 3, a Buynaksk deputy chief of the Ministry of Internal Affairs was killed. On August 7, an explosive device went off on the outskirts of Khasavyurt. When a militia patrol car arrived at the scene, a second bomb detonated. No casualties were reported.

*Other Conflict-Related Abuses.*—By year's end, an estimated 120,000 persons were still displaced within Chechnya; approximately 12,000 lived in temporary accommodation centers, all of which President Kadyrov ordered closed in 2007. At the end of 2006, the Office of the U.N. High Commissioner for Refugees registered 20,075 IDPs from Chechnya and Ingushetiya, a third of whom remained in temporary settlements. Approximately 150,000 persons lived within Chechnya, including thousands living in temporary accommodation centers. Conditions in those centers reportedly failed to meet international standards.

Throughout the year security forces continued to conduct security sweeps and passport checks at temporary settlements in Ingushetiya housing IDPs from Chechnya. These sweeps sometimes led to reports of human rights abuses or disappearances.

Human rights groups documented illegal detention centers in Chechnya and other locations in the North Caucasus where abuses occurred. Chechen Republic security forces reportedly maintained secret prisons in Tsentoroy, Gudermes, and other locations. Human Rights Watch reported it had detailed descriptions of at least 10 unlawful detention facilities. Human rights groups reported that officers of the Federal Ministry of Internal Affairs' Second Operational Investigative Bureau illegally detained and tortured persons in its Groznyy offices. The U.N. Committee Against Torture noted its concern about these unofficial places of detention.

Beginning in 2004, authorities refused to grant the ICRC access, under ICRC's standard criteria, to those detained as part of the conflict in Chechnya, and the ICRC subsequently suspended its detention visits. The suspension remained in place.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press; however, in practice government pressure on the media persisted, resulting in numerous infringements of these rights. The Government used direct ownership or ownership by large private companies with links to the Government to control or influence the major media outlets, especially television; many media organizations saw their autonomy further weakened. The Government used its controlling ownership in major national television and radio stations, as well as the majority of influential regional ones, to restrict access to information about issues deemed sensitive, including coverage of opposition political parties, particularly during the parliamentary elections campaign. The OSCE representative on freedom of the media, during the State Duma election, highlighted numerous press freedom abuses, including harassment of media outlets, legislative limitations, lack of equal access, and arbitrary application of rules. Unresolved killings of journalists remained a problem. Mistreatment of journalists by authorities included reported cases of abuse, including physical assault. The Government severely restricted coverage by

all media of events in Chechnya. There were indications that government pressure led reporters to engage in self-censorship, particularly on issues critical of the Government.

While the Government generally respected citizens' rights to freedom of expression, it sometimes restricted this right with regard to issues such as the conduct of Federal forces in Chechnya, human rights, and criticism of the administration. Some regional and local authorities took advantage of the judicial system's procedural weaknesses to detain persons for expressing views critical of the Government. With some exceptions, judges appeared unwilling to challenge powerful Federal and local officials who sought to prosecute journalists. These proceedings on occasion resulted in stiff fines.

Three of the 14 national newspapers are owned by the Government or state-owned companies, as are more than 60 percent of the country's 45,000 registered local newspapers and periodicals. The Government continued selective attempts to influence the reporting of independent publications. While the largest daily newspaper, *Moskovskiy Komsomolets*, is independent, other influential national newspapers, including *Izvestiya*, and *Rossiyskaya Gazeta* and *Kommersant* are owned by the government, persons affiliated with the government, or state-owned companies. Additionally, the Ministry of Defense owns the newspaper *Krasnaya Zvezda*. Although *Kommersant* changed editors and several journalists left after the change in ownership and the paper replaced its opinion and comment page with its "no comment" page where it reprints articles on key foreign policy issues from international papers, there has not been a discernible shift in *Kommersant's* editorial position since the change in ownership in August 2006. *Izvestiya* has increasingly avoided controversial topics and assumed a more pro-Kremlin stance on key policy issues, but not on every topic. In 2006 United Russia Duma deputy Aleksandr Lebedev and former Soviet leader Mikhail Gorbachev purchased 49 percent of *Novaya Gazeta*, an independent investigative weekly. Both men indicated that they did not intend to interfere with editorial policy and by year's end there was no indication that they had.

One analysis of this ownership trend was offered by media freedom advocates, who considered it to be evidence of government efforts to expand control of media beyond national television before the 2007–08 parliamentary and presidential elections.

There are six national television stations in Russia: The Federal Government owns *Rossiya*, and owns a controlling interest in First Channel; state-owned *Gazprom* owns a controlling interest in *NTV*; government-affiliated *Bank Rossiya* owns a controlling interest in *Ren-TV* and Fifth Channel; and the Moscow city administration owns *TV Center*. Approximately two-thirds of the 2,500 television stations in the country are completely or partially owned by the Federal and local governments. The Government indirectly influenced private broadcasting companies through partial ownership of such commercial structures as *Gazprom* which in turn owned controlling or large stakes of media companies. This ownership of TV media often resulted in editorial constraints. Following the sale of *REN-TV*, some observers alleged that the network's editorial line became more progovernment. In 2006 there were a number of resignations among the news staff who alleged the network had started to practice self-censorship aimed to pacify the Government. Influence over editorial policies, however, was not uniform. For example, despite a majority ownership of *Ekho Moskv*y by *Gazprom*, the radio station provided independent coverage of controversial political themes.

International media faced some impediments to their ability to operate freely. Russian authorities last year curtailed a number of stations broadcasting *Radio Free Europe/Radio Liberty* and *Voice of America* news programs. In August Russian state licensing authorities ordered the BBC World Service's Russian partner, *Bolshoye Radio*, in Moscow to remove BBC programming or lose its license. *Bolshoye Radio's* decision to halt the re-broadcasting of BBC programming, and similar decisions by two other radio stations in the past year, eliminated BBC broadcasting on the FM band. As a result, the BBC's Russian-language services were now available only on medium and shortwave broadcasts. The BBC planned to appeal, but the House of Commons' foreign affairs committee concluded that the BBC Russian Service's ". . . development of a partnership with the international arm of a Russian state broadcasting network puts the BBC World Service's reputation for editorial independence at risk."

The Government exerted its influence most directly on state-owned media. Journalists and news anchors of *Rossiya* and First Channel reported receiving "guidelines" from management prepared by the presidential administration, indicating which politicians they should support and which they should criticize. Government-controlled media exhibited considerable bias in favor of President Putin. In the cam-

paigned before the December parliamentary elections, state-controlled print and broadcast media resources overwhelmingly favored United Russia, President Putin's party, to the exclusion of other opposition parties.

The Government maintained ownership of the largest radio stations, Radio Mayak and Radio Rossiya.

The Government maintained ownership of the national news agencies ITAR-TASS and RIA-Novosti. In May the new director general of the Russian News Service (RSN) reportedly established an editorial policy that required at least 50 percent of reports about Russia to be "positive" and forbade the mention of some key opposition politicians. In May many staff members quit in protest.

The television talk show V Krug Sveta (In the Spotlight) was cancelled in September 2006 by the Domashniy television channel after only four episodes, reportedly because the channel's shareholders were displeased by the show's political content.

On September 25, a district court in Moscow postponed hearings in the case of political analyst and Yabloko political party member, Andrey Piontkovskiy, pending further detailed analysis of his book. Piontkovskiy was charged with inciting "extremism" through his book *Unloved Country*. Earlier in the year, after a local branch of the Yabloko party published a collection of Piontkovskiy's articles, a court in Krasnodar Krai attempted to halt Yabloko's distribution of the book, warning the party that it contained passages which violated the law on extremism.

In July 2006 the Federal Registration Service (FRS) warned the media that references to the banned National Bolshevik Party without indicating that it had been banned could be considered dissemination of false information and lead to the "application of restrictive, precautionary, and preventative measures."

In April former *Kommersant* journalist Yelena Tregubova reportedly asked for political asylum in the United Kingdom, claiming that her life was in danger. Tregubova was the author of two books critical of the Government and President Putin. In 2004, several months after her book was published, Tregubova escaped injury when a small bomb exploded outside her apartment.

In May police searched the Samara offices of *Novaya Gazeta*, confiscated its computers, and opened a criminal investigation against Sergey Kurt-Adzhiyev, the editor of the newspaper's local edition, on suspicion of the use of unlicensed software. *Novaya Gazeta* management denied the accusations. The paper was unable to publish its Samara edition after November.

In September producers of a documentary film about ethnic discrimination against children reportedly had difficulties in exporting the film footage from the Krasnodar airport. Airport security officials allegedly seized the film and later returned it damaged.

In December immigration officials denied entry into Russia to Natalya Morar, a correspondent of *The New Times* magazine. Morar, a Moldovan citizen residing in Moscow, had published investigative articles about the Government's handling of the 2007 State Duma elections. Border officials reportedly told her that she was considered a threat to state security and that the order to refuse her entry had come from the FSB.

The Federal Ministry of Internal Affairs continued to control media access to the area of the Chechen conflict. Foreign journalists are required to have government accreditation to enter Chechnya, but even those with proper documents are sometimes refused access. During 2006 several Russian and foreign journalists were detained while on assignment in the North Caucasus region, but there were no known detentions of reporters in Chechnya during the year. In September 2006 police detained British reporters with the CMI independent news agency and Fatima Tlisova, editor-in-chief of the *Regnum* news agency's North Caucasian branch, in the city of Nalchik. The British journalists intended to interview Tlisova but were detained for the entire day and prevented from doing so. The reason given for the detention was that the reporters had strayed into an off-limits area.

In November 2006 Moscow journalist Boris Stomakhin, editor of the monthly *Radikalnaya Politka* newspaper, was sentenced to 5 years in prison on charges of inciting ethnic hatred for violent and provocative writings. Human rights activists asserted that the severity of the sentence was unprecedented.

In July *Kommersant Vlast* published an interview with exiled Chechen rebel leader Akhmed Zakayev. *RosOkranKultura*, the agency within the Ministry of Culture that oversees the mass media, asked the general prosecutor's office to investigate whether the publication violated the law and warned the magazine against violating the law in the future.

In June the Government reinstated accreditation to the U.S.-based ABC television network, and reportedly in October ABC assigned a Moscow correspondent. The

Government withdrew ABC's accreditation in 2005 after ABC News broadcast an interview with Chechen terrorist Shamil Basayev.

Mistreatment of journalists by authorities was not limited to Caucasus-related coverage. The Glasnost Defense Fund (GDF) and other media freedom monitoring organizations reported cases of abuse of journalists by police and other security personnel elsewhere, including physical assault and vandalism of equipment. In most instances, the mistreatment appeared to have been at the initiative of local officials.

There were no developments in the February 2006 police beating of Channel One reporter Olga Kiriya in Vladikavkaz, the February 2006 police attack on a television cameraman in Bolshoye Kozino, the May 2006 police assault on reporter Natalya Gorchakova in Nizny Tagil, the June 2006 temporary detention of three reporters who were gathering information on the mayor of Volgograd, or the 2005 beating of two reporters and detention of three covering a rally by a radical youth group on Red Square in Moscow.

According to the GDF, 74 journalists were physically attacked during the year and eight journalists were killed during the year, nine were killed in 2006. In most cases authorities and observers were unable to establish a direct link between an assault and the persons who reportedly had taken offense at the reporting in question. Independent media NGOs still characterized beatings of journalists by unknown assailants as "routine," noting that those who pursued investigative stories on corruption and organized crime found themselves at greatest risk. The foundation reported that, in some cases, the killings appeared to be related to the journalists' work.

On March 27, Ivan Safronov, a Kommersant military reporter, died after falling from a fifth-story window in his apartment building (he lived on the third floor). In September, alleging the lack of evidence of any foul play, Moscow investigators closed the case. Safronov's family and some colleagues disagreed with the investigators' conclusion that he committed suicide because, shortly before his death, Safronov was writing a sensitive article on Russia's purported plan to sell military equipment; Safronov told friends and his editors that he had been warned not to file the story.

In April Vyacheslav Ifanov, a cameraman with Aleisk New Television, was found dead in his garage. Authorities determined he died of carbon monoxide poisoning but relatives and colleagues disputed this and noted that his body had numerous bruises. Shortly before his death, Ifanov was hospitalized with a concussion after military servicemen beat him and destroyed his camera as he filmed a report near their base. He pressed charges and identified one of the attackers prior to his death, but the case was stalled due to the suspects' military status.

In January 2006 reporter Vagif Kochetkov was killed in Tula. His relatives suggested the attack was connected with his work as a reporter. Police arrested local resident Yan Stakhanov and accused him of murder. In January 2007 the District Court of Tula returned the case to prosecutors for further investigation. The case remained under investigation at year's end.

In July 2006 in Saratov, Yevgeniy Gerasimenko, an investigative reporter for the newspaper Saratovskiy Rasklad, was found dead in his home, bound and bruised, with a plastic bag over his head. His colleagues noted that Gerasimenko was working on an investigative article prior to his death. In October 2006 Sergey Finogeyev, a homeless man, was convicted of the murder and sentenced to 18 years in prison.

On August 28, authorities announced the arrest of 10 suspects in connection with the October 2006 killing of prominent investigative journalist Anna Politkovskaya in Moscow. Politkovskaya's writing was highly critical of the war in Chechnya, the Chechen authorities, human rights abuses, and President Putin's administration. As a result of her writing, she received many death threats. Authorities declined to provide any details about the persons detained; some detainees were subsequently released, and the investigation continued at year's end.

Following Politkovskaya's killing, two other Novaya Gazeta staffers received death threats in 2006, one for his work on publications highlighting problems in the North Caucasus and the other in connection with his efforts to investigate the Politkovskaya killing.

No progress was reported during the year in the investigation of the 2005 killing of Magomed-Zagid Varisov in Makhachkala, director of the Center for Strategic Initiatives and Political Technologies and a columnist of the local weekly Novoye Delo, by unknown assailants. Varisov's colleagues said he received numerous threats in connection with his commentary on local politics.

In March a Moscow court suspended the trial in the case of the 2004 murder of Paul Klebnikov, the U.S. citizen editor-in-chief of Forbes Russia, and the Supreme Court ordered a new trial. The first trial was suspended when the lead defendant, Kazbek Dukuzov, failed to appear. Prosecutors obtained an arrest warrant for

Dukuzov and claimed to be searching for him; the case will not resume until he is captured and brought to court.

Most high-profile cases of journalists killed or kidnapped in earlier years remained unsolved.

In October a newly formed investigative committee of the General Prosecutor's Office announced it would reexamine circumstances in the 2003 killing of Yuriy Shchekochikhin, a member of the State Duma and deputy editor of the newspaper *Novaya Gazeta*. At the time of his death, Shchekochikhin was investigating allegations of FSB responsibility for a series of 1999 apartment building bombings.

In September police officers in Kazan assaulted Natalya Petrova, an independent filmmaker known for her criticism of government policies in Chechnya. Local authorities said the police acted on a warrant to escort Petrova to a local courthouse to attend hearings on libel charges against her that were not related to her work as a filmmaker.

On November 23–24, in Ingushetia, armed men in camouflage uniforms kidnapped three television journalists and a human rights activist from their hotel room, drove them to a field, stripped them and beat them, threatened to execute them, and left them stranded. The three REN-TV journalists and Memorial's Oleg Orlov, who were in Ingushetia to cover an opposition political demonstration, had to walk a few miles to the nearest town, where the police held them for questioning for several hours without medical attention. The journalists had reportedly filmed a special forces operation the day before during which a young boy was killed by stray gunfire and his mother was fired upon. Most of the footage was seized from their hotel room by the armed men, but some had already been sent to the REN-TV studios in Moscow.

Between 2002 and 2006, Fatima Tlisova, an independent journalist in the North Caucasus who had written for *Novaya Gazeta*, Regnum News Agency, and the Associated Press, was reportedly subjected to numerous incidents of abuse and harassment related to her work. She covered human rights abuses in the troubled North Caucasus regions, including the conflict in the North Caucasus, abusive practices of the military in Chechnya, official corruption, and she criticized official policy towards human rights. In 2005 she was allegedly abducted by local FSB officers who beat her and extinguished cigarettes on her fingers. In October 2006, after speaking at an international forum about the dangers to press freedom in the North Caucasus, she alleged that intruders broke into her home and put poison in her food; after the intrusion, she suffered kidney failure which she feared was attributed to poisoning.

Authorities at all levels used their authority, sometimes publicly, to deny access to journalists who criticized them. One method was to deny the media access to events and information, including filming opportunities and statistics theoretically available to the public. In January the Kurgan regional Duma decided not to admit reporter Nikolay Volkov to its meetings when the local newspaper *Kurgan I Kurgantsy* refused to send another reporter favored by the Duma, and in March the Kurgan city Duma voted to bar reporter Tatyana Kostitsyna from attending a session because of the tone of her previous articles. During the parliamentary election campaign, there were widespread reports of authorities pressuring the media to cover United Russia and not give equal coverage to opposition parties.

Through legislation and decrees, the Government curtailed freedom of the press. On July 26, the Government enacted a law on countering extremism that expanded the definition of extremism to include public discussion of such activity and provide law enforcement officials with broad authority to suspend media outlets that do not comply with restrictions. Media freedom advocates expressed concern that this broad interpretation of extremism could create a basis for government officials to stifle criticism and label independent reporters as extremists. For example, in a 2-month period this year, Ekho Moskv reported receiving 15 warning letters from FSB officials and prosecutors, and in 2006 the Media Law and Policy Institute reported that the Government issued 32 warnings to media outlets concerning purported extremist content.

Officials or unidentified individuals sometimes used force or took extreme measures to prevent the circulation of publications that were not favored by the Government. For example, in January booklets containing instructions on how to bring cases against the Government at the ECHR were seized in Tver. In March National Bolshevik party member Konstantin Marakov was detained in Voronezh for distributing an officially registered newspaper. While he was in jail, law enforcement officers reportedly visited his parents.

Government officials occasionally used legal actions against journalists and media outlets in response to negative coverage. The GDF estimated that at least 46 criminal cases and more than 200 civil cases were brought against journalists during the



year. A 2004 Supreme Court decision prohibits courts from imposing damages in libel and defamation cases that would bankrupt the media organization, but, one NGO reported that local courts did not always follow this in practice. The GDF noted that during the year the courts have upheld civil defamation claims against journalists for amounts equivalent to approximately \$143,000 (3.5 million rubles).

Some NGOs have alleged that authorities began selectively targeting media outlets and organizations which are in opposition to the administration by raiding them for pirated software during the year. In May police in Samara seized computers from the offices of Novaya Gazeta and an organization that was coordinating an anti-Kremlin protest. Also in May, police in Tula confiscated a computer from the political movement the Popular Democratic Union. In July law enforcement authorities confiscated the computers of the Nizhny Novgorod offices of Novaya Gazeta; some alleged that this was part of a broader action against human rights organizations in that city. In late August Nizhny Novgorod police raided the offices of the Tolerance Support Foundation and the Nizhny Novgorod Human Rights Society, as well as Novaya Gazeta, allegedly searching for unlicensed computer programs. The police confiscated computers from the Tolerance Support Foundation, disrupting its work, and from Novaya Gazeta, preventing the newspaper from publishing its next issue.

In July the offices of the newspaper Khabarovskiy Ekspres, known for its occasional criticism of local authorities, were searched by the militia, who confiscated bookkeeping records and almost all of the newspaper's computers. Despite the seizure of tax records, the investigation was nominally related to a charge of libel made by a regional politician against the newspaper for publishing an article about his allegedly questionable business activities.

Some authorities used the media's widespread dependence on the Government for transmission facilities, access to property, and printing and distribution services to discourage critical reporting, according to the GDF and media NGOs. The GDF reported that approximately 90 percent of print media organizations relied on state-controlled organizations for paper, printing, or distribution, and many television stations were forced to rely on the Government (in particular, regional committees for the management of state property) for access to the airwaves and office space. The GDF also reported that officials continued to manipulate the price of printing at state-controlled publishing houses, to apply pressure on private media rivals. The GDF noted that this practice was more common outside the Moscow area.

In March local authorities denied the newspaper Vsemu Naperekor the use of printing facilities in Chita and the paper was forced to print in Buryatia. Authorities later confiscated the entire print run of an issue of the newspaper.

According to the GDF and other media NGOs, there were some instances of authorities using investigations into intellectual property rights violations (i.e., software piracy) to selectively confiscate computers and pressure media across the country.

*Internet Freedom.*—The Government reportedly did not restrict access to the Internet. Individuals and groups could generally engage in the peaceful expression of views via the Internet, including by e-mail, but traffic was reportedly monitored by the Government. The Government continued to require Internet service providers to install, at their own expense, a device that routes all customer traffic to an FSB terminal called the "system for operational investigative measures" that enabled police to track private e-mail communications and monitor Internet activity. There appeared to be no mechanism to prevent FSB access to the traffic or private information without a warrant. The FSB was not required to give telecommunications companies and individuals documentation on targets of interest prior to accessing information.

The Government does not require Web sites to register as mass media, and unregistered Web sites were not subject to administrative sanctions. Postings on the Internet were subject to the same restrictions that applied to other types of expression, and some bloggers were charged with inciting hatred for their Internet postings.

In August prosecutors in the Komi Republic charged blogger Savva Terentyev with inciting hatred via the mass media after he wrote that corrupt policemen were criminals that should periodically be "set on fire" in the town square. Also in August, Dmitriy Shirinkin, a blogger from Perm, was charged as a "telephone terrorist" after he posted a fictional work that authorities considered an announcement of intent to commit a terrorist act.

There was widespread and growing access to the Internet through home, work, or public venues. Approximately 25 percent of adults had Internet access, almost all of whom use the Internet at least once a month.

*Academic Freedom and Cultural Events.*—The Government did not restrict academic freedom; however, human rights and academic organizations questioned whether the convictions of Igor Sutyagin, Valentin Danilov, and others inhibited academic freedom and contact with foreigners on subjects that the authorities might deem sensitive.

In May prosecutors in Novosibirsk dropped their case against rocket scientist Oleg Korobeinichev, who had been accused of disclosing state secrets for participating in a foreign research grant program. In July the deputy head of the Prosecutor's Office publicly apologized to Korobeinichev for any damage that may have been caused by falsely accusing him.

In 2005 authorities found the Sakharov Center director and a staff member guilty of inciting religious hatred in connection with a 2003 exhibit of religious-themed art that many viewed as provocative. In June a Moscow district prosecutor opened a criminal case against the Sakharov Center director for instigation of ethnic and religious hatred because the center had hosted a provocative art exhibit in March. The case remained under investigation.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The law provides for freedom of assembly, but local authorities increasingly restricted this right in practice.

Permits are required for public meetings, demonstrations, or marches, and must be requested between 5 and 10 days before the event. Local elected and administrative officials selectively denied some groups permission to assemble, or offered alternate venues that were in inconvenient locations. Permits are not required for religious gatherings and assemblies, and unlike past years, there were no reported incidents of authorities denying religious groups access to venues where they could hold assemblies.

On May 27, participants in a Moscow gay rights demonstration were assaulted by counter-demonstrators. Security forces did little to protect the demonstrators and arrested approximately 25 gay rights activists.

Police used excessive force in violently suppressing the demonstrations by political opposition. There were cases of unlawful detentions and harassment, of human rights activists and participants in a number of Marches of Dissenters sponsored throughout the year by the opposition movement Other Russia.

For example, on April 14–15, militia detained over 300 participants in Marches of Dissenters in Moscow and St. Petersburg. In Moscow some participants were fined for administrative code violations, and some demonstrators and one journalist were beaten. In St. Petersburg police used excessive force to suppress the protest, beating, and injuring protesters, including former legislative assembly deputy Sergey Gulyayev.

On May 8, Ilya Gureyev, an organizer of the May 18 March of Dissenters in Samara, was arrested and sentenced to 6 months' imprisonment for violating the conditions of a suspended sentence. Mikhail Gangan, another organizer, was arrested and sentenced to house arrest. Both men earlier had been arrested for staging a demonstration in the office of the presidential administration in Moscow. On May 13, officers of the Organized Crime Directorate detained members of the dissenters' march organizing committee, Anastasiya Kurt-Adzhiyeva and Yuriy Chervinchuk. Police also detained Sergey Kurt-Adzhiyev, the chief editor of Samara's *Novaya Gazeta* newspaper, and searched the paper's editorial office.

In mid-May, in several locations, police detained political activists headed to Samara to take part in a dissenters' march and prevented them from going to Samara. Police detained Moscow Helsinki Group expert Sergey Shimovolos and Nizhny Novgorod Human Rights Center lawyer Olga Chebotareva at the Samara railway station. On May 17, Red Youth Vanguard (AKM) leader Sergey Udaltsov was detained at a Moscow railway station as he prepared to go to Samara. He was released, but then arrested on the train heading for Samara. His wife, Anastasiya, the AKM press secretary, was also taken off the train. On May 17, Denis Bilunov, executive director of the United Civil Front, was detained at the Samara railway station. Youth movement leader Andrey Sidelnikov was also arrested. On May 18, 13 Other Russia representatives and accompanying journalists traveling to Samara for the march were prevented from catching a flight to Samara because they allegedly possessed counterfeit airline tickets. They were released without charge after the last flights from Moscow to Samara had departed.

On May 5, police took Other Russia organizer Dmitriy Treshchanin to a draft commission, where he was found eligible for military service and ordered to report for duty on May 21.

Red Youth Vanguard leader Sergye Udaltsov was detained at Sheremetyevo Airport June 9, on his way to St. Petersburg.

On April 22, Lev Ponomarev, Head of the Movement For Human Rights, his wife, and three young representatives of youth organizations were arrested while walking along the street downtown Moscow and delivered to the Krasnoselskoye interior affairs department.

On August 10, the militia dispersed a protest in support of a hunger strike by the group Mothers of Dagestan, who worked on behalf of families of persons who have disappeared in the conflict in the North Caucasus.

On August 27, the Popular Democratic Union, led by former Prime Minister Mikhail Kasyanov, was refused use of a hotel in Yekaterinburg for its conference. The hotel claimed it did not provide accommodation for political events. However, in December 2006 United Russia held its conference in the same venue.

On August 28, following a demonstration at the United Russia offices in St. Petersburg, police arrested 10 protesters, injuring three of them, including United Civil Front leader Olga Kurnosova.

On October 7, an international conference in honor of Anna Politkovskaya in Nizhny Novgorod was cancelled after authorities raided the offices and seized the computers of the organizers, the Fund to Promote Tolerance. Participants found their hotel reservations cancelled, and the bank holding the funds to pay for the conference refused to transfer the funds to the organizers.

On November 23–24, authorities forcefully intervened to break up or prevent opposition protests in a number of cities, including in Moscow, St. Petersburg, Nizhny Novgorod, and Nazran. Authorities detained opposition leaders, including Yabloko youth leader Ilya Yashin, Union of Right Forces Duma candidates Boris Nemtsov and Nikita Belykh, as well as human rights activists. Following an attempt to lead a march to the Central Election Commission, police arrested Other Russia leader Gary Kasparov. He was sentenced to 5 days in jail during an abbreviated hearing, in which he had only last-minute access to his lawyer and was not provided the opportunity to present witnesses. In Ingushetiya, two protests over human rights abuses by authorities were reportedly broken up. Authorities reportedly fired upon a crowd of demonstrators in Nazran. A REN TV crew and Memorial human rights activist Oleg Orlov, who were in Nazran in connection with the protests, were reportedly kidnapped and beaten, and then held by police during the duration of the protest while they were interviewed about their abduction and beating the night before.

In December 2006 police detained hundreds of opposition activists ahead of an Other Russia Dissenters' March in Moscow. Demonstrators were not allowed to march, but approximately 2,500 persons convened at a Moscow rally surrounded by approximately 8,500 police, special forces troops, and FSB officers. About 80 protesters were detained in Moscow, while 320 other activists were detained or taken off trains and buses on their way to Moscow. Some were kept in detention cells, and others were released after the rally ended.

In December 2006 Moscow city authorities denied approximately 300 members of the political party Yabloko and their supporters permission to march in memory of killed journalists. The authorities did give them a permit to hold a public demonstration.

In October 2006 police in Ingushetiya arrested rights activists and violently broke up a rally in memory of murdered reporter Anna Politkovskaya. Organizers were detained and fined.

In September 2006 NGO For Human Rights leader Lev Ponomarev was detained for holding a demonstration in an unauthorized location in Moscow. As required by law, he had notified authorities prior to the event, but he ignored the directive to hold the event in a different location. Human rights organizations asserted that such responses from the Ministry of Internal Affairs were not binding under the law and that Ponomarev's detention was both arbitrary and illegal.

In October 2006 police in Ingushetiya arrested rights activists and violently broke up a rally in memory of Anna Politkovskaya. Security forces cordoned off a site in the center of Ingushetiya's main city of Nazran as approximately 40 rights activists and others tried to gather. According to press reports, police tore photographs of Politkovskaya from demonstrators' hands and injured at least one person. Three participants from Memorial were fined \$18.50 (500 rubles) each, and a local journalist was released after being briefly held by police. The organizers of the demonstration were charged with organizing an unsanctioned demonstration.

During the G-8 Summit in St. Petersburg in July 2006, human rights activists claimed 577 alleged incidents of illegal action by law enforcement officials against protesters, including short-term detentions on minor (and reportedly trumped up) charges such as "verbal abuse" and preventing protesters from traveling by bus or train to protest sites.

In July 2006 authorities prevented participants from attending an Other Russia conference in Moscow through threats or detentions and removing them from trains or aircraft en route to the city. Tactics reportedly included summoning attendees to police departments, coercing from them written promises to stay at home, and threatening them with detention on administrative charges. Some participants were reportedly attacked before the conference.

In 2005 Moscow police broke up a demonstration in front of city hall in support of the Emmanuel Pentecostal Church and arrested 10 supporters, who were later given 5-day jail sentences. A Moscow district court ruled later that year that authorities had violated procedures for regulating public events. The church pastor confirmed that police interference ended following these court decisions.

*Freedom of Association.*—The law provides for freedom of association, and the Government generally respected this right; however, there were notable exceptions. Public organizations must register their bylaws and the names of their leaders with the Ministry of Justice. Several organizations were forced to suspend programmatic activities while registration was pending.

The law requires that political parties have 50,000 members nationwide and at least 500 representatives in each of half of the country's regions with no fewer than 250 members in each of the remaining regions to be registered.

The finances of registered organizations are subject to investigation by the tax authorities, and foreign grants must be registered. Authorities subjected some NGOs to lengthy investigations of their finances or delayed the registration of their foreign financed programs. Some NGOs said that these actions were intended to restrict their activities. For smaller NGOs without the organizational capacity to respond to tax investigations, such investigations had a more crippling effect on operations. In several cases authorities seemed to selectively apply these tax requirements to threaten organizations with possible closure.

In July the St. Petersburg branch of the Federal Registration Service (FRS) issued warnings and began liquidation procedures against three NGOs that had legally accepted foreign funding and promoted issues such as human rights, democracy, the environment, and immigrant rights. The FRS later rescinded the warnings against two of them, but continued its case against the Center for Educational and Research Programs, which it accused of tax evasion and interfering with Russian government agencies. The Center advises other NGOs in northwest Russia how to comply with the 2006 amendments to the NGO law.

The 2006 NGO law introduced strict oversight of NGOs by the FRS, part of the Ministry of Justice. The law, which went into effect in April 2006, imposed more stringent registration requirements for NGOs, particularly the branch offices of foreign NGOs, strict monitoring of organizations, extensive reporting requirements on programming and activities, and some limitations on the participation of foreign citizens. The law enabled more intrusive means for the Government to scrutinize all forms of NGOs and granted the FRS discretion to deny registration or shut down an organization based on vague and subjective criteria. All NGOs who attempted to reregister their organizations were ultimately successful.

In May the Tula office of the Popular Democratic Union, the movement lead by former Prime Minister Mikhail Kasyanov, was subjected to a financial inspection by law enforcement. Officials arrived at the office interrupting a meeting of 70 participants, 20 of whom were arrested.

The Government at times applied restrictions in a discriminatory manner. For example, in June the Government used a personal administrative violation by the director as a pretext to seize the computers and financial records of the Educated Media Foundation (EMF), also known as Internews Russia, an NGO promoting professional and independent media. The EMF director, Manana Aslamazyan, was charged with an administrative violation when she failed to properly declare the currency she brought into the country. Authorities subsequently elected to charge her with a criminal offense. Human rights advocates argued that the case against Aslamazyan was politically motivated, and that the infraction would normally be treated as an administrative, not criminal, violation. Internews was forced to curtail its activities, and in November a court approved Internews' request to close the NGO by March 2008.

In July 2006 the Government amended the law "On Countering Extremism," increasing concerns among many that the amendments may restrict freedom of association and legitimate criticism of the Government. In July the Government enacted additional amendments that expanded the definition of extremism. Critics feared that even the threat of application of the law could have a chilling effect on NGOs and associations.

Some senior officials made critical statements during the year that contributed to, and reflected, increased suspicion of NGO activity. On February 20, in Munich,

President Putin said that Russia considers NGOs that receive financing from other governments to be instruments of foreign influence, and on November 21, President Putin called those who receive funding from foreign Embassies “jackals” who want to divide and disorient Russia.

In January 2006 the FRS filed a lawsuit to close the Russian Research Center for Human Rights, an umbrella organization of a dozen human rights groups, including the Moscow Helsinki Group and the Union of Committees of Soldiers’ Mothers. The Ministry of Justice claimed that the group had failed to file reports of its activities for the past 5 years, a claim disputed by the group. In April 2006 the Basmanny district court of Moscow refused to liquidate the Russian Research Center for Human Rights.

In April 2006 the 9th Arbitrary Appellation Court of Moscow overturned an earlier ruling against the PEN Center, which the Government claimed owed \$75,000 (2 million rubles) in back taxes. The PEN center continued to operate.

In July 2006 the Russian Federal Tax Service filed a tax claim against the Center for International Legal Defense, an NGO headed by one of former Yukos CEO Mikhail Khodorkovskiy’s lawyers, after it was audited by tax inspectors. During the year the center continued to be targeted for harassment, including irregular administrative inspections.

The Supreme Court has banned Hizb ut-Tahrir as a terrorist organization, and 46 persons were convicted of being members, including 11 convicted during the year. Of these, 29 were serving prison sentences ranging from 11 months to 4½ years.

In January 2006 the Ministry of Justice denied registration to the National Bolshevik Party. On August 7, the Supreme Court upheld the decision. This was the fifth denial of registration since 1998.

On March 23, the Supreme Court upheld the decision by a district court to revoke the registration of the Republican Party.

On July 24, the new political party Great Russia was denied registration. The party made a second unsuccessful attempt to register on August 23.

In October 2006 the Popular Democratic Union, Kasyanov’s movement, was denied registration.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. Although the Constitution provides for the equality of all religions before the law and the separation of church and state, the Government did not always respect these provisions in practice. Conditions improved for some minority religious groups while remaining largely the same for most, and government policy continued to contribute to the generally free practice of religion for most of the population.

Religious groups do not need to register with the Government in order for members to practice their faith, but the law requires all religious groups that want legal status (in order to open bank accounts, purchase property, or enter into contracts) to register with the Government. The law prevents religious groups who have existed in Russia for fewer than 15 years from registering as legal organizations. According to the FRS, 22,956 religious organizations had registered with the Government as of January 1, an increase of 443 from January 2006. Local courts largely upheld the right of nontraditional groups to register or reregister, but a few religious groups continued to contest denials of registration in the courts. In some cases government officials refused to comply with court orders to register certain groups such as the Salvation Army in Moscow.

Russia does not have an official state religion, and the law recognizes Russian Orthodoxy, Islam, Judaism, and Buddhism as “traditional.” The Russian Orthodox Church is the dominant faith in the country, and while no faith holds legal privileges or advantages, in practice the Russian Orthodox Church maintains a pre-eminent status and a number of formal and informal agreements with government ministries on matters such as guidelines for personal education, religious training for military personnel, and law enforcement and customs decisions. These agreements give the Russian Orthodox Church far greater access than other religious groups to public institutions, such as schools, hospitals, prisons, and the military.

Some human rights groups and religious minority groups criticized the procurator general for encouraging legal action against some minority religions and of giving official support to materials that were biased against Muslims, Jehovah’s Witnesses, the Church of Jesus Christ of Latter-day Saints (the LDS Church), and others. There were credible reports that individuals within the Federal security services and other law enforcement agencies harassed minority religious groups, investigated them for purported criminal activity and violations of tax laws, and pressured landlords to renege on contracts.

Some Federal agencies, such as the FRS, and many local authorities continued to restrict the rights of a few religious minority groups. Legal obstacles to registra-

tion under the Law on Religions disadvantaged some religious groups considered nontraditional. The 2006 NGO Law contained provisions that applied to registered religious organizations. That law permits government inspections of religious organizations and attendance at some public events with advance notice. Registered religious organizations must provide annual financial reports and other documents upon request to the FRS, and report within 3 days any changes in the organizational leadership or address.

Some regional officials used contradictions between Federal and local laws and varying interpretations of the law to restrict the activities of religious minorities. According to many observers, local governments were more susceptible to pressure from the local religious majority, and therefore were more likely to discriminate against local minority religious communities. However, there were only isolated instances in which local officials detained individuals engaged in public discussion of their religious views, and these incidents were usually resolved quickly.

The ECHR ruled in October 2006 that the Federal Government's refusal to reregister the Moscow branch of the Salvation Army violated the right of assembly and freedom of religion of the organization. The Government paid \$14,600 (10,000 euros) in damages and legal fees to the Salvation Army. The Salvation Army had not applied to reregister and continued to operate in Moscow at year's end.

The Izhevsk branch of the Church of Scientology has disappeared from public view following years of authorities impeding their operations. Since these centers had not been in existence for 15 years, they were unable to register and could not perform religious services, although they were allowed to hold meetings and seminars.

The LDS Church has not been able to register a local religious organization in Kazan, Tatarstan, despite numerous attempts since 1998.

The Federal Government has banned only one religious organization, Hizb ut-Tahrir, which it designated as a terrorist organization. There were indications that the security services, including the FSB, treated the leadership of some other Islamic groups as security threats. The republics of Dagestan and Kabardino-Balkariya have laws banning extremist Islamic Wahhabism, but there were no reports that authorities invoked these laws to deny registration to Muslim groups.

Some observers said that police harassment, detention, and torture of Muslim clerics and alleged militants in the Kabardino-Balkariya Republic increased after a 2005 rebel attack on the Nalchik police headquarters. Human rights groups reported that, following the 2004 hostage-taking in Beslan, the authorities increased the number of criminal "extremism" cases against Russian and foreign Muslims.

The 1997 law created three categories of religious communities (groups, local organizations, and centralized organizations) with different levels of legal status and privileges. The Church of Scientology has faced the greatest difficulties in registering branches as religious organizations. The 1997 law requires religious groups to have had at least a 15-year presence in Russia before becoming eligible to register as a legal organization.

The Church of Scientology challenged this provision of the 1997 law at the ECHR; the case was ongoing at year's end. A 1997 Supreme Court ruling grandfathered religious organizations which had registered before the 1997 law took effect, but the Church of Scientology had only one local organization (in Moscow) that was legally entitled to reregister. During the year the ECHR ruled that Moscow authorities violated the religious freedom rights of the Church of Scientology by refusing to reregister that Moscow branch. The Russian government appealed the decision.

There continued to be some restrictions on establishing, building, or maintaining places of worship and training sufficient clergy to serve believers. The Jehovah's Witnesses have had difficulty getting permits to build assembly halls in some regions. In May 2006 Mayskaya Gorka city authorities in Arkhangelsk Oblast refused to provide the Jehovah's Witnesses with a plot of land following a public hearing that focused on religious beliefs instead of plans for the land.

In Zlatoust, Chelyabinsk Oblast, local authorities first provided the Jehovah's Witnesses with a plot of land to build a Kingdom Hall, but following complaints from local residents, the authorities attempted to prevent this construction. The Jehovah's Witnesses won several court cases against the authorities in 2005 and 2006, but as of December 2007, the Jehovah's Witnesses have not been allowed to use the facilities.

Various minority religious organizations encountered similar difficulties in obtaining or renovating property. The mayor's office in Krasnodar continued to deny the Muslim community's request to build a mosque in the city of Sochi.

Following the 2005 rebel attack in Nalchik, the Republic of Kabardino-Balkariya closed five of the seven mosques in the capital city, Nalchik; they remain closed.

Some local and municipal governments prevented minority religious groups from obtaining venues for large gatherings and from acquiring property for religious uses.

There are no restrictions on individual worship in public or private.

Regional and local authorities as well as businessmen on a number of occasions refused to lease facilities to local Jehovah's Witnesses communities. In contrast to previous years, the Jehovah's Witnesses were able to hold all 53 regional conventions planned for the year. In July 2006 the Ivanovo city administration and the FSB forced the postponement of the July 2006 convention. In Moscow Oblast, which is a separate jurisdiction from the city of Moscow, the Jehovah's Witnesses reported that a hotel conference center, a cinema, and a cultural center, each of which previously had been used by the church, cancelled their leases. Despite the prevention and disruption of past assemblies, this year local authorities in Yekaterinburg and Archangelsk permitted an open meeting of Jehovah's Witnesses.

There are no legal prohibitions on missionary activities. There was societal pressure against proselytizing by non-Orthodox faiths, and some groups reported that missionaries had been harassed or attacked when proselytizing. For example, during the year the Jehovah's Witnesses reported three incidents in Moscow where members engaged in public ministry were attacked by persons to whom they were preaching. In all three cases, the Jehovah's Witnesses reported the incidents to the police, but the police declined to open criminal investigations. In 2006 the Jehovah's Witnesses reported approximately 50 incidents in which authorities briefly detained their members or other citizens while conducting lawful preaching activities.

Authorities either deported or denied entry to several religious workers with valid visas. In January 2006 authorities deported the founder and legal/spiritual advisor of the Unification Church in Moscow. He may not reapply for a visa for 5 years, despite having lived in the country since 1990.

Some religious personnel experienced visa difficulties while entering or leaving the country.

In 2005 the Government denied entry to high-ranking British and Danish Salvation Army officials who sought to attend a church congress. In explaining its decision to deny entry, the Moscow city branch of the Federal Ministry of Internal Affairs cited the provision of law under which foreigners may be denied entry "in the interests of state security."

Laws in three regions—Belgorod, Kursk, and Smolensk—prohibit foreign visitors from engaging in missionary activity or preaching unless specifically authorized by their visas. According to local religious officials, the laws were not enforced.

In November Chechen President Ramzan Kadyrov called for all women in the republic to cover their heads with scarves. While officially this is nonbinding, several government institutions in Grozny reportedly posted signs forbidding women without headscarves from entering, and guards were enforcing the rule. Two universities in Chechnya reportedly barred women with uncovered heads from attending classes.

In 2005 nine female Muslim students at the Kabardino-Balkaria State University were briefly detained and interrogated because they were wearing hijab and violating university rules by practicing group study of the Koran. In 2005, in Maykop, Adygea Republic, police allegedly assaulted and apprehended a group of young Muslims, including the Maykop mosque's imam, as they were leaving a mosque; the imam stated that police beat them and questioned why they were wearing beards and observing Islamic norms of hygiene. After a night in detention, a judge ordered them released.

Since September 2006 schools in four of Russia's 85 regions required the teaching of a controversial Foundations of Orthodox Culture course; in many other regions, the course was taught as an elective.

In June a Moscow district court published a ban on the works of Said Nursi, a Turkish pacifist Islamic theologian. Religious and human rights leaders condemned the ban, which has been appealed. Vladimir Lukin, the human rights ombudsman, denounced the ban, saying that Nursi's works contained no trace of religious hatred or intolerance. In an open letter to the court, Lukin wrote that, "It is very important that we do not allow interference in the convictions and beliefs of millions of citizens on the poorly grounded, unproven pretext of fighting against extremism, as this really could provoke wide-scale violations of their right to freedom of belief."

Restitution of religious property seized by the Communist regime remained a problem, particularly for Muslim and Protestant groups. Many properties used for religious services, including churches, synagogues, and mosques, have been returned, and other restitution cases continued. The Russian Orthodox Church had greater success reclaiming prerevolutionary property than other groups, although it still had disputed property claims. In 2006 Muslims in Beslan appealed to the Presidential Council for Cooperation with Religious Associations to return the historic Cathedral Mosque to the Muslim community, which was occupied by a vodka-bot-

ting plant and a bottle washing shop. The Jewish community was still seeking the return of a number of synagogues, religious scrolls, and cultural and religious artifacts, such as the Schneerson book collection, a revered collection of the Chabad Lubavitch, which the authorities claimed as part of Russia's cultural heritage. The Roman Catholic Church reported 44 disputed properties, including the Saints Peter and Paul Cathedral in Moscow.

The authorities permitted Orthodox chapels and priests on army bases and also gave Protestant groups limited access to military facilities. Authorities largely banned Islamic services in the military and generally did not give Muslim conscripts time for daily prayers or alternatives to pork-based meals. Some Muslim recruits serving in the army reported that their fellow servicemen insulted and abused them on the basis of their religion. In December the military appointed the first Jewish chaplain since 1917.

*Societal Abuses and Discrimination.*—There were reports of societal abuses and discrimination based on religious belief or practice. Religious matters were not a source of social tension or problems for the large majority of citizens, but there were some problems between majority and minority groups, including incidents of harassment and violence.

Prejudices against non-Orthodox religions were behind manifestations of anti-Semitism and occasional friction with non-Orthodox Christian denominations. Because xenophobia, racism, and religious bigotry were often intertwined, it was sometimes difficult to determine which prejudice was the primary motivation behind discrimination against members of religious groups. Conservative activists claiming ties to the Russian Orthodox Church occasionally disseminated negative publications and held protest meetings against religions considered nontraditional, including alternative Orthodox congregations. Some Russian Orthodox clergy have stated publicly their opposition to any expansion of the presence of Roman Catholic, Protestant, and other non-Orthodox denominations.

Popular attitudes toward traditionally Muslim ethnic groups remained negative in many regions, and there were manifestations of anti-Semitism as well as societal hostility toward adherents of more recently established religions, such as the LDS Church, Jehovah's Witnesses, and Scientology. Ethnic tensions ran high in the predominantly Muslim Northern Caucasus, and there were problems in some cities outside that region. Government officials and journalists often labeled Muslim organizations "Wahhabi," a term that has become associated with extremism. The republics of Dagestan and Kabardino-Balkariya formally banned Wahhabism.

There were reports of mosques, Muslim community centers, and cemeteries being vandalized. For example, on March 3, a Muslim cemetery was vandalized in Kazantsevo village, Chelyabinsk region, by juveniles who tore crescent emblems from the grave markers. The boys were referred to juvenile inspectors. In another example, on April 19, a Muslim cemetery was desecrated in Kurgan.

In December 2006 a Yaroslavl court gave two teenage skinheads suspended sentences for inciting ethnic hatred after they threw molotov cocktails at a Yaroslavl mosque and a nearby parked car, and painted neo-Nazi graffiti on the mosque.

In 2005 vandals set fire to a two-story wooden building housing the Muslim Board of Komi and a mosque; there were no injuries. Vandals defaced mosques in Nizhniy Novgorod and Penza. In 2005 Muslim cemeteries in Moscow and Yoshkar-Oly, Mariy-El Republic were desecrated.

Reports of the harassment of evangelicals and Pentecostals decreased during the year. In contrast to previous reports about the vandalizing and burning of prayer houses in Nekrasovskoye, Buryatiya, Oshkar Ola, Khalsk, and Poldolsk, where authorities made no arrests, few such instances appeared to have occurred since December 2005, when Bishop Sergey Ryakhovskiy joined the Public Chamber. Nevertheless, African-Russian and African ministers of non-Orthodox Christian churches experienced prejudicial treatment, based apparently on a combination of religious and racial bigotry.

There continued to be cases of vandalism against non-Orthodox Christian churches reported during the year. For example, on January 6, vandals broke windows and threw smoke bombs into the LDS regional representational office in Samara. The nationalist Eurasian Youth Union claimed responsibility for the attack. In other examples, on March 26, a building belonging to the Emmanuel Church of Evangelical Christians in Moscow was set on fire and, on June 14, a swastika was painted on an information board of Pentecostal Church in Voronezh.

An estimated 250,000 Jews live in Russia, comprising less than 0.25 percent of the population, according to government sources and Jewish groups in Russia, Israel, and the United States. Some researchers suspect that the number is underreported due to the reticence of some Jews to publicly identify their religious or ethnic background. The Jewish population declined over the past two decades through



large-scale emigration, but recent years have seen an overall influx of Jews as some emigrants have returned from Israel and other countries.

During the year racially motivated violent attacks against Jews decreased, while anti-Semitic abuses continued to be a problem, with the overall number of anti-Semitic incidents remaining about the same. There were several reports of vandals desecrating Jewish cemeteries and defacing Jewish religious and cultural facilities, sometimes combined with threats to the Jewish community. Anti-Semitic graffiti and leaflets appeared frequently in many regions. Anti-Semitism on television or in other mainstream media was infrequent and was more likely to appear in low-circulation newspapers or in pamphlets. Anti-Semitic materials on Russian-language Internet sites have increased. There was no evidence of state-sponsored anti-Semitism.

On June 11, in Ivanovo, skinheads shouting anti-Semitic slogans attacked two Jewish men.

In February five teenagers were convicted of murder by reason of ethnic hatred for the 2005 murder of Andrey Dzyuba in Yekaterinburg. A group of at least 15 teenagers attacked Dzyuba and dragged him to a cemetery where he was beaten and stabbed to death with a metal cross. The attackers received sentences ranging from 5 to 10 years in prison, and 10 underage attackers who participated in the beating, but not the murder, were not charged because they were minors.

In March 2006 a Moscow court sentenced Aleksandr Koptsev to 16 years in prison for attempted murder and inciting racial hatred after he attacked worshipers in a Moscow synagogue with a knife, wounding nine. An appeals court extended the original sentence of 13 years after finding that the trial court had failed to consider the ethnic hatred motive of the crime. A student attempted a copycat attack on a synagogue in Rostov-on-Don in January 2006, but security guards stopped him before he could harm anyone. An appeals court overturned his attempted murder conviction on the basis that he was mentally unfit to stand trial, and ordered him to undergo psychiatric treatment.

Skinheads and ultra-nationalists, usually acting in gangs, attacked persons in Russia during the year, but their main targets were foreigners and persons from the Caucasus or Central Asian ethnic groups.

Synagogues, Jewish community centers, and cemeteries were frequently vandalized during the year across the country. Police often did not investigate such incidents as hate crimes, instead calling them acts of "hooliganism."

Many synagogues and community centers were vandalized during the year, including in Baltiisk, Borovichy, Izhevsk, Khabarovsk, Kurgan, Lipetsk, Murmansk, Nizhniy Novgorod, Perovo, Petrozavodsk, Saratov, Samara, Taganrog, Tomsk, Vladivostok, and Voronezh. Jewish cemeteries were vandalized in Bryansk, Karelia, St. Petersburg, and Voronezh; a Holocaust memorial was defaced in Kaliningrad. Officials often classified these crimes as "hooliganism." In many cases where local authorities prosecuted cases, courts imposed suspended sentences. In some cases, however, the hate-crime motive was taken into consideration. In May Dmitry Levanov firebombed the Jewish center in Ulyanovsk and nailed a threatening note on its door with a knife. He was convicted and given a 2-year suspended sentence for inciting ethnic hatred.

In March and May, Jewish cemeteries were desecrated in the Voronezh and Bryansk regions. The incident in Voronezh was investigated and two men were convicted of committing a crime with the motive of ethnic, racial, or religious hatred. One was given a 2-year suspended sentence, and the other was sentenced to 2 years in prison in light of his prior convictions. On October 8, in Krasnoyarsk, vandals desecrated 64 gravestones at a Jewish cemetery.

In 2005 and 2006, there were many similar reports of Jewish religious centers, community centers, and cemeteries being vandalized throughout the country.

There are many reports of anti-Semitic publications during the reporting period.

Anti-Semitic statements have been legally prosecuted, and the Government has publicly denounced nationalist ideology and expressed support for legal action against anti-Semitic acts.

In June a court in Novosibirsk, Russia sentenced the publisher of a local newspaper to 2 years in prison for inciting anti-Semitism. He published articles that openly called for violence against Jews.

In April a trader in extremist books was arrested at a book fair in Moscow and charged with inciting ethnic, racial, and religious enmity. The police said that they were seeking to identify the publisher of these materials.

According to the Anti-Defamation League (ADL), there were several cases against the editors of regional newspapers for publishing anti-Semitic articles. In October 2006 Vladimir Vostryagov from Vladimir was found guilty of fueling ethnic discord. Vostryagov received a 1½-year suspended sentence for publishing and distributing

an unregistered Vest newspaper that called for the extermination of Jews. In November 2006 Uriy Ekishev, a writer from Syktyvkar, Komi Republic, was sentenced to 1½ years of imprisonment for publishing anti-Semitic articles in Stenogramma newspaper and making anti-Semitic statements at a nationalistic rally.

In contrast to past years, there were no notable anti-Semitic statement from government officials and candidates in the State Duma elections. In 2005 some members of the State Duma and other prominent figures expressed anti-Semitic sentiments in a letter urging the prosecutor general to investigate Jewish organizations and initiate proceedings to ban them. The letter was criticized by several government leaders and, following the 2006 synagogue attack in Moscow, fewer public figures made anti-Semitic statements or were marginalized if they did.

In 2006 Nikolay Kurianovich, an Liberal Democratic Party of Russia (LDPR) Duma deputy, initiated and publicized a “list of the enemies of the Russian persons,” which mostly featured Jewish names. On March 7, aides to Kurianovich were expelled from the State Duma chambers for wearing swastika armbands. Kurianovich declared their expulsion part of a “struggle against all that is Russian.”

In May 2006 two Duma members reportedly made anti-Semitic comments while speaking at a St. Petersburg gathering organized by the Union of Russian Persons.

In 2005 approximately 500 persons, including 20 State Duma members, wrote to the Office of the Prosecutor General asking that he conduct an investigation of the country’s Jewish organizations with the possibility of initiating proceedings to ban them. The letter charged that a Russian translation of a compilation of ancient Jewish law, the Kitzur Shulchan Arukh, incited hatred against non-Jews; the letter also accused Jews of ritual murders. The Ministry of Foreign Affairs condemned the letter, as did President Putin in remarks delivered in Krakow in 2005. The State Duma passed a resolution condemning the letter.

A Moscow district prosecutor investigated both the publication of the Jewish Law translation and the “Letter of 500,” but closed both investigations without bringing charges.

The human rights ombudsman for the Komi Republic was placed under investigation by the local prosecutor’s office after making an anti-Semitic comment in a December 2006 interview with a local paper.

The Euro-Asian Congress noted that in 2006 prosecutors recorded the highest number of attempts to prosecute purveyors of anti-Semitic propaganda. While the Government publicly criticized nationalist ideology and supported legal action against anti-Semitic acts, the reluctance of some lower-level officials to call such acts anything other than “hooliganism” remained an impediment.

The support of Federal authorities, and in many cases regional and local authorities, facilitated the establishment of new Jewish institutions. During the year President Putin publicly criticized anti-Semitism and supported the establishment of the Museum of Tolerance being planned by the Federation of Jewish Communities of Russia. On June 26, Arkadiy Gaydamak, president of the Congress of Jewish Religious Organizations and Associations of Russia, and Chief Rabbi of Russia Adolph Shayeovich signed a contract regarding the construction of a Moscow Jewish community center. Work began on the \$100 million (2.7 billion rubles) complex on land donated by the Moscow city government to house Jewish community institutions, including a school, a hospital, and a major new museum devoted to the history of the country’s Jews, the Holocaust, and tolerance.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

*d. Freedom of Movement within the Country, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The law provides for these rights; however, the Government placed restrictions on freedom of movement within the country and on migration.

All adults must carry government-issued internal passports while traveling internally, and they must register with the local authorities within a specified time of their arrival at a new location. Authorities often refused to provide governmental services to individuals without internal passports or proper registration. The official grace period for registration given to an individual arriving in a new location is 90 days; however, darker skinned persons from the Caucasus or Central Asia were often singled out for document checks. There were credible reports that police arbitrarily imposed fines on unregistered persons in excess of legal requirements or demanded bribes from them.

Although the law gives citizens the right to choose their place of residence freely, many regional governments continued to restrict this right through residential registration rules that closely resembled Soviet-era regulations. Citizens moving permanently must register to reside, work, or obtain education for their children in a specific area within 7 days of moving there; those who are temporarily residing in a

new place may stay for only 90 days before they must register. Citizens changing residence within the country and migrants, as well as persons with a legal claim to citizenship who decide to move to the country from other former Soviet republics, often faced great difficulties or simply were not permitted to register in some cities. Corruption in the registration process in local police precincts remained a problem. There were frequent reports of police demanding bribes when processing registration applications and during spot checks for registration documentation. In 2004 Krasnodar Kray authorities enacted a law that extended the definition of "illegal migrant" to include unregistered Russian citizens as well as foreign citizens and stateless persons.

An anti-Georgia campaign following the September 2006 diplomatic row between Russia and Georgia, resulted in the deportation of approximately 4,000 ethnic Georgians, three of whom died in detention.

In Krasnodar Kray, Meskhetian Turks without Russian passports were denied the right to register, which deprived them of all rights of citizenship, and prevented them from working legally, leasing land, or selling goods. Because of the difficult conditions in Krasnodar, about 23,000 Meskhetian Turks applied to emigrate. With the departure of 11,316 Meskhetian Turks since 2004, facilitated by the Russian Federation, human rights groups reported a significant decline in arbitrary fines, and other forms of harsh treatment used previously by authorities against the community.

The law provides for freedom to travel abroad and citizens generally did so without restriction; however there were exceptions. Citizens with access to classified material needed to obtain police and FSB clearances to receive an external passport.

The law prohibits forced exile, and the Government did not employ it. The law provides all citizens with the right to emigrate and this right was generally respected.

*Internally Displaced Persons (IDPs).*—At year's end 13,853 IDPs from Chechnya were in temporary settlements or in housing in the private sector in Ingushetiya; 4,906 Chechens were in Dagestan, and approximately 30,000 Chechen IDPs reportedly were elsewhere in the country; and an estimated 8,718 Chechens were living as IDPs within Chechnya itself.

Officials stated publicly that they would not pressure or compel IDPs to return to Chechnya. However, the UNHCR reported that government officials stated their intention to deregister those IDPs who had received compensation from Federal assistance lists and indicated that 52 families were deregistered in June 2005. Those who were deregistered faced the threat of eviction from their accommodations in temporary settlements, despite their willingness to pay for the accommodation. Although some of the inhabitants chose to remain in Ingushetiya, the UNHCR estimated that 70 to 75 percent chose to return to Chechnya despite the inadequacy of temporary lodging. For example, in August the Government of Chechnya submitted to the UNHCR a list of 169 IDP families, largely from Ingushetiya, willing to return to Chechnya. The UNHCR reported that 1,141 IDPs returned to Chechnya from Ingushetiya this year.

The UNHCR asked to set up an office in Grozny to ensure that those returning were provided international standards of safety and dignity, but the Government repeatedly refused permission.

The UNHCR reported that, despite passport checks and occasional security sweeps that continued in IDP settlements, IDPs were generally able to remain in Ingushetiya without any pressure to return. However, other international and domestic organizations expressed concerns during the year over the Government's treatment of Chechen IDPs in Ingushetiya. In 2005 the Norwegian Refugee Council noted that IDPs were frequently denied status as "forced migrants" under Russian law, which severely limited their access to social benefits and protection. Others living in regions outside Chechnya were often denied residential registration by local authorities, in what the council characterized as discriminatory practices against Chechens.

In April 2006 Chechen President Kadyrov announced that all temporary accommodation centers in Chechnya should be closed because they fostered drug addiction, prostitution, and other criminal behavior and because many persons living there could return to their homes. According to the UNHCR, five temporary accommodation centers across Chechnya were closed during the year, with many of those residents moving to other centers.

*Protection of Refugees.*—The law provides for granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, but the Government has not established a system for providing protection to refugees. In practice, the Government generally provided protection

against “refoulement,” the return of persons to a country where there was reason to believe they feared persecution; however, it rarely granted asylum. Any decision of a migration service could be appealed to a higher-ranking authority or to a court. During the appeal process, the person received the rights of a person whose application for refugee status was being considered. If a person did not satisfy the criteria for refugee status but could not be expelled or deported for humanitarian reasons, he could be granted temporary asylum. Individuals who sought entry into the country without proper documentation and who sought to claim asylum were often denied access to the Federal Migration Service by border guards and Aeroflot airlines and often returned to their countries of origin, including in some cases to countries where a well-founded fear of persecution could be demonstrated. The UNHCR and NGOs stated that many asylum seekers at times faced detention, deportation, fines by police, and racially motivated assaults, which sometimes even led to the loss of life.

The Government cooperated with the UNHCR and the International Organization for Migration (IOM). Both organizations assisted the Government in trying to develop a more humane migration management system. By year’s end, the Government had registered 3,369 asylum applicants and refugees, up from 3,196 cases in 2006. The Government acted more expeditiously and with greater leniency in cases involving applicants who had been citizens of former Soviet countries than in the case of applicants from other countries. Officials continued to demonstrate widespread ignorance of refugee law.

Jong Koun Tchona, a North Korean seeking asylum in Russia, disappeared in November after being called to a Federal Migration Service office in Moscow. He later escaped from a detention facility in Khabarovsk, from which he understood he was to be forcibly repatriated to North Korea. The intervention of NGO Civic Assistance, the UNHCR, and the human rights ombudsman prevented Jong’s deportation, and at year’s end he and his Russian-citizen common-law wife were in hiding while seeking resettlement in a third country.

Russian authorities deported Uzbek citizen Rustam Muminov in October 2006 after a local court in Lipetsk had refused to order his extradition to Uzbekistan and ordered him set free. Muminov was deported after being arrested in Moscow, despite seeking refugee status. A Moscow court later ruled in October 2006 that the deportation had been illegal, and migration officials later admitted the deportation had been a mistake.

In 2006 Bakhrom Dadazhenov was accused of associating with an extremist group in a high-profile case in Arzamas, Nizhniy Novgorod region. The court proceedings were reportedly based on fabricated evidence. The intervention of NGO Civic Assistance prevented the Dadazhenov family’s deportation, and they were seeking asylum in a foreign country.

In November 2006 two brothers from Uzbekistan, Dolimbek and Davronbek Gulomov, were deported from Krasnoyarsk for allegedly violating Russian immigration laws and were handed over to Uzbek authorities. The two, who had lived in Krasnoyarsk since the beginning of 2006, were arrested in September on charges of participating in the banned Islamic party Hizb ut-Tahrir (HT).

An FSB spokesperson reported to the press that 19 Uzbek citizens had been extradited in 2006. The fate of many deportees is unknown to their families.

In 2005 authorities in Tatarstan deported an Uzbek student, Marsel Isayev, to Uzbekistan. He was reportedly pressured by Russian authorities to provide false evidence against classmates accused of being members of the banned Islamic party HT. Isayev appealed his deportation unsuccessfully to the courts. An intervention by Human Rights Ombudsman Lukin was also unsuccessful. Isayev’s family remained in Tatarstan.

The UNHCR and NGOs reported that undocumented asylum seekers continued to face problems with law enforcement bodies over their status in the country. The Government does not issue documents to asylum seekers who are awaiting review of their requests for asylum. They remained vulnerable to fines and detention, and were denied access to government assistance.

At Moscow’s Sheremytevo Airport, authorities systematically deported improperly documented passengers before they were able to file asylum claims with the Federal Migration Service, including persons who demonstrated a well-founded fear of persecution in their countries of origin. Airlines were fined if an undocumented passenger was admitted to the country but not if the passenger was returned to the country of origin. The treatment of asylum seekers in the transit zone reportedly was harsh.

To the UNHCR’s knowledge, no asylum seeker arriving at Sheremytevo-2 Airport had been accepted since at least 1999. Most cases involved labor migrants entering or leaving the country, but a few cases involved asylum seekers. While Federal law provides for education for all children, regional authorities frequently denied access

to schools to children of asylum seekers if they lacked residential registration. Authorities frequently denied migrants and Russian citizens the right to work if they did not have residential registration. Refugees also cannot work legally if they are not registered, and cannot obtain registration if they are not officially accepted as refugees by the Government.

The law exempts the estimated 1.5 million former Soviet citizens residing in the country without benefit of citizenship from having to meet most requirements for naturalization. In January 2006 a new law extended the deadline for former Soviet citizens to obtain citizenship until January 1, 2008. In addition, the new law extended the right to seek citizenship to those who obtained a residence permit in the country after January 1, 2002, increasing the number of persons potentially eligible for citizenship.

International agreements permit persons with outstanding warrants from other former Soviet states to be detained for periods of up to 1 month while the prosecutor general investigates the nature of those warrants. This system was reinforced by means of informal links among senior law enforcement and security officials in many of the republics of the former Soviet Union. Human rights groups continued to allege that this network was employed to detain opposition figures from the other former Soviet republics without legal grounds.

In 2005 authorities detained 12 Uzbek citizens, one Kyrgyz citizen, and one ethnic Uzbek with Russian citizenship on a request from Uzbek authorities following the violence in Andijon, Uzbekistan. The Russian citizen was subsequently released and left for a third country after Russian officials moved to revoke his citizenship. Russia refused to grant asylum or refugee status to the remaining 13 persons. The ECHR successfully intervened to prevent their deportation, and on March 5, they were released from detention. After the Federal Migration Service informed them that it would not grant them temporary asylum in Russia, the Uzbeks appealed the decision to the ECHR. The Government permitted them to remain in Russia pending the result of the appeal. On December 5, Russian officials administratively expelled Tyumen resident Abdujani Kamaliyev, an Uzbek married to a Russian citizen, to Uzbekistan even though a domestic court had ruled against his extradition in 2006 and this was in violation of a December 3 ECHR ruling, objecting that he may be subjected to torture if returned to Uzbekistan.

On March 29, the Government deported Falun Gong practitioner Ma Hui and her 8-year-old daughter Ma Jing in spite of their U.N. refugee status and a scheduled March 30 district court hearing on Ma Hui's asylum claim. Two weeks later the Government deported Gao Chunman, a disabled 73-year-old Falun Gong practitioner, also with U.N. refugee status.

On August 30, a Moscow district court ordered the extradition of another Uzbek, Yashin Dzhurayev, who claimed that he had been persecuted for religious reasons in Uzbekistan.

Two other Uzbek citizens were detained in Novosibirsk in 2005 under a similar request from Uzbek authorities.

### *Section 3. Respect for Political Rights: Citizens' Right to Change Their Government*

The law provides citizens with the right to change their government peacefully in regularly scheduled national and regional elections, although their ability to exercise that right has lessened considerably in recent years by changes in the electoral law, a change from elected to appointed governors, and increased government control of mass media. Little competition existed in the system, which was dominated by the pro-presidential United Russia party. Authorities often blocked the political opposition from exercising their right to freedom of assembly.

*Elections and Political Participation.*—In December, Russia held elections for the State Duma in which the United Russia party received a two-thirds constitutional majority, and a total of four parties exceeded the 7 percent threshold for gaining seats in the Duma. International observers concluded that the elections were not fair and failed to meet standards for democratic elections. After the Central Election Commission placed delays and unprecedented restrictions on the number of international observers, the Office for Democratic Institutions and Human Rights (ODIHR) decided it was not able to send an observer mission. A team of parliamentarians from the Parliamentary Assembly of the Council of Europe, the Parliamentary Assembly of the OSCE, and the Nordic Council observed the elections. The teams concluded that the elections were “not fair and failed to meet many OSCE and Council of Europe commitments and standards for democratic elections.” They noted that the elections took place in an atmosphere which seriously limited political competition. Frequent abuses of administrative resources, media coverage strongly in favor of United Russia, and the revised election code combined to hinder political pluralism.

The OSCE representative on freedom of the media reported numerous media freedom violations during the elections, including harassment of media outlets, legislative limitations, and media bias in political coverage, which prevented equal media access. Even though some of its observers were impeded, the voter-rights NGO GOLOS reported numerous electoral violations and problems including an “unprecedented” amount of absentee ballots, collective voting under pressure, multiple voting by the same voters, and vote counting violations. GOLOS observers, however, reported good organization of voting procedures and that secrecy of voting was mostly observed.

Fifteen regions held legislative elections in March and April. Many political actors and analysts claimed that some parties, most often the United Russia party, had unfairly used administrative resources to sway results. Many observers viewed these elections as flawed, with numerous irregularities and abuses during the election process. There were problems in some regions with unequal access to the media and the use of administrative resources by incumbents to support their candidacies. The counting of votes in most locations was professionally done but there were exceptions, notably in Dagestan. In several regions, opposition political parties such as Yabloko and the Union of Right Forces (SPS) were removed from the ballot after the election commissions cited violations in elections procedures. In February, the St. Petersburg elections commission cited a handwriting expert and claimed that hundreds of the 40,000 signatures on Yabloko’s registration application were forgeries. The commission gave Yabloko only 2 days to refute the charges with signed affidavits and copies of passports of those signatures that it ruled invalid. Yabloko could not comply with this request and was removed from the ballot. SPS was removed from ballots in Vologda and Pskov.

The December State Duma elections were marked with apparent fraud in many of the North Caucasus republics and other regions. In the 2005 election, the Council of Europe alleged that the official voter turnout numbers were artificially high and this trend reportedly continued in 2007 elections. Chechnya reported 99.5 percent voter turnout, with 99.5 percent of the votes going to the United Russia party; Ingushetiya reported 98.3 percent voter turnout, with 98.8 percent of the votes for United Russia; and Kabardino-Balkaria reported 97 percent turnout, with 96.5 percent of the votes for United Russia. In Ingushetia, with 159,000 registered voters, a protest movement called “I did not vote” collected 87,340 signatures from registered voters who said that they had not voted in the December elections.

Laws enacted in 2005 and 2006, particularly those eliminating direct gubernatorial elections, contributed to the consolidation of the Government’s political power. Further changes to the election law made in 2006, created a strict party list system, banned electoral blocs, raised the threshold for party representation in the State Duma to 7 percent of the vote, and eliminated the minimal voter turnout provision. The changes worked to the advantage of parties already represented in the State Duma, particularly the pro-presidential United Russia, and have had the effect of reducing the number of competitive parties. The electoral law also bans non-partisan domestic observation of Federal elections, which makes it difficult for NGOs to observe elections.

The law provides that republic presidents and regional governors be nominated by the president subject to confirmation by regional legislatures. If a regional legislature fails to confirm the president’s nominee three times, the legislature may be dissolved. The president also acquired the power to remove regional leaders in whom he had lost confidence, including those who were popularly elected. By year’s end no regional legislature has failed to confirm the president’s nominee. The law gives the president significant influence over the Federation Council, since regional leaders selected by the president in turn appoint half of its members. In 2005 the Government enacted a law that allows political parties that have won elections to regional parliaments to propose their own candidates for head of a region subject to approval by the president and that region’s legislature.

Several other provisions of the election law were amended in 2006: The option “against all candidates” was eliminated from ballots; early voting was eliminated; a mandatory minimum voter turnout was eliminated; circumstances under which a candidate may be removed from the ballot (including for vaguely defined “extremist” behavior) were expanded; and “negative” campaigning was banned.

Political parties historically have been weak. Although the law includes a number of measures to enlarge the role of political parties, particularly of established political groupings, it also gives the executive branch and prosecutor general broad powers to regulate, investigate, and close parties. Other provisions limit campaign spending, set specific campaign periods, establish conditions under which candidates can be removed from the ballot, and provide for restrictions on campaign materials. To register as a political party, the law requires groups to have at least 50,000

members with at least 500 representatives in half of the country's regions and no fewer than 250 members in the remaining regions, making it difficult for smaller parties to register.

Prospective presidential candidates from political parties that are not represented in the Duma must collect no less than 2 million signatures from supporters throughout the country to be registered to run for president. Independent candidates also are required to submit signatures to the CEC to be certified to run. A candidate is ineligible to run if more than 5 percent of signatures are found to be invalid by the Central Election Commission. Parties that are represented in the Duma can nominate a presidential candidate without having to collect and submit signatures.

As of October, according to the Central Election Commission chief Vladimir Churov, three of the 14 parties wanting to run in the December State Duma elections were disqualified based on alleged problems with their registration documents.

Before the March regional elections, in December 2006 the acting head of the Federal Registration Service announced that, of the 35 political parties that applied for re-registration in accordance with the amended and more demanding law, only 19 passed the inspection, although two decided to register as "public associations." As a result, the 15 parties that did not pass the inspection must reregister as public organizations, movements, or NGOs or be dissolved through court procedures.

In July 2006 the Government enacted the law "On Countering Extremism," increasing concerns among many that the law may restrict election related activities of political parties, the media, and NGOs and discourage criticism of the Government. The law was used in some cases to stifle opposition political parties during the 2007 elections. For example, the law was used against campaign materials for the political opposition, but not for materials of the ruling United Russia party.

On April 16 the FSB began an investigation of Other Russia member Garry Kasparov for inciting extremism by encouraging radio listeners to attend an opposition rally in St. Petersburg. In December 2006 government agents raided the offices of the political organization United Civil Front headed by Garry Kasparov. The officers had an order to search the premises due to suspicions of "extremist activity," and seized books and material promoting the "March of the Dissenters," an antigovernment demonstration. No charges were ultimately brought, but some viewed the incident as an example of the Government was attempting to use the new law on extremism to intimidate the opposition. The law was also used by public figures to intimidate their critics.

In December 58 women won seats in the 450-member State Duma; there were nine women in the Federation Council. Three women were deputy committee chairs. Valentina Matviyenko, governor of St. Petersburg, was the only woman to lead one of the 85 regions of the country.

National minorities took an active part in political life; however, ethnic Russians, who constitute approximately 80 percent of the population, dominated the political and administrative system, particularly at the Federal level.

*Government Corruption and Transparency.*—Corruption is a widespread problem in Russia and studies have found that it increased in the past year. The World Bank's worldwide governance indicators reflected that corruption was a severe problem. The Government designated the fight against corruption and the enforcement of law as priorities, and while the law provides criminal penalties for official corruption, the Government acknowledged that it has not implemented the law effectively, and officials frequently engaged in corrupt practices with impunity. Corruption was widespread throughout the executive, legislative, and judicial branches at all levels of government. Manifestations included bribery of officials, misuse of budgetary resources, theft of government property, kickbacks in the procurement process, and extortion. The NGO INDEM (Information Science for Democracy) reports that other official institutions, such as the higher education system, health care, the military draft system, and the municipal apartment distribution system were also corrupt.

Overall, initiatives to address the problem, either through regulation, administrative reform, or government-sponsored voluntary codes of conduct, have made little headway in countering endemic corruption. While there were prosecutions related to bribery, the lack of enforcement in general remained a problem. In addition, bribery and other corruption issues are investigated by the Ministry of Internal Affairs and the Federal Security Service, both of which were widely perceived as corrupt.

Under the criminal code, giving and receiving bribes are criminal acts punishable by up to 12 years of incarceration; a person who pays a bribe is relieved of criminal liability if the bribe was extorted from him or if he voluntarily informs law enforcement about it.

From January to October, according to Deputy Foreign Minister Alexander Yakovenko, more than 37,000 corruption crimes, including bribery and corrupt business practices, were detected by the Ministry of Internal Affairs. From January to

November, there were 11,119 cases of bribery of government and municipal officials alone, a 6-percent increase from the same period of last year. Of these cases 9,127 persons faced criminal investigations and 5,288 were sentenced, a 10.3 percent increase from the same period in 2006. The INDEM foundation estimates that millions of corruption-related offences were committed every year and cost the country \$300 billion (approximately 7.36 trillion rubles), almost equal to the country's entire Federal budget.

Some high-level officials were charged with corruption this year, but most anticorruption campaigns were limited in scope and focused on lower-level officials. Allegations of corruption were also used as a political tactic, which made it more difficult to determine the actual extent of corruption.

In this year's highest-profile corruption case, Deputy Finance Minister Sergey Storchak was arrested on suspicion of preparing to embezzle \$43 million (more than 1 billion rubles) from the state budget. The case, which some observers charged may be politically motivated, remained delayed at year's end; in the meantime, Storchak was considered a flight risk and remained in detention in Moscow.

The former governor of Nenets Autonomous Region, Alexey Barinov, was convicted of diverting state money for his personal use, but was released with a 3-year suspended sentence. Similarly, the former vice governor of Novgorod region, Nikolai Ivankov, was convicted of charging his personal vacations to the regional budget, but was given a 3-year suspended sentence and a fine of \$205 (5,000 rubles).

Togliatti Mayor Nikolay Utkin was charged three times this year for abuse of power, bribery, and illegal land transfer.

In the Russian Far East, Amur Oblast governor Leonid Korotkov and Vladivostok mayor Vladimir Nikolayev were charged with corruption and abuse of office in 2006. Nikolayev was released this year after the Vladivostok City Court sentenced him to 4.5 years suspended imprisonment.

In March Aleksandr Kislyakov, former deputy governor of the Orel region, was sentenced to 7 years in prison for receiving a bribe of \$4,100 (100,000 rubles).

In April 2006 a Moscow city court sentenced Federal tax inspector Oleg Alekseyev to 10 years and Central Bank lawyer Aleksey Mishin to 8 years in prison for bribery and extortion. They were each ordered to pay a fine of \$40,000 (1 million rubles). Alekseyev was videotaped taking a \$1 million (26.5 million ruble) bribe to eliminate tax charges against a commercial bank in collusion with Mishin.

In August 2006 a senior auditing official in the Ministry of Industry and Energy was sentenced to 7 years in prison for taking bribes.

In 2006 the head of Russian customs in the Far East, Ernest Bakhshetsyan, was arrested over alleged improprieties in office. Observers believed that the charges were concocted against Bakhshetsyan for attempting to crack down on smuggling in Primorye.

The law authorizes public access to all government information unless it is confidential or classified as a state secret. Government refusal to provide access to open information, or the classification of information as a state secret without cause, has been successfully contested in court. However, access to information was often difficult and subject to prolonged bureaucratic procedures.

#### *Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

Domestic and international human rights groups operated in the country, investigating and publicly commenting on human rights problems, but official harassment continued, and the operating environment for these groups was restricted. Authorities increasingly harassed many NGOs that focused on politically sensitive areas, and other official actions and statements indicated a low level of tolerance for unfettered NGO activity, particularly for NGOs that received foreign funding and reported on human rights violations. NGOs operating in the Northern Caucasus were severely restricted.

An estimated 20 to 25 percent of the approximately 450,000 registered public associations and nongovernmental, noncommercial organizations were regularly active. The vast majority engaged in social or charitable activities, although many worked to influence policy and was critical of the Government. There were several dozen large NGO umbrella organizations as well as thousands of small grassroots NGOs. There was often a large gap between these two categories of NGOs in terms of their organizational capacity. In the regions, NGO coalitions continued to advocate on such issues as the rights of the disabled and of entrepreneurs, environmental degradation, violations by law enforcement authorities, and the war in Chechnya.

In 2006 the Government enacted legislation that strictly regulates NGOs and requires them to register with the Federal Registration Service. The law has more



stringent registration requirements for local affiliates of foreign NGOs than for domestic NGOs, but requires all NGOs to file extensive reports on their structure, activities, leadership, and finances. The law provides intrusive means for government officials to scrutinize NGOs, including "public associations," but provides the NGOs with only limited procedural protections. The law grants the Federal Registration Service discretion to deny registration or to request that the courts close organizations based on vague and subjective criteria.

For example, the Dutch Russia Justice Initiative was twice refused registration in 2006 but during the year was finally able to register.

Starting this year, all NGOs were required to submit periodic reports to the Federal Registration Service (FRS) that disclose potentially sensitive information, including sources of foreign funding and detailed information as to how funds are used. As a result, NGOs stated that they were increasingly cautious about receiving foreign funds; while they still in many cases received foreign funds, many were restricting their activities to less sensitive issues. The FRS has the authority to audit organizations; in May, it audited the prominent human rights NGO Memorial International in a regularly scheduled inspection. FRS found several violations of the Russian legislation, especially with regard to the society's charitable activity, and issued a \$61,000 (1.5 million ruble) fine, which Memorial's lawyers successfully appealed.

Observers believed the Government applied the NGO law to target some human rights organizations, such as cases opened against several NGOs in St. Petersburg that could result in their closure.

The July 2006 amendments to the law on extremism have been used to restrict activities of political parties, the media, NGOs, and some criticism of the Government. The revised law expands the definition of extremist activity to include public libel of a government official or his family, as well as public statements that could be construed as justifying or excusing terrorism.

The authorities continued to target the Russian-Chechen Friendship Society (RCFS), which it ordered closed in October 2006. On January 23, the Supreme Court upheld the judgment of the Nizhny Novgorod regional court and ruled to liquidate the RCFS. The RCFS had urged negotiations between the Government and Chechen rebels to settle the conflict and reported on human rights abuses perpetrated by both sides of the conflict. In February 2006 RCFS Executive Director Stanislav Dmitriyevskiy was convicted of inciting racial and ethnic hatred and given a 2-year suspended sentence and 4 years probation for publishing statements by Chechen rebel leaders. The authorities warned the RCFS that the NGO law prohibited persons convicted of extremist crimes from leading an NGO. The RCFS refused to replace Dmitriyevskiy, and the authorities moved to close the RCFS. Dmitriyevskiy appealed his conviction to ECHR, which had not ruled on the appeal by year's end. The RCFS has since registered in Finland and has continued to operate in Russia. In April Dmitriyevskiy participated in the March of the Dissenters. On August 12, his sentence was amended to provide that his suspended sentence could be revoked if he commits more than one administrative violation within a 12-month period. RCFS offices in Nizhny Novgorod were raided in 2005 and separate criminal and tax cases were opened against the RCFS executive director and the organization.

In 2006 the Nizhny Novgorod Human Rights Society resumed its activities, reportedly as a result of a campaign by international organizations. In 2005 authorities ordered the closure of the society, a partner organization of the RCFS, on the grounds that it did not submit necessary documentation of its activities to the Ministry of Justice.

The Government continued to scrutinize organizations that it considered to have an opposition political agenda. Numerous human rights and opposition groups reported politically motivated hostility from the Government. During the year the Government attempted to damage the public image of the NGO community with statements that NGOs were suspicious organizations funded by foreign governments. Government accusations that implied connections between foreign-funded NGOs and alleged espionage by resident diplomats increased public perceptions that NGOs served foreign interests and fuel instability.

A number of indirect tactics were applied to suppress or shut down domestic NGOs, including creative application of various laws and harassment in the form of investigations and raids ostensibly to check for pirated software.

In June the Government seized the computers and financial records of the Educated Media Foundation (EMF), also known as Internews Russia, an NGO promoting professional and independent media. The seizure was allegedly part of its investigation of EMF director Manana Aslamazyan, who was charged with an administrative violation when she failed to properly declare the currency she was

bringing into the country. Authorities subsequently charged her with a criminal offense. The Government also used this as a reason to allege criminal activities by the NGO and to seize its equipment and effectively stop its operations.

In 2004 the Prosecutor's Office in Ingushetiya initiated a case against the human rights NGO Chechen Committee for National Salvation (CCNS) alleging that its press releases accusing local authorities of violating human rights constituted extremist materials. In October 2004 a district court in Nazran dismissed the case, but in February 2005 the Ingushetiya Supreme Court reinstated it. The new trial started in April 2006 and was ongoing at year's end.

In 2005 State Duma deputy Nikolay Kuryanovich, who was criticized in a report by the Moscow Bureau for Human Rights (MBHR), sent a letter to the Government asking for the MBHR to be closed and accusing it of collaboration with foreign intelligence. In response to Kuryanovich's letter, several inspections were conducted by the Federal Tax Service and the Prosecutor General's Office, which did not find grounds to initiate a criminal case against the MBHR. The case has not been closed, but the tax service had made no claims by year's end.

Pressure on human rights NGOs and activists continued in the Autonomous Republic of Bashkortostan during the year. In April, in Ufa (Bashkortostan), an unidentified man beat and injured a representative of the NGO International Standard in April 2007. Despite a police and hospital report, authorities did not open an investigation. In 2006 the state registration agency forced the International Standard, which received funding from abroad, to suspend its activities for a month, citing technical irregularities. The NGO was forced to amend its charter and reregister its legal address; foreign funding has essentially ceased due to new regulations.

Human rights activist Yevgeniy Basyrov left Russia to escape arrest after he testified this year on behalf of fellow human rights activist Nikolay Gusak. Gusak was convicted on three counts of verbal abuse during the year and received sentences ranging from 15 days to a month. He was beaten badly by criminal cellmates in the town of Tuimazy, Bashkortostan.

There were no further official actions during the year regarding Open Russia, an NGO that was founded and heavily funded by former Yukos CEO Mikhail Khodorkovskiy. Open Russia's Moscow office was raided in 2005 by authorities, who seized documents reportedly related to an ongoing investigation of money laundering and embezzlement by Yukos employees. Authorities did not bring charges against Open Russia. After Yukos declared bankruptcy, funding to Open Russia was halted, and the NGO closed. In March 2006 the Basmani district court of Moscow froze Open Russia's bank accounts. In April 2006 Open Russia stopped all activities except for the Club of Regional Journalists.

The Government subjected the Center for International Legal Defense (CILD), which was headed by one of former Yukos CEO Mikhail Khodorkovskiy's lawyers, to irregular administrative inspections. In a note to Ombudsman Lukin, CILD complained about a January visit to their office by an officer of the Ministry of Internal Affairs' Tax Offenses Department in Moscow. The officer questioned the center's director and deputy director about CILD's activities and asked if they worked on any Chechen cases. Later in the month, the officer visited CILD with orders summoning the executives to the Tax Offenses Department. In July 2006 the Federal Tax Service filed a claim against CILD after it was audited by tax inspectors; the center appealed the claim. The center was founded in 1994 to assist victims of human rights violations through international legal mechanisms. The tax claims and fines against CILD amounted to approximately \$170,000 (4.6 million rubles), which if collected could potentially put the NGO out of business. The Federal Tax Service claimed that the CILD failed to pay taxes on \$500,000 (approximately 13.5 million rubles) in foreign grants received between 2002 and 2004.

Regional human rights groups generally received little international support or attention and often suffered from inadequate funding. Due to limited resources, the NGO reporting requirements created a particularly onerous burden. They reported that at times local authorities obstructed their work. While these groups were generally free to criticize government and regional authorities, authorities in some areas were intolerant of criticism. Local human rights groups in the regions had some opportunities to interact with legislators to develop draft laws; however, local authorities excluded some organizations from the process entirely.

The Government subjected international human rights and humanitarian groups, particularly those involved in promoting democracy during the election year, to increasing pressure, such as foreign workers facing trouble with visas, FSB officers arriving with questions that intimidated the members, and pressure to curtail more sensitive activities. In the view of some observers, NGOs working in the North Caucasus were particularly vulnerable to interference.

A foreign NGO reported that central authorities continued to pressure it and its domestic partner, the VOICE Association for Voters' Rights, during the year.

Government and legislative officials recognized and consulted with some NGOs, primarily those focused on social issues, and select groups participated, with varying degrees of success, in drafting legislation and decrees. Officials, such as Human Rights Ombudsman Vladimir Lukin and the chairman of the Presidential Council on Promoting the Development of Institutions of Civil Society and Human Rights, Ella Pamfilova, regularly interacted and cooperated with NGOs.

In the Jewish autonomous republic, Amur Oblast, and selected regions in Primorskiy Kray, NGOs worked with local governments to encourage citizen participation in local self-governance on issues related to implementation of the law on local governance.

Some international NGOs maintained small branch offices staffed by local employees in Chechnya; however, all were based outside of Chechnya. In a meeting with NGOs on August 2, Chechen President Kadyrov stated that all foreign NGOs that worked in Chechnya should move their offices from neighboring republics to Grozny, register with the tax inspectorate, and employ local citizens. Critics contended that this enabled Kadyrov to keep tighter control over the NGO sector.

By law, every person in the country may bring cases to the ECHR for alleged human rights violations after 1998, provided they have exhausted "effective and ordinary" appeals in the courts. This provision was usually satisfied by two appeals (first and cassation) in courts of ordinary jurisdiction or three (first, appeal, and cassation) in the commercial court system. More than 20,000 cases were pending against Russia at the ECHR at the end of the year. The ECHR which received more than 10,000 complaints involving Russia, ruled against Russia in 175 of the 192 cases on which it reached a decision during the year.

The Government generally paid financial judgments ordered by the ECHR in a timely fashion; however, it issued blanket refusals in response to ECHR requests for disclosure of the domestic case files relating to alleged gross violations in Chechnya. The ECHR criticized this failure of disclosure.

Government human rights institutions challenged local government activities, promoted the concept of human rights, and intervened in selected abuse complaints. Human Rights Ombudsman Vladimir Lukin commented on a range of human rights problems, such as the treatment of children, the rights of prisoners, hazing in the military, and religious intolerance. During the year Lukin criticized intolerance and the growing wave of ethnic, religious, sociopolitical, and human hatred in the country. Lukin defended the rights of participants in the dissenters' marches, noting that the Constitution states clearly that citizens have a right to participate in meetings and marches, and that only notification of the authorities is required to hold meetings and marches, not permission from the Government. Lukin's office intervened in August to help secure the release from an Apetity psychiatric institution of "Other Russia" activist Larisa Arap, who had been involuntarily hospitalized. Lukin assembled a panel of independent experts who examined Arap and testified that she should be released. The ombudsman's annual report noted that his effectiveness was limited because he was not empowered to propose legislation that could address human rights problems. He also noted the difficulty of getting some government officials to respond to inquiries from his office. In 2006, for example, the ombudsman intervened in more than 1,500 cases of prisoner abuse, but only 123 cases were satisfactorily resolved by prison officials.

The Ombudsman's office had approximately 200 employees and several specialized sections responsible for investigating complaints. During the year the office published reports on human rights issues, such as the rights of children with disabilities. Lukin's role remained primarily consultative and investigatory, without powers of enforcement. There was no information available on the investigations proposed by Lukin during the year. As of mid-2007, 40 of the country's 85 regions had regional human rights ombudsmen with responsibilities similar to Lukin's; their effectiveness varied significantly.

The Presidential Council on Promoting the Development of Institutions of Civil Society and Human Rights, headed by Ella Pamfilova, promoted NGO concerns and worked to advance human rights in the country. The council was widely respected within the NGO community; however, it was limited in its capacity to address many human rights problems. In some notable cases, such as abuses to freedom of assembly during opposition demonstrations, advocating for easing regulations on NGOs, and election violations, Pamfilova provided effective intervention.

In January 2006 the 126-member Public Chamber of the Russian Federation began operation. The chamber was established by legislative mandate to channel public and civil society input into legislative decision-making. Some prominent human rights groups declined to participate in the chamber out of concern that the

Government would use it to increase control over civil society. The chamber employed some 30 committees to cover problems ranging from juvenile justice to anticorruption to philanthropy. Committees were intended to conduct public discussions on key issues, review draft laws, travel to the regions to promote the role of regional public chambers, conduct studies, and give nonbinding recommendations to the Government and legislature.

Early in the year, the Public Chamber published a report on the state of civil society in the country in 2006. The report assessed the development of civil society but offered no information on the chamber's role in fostering civil society. The chamber was generally not considered effective as a check on the Federal Government.

*Section 5. Discrimination, Societal Abuses, and Trafficking in Persons*

The law prohibits discrimination based on race, gender, language, social status, or other circumstances; however, both governmental and societal discrimination persisted.

*Women.*—Rape is illegal, and the criminal code makes no special distinctions (such as spousal rape) on the relationship between the rapist and the victim. Between January and November, 6,619 rapes and rape attempts were reported, a 19 percent decrease from the same period in 2006. However, according to NGOs, many women did not report rape or other violence due to social stigma and lack of government support. Rape victims can act as full legal parties to criminal cases brought against alleged assailants and seek compensation as part of a court verdict without initiating a separate civil action.

Members of the medical profession, including at hospitals and elsewhere, assisted women who were assaulted, which sometimes included identifying an assault or rape case. Doctors, however, were reluctant to provide testimony in court.

Spousal or acquaintance rape was not widely perceived as a problem by society or law enforcement. Women were unlikely to report cases of rape by persons they knew. Law enforcement and prosecutors held many of the same notions and reportedly did not encourage reporting or prosecution of such cases. A very small percentage of spousal or partner rape was reported to the court.

Domestic violence remained a major problem. The Ministry of Internal Affairs reported that during the year approximately 14,000 women were killed by their husbands, boyfriends, or other family members. The ministry also estimated that more than 2,700 men were killed by their wives or girlfriends whom they had beaten. Law enforcement authorities frequently failed to respond to incidents of domestic violence. Amnesty International estimated that approximately 36,000 women were beaten by a husband or partner every day. There were no official statistics on domestic violence, but officials estimate that there were more than 250,000 violent crimes committed against women every year. Because violence is frequently not reported, the real figures are impossible to ascertain.

There is no legal definition of domestic violence. The law prohibits battery, assault, threats, and murder, but most acts of domestic violence did not fall within the jurisdiction of the Prosecutor's Office. Victims of these crimes must prosecute such cases themselves, which was difficult to do without legal training or state assistance. Consequently, few cases were prosecuted, and there were few convictions. According to a 2005 survey, police frequently discouraged victims from submitting complaints, and the majority of cases filed were either dismissed on technical grounds or moved to a reconciliation process by a justice of the peace, with focus on preservation of the family, rather than punishment of the perpetrator. Civil law remedies for domestic violence included administrative fines and divorce.

NGOs reported improvements in several cities where they worked with police to support domestic violence victims; in some cities, this resulted in improved procedures for dealing with domestic violence.

There were over 600 government centers for social rehabilitation assistance and shelters serving various groups. It was unclear how many of these offered services for domestic violence victims. There were also about 25 crisis centers, 90 percent of which were run by NGOs. Crisis services were not focused exclusively on violence against women, although some did offer services to domestic violence victims, including temporary shelter. An informal informational network affiliated with the NGO National Center for Prevention of Violence "Anna" reported that 22 of the 170 organizations in its network closed, primarily due to lack of financing.

The organization and operation of a prostitution business is a crime, while selling sexual services is a lesser criminal administrative offense. Prostitution remained widespread in the country, and some observers noted that the country was a destination for sex tourism; police worked closely with counterparts from at least one foreign government to ensure the prosecution of sex tourists. There were reports of

prostitutes bribing police and police violence against prostitutes. It was widely believed that police were involved in the protection of prostitution.

The law does not prohibit sexual harassment, which remained a widespread problem. NGOs operating hot lines reported that women routinely sought advice on the problem. The lack of legal remedies and limited economic opportunities caused many women to tolerate harassment.

Although the law states that men and women have equal rights and opportunities to pursue those rights, women encountered discrimination in employment. Job advertisements often specified sex and age groups, and some specified desired physical appearance as well as a preference for applicants open to intimate relations with their prospective supervisor. Employers often preferred to hire men to save on maternity and childcare costs and avoid the perceived unreliability that accompanied the hiring of women with small children. The labor market displayed gender discrimination in compensation, professional training, hiring and dismissal, and career promotion. Such discrimination was often very difficult to prove. The Federation of Independent Trade Unions of Russia stated that the gender differential in wages increased from 30 percent in 1998 to 35–40 percent in 2006. One study found that women earned 29 percent less than men in state-owned firms and 23 percent less in private firms.

*Children.*—The Government expressed its commitment to children's rights and welfare, but devoted limited resources to the welfare of children. Legislation does not provide adequate protection for children, and in practice abuses against children remained a problem.

Children have the right to free education until grade 11 (or approximately age 17). School is compulsory until age 15 or 16. According to UNICEF statistics, 93 percent of school-age children attended school. The highest level achieved by the majority of children was secondary education. While Federal law provides for education for all children in the country, regional authorities frequently denied school access to the children of unregistered persons, including Roma, asylum seekers, and migrants.

Child abuse was a widespread problem, but the majority of child abuse cases were not subject to legal action. Children, particularly homeless children or orphans, were exploited in child pornography. Authorities viewed child pornography as a serious problem, and police and politicians have increasingly called for legislative improvements. Current laws against child pornography were inadequate to allow effective investigation and prosecution of pornography cases. The law lacks a definition of child pornography, does not criminalize the possession of child pornography, and the statute on the production and distribution of pornography was poorly drafted and seldom used. Criminal cases were often dismissed because of the lack of clear standards; when a suspect was convicted, the courts frequently imposed the minimum sentence, often probation. Relatively few child pornography cases were investigated and prosecuted, creating an environment where child pornography flourished. Nonetheless, the number of child pornography investigations increased fourfold in the past 4 years, reflecting increased police awareness of the problem.

The Moscow Human Rights Research Center estimated that approximately 50,000 children ran away from home annually to avoid domestic violence. The Moscow Helsinki Group indicated that each year approximately 2 million children under 14 years of age were victims of domestic violence. While there was some government attention to child abuse, it was generally not linked to the broader problem of domestic violence.

Estimates of the number of homeless children ranged from 2 million to 5 million. The Russian Statistics Committee (Rosstat) estimated that there were approximately 800,000 abandoned children in the country.

According to the Moscow Department of Social Security, 12 percent of street children who ended up in shelters had run away from orphanages or boarding schools. Law enforcement officials reportedly often abused street children, pinned the blame for otherwise unsolved crimes on them, and committed acts including extortion, illegal detention, and psychological and sexual violence against them. According to the Public Verdict Foundation, in 2005 prosecutors refused to bring charges in 80 percent of cases of alleged police misconduct involving street children; there was no information available on the situation during the year.

In October 2006 the Basmanniy Court of Moscow convicted three police officers of abusing and beating a 12-year-old boy in detention. The case was brought by the boy's parents with the assistance of Public Verdict lawyers. The officers were sentenced to 3 years in prison and ordered to pay the family \$4,080 (100,000 rubles) compensation. The officers were not allowed to work in law enforcement for 4 years.

Homeless children often engaged in criminal activities, received no education, and were vulnerable to drug and alcohol abuse. Some young girls on the streets turned

to, or were forced into, prostitution, often to survive. According to Ministry of Internal Affairs' statistics, during the first 6 months of 2006—the most recent for which data is available—over 90,000 criminal offenses were committed by minors or with minors' participation.

*Trafficking in Persons.*—The law prohibits trafficking in persons; however, internal and external trafficking continued to be a substantial problem.

The scope of trafficking was difficult to quantify with reliable estimates, but observers believe it remained widespread. The country continued to be a source, destination, and place of transit for human trafficking; however, because of rapid economic growth, there has allegedly been a decrease in the number of citizens trafficked abroad. Women and children were usually trafficked for sexual exploitation, while men were trafficked into the country for construction or agricultural work. There were some cases of forced begging, i.e., persons compelled to beg through threats of force and violence, who turned their earnings over to traffickers. The International Labor Organization (ILO) estimated that 1 million illegal immigrants living in the country were victims of forced labor. According to the IOM, women were trafficked to almost 50 countries in North America, Europe, the former Soviet republics, the Middle East, and Asia. Women who were trafficked abroad and returned seldom reported their experiences to police because they feared social stigma and retaliation by traffickers.

In January police uncovered a mass grave in Nizhny Tagil where local traffickers allegedly killed persons who refused to work as prostitutes; no information was available on the police investigation.

Traffickers typically targeted unemployed females between the ages of 14 and 45, with females between the ages of 15 and 25 being the primary targets, with promises of economic or educational opportunities abroad. Some victims knowingly agreed to become prostitutes without suspecting the severity of the conditions and abuse they would suffer. Traffickers targeted homeless children or children in orphanages for sexual exploitation. There were no reliable estimates of how many children were trafficked. The country has become a major producer and distributor of Internet child pornography, leading to confirmed cases of child sex trafficking and child sex tourism.

Criminal groups carried out most trafficking with the assistance of front companies, typically companies offering education or employment opportunities abroad, and established organized crime groups. Victims often surrendered their passports or other documentation to their employers. They threatened workers with deportation or prosecution if they demanded payment for their work. Traffickers often threatened to harm victims' families if they tried to escape. Traffickers typically used a front company—frequently an employment agency, travel agency, or modeling company—to recruit victims with promises of well-paying work overseas.

Trafficking and forced labor are punishable by a maximum of 15 years' imprisonment, recruitment into prostitution by a maximum of 8 years, organization of a prostitution business by a maximum of 10 years, and manufacture and distribution of child pornography by a maximum of 8 years. Convicted traffickers may have their assets confiscated.

In 2006 the police opened more than 126 investigations of human trafficking, including more than 100 related to sex trafficking. Since January 2005, the Government initiated witness protection to shield trafficking victims and their families from traffickers, but the program was rarely used. During the year the Ministry of Internal Affairs increased trafficking investigations by 50 percent and worked closely with foreign governments to assist international trafficking prosecutions.

Child pornography, mentioned above, was often connected with trafficking and remained a serious problem.

There were continued allegations that corrupt government officials facilitated trafficking. It was widely alleged that corrupt elements in the Ministry of Internal Affairs and other law enforcement bodies facilitated and, in some cases, controlled trafficking. Individual officials reportedly took bribes from traffickers in return for false documents and facilitating visa fraud. Law enforcement sources agreed that document fraud was often committed in the process of obtaining external passports and visas, but they were uncertain to what extent this involved official corruption rather than individual or organized criminal activity. There were reports of prosecutions of officials involved in such corruption.

NGOs engaged in antitrafficking efforts received varying degrees of support from regional and local governments. Some engaged local officials and law enforcement personnel, while others provided training to local crisis centers and hospital staff. For example, the Primorskiy Krai administration worked closely with antitrafficking NGOs in the Russian Far East to organize the international Stop Trafficking Now conference, while the St. Petersburg region supplied considerable assistance to a

trafficking shelter and set up a working group of police, NGOs, and regional government to address the problem. Some local governments provided funding to human trafficking shelters. A Moscow shelter operated with assistance from local authorities and foreign funding.

While the Government did not have a comprehensive trafficking prevention program, federal, regional, and municipal governments continued to sponsor events to combat trafficking. The Government also sponsored events to raise general public awareness of the danger of trafficking. The Ministry of Foreign Affairs placed detailed warnings about employment and travel abroad on its Web site. Newspapers and NGOs reinforced these warnings. The ministry also developed internal guidance on assisting trafficking victims for consular officers abroad.

*Persons with Disabilities.*—Several laws prohibit discrimination against persons with disabilities or mandate equal treatment of them; however, the Government generally did not enforce these laws. Citizens with disabilities continued to face discrimination and were denied equal opportunity to education, employment, and access to social outlets. The situation for persons with disabilities has reportedly worsened since the passage in 2004 of a law that replaced government subsidies for such items as transportation and medicine with cash payments. Some affluent regions, such as Moscow, preserved benefits for persons with disabilities at preexisting levels, while most other regions provide a limited number of benefits such as free transportation.

The Ministry of Health and Social Protection estimated that there were 15 million persons with disabilities. In December 2006 the human rights ombudsman said that, in the previous 10 years, over 120,000 persons became invalids as a result of military actions and war injuries. Persons with disabilities were generally excluded from the social and political life of their communities and isolated from mainstream society.

During the year police discovered and arrested a criminal ring that forced persons with disabilities to beg in the streets of Moscow.

The residents of institutions for adults with disabilities were mainly “graduates” of the institutions for children. Institutions often did not attempt to develop the abilities of the residents. Residents were frequently confined to the institutions and sometimes movement within the institutions was restricted. The use of psychotropic drugs as punishment was allegedly widespread. Conditions in the institutions were often poor, with unqualified staff and overcrowding.

Laws prescribe penalties for enterprises that fail to build ramps or other accessibility features but contain no enforcement mechanisms. Federal law on the protection of persons with disabilities requires that buildings be made accessible to the disabled, but authorities did not enforce the law and in practice most buildings were not accessible.

Approximately 90 percent of persons with disabilities were unemployed. Laws providing employment quotas exist at the Federal and local levels; however, some local authorities and private employers continued to discourage persons with disabilities from working, and there was no penalty for failure to honor quotas. Human rights NGOs made some progress in persuading foreign companies in larger cities, including Moscow, to consider persons with disabilities as potential employees, and the Moscow city government has reportedly encouraged employers to hire disabled persons. Overall, according to the NGO All-Russia Society of Disabled Persons, the number of persons with disabilities in the workforce declined from 72,500 in 2002 to 28,000 during the year. The NGO attributed this to the 2002 elimination of tax benefits which encouraged employment of persons with disabilities.

Authorities generally segregated children with disabilities from mainstream society through a system that institutionalized children until adulthood. Observers concluded that issues of children’s welfare were often ignored, and little clear recourse to systemic problems of abuse existed. Human rights groups alleged that children in state institutions were poorly provided for and, in some cases, physically abused by staff members. “Graduates” of state institutions also often lacked the necessary social, educational, and vocational skills to function in society. According to a 2006 report by the Prosecutor General’s Office, half of the more than 600,000 children with disabilities in state care lacked medicines, hearing aids, and wheelchairs.

There appeared to be no legal mechanism for contesting commitment to a facility for the disabled. The assignment of categories of disability to children with mental disabilities often followed them through their lives. The labels “imbecile” and “idiot,” which were assigned by a commission that assesses children with developmental problems at the age of 3, and which signified that a child was uneducable, almost always were irrevocable. Even the label of “debil”—slightly retarded—followed an individual on official documents, creating barriers to employment and housing after graduation from state institutions. This designation was increasingly challenged in

the case of children with parents or caregivers, but there were few advocates for the rights of institutionalized children.

Youths with disabilities not in institutions faced significant barriers to education, including lack of access to schools. Education authorities often tried to keep youths with disabilities out of school due to lack of special programs. At the same time, the "home program" for children with disabilities was highly inferior to school classes. The majority of teachers and administrators in schools and universities had little or no understanding of disability issues. Often parents of children without disabilities were averse to their children studying with children with disabilities.

NGOs cited some examples of courts ordering children with disabilities admitted to schools that initially refused to take them. For example, two children with disabilities in Petrozavodsk, Karelia, were denied permission to attend a preschool program because the preschool stated that it did not have the capacity to accommodate children with their disabilities. The Petrozavodsk court initially supported the preschool, but the children's parents prevailed in a rehearing in February, and the children were admitted to a different preschool, which was ordered to provide a satisfactory program. In a final decision on April 24, the Petrozavodsk court ruled that the children's right to education had been violated and the court ordered a local special school (at the time of the verdict, the children were of school age) to provide a satisfactory special education program for the children.

According to government reports, of approximately 450,000 school-age children with disabilities, approximately 200,000 did not receive any education. Of the approximately 250,000 who received an education, 140,000 attended regular schools, 40,000 studied at home, and 70,000 attended special schools. Because special schools comprised only 3 percent of all schools, most children with disabilities could not study in the community where they lived, were isolated from other members of the community, and received an inadequate education.

Persons with disabilities faced barriers to participation in political life, including inaccessible government buildings. The election laws contain no special polling-place accessibility provisions, and the majority of polling places were not accessible to persons with disabilities.

Government bodies charged with protecting human rights also protect the rights of persons with disabilities. These bodies have carried out a number of inspections in response to complaints from disability organizations and, in some cases, have subsequently appealed to the responsible agencies to remedy the situation. The human rights ombudsman has conducted inspections of homes for children with mental disabilities that disclosed severe violations of children's rights and substandard conditions.

*National/Racial/Ethnic Minorities.*—The law prohibits discrimination based on nationality; however, minorities were subjected to frequent discrimination by government officials, and there continued to be a steady rise in societal violence and discrimination against minorities, particularly Roma, persons from the Caucasus and Central Asia, and dark skinned persons, as well as foreigners. Skinhead groups and other extreme nationalist organizations fomented racially motivated violence; the number of hate crimes increased. Racist propaganda was also a problem.

Federal and local law enforcement continued disproportionately targeting members of ethnic minorities. Police reportedly beat, harassed, and demanded bribes from persons with dark skin, or who appeared to be from the Caucasus region, Central Asia, or Africa.

In September 2006 a diplomatic dispute between Russia and Georgia resulted in a government-orchestrated campaign against the approximately 1 million Georgians living in Russia. Law enforcement officials were reportedly instructed to step up actions against ethnic Georgians, and approximately 4,000 ethnic Georgians were deported. Other discriminatory actions included raids on Georgian businesses, police demands for lists of Georgian students, and an interruption in transportation and postal links. Government and NGO human rights specialists criticized the actions against Georgians as illegal and "selective persecution." The campaign stopped abruptly during the year following criticism from President Putin.

Authorities in Moscow continued to subject dark-skinned persons to far more frequent document checks than others and frequently detained or fined them in amounts that exceeded legally permissible penalties. A 2006 study by the Open Society Justice Initiative found that, while persons of non-Slavic appearance comprised only 4.6 percent of the riders on the Moscow subway, they made up 50.9 percent of persons stopped by police at subway exits. At one station, those of non-Slavic appearance were 85 times more likely to be stopped by police.

Police often failed to record infractions against minorities or to issue a written record to the alleged perpetrators. Law enforcement authorities also targeted such persons for deportation from urban centers. In April 2006 Chechnya's then prime



minister stated that all temporary IDP accommodation centers in Chechnya should be closed. According to the UNHCR, five temporary accommodation centers across Chechnya were closed during the year. In 2005 an Institute for War and Peace report noted that police arrested illegal migrant workers from Central Asia, illegally took their money, then took them to the outskirts of Moscow instead of deporting them in order for police to pocket the cost of the deportation and leave the workers in Moscow for future arrests. This practice reportedly continued.

On March 23, authorities in Chudovo, Novgorod Oblast, carried out a district court ruling to demolish the homes of several members of the local Roma community. According to the court decision, the construction of the homes was unauthorized as there were no proper deeds of ownership for the houses or land.

Authorities previously bulldozed 37 houses in May and June 2006 that belonged to more than 200 Roma, including over 100 children, in the village of Dorozhnoe, Kaliningrad Oblast, and set fire to the ruins. Over 100 of the displaced Roma were forced to live in temporary shelters and were threatened with physical expulsion. Regional authorities began their eviction campaign by initiating court proceedings to have the Romani families' ownership of their homes declared illegal. According to observers, the proceedings violated fundamental standards of due process. In November 2006 the Open Society Institute's Justice Initiative filed a request for interim measures with the ECHR on behalf of 33 of the evicted.

In Bashkortostan authorities required applicants for new identification documents to state their ethnic origins contrary to the Constitution, which states that "nobody shall be forced to identify and state their ethnicity."

Societal violence and discrimination on ethnic and racial grounds continued to be a serious, slowly increasing, and intractable problem. The Government sent mixed messages—on the one hand officials made appeals for tolerance, on the other hand efforts on issues such as migration at times exacerbated the problem. Numerous racially motivated attacks took place against members of minority groups and foreigners, especially those of Central Asian, Caucasian, or African ethnicity. During the year, the Moscow Bureau for Human Rights (MHRB) reported recording 230 xenophobic attacks and conflicts, in which 74 persons died and over 317 were injured. According to the NGO SOVA Center, xenophobic attacks killed 67 and injured 550 persons during the year, an increase from 54 killed and 466 injured in 2006; in 2005, the figures were 31 and 413, respectively. SOVA Center reported that there were 16 criminal convictions for hate crimes in 2005, and 28 during 2006. The Ministry of Internal Affairs reported that, through November, 14,921 crimes were committed against foreign citizens and persons without citizenship, a 4 percent increase over the same period in 2006. The ministry's report for January–November noted 327 crimes "of an extremist nature," although it did not specify its criteria or the specific crimes categorized under that general heading.

On February 16, a group of men attacked two Uzbeks in a St. Petersburg suburb, killing one, Fagret Naimov, and seriously injuring the other. The survivor informed investigators that the attackers said "let's beat up these black guys." Police arrested seven suspects on charges of murder and hooliganism. The Prosecutor's Office indicated that these attacks were likely racially motivated.

There were developments in apparently ethnically motivated killings reported in previous years.

On April 13, court hearings began in the case of the April 2006 killing of Grigori Marienkov, an 80-year-old Romani man, by approximately 20 youths in the Volgograd region. The attackers also beat members of Marienkov's family. Press reports indicated that police arrested six suspects, all between the ages of 17 and 20. Further information on the case was not available.

On February 21, a Moscow court approved the continued detention of Oleg Kostyryov and Ilya Tikhomirov in connection with the August 2006 bombing of the Cherkizovskiy market in Moscow that killed 13 persons and injured 53, many of whom were from the North Caucasus and Central Asia. The Moscow prosecutor's office charged the two with ethnically motivated murder; the suspects were also charged with the murder of a 17-year-old Armenian student.

There were no reports of results in the investigation into the September 2006 killing of Indian medical student Singh Nitesh Kumar in St. Petersburg. The investigation was allegedly ongoing in 2006, but local human rights groups reported that the medical school's administration and the St. Petersburg city government had been unresponsive.

A series of court cases were heard during the year on cases related to the ethnic rioting that took place in Kondopoga, Karelia, in September 2006. In December 2006 a court gave a former police major a 4-year suspended sentence for "negligence leading to the death of two or more persons" for his poor response to a fight that led to the killing of two persons and sparked the rioting. In November 2006 a court

gave 12 persons each a 3-year suspended sentence for participating in the rioting. On March 27, a court sentenced two ethnic Russians to 3½ years and 8 months in prison, respectively, for instigating the fight that precipitated the rioting. At year's end court proceedings were ongoing for six ethnic Caucasians charged with murder, assault, or hooliganism. In November 2006 the Karelian prosecutor opened a criminal case accusing Alexander Potkin (also known as Alexander Belov), head of the Movement Against Illegal Immigration, for coming to Kondopoga and inciting the mob to violence. In May authorities closed the case for lack of evidence.

On June 19, St. Petersburg jurors found four persons guilty of racially based murder in the 2005 killing of Congolese student Roland Epassak and sentenced them to prison terms ranging from 7 to 14 years. A St. Petersburg jury had acquitted the four in July 2006, but the Supreme Court reversed the verdict and returned the case for retrial. The men have appealed their conviction and sentence.

During the year there were a number of violent but nonfatal, attacks of apparent racial motivation in St. Petersburg. On February 4, students attacked a Cameroonian student and a Moldovan salesgirl on the St. Petersburg subway; the Prosecutor's Office acknowledged a racial motivation for the attacks. On May 3, police arrested three students in connection with these attacks. No information on the outcome of the case was available.

On December 11, persons armed with baseball bats and steel bars attacked 39 North Korean workers in a Moscow suburb injuring 16 of them, four seriously. Law enforcement attacks attributed the attack to "hooliganism."

In November 2006 the St. Petersburg city court sentenced three persons under the age of 18 to prison terms of 2½ to 3 years for racially motivated attacks in April 2006 against students of Ghanaian, Chinese, and Palestinian heritage.

In July 2006 there were reports of a brawl in Khabarovsk between ethnic Russians and Chinese. Two Russians were admitted to a hospital with serious knife wounds.

In February 2005 approximately 400 members of the Romani community left the village of Iskitim, Novosibirsk Oblast, after a group of armed men attacked and burned a number of Romani houses there. According to NGOs, similar attacks took place in 2005 and 2004. Members of the Romani community indicated that, after those incidents, law enforcement and municipal authorities had done nothing to prevent a recurrence. Police eventually arrested seven suspects, and the Novosibirsk Regional Prosecutor's Office took over the investigation. The case reached court in March 2006, and there were reports that warrants were issued for nine other suspects.

Authorities opened investigations but made no arrests in the March 2006 stabbing of a 9-year-old girl, whose father was a native of Mali, in St. Petersburg; the 2005 attack on two Korean students in St. Petersburg; and the 2005 attack on a Chinese student in St. Petersburg. Authorities did not make information available on the progress of the investigations.

Skinhead violence continued to be a serious problem. Skinheads primarily targeted foreigners, particularly those from North Korea, China, and Uzbekistan and individuals from the Northern Caucasus, although they also expressed anti-Muslim and anti-Semitic sentiments. According to the Ministry of Internal Affairs, neofascist movements had approximately 15,000 to 20,000 members, of which over 5,000 were estimated to live in Moscow. According to the Moscow Bureau of Human Rights, there were approximately 70,000 skinheads in 85 cities. Skinhead groups were most numerous in Moscow, St. Petersburg, Nizhny Novgorod, Yaroslavl, and Voronezh. On August 3, the St. Petersburg prosecutor's office released a report on extremist crime in the city, which reported five such crimes, including three murders or attempted murders of ethnic minorities.

On June 19, an unidentified female attacked Valentina Uzunova, a St. Petersburg lawyer and forensic expert on racially motivated crimes. Uzunova was not seriously injured and police categorized the crime as attempted robbery. Local human rights NGOs alleged the attack was linked to Uzunova's planned testimony against Vladislav Nikolskiy, on trial for inciting ethnic hatred.

In December 2006 a homemade bomb exploded outside the Moscow apartment of antifascist activist, Tigran Babadzhanian, injuring police who were trying to defuse it. His photograph had previously been posted on skinhead Web sites, and he had received death threats. The District Prosecutor's Office opened a criminal investigation for "hooliganism committed in a socially dangerous way" and identified three suspects from an extremist gang.

In December 2006 the case of the killing of antifascist activist Aleksandr Riukhin on the outskirts of Moscow in April 2006 was submitted to the courts for trial. Three attackers—two members of the Slavic Union and one member of the Format 18 gang, both ultra-right extremist groups—were detained, and Nazi material and lit-

erature were found at their residences. In June the three attackers were convicted of hooliganism, beating, and causing harm to health. The defendants were sentenced to prison terms ranging from 4 to 6½ years. There was no news of prosecution or conviction for murder in the case.

On July 31, a jury in a St. Petersburg court convicted seven persons charged with the murder of young antifascist activist Timur Kacharava and the attempted murder of his friend, Maksim Zgibay. In 2005 a gang attacked the two men. The court found the defendants guilty of inflaming ethnic hatred and six of the seven guilty of hooliganism. Defendant Andrey Shabalin was found guilty of murder and attempted murder. Their punishment ranged from a 2-year suspended sentence to 12 years in prison. Shabalin's attorneys appealed, as did the prosecutors, who sought stiffer sentences. On November 1, the Supreme Court denied the appeal of the prosecutor's office.

In November 2006 a Moscow court convicted three men of racially motivated assault in the case of Zaur Tutov, the culture minister of Kabardino-Balkaria, who was badly beaten by skinheads in April 2006. Two of the men were sentenced to 18 months at a prison colony and the third received a 1-year sentence.

In September 2006, in Belgorod, members of the far right-wing group, Belgorod National Corps, were found guilty of the 2005 assault on the Nikolaenko family. In the attack, the armed, masked youth gang of approximately 20 persons, shouting "kill the gypsies," threw incendiary devices into Nikolaenko's house. The owner of the house, his wife, and son were attacked as they fled into the yard. Police detained 11 persons, including two minors and a former student of the of the Ministry of Internal Affairs's Judiciary Institute, and charged them with grievous bodily harm by an organized group motivated by ethnic hatred, and organization of and participation in an extremist group. The group leaders, Maksim Sharov, Andrey Petrov, and Ilya Sutula, were sentenced to 5, 4, and 3 years' imprisonment, respectively. The other seven defendants received prison terms of 18 months to 33 months. One defendant received a suspended sentence after cooperating with investigators.

Police detained three skinheads in connection with the 2005 attack by four skinheads on Malian student Maigaaru Bakar; there was no report of any further action by authorities on the case.

There were indications that the authorities were increasingly willing to acknowledge racial, ethnic, or religious motivations for such criminal acts. During the year only 24 persons were convicted for committing ethnically or racially motivated crimes, compared to 109 convictions in 2006. In most cases the attackers wore skinhead attire or proclaimed nationalist slogans. During the year members of ethnic or racial minorities were the victims of beatings, extortion, and harassment by skinheads and members of other racist and extremist groups. Police investigations of such cases were frequently ineffective, and authorities were often reluctant to acknowledge the racial or nationalistic element in the crimes, often calling attacks "hooliganism." Many victims, particularly immigrants and asylum seekers who lacked residence documents recognized by police, chose not to report such attacks or experienced indifference on the part of police.

A May 2005 report by the European Roma Rights Center noted "alarming patterns" of human rights abuse of Roma in the country. The report stated that the media's frequent association of Roma with drug dealing provided the context for many of the human rights violations against them. It provided evidence of widespread police violence against Roma and noted that the abuse was rarely reported to higher authorities.

Muslims and Jews continued to encounter prejudice and societal discrimination, although it was often difficult to separate religious from ethnic discrimination. Human rights specialists noted that racist propaganda and racially motivated violence are punishable by law, but despite some improvement in law enforcement efforts, the law was employed infrequently.

The Government had a mixed record combating the problem. Attempts at the national level to address xenophobia were limited to nonexistent; however there was evidence that officials were addressing the problem at a local level. For example, in Karelia, 1 year after the ethnic riots in Kodopoga, authorities attempted to generate dialogue among various ethnic and religious groups, and prosecutions on both sides of the riot were generally reported to be proceeding fairly.

According to NGOs, the St. Petersburg city administration appeared to have begun to take hate crimes more seriously, but law enforcement agencies did not do enough to address the issue, in part because they lacked the necessary resources and, in some cases, allegedly, because some working-level staff sympathized with the nationalistic causes.

In August 2006 Yuriy Belyayev was given a suspended sentence of 1½ years for publishing an article directly encouraging his readers to assault persons from the

Caucasus region. However despite his sentence, Belyayev led a demonstration in June against guilty verdicts for four men convicted of murdering a Congolese student in 2005.

In February 2006 a St. Petersburg court sentenced the self-proclaimed “foreign minister” Alexander Vtulkin of the group “Russian Republic” to 1 year in prison for inflaming racial hatred. In June 2006 he was released early. Russian Republic had posted on its Web site a posthumous death sentence on Nikolay Girenko, a hate-crime expert and senior researcher at the Museum of Anthropology and Ethnography at the Russian Academy of Sciences, who was killed in 2004 in his St. Petersburg apartment. The court also found Vtulkin guilty of posting an Internet death sentence on Governor Matvienko for opening St. Petersburg to Asian migrants.

*Indigenous Persons.*—The law provides for support of indigenous ethnic communities, permits them to create self-governing bodies, and allows them to seek compensation if economic development threatens their lands. In some regions local communities organized to study and make recommendations regarding the preservation of indigenous cultures. Groups, such as the Buryats in Siberia and ethnic groups of the north (including the Enver, Tatarli, Chukchi, and others), continued to work actively to preserve and defend their cultures as well as the economic resources of their regions. Most asserted that they received the same treatment as ethnic Russians, although some groups believed they were not represented or were underrepresented in regional governments. The principal problems of indigenous persons in recent years included the distribution of necessary supplies and services, particularly in the winter for those who lived in the far north, and claims to profits from exploitation of natural resources.

There continued to be reports of pressure on members of the Finno-Ugric-Mari ethnic group. The Moscow Helsinki Group and International Helsinki Federation for Human Rights asserted that authorities prosecuted two activists in September 2006 on politically motivated charges for their involvement in the Mari national movement. One activist, Vitaliy Tanakov, who earlier in 2006 published a brochure about the Mari persons and their religious beliefs, was convicted in December 2006 of inciting ethnic, racial, or religious enmity and sentenced to 120 hours of labor. A second activist, Nina Maksimova, faced similar charges for helping to distribute the brochure.

A 2006 NGO report on the country’s implementation over a 5-year period of commitments under a Council of Europe convention noted that wider government use of authoritarian methods of rule; harsher migration laws and campaigns against illegal migration; increasing authority of law enforcement bodies; and reduction in government support for minority-language media and education had adversely affected national minorities.

*Other Societal Abuses or Discrimination.*—Persons with HIV/AIDS often encountered discrimination. Federal AIDS law contains antidiscrimination provisions but was frequently not enforced. Human Rights Watch reported that HIV-positive mothers and their children faced discrimination in accessing healthcare, employment, and education. Persons with HIV/AIDS found themselves alienated from their families, employers, and medical service providers. In April 2006 the Moscow city Duma criticized the activities of foreign NGOs that fight HIV/AIDS for allegedly encouraging pedophilia, prostitution, and drug use among teenagers.

While homosexuality is not illegal, the gay community continued to suffer societal stigma and discrimination. Medical practitioners reportedly continued to limit or refuse their access to health services due to intolerance and prejudice. According to recent studies, male homosexuals were refused work due to their sexuality. Openly gay men were targets for skinhead aggression, which was often met with police indifference. A few gay rights organizations operated out of public view.

In May during violent attacks on gay rights activists, Moscow police enabled antigay demonstrators to disrupt a gay pride demonstration instead of protecting human rights and gay rights advocates.

Police did not investigate or take action against any of several hundred protesters that shouted threats and threw rocks, bottles, and eggs at participants in a lesbian, gay, bisexual, and transgender “open party” in Moscow in April 2006 or against any of approximately 100 protestors that gathered outside a gay club the next night and conducted themselves in a similar manner.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—Although the law provides workers the right to form and join unions, in practice government policy and the dominant position of the Federation of Independent Trade Unions of Russia (FNPR) and some employers limited the exercise of this right. The FNPR reported that approximately 50 percent of the

workforce was unionized, and approximately 90 percent of union members belonged to the FNPR (approximately 27.8 million members, down from 29 million in 2006). Three other unions had memberships of between 500,000 and 1 million persons. There were many smaller unions, but they were not formal or organized and did not provide membership statistics.

The FNPR and other trade union federations acted independently of the Government at the Federal level, but in some cases FNPR unions were affiliated with local political structures, giving the FNPR advantages over unions without political ties. FNPR unions frequently included management as part of the bargaining unit or elected management as delegates to its congresses.

Despite a separate law specifically governing trade unions, the Federal Registration Service stated that the provisions of the law implemented in 2006 that governs the creation and operation of NGOs also applies to unions. Specifically, trade unions must receive permission to register and submit program and financial reports to authorities. Their failure to do so can trigger a legal process to abolish the union. The Government oversight agency has the right to attend union meetings and monitor all union activities.

The law prohibits antiunion discrimination, but management harassment of union leaders and employees continued to be a problem. In 2006 the FNPR registered five cases of illegal dismissal of union leaders, all of whom were reinstated by court decisions. Neither the International Labor Organization nor the FNPR characterized such harassment as a political or large-scale trend. While high-level officials and ministries generally were not antiunion, harassment occurred at the local level. Union leaders were sometimes followed by security services, detained for questioning by police, and subjected to heavy fines, losses of bonuses, and demotions. Unregistered unions faced operational constraints, such as difficulty in opening bank accounts and collecting fees. There were, however, fewer reports of employers using tax authorities or offices of the public prosecutor to put heavy pressure on unions by initiating falsified investigations, which often resulted in large decreases in union membership.

*b. The Right to Organize and Bargain Collectively.*—The law recognizes the right of unions to conduct their activities without interference and the right to bargain collectively but also gives employers a strong role in labor relations. The law makes collective bargaining mandatory if either an employer or employees request it. The law obliges labor and management to enter into negotiations within 7 days of such a request and sets a 3-month time limit for concluding an agreement. Unresolved issues are to be included in a protocol of disagreement, which may be used to initiate a collective labor dispute. Negotiations were often slow and difficult. Employers were often reluctant to accept union requests for collective bargaining and did not provide financial reports (including base wages) to unions. According to the International Trade Union Confederation, the law specifies that company information on wages is a commercial secret. Lack of access to such information disadvantaged unions engaged in collective bargaining. According to the ILO, unions experienced the most difficulty engaging employers in collective bargaining in the trade, tourism, and agricultural sectors.

The law requires the designation of a majority union as the exclusive bargaining agent for workers at an enterprise, a provision that favors larger unions. The labor code also stipulates that there be only one collective agreement per enterprise, covering all employees, a provision that limits the ability of professional or “craft” unions (the majority of new unions in the country) to represent their members. Only an enterprise-level affiliate of a national trade union body may negotiate with the employer, even if the majority union is an independent or craft union. An employer has the right to refrain from negotiating with trade unions whose membership does not comprise a majority of an enterprise’s workers. Smaller unions have the right to send a representative to negotiations, but their participation depends on the majority union and the employer. Employers who tried to negotiate with smaller unions encountered difficulties, as demands were often contradictory and unstructured.

In 2006 the FNPR reported that approximately 88 percent of its enterprises had collective bargaining agreements. This figure did not include other agreements that may not have been registered with the Labor Ministry. The law states that collective agreements become effective upon signature, whether registered or not.

The law provides for the right to strike; however, this right remained difficult to exercise. Most strikes were considered technically illegal because they violated one or more of the exceedingly complex procedures governing disputes. A strike may be called at an enterprise only after approval by a majority vote at a conference composed of at least two-thirds of all personnel, including management.

The law specifies that a minimum level of essential services must be provided if a strike could affect the safety or health of citizens. Strikes are prohibited in the railway and aviation sectors, government and military agencies, at nuclear power stations, and in disaster assistance organizations. Workers in these sectors at times resorted to other forms of protest, such as rallies, days of action, or hunger strikes. Although the law prohibits reprisals for strikes, they frequently occurred and included threats of night shifts, denial of benefits, blacklisting, and firing. Strike actions were further discouraged by the ability of civil courts to order confiscation of union property to settle damages and losses to an employer if a strike is found to be illegal and not discontinued before the decision goes into effect. As a result labor actions were often organized by strike committees rather than by unions.

On June 7, at least two persons stabbed and beat local politician and chairman of the Kaliningrad branch of the independent Dockers' Union of Russia, Mikhail Chesalin, who was hospitalized with serious injuries. While local NGOs claimed the attack was motivated by Chesalin's longstanding dispute with the management of the dock, police treated the case as a simple assault.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor; however, there were reports that such practices occurred. According to credible reports, approximately 1 million illegally employed migrants from other countries of the former Soviet Union were forced to work without pay because the firms that brought them into the country held their passports. There were also reports that women, children, and men were trafficked for commercial sexual exploitation and labor.

In previous years, there were reports that some of the several thousands of North Koreans in Russia worked in inhumane conditions and may have been exploited to help pay down North Korea's debt. However, there was no evidence that this practice continued during the year. While many North Koreans, Kyrgyz, Uzbeks, and Tajiks worked under difficult circumstances in Russia, they usually appeared to do so voluntarily and for wages that were high by home country standards.

There were reported incidents in previous years of military officers forcing soldiers under their charge to work for private citizens or organizations, often under abusive conditions.

The law prohibits forced or bonded labor by children; however, such practices reportedly occurred.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—While the law is intended to protect children from exploitation in the workplace and prohibits forced or compulsory labor, the Government did not effectively implement laws and policies to protect children from exploitation in the workplace, as it did not consider child labor a social problem. There were reports that children were trafficked for sexual exploitation and labor.

While there have been no recent statistical studies, prosecutors from around the country stated that the child labor problem is worsening. However, the Federal Labor and Employment Service (FLES) and the Ministry of Internal Affairs, which are responsible for child labor matters, did not enforce the laws effectively. The law prohibits most employment of children under the age of 16 and regulates the working conditions of children under the age of 18, including prohibiting dangerous nighttime and overtime work. Children are permitted, under certain conditions and with the approval of a parent or guardian, to work at the age of 14. Such work must not threaten a child's health or welfare.

The FLES, part of the Ministry of Health and Social Development, is responsible for checking enterprises and organizations for violations of labor and occupational health standards for minors. In 2004, the last year for which statistics were available, approximately 8,300 cases of child labor violations were reported. Most serious violations of child labor and occupational health standards were believed to occur in the informal sector. Local police investigations only occurred in response to complaints.

Accepted social prohibitions against employing children and the availability of adult workers at low wages generally prevented widespread abuse of child labor. However, children working and living on the streets remained a problem and were at heightened risk of being trafficked.

*e. Acceptable Conditions of Work.*—The monthly minimum wage, essentially an accounting reference for calculating transfer payments, increased to \$93.80 (2,300 rubles) on September 1, up from \$44.80 (1,100 rubles) in 2006. The amounts were not sufficient to provide a decent standard of living for a worker and family. Monthly subsistence wages have been set at the regional level since 2004 and averaged \$140

(3,436 rubles) in 2006. Approximately 15 percent of the population had incomes below the official subsistence minimum.

The law provides for a standard workweek of 40 hours with at least one 24-hour rest period and requires premium pay for overtime or work on holidays; however, workers complained that employers required them to work in excess of the standard workweek, abrogated negotiated labor agreements, and transferred them against their will.

Unlike previous years, nonpayment of wages has become much less of a problem. The law penalizes employers who paid their employees late or made partial payments and requires employers to pay two-thirds of a worker's salary if the worker remains idle by fault of the employer. Courts often ruled in favor of employees seeking payment of back wages, and collection, which had been difficult in previous years, improved. Courts often insisted that cases be filed individually, in contradiction to the Law on Trade Unions, thereby undercutting union attempts to include the entire membership in one case. Individually filed cases made for a lengthier process, one more difficult for the individual worker, and one that left them more exposed to possible retaliation.

Although the law establishes minimum conditions for workplace safety and worker health, the Government did not allocate sufficient resources to enforce these standards effectively. According to the Center for Social and Labor Rights, approximately one-third of employees worked under unsafe conditions. In many cases workers wore little protective equipment in factories, enterprises stored hazardous materials in open areas, emergency exits were locked, and smoking was permitted near flammable substances. The labor code requires businesses employing more than 50 workers to establish a work safety division and create a work safety specialist position; the code includes procedures for investigating industrial accidents.

The law provides workers the right to remove themselves from hazardous or life-threatening work situations without jeopardy to their continued employment; however, the Government did not effectively enforce this right. Many companies employing workers in hazardous conditions (such as the mining industry) awarded bonuses based on worker productivity, thereby encouraging workers to jeopardize their safety for higher salaries.

Statistics on safety violations and workplace accidents and deaths were not complete or reliable, and the risk of industrial accidents or death for workers remained high. Labor inspectors, injury compensation offices, and Rosstat collected limited information on workplace accidents. The State Labor Inspections bureau reported 4,514 occupation-related deaths in 2006, down from 4,604 in 2005. The International Labor Organization (ILO) cautioned that the number was under-reported by 70–90 percent. Accidents were rarely reported in small and medium-sized businesses, while large companies provided better reporting.

The law entitles foreign workers working legally in the country to the same rights and protections as citizens. Foreign workers residing and working illegally in the country are subject to deportation but may seek recourse through the courts. The FNPR estimated that during the year there were 11 million illegal workers in the country, most of whom were citizens of other countries of the former Soviet Union and were working for lower wages than Russian citizens and in generally poor conditions.

According to official statistics from the Ministry of Economic Development and Trade, one-third of salaries were unreported; unofficial estimates claimed that up to one-half of salaries were unreported.

---

## SAN MARINO

The Republic of San Marino, with a population of approximately 30,000, is a multiparty democracy. The popularly elected unicameral Great and General Council (Parliament) selects two of its members to serve as Captains Regent (co-chiefs of state). They preside over meetings of the council and the Congress of State (cabinet), which has no more than 10 other members (secretaries of state) selected by the council. Parliamentary elections held in June 2006 were considered free and fair. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens, and the law and judiciary provided effective means of addressing individual instances of abuse. There were some reports of violence against women.

## RESPECT FOR HUMAN RIGHTS

*Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Arbitrary or Unlawful Deprivation of Life.*—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits such practices, and there were no reports that government officials employed them.

*Prison and Detention Center Conditions.*—Prison conditions generally met international standards. The Government permitted visits by independent human rights observers, but there were none during the year.

*d. Arbitrary Arrest or Detention.*—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

*Role of the Police and Security Apparatus.*—Civilian authorities maintained effective control over the civil police, the Gendarmerie, and the National Guard, and the Government had effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

*Arrest and Detention.*—Suspects were apprehended openly with warrants based on sufficient evidence and issued by a duly authorized official. The law provides a detainee with the right to a prompt judicial determination of the legality of his detention, and the authorities generally respected this right in practice. There is a well-functioning bail system. Detainees are allowed prompt access to family members and to a lawyer of their choice; the state provides legal assistance to indigent persons.

*e. Denial of Fair Public Trial.*—The law provides for an independent judiciary, and the Government generally respected judicial independence in practice.

*Trial Procedures.*—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are public and are presided over by a single judge. There are no provisions for a jury trial. Defendants have the right to be present and to consult with an attorney even during preliminary investigations. Defendants can confront or question witnesses against them and present witnesses and evidence on their behalf. They have access to government-held evidence relevant to their cases. They enjoy a presumption of innocence and have the right to two levels of appeal.

In case of legal actions against military personnel, a civil judge is temporarily given a military grade and assigned to an ad hoc military tribunal.

*Political Prisoners and Detainees.*—There were no reports of political prisoners or detainees.

*Civil Judicial Procedures and Remedies.*—Judges act independently and impartially on civil matters, and administrative remedies as well as judicial remedies exist for alleged wrongs, including human rights violations.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law prohibits such actions, and the Government generally respected these prohibitions in practice.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. At the end of the year the country had 7,672 active Internet connections.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*—The law provides for these rights and the Government generally respected them in practice.

*c. Freedom of Religion.*—The law provides for freedom of religion, and the Government generally respected this right in practice.



The Catholic Church receives direct benefits from the Government's income tax revenues; taxpayers may request that 0.3 percent of their income tax payments be allocated to the Catholic Church or to "other" charities, including three religious groups (the Waldesian Church, Jehovah's Witnesses and the Baha'i community).

The Government does not require official recognition, registration, or licensing for religious groups. However, it requires legal status for tax or other commercial purposes. While a concordat with the Holy See regulates relations with the Catholic Church, other religious groups, such as the Baha'is and Jehovah's Witnesses, were included in a registry of cultural associations.

*Societal Abuses and Discrimination.*—There were small numbers of Muslims, Jews, and other religious groups in the country. During the year there were no reports of violence or discrimination against religious minorities or of anti-Semitic acts.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

The law prohibits forced exile, and the Government did not employ it.

*Protection of Refugees.*—While the law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, the Government has a system for providing protection to refugees. In practice, the Government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. The Government may grant refugee status or asylum by an act of the cabinet. There were no requests for asylum during the year.

The Government cooperated with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

### *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

*Elections and Political Participation.*—Parliamentary elections held in June 2006 were considered generally free and fair. However, local dailies reported accusations by leaders of small parties of an alleged illegal funding by unnamed supporters of the largest parties for travel of nonresident voters to the country.

There were eight women in the 60-seat Great and General Council and two women in the 10-member Congress of State.

There were no members of minorities in the Government.

*Government Corruption and Transparency.*—There were no reports of corruption by public officials during the year. However, the law does provide criminal penalties for corruption crimes, and public officials are subject to financial disclosure requirements.

The law provides for public access to government information and the Government provided access for citizens and noncitizens through the Great and General Council's Web site.

### *Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

There were no domestic human rights organizations, although the Government did not restrict their formation. The Government declared itself open to investigations by international nongovernmental organizations of alleged human rights abuses, but there were no known complaints or requests for investigations during the year.

### *Section 5. Discrimination, Societal Abuses, and Trafficking in Persons*

The law prohibits discrimination based on race, gender, disability, language, or social status, and the Government effectively enforced it.

*Women.*—There were no reports of rape. Rape, including spousal rape, is a criminal offense, and the Government effectively prosecuted persons accused of such crimes. The penalty for rape is 2 to 6 years' imprisonment. In the case of aggravating circumstances, the penalty is 4 to 10 years' imprisonment.

The law also prohibits violence against women, and the Government effectively enforced it. The penalty for spousal abuse is 2 to 6 years' imprisonment. In the case of aggravating circumstances, the penalty is 4 to 10 years' imprisonment. The media reported on October 18 that 60 cases of violence against women were reported in the first 8 months of the year.

Prostitution is illegal and was not common. No arrests were reported during the year.

Sexual harassment is prohibited, and the Government effectively enforced the law. There were no reports of sexual harassment during the year.

Women enjoy the same rights as men, including rights under family law, property law, and in the judicial system. There was no reported economic discrimination against women in pay, employment, or working conditions. There was no special government office to ensure the legal rights of women.

*Children.*—The Government was committed to children's rights and welfare.

Education is free until grade 13 (usually age 18) and compulsory until age 16. Most students continued in school until age 18. There was no difference in the treatment of girls and boys.

Medical services were amply funded, and boys and girls had equal access to health care.

Violence against or abuse of children was uncommon. Unofficial government sources reported that during the year there were two alleged cases of violence against children.

*Trafficking in Persons.*—The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the country during the year.

*Persons with Disabilities.*—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and in the provision of other state services, and the Government effectively enforced these provisions. There were no reports of societal discrimination against persons with disabilities. The Ministry for Territory has not fully implemented a law that mandates easier access to public buildings by persons with disabilities, and many buildings were inaccessible.

*Other Societal Abuses and Discrimination.*—There were no reports of discrimination based on sexual orientation or against persons with HIV/AIDS.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—By law all workers (except the Gendarmerie and National Guard) are free to form and join unions, and workers exercised this right. The law sets the conditions to establish labor unions. Union members constituted an estimated 50 percent of the workforce, which numbered approximately 15,000 citizens plus 5,000 nonresident Italians. A "conciliatory committee" composed of representatives from labor, business, and government generally resolved complaints of antiunion discrimination amicably.

*b. The Right to Organize and Bargain Collectively.*—The law allows unions to conduct their activities without interference, and the Government protected this right in practice. The law gives collective bargaining agreements the force of law. Negotiations were conducted freely, often in the presence of government officials by invitation from both unions and employer associations. All workers were under collective bargaining agreements. The law allows all civilian workers, including the civil police, the right to strike, and workers exercised this right.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The Government effectively enforced laws and policies to protect children from exploitation in the workplace. The minimum age for employment is 16, and no exceptions were granted by the Ministry of Labor and Cooperation. The law does not limit children between the ages of 16 and 18 from any type of legal work activity. The Government devoted adequate resources and oversight to child labor policies, and the Ministry of Labor and Cooperation effectively enforced compliance with the law.

*e. Acceptable Conditions of Work.*—The national minimum wage of approximately \$10.23 (7.01 euros) per hour did not provide a decent standard of living for a worker and family. However, wages generally were higher than the minimum provided by law.

The law sets the workweek at 36 hours in the public sector and 37.5 hours for industry and private businesses, with 24 consecutive hours of rest per week mandated for workers in both categories. The law requires a premium payment for overtime and allows a maximum of 2 hours of overtime per day. There was effective enforcement of laws and industry contracts that prohibit excessive compulsory overtime.

The Government set safety and health standards, and the judicial system effectively enforced these standards. Most workplaces complied with the standards. However, there were some exceptions, especially in the construction industry, where some did not consistently abide by safety regulations, such as workhour limitations. Even so, there were no serious on-the-job injuries during the year. Workers have the right to remove themselves from situations that endanger health or safety without jeopardy to their employment, and the authorities effectively enforced this right.

Nearly one-quarter of the workforce was nonresident, commuting from nearby Italy. The law for legal foreign workers prohibits indefinite employment status, but allows the Government to grant work permits that have to be renewed every 12 months. The law also requires non-Italian foreign workers to obtain an Italian residence permit before they can apply for employment. In practice these provisions limited unemployment benefits for foreigners to a period of less than 12 months.

---

## SERBIA

The Republic of Serbia is a parliamentary democracy with approximately 7.5 million inhabitants.<sup>1</sup> Prime Minister Vojislav Kostunica has led Serbia's coalition government since 2004. Boris Tadic was elected president in 2004 elections that observers deemed essentially in line with international standards. In January voters elected a new Parliament, with some minority ethnic parties gaining seats for the first time and higher turnout among youth and minorities. Democratic parties formed a ruling coalition within constitutionally prescribed time limits. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens and continued efforts to address human rights concerns; however, numerous problems persisted. The following human rights problems were reported: Corruption in the police and the judiciary; inefficient and lengthy trials; government failure to apprehend fugitive war crimes suspects under indictment of the International Criminal Tribunal for the former Yugoslavia (ICTY), specifically Radovan Karadzic and Ratko Mladic; harassment of journalists, human rights workers, and others critical of the government; limitations on freedom of speech and religion; societal intolerance and discrimination against ethnic and religious minorities, particularly Roma; large numbers of internally displaced persons; violence against women and children; and trafficking in persons.

During the year the Government assisted in the arrests of Zdravko Tolimir and Vlastimir Djordjevic, two of the remaining six indictees sought by the ICTY for war crimes.

### RESPECT FOR HUMAN RIGHTS

#### *Section 1. Respect for the Integrity of the Person, Including Freedom from:*

*a. Arbitrary or Unlawful Deprivation of Life.*—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

On May 23, the Belgrade special court for organized crime concluded the trial of 12 suspects, including former secret police special unit (JSO) commander Milorad Ulemek and his deputy Zvezdan Jovanovic-Zveki, in the 2003 assassination of Prime Minister Zoran Djindjic. In June 2006 key witness Zoran Vukojevic was killed. The court found all 12 suspects guilty of conspiracy against the constitutional order and security of the state, assassination of a high state official, and attempted murder (for an earlier assassination attempt). Ulemek and Jovanovic each received the maximum sentence of 40 years in prison. The other defendants received sentences ranging from the minimum of 8 years to 35 years in prison. Special Prosecutor Slobodan Radovanovic stated that he would appeal the lower sentences. Ulemek and Jovanovic's lawyers announced that they would appeal the verdict.

---

<sup>1</sup>The report on Serbia is divided into two sections; the first addresses the human rights situations in Serbia and the second addresses the situation in Kosovo. For purposes of this report, Kosovo's population of 2.2 million is not included as part of Serbia's population.

In June the Supreme Court upheld its 2006 confirmation of the conviction of Ulemek and others for the 2000 killing of former Serbian president Ivan Stambolic. This ruling exhausted the defendants' appeal process and was the country's first final verdict in a high-profile organized crime case.

Investigation continued into the deaths of Dragan Jakovljevic and Drazen Milovanovic, two guards from Belgrade's Topcider military facility. On October 31, the chief state attorney, Slobodan Radovanovic, assigned a new prosecutor to the case. Prior to the initiation of the current investigation, the deaths were the subject of two commission inquiries. In 2004 a military commission pronounced the deaths suicides, while an independent commission determined that a third party had murdered the guards. In November the First Municipal Court issued a verdict in the criminal lawsuit the soldiers' parents filed in 2005 against the military prosecutor, Vuk Tufegzdic. The judge issued a warning to Tufegzdic, now a judge, and fined him for "dissemination of information on personal and family life."

The Government continued its investigation into the disappearance and subsequent killing of Yili, Mehmet, and Agron Bytyqi in 1999. The bodies of the three US citizen brothers were discovered in 2001 in a mass grave in rural Petrovo Selo, near a Serbian police facility. All three bodies were recovered with hands bound and gunshot wounds to their heads. The special war crimes court continued the trial of Sreten Popovic and Milos Stojanovic, two former members of a special police unit accused of the killings. On April 13, the Court Council granted supervised release from custody to Popovic and Stojanovic. On February 26, police arrested four additional suspects in the Bytyqi case and charged them with war crimes against prisoners of war: Milenko Arsenijevic, deputy head of gendarmerie, Milisav Vuckovic, retired head of the local police station at Prokuplje, Marjan Mijatovic, retired head of prison guards at the district prison of Prokuplje, and Milovan Vucicevic, retired head of the city police of Prokuplje. Police subsequently released all four, but the investigation continued.

In September the acting prosecutor general announced that he would soon make a decision whether to file indictments in the case of the 1999 killing of journalist Slavko Curuvija, owner of the Dnevni Telegraf newspaper and Evropljanin magazine. On January 11, the Special Court of Belgrade had begun interviewing witnesses in the case.

In January the trial of eight police officers for the 1999 killing of 48 ethnic Albanians in Suva Reka in Kosovo resumed. The trial continued at year's end.

Domestic courts and the ICTY continued to try cases arising from crimes committed during the 1991-99 conflicts in Croatia, Bosnia and Herzegovina, and Kosovo.

On September 19, the Novi Pazar District Court found Estan Gegic, Ismet Derdemet, and Sead Pasic guilty of the 2006 killing of Ruzdija Djurovic, a city council candidate from the List for Sandzak party. The court convicted Gegic of the killing and sentenced him to 15 years' imprisonment. The court also convicted Derdemet and Pasic of public endangerment and sentenced each to 1 year in prison. All three received an additional 3-month sentence for illegal possession of firearms.

There was no new information available on the trial of Kikinda policeman Sasa Misin for the 2005 fatal beating of a civilian.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

The Government made modest progress in cooperating with neighboring countries and Kosovo, the International Commission on Missing Persons, and other international organizations to identify missing persons from the Kosovo conflict. The International Committee of the Red Cross (ICRC) chaired meetings of the Working Group on Missing Persons, which included government representatives from both Serbia and Kosovo. Meetings of the working group, which ICRC suspended in 2006, resumed in 2007. With the June 2006 return to Kosovo of the remains of 829 individuals from mass graves, all bodies uncovered to date in Serbia had been returned to Kosovo. On June 5, the War Crimes Court and the Serbian Government's Committee for Missing Persons began an investigation into a report of alleged mass graves near Rudnica, but the investigation revealed no graves. According to the ICRC, 2,047 missing persons cases remained unsolved.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution and law prohibit such practices; however, police at times beat detainees and harassed persons, usually during arrest or initial detention for petty crimes.

On June 28, the Youth Initiative for Human Rights (YIHR) reported that it won a lawsuit against four police officers from Doljevac for the 2003 torture and interrogation of an 11-year-old girl in the village of Sarlinac. The municipal court in Nis sentenced officers Predrag Randjelovic and Ljubisa Stamenkovic to 4 months and

Slavisa Petkovic and Miroљjub Stevanovic to 5 months in prison on charges of abusing authority and trespassing. YIHR planned to appeal the sentences, which it considered lenient.

There was no further information available in the following 2006 cases: The March beating of Kikinda resident Mihalj Koloncaj by police; the series of incidents between May and September in which police inspector Tomislav Lendvai allegedly beat and sexually assaulted two residents of Subotica; or the case of the gendarmerie unit led by Mileta Novakovic that allegedly used excessive force on a crowd of rowdy basketball fans.

There was no information available on developments in the following 2005 cases: The abuse of a 17-year-old girl at a Belgrade police station; the harassment and beating of a family by traffic police near Nis; the alleged police beating of a Belgrade man in his apartment; or the case of a Leskovac police officer who allegedly beat a lawyer for the Leskovac Committee for Human Rights.

*Prison and Detention Center Conditions.*—Prison conditions varied greatly among facilities, and there were reports that some guards abused prisoners.

The media reported prison overcrowding, with 8,500 prisoners incarcerated in the prison system, exceeding the official capacity of 6,000 established by the Department for the Treatment of Prisoners. In some prisons inmates continued to complain of dirty and inhuman conditions. The quality of food varied from poor to minimally acceptable, and health care was often inadequate. Guards were inadequately trained in the proper handling of prisoners. In July inmates in the Central Prison protested conditions. That same month, inmates at the prison in Pozarevac, a town southeast of Belgrade, carried out hunger strikes to protest delays in passing a draft law on amnesty.

Unlike in previous years, there were no reports of juveniles held in the same cells with adult prisoners.

The Government permitted the ICRC and local independent human rights monitors, including the Helsinki Committee for Human Rights in Serbia (HCS), to visit prisons and to speak with prisoners without the presence of a warden. Reports from HCS and the Council of Europe's Committee for the Prevention of Torture (CPT), released in May 2006, were critical of prison conditions, including poor facilities, corruption of prison officials, and mistreatment of prisoners, although HCS did note some improvements since its 2005 report. The CPT report also found that facilities lacked appropriate procedures to deal with prisoner allegations of mistreatment.

*d. Arbitrary Arrest or Detention.*—The Constitution and law prohibit arbitrary arrest and detention, and the Government generally observed these prohibitions. Unlike in previous years, there were no reports that police detained and interrogated human rights activists.

*Role of the Police and Security Apparatus.*—The approximately 43,000 police officers in Serbia fall under the authority of the Ministry of the Interior. The police are divided into 33 regional secretariats that report to the National Government.

The effectiveness of the police was uneven. While most officers were Serbs, the force included Bosniaks (Slavic Muslims), ethnic Hungarians, a small number of ethnic Albanians, and other ethnic minorities. The police force in southern Serbia was composed primarily of Serbs, although there were small numbers of ethnic Albanian officers as well.

There were reports of corruption and impunity in the police force, and the Government took measures to address them during the year. The interior ministry inspector general's office, subsequently renamed Internal Control, obtained somewhat increased authority to actively investigate abuses in addition to addressing citizens' complaints. While Internal Control could not itself redress abuses, during the year it gained the authority to file criminal reports with the prosecutor and recommend the initiation of disciplinary proceedings. While the office recommended numerous disciplinary proceedings against interior ministry employees, it had no means of following up on proceedings, and some offices completely ignored its recommendations. In October, as a result of Internal Control's investigation, prosecutors filed abuse charges against nine border police officers in Kladovo who were allegedly receiving bribes and allowing customs-free transport of goods across the border.

The inspector general's office initiated disciplinary measures against approximately 100 officers, primarily traffic police in Novi Pazar, and prosecutors brought charges in all cases.

During the year the government, together with the Organization for Security and Cooperation in Europe (OSCE) and foreign governments, trained police, security, and border officials on combating terrorism, corruption, money laundering and trafficking. The Government and the OSCE also trained prison staff. New programs during the year included creation of a training center in multiethnic Vojvodina,

training for law enforcement officials in combating torture, training for police supervisors, and training for the multiethnic police force in the southern Serbian towns of Presevo, Bujanovac, and Medvedja.

*Arrest and Detention.*—Arrests were generally based on warrants, although police were authorized to make arrests without a warrant in limited circumstances, including well-founded suspicion of a capital crime. The law requires an investigating judge to approve any detention over 48 hours, and authorities respected this requirement in practice. Bail was allowed but rarely used; detainees facing charges that carried possible sentences of less than 5 years were often released on their own recognizance.

The law provides that police must inform arrested persons immediately of their rights, and authorities respected this requirement in practice.

The law provides access for detainees to counsel, at government expense if necessary, and authorities generally respected this right in practice. Family members were normally allowed to visit detainees. Suspects detained in connection with serious crimes can be detained for up to 6 months without being charged. Authorities frequently held such persons for the full 6-month period allowed, before charging.

The law prohibits police use of force, threats, deception, and coercion to obtain evidence, as well as use in court of evidence acquired by such means; however, police sometimes used these means to obtain statements.

Unlike in previous years, there were no reports that authorities used arbitrary arrest and selective enforcement of the law for political purposes.

The law limits the length of pretrial detention from indictment to the conclusion of a trial to 2 years for most cases, but allows detention for up to 4 years for crimes that carry up to the maximum penalty (40 years in prison). The law sets 2 years as the maximum detention permitted after an appellate court vacates the judgment of a trial court. Nonetheless, prolonged pretrial detention was a problem. The law prohibits excessive delays by authorities in filing formal charges against suspects and in opening investigations; however, such delays occurred regularly. Due to the inefficiency of the courts, cases often took an excessively long time to come to trial; once started, trials often took an excessively long time to complete.

*e. Denial of Fair Public Trial.*—The law provides for an independent judiciary; however, the courts remained susceptible to corruption and political influence, and corruption in the judiciary remained a problem. Observers believed that judicial reform, particularly the replacement of judges appointed during the Milosevic era, was essential to eliminating corruption. Some observers also criticized the system of judicial appointment, through which Parliament and the Government could include screening of candidates' political views. Unlike in previous years, there were no reports that officials attempted to undermine politically sensitive prosecutions, including by applying pressure on prosecutors and judges.

On July 20, the Special Prosecutor's Office for Organized Crime began an investigation into the 2001 release from detention of Dusan Spasojevic and others suspected of planning the 2003 assassination of Prime Minister Djindjic. The investigation led to the arrest of former Belgrade district prosecutor Rade Terzic, but the court ordered his release on September 6.

In June the Supreme Court upheld the 2006 conviction of former Supreme Court justice Slavoljub Vuckovic for bribe-taking in the Jotka organized crime case. Although the court reduced Vuckovic's sentence to 6 years, it was the first final, high-level verdict in a corruption case.

There was no new information in the case of former deputy public prosecutor Milan Sarajlic, whom the court convicted in 2006 for accepting payments from the Zemun organized crime clan in 2004.

The private sector considered corruption in the commercial courts to be widespread. Land transfers often were difficult to conclude, leading many in the private sector to allege administrative corruption. It was unclear, however, to what extent these problems were due to corruption rather than bureaucratic inefficiency.

The courts were inefficient, and cases could take years to be resolved. The number of judges at the main courts was inadequate to meet the increasing caseload. A lack of professional court administration and the existence of a centralized budget for all courts managed by the Ministry of Justice contributed to the problem.

The judicial system consists of municipal courts, district courts, commercial courts, a Supreme Court, and a Constitutional Court. The law also provides for special courts within the Belgrade district court for war crimes and organized crime. The law provides for a Constitutional Court, an administrative appeals court, and a second instance appeals court to reduce the Supreme Court's caseload. During the year, Parliament passed enabling legislation for the Constitutional Court, and

judges were appointed. At year's end, Parliament had yet to pass other judicial legislation required by the 2006 Constitution.

During this year, the Military Department of the Belgrade District Court assumed responsibility for military cases.

*Trial Procedures.*—Trials are generally public, but they are closed during testimony of a state-protected witness. There are no juries. The law stipulates that defendants are presumed innocent; have the right to have an attorney represent them at public expense; and to be present at their trials. Defendants have the right to access government evidence and to question witnesses. Both the defense and the prosecution have the right to appeal a verdict. These rights were generally respected in practice.

The criminal procedure code, adopted in June 2006, introduced prosecutor-led investigation, plea bargaining, and use of special investigative techniques, such as wiretaps and undercover operations, but Parliament had not passed legislation to implement these changes by year's end.

The special war crimes chamber continued trying war crimes cases. According to the law, evidence gathered by special investigative techniques is admissible. In 2006 the Government established a victim/witness support service in the Belgrade District Court for victims and witnesses of war crimes.

On October 15, the OSCE released a statement expressing concern that members of the Parliament were verbally attacking war crimes prosecutor Vladimir Vukcevic. In the statement, the OSCE criticized these attacks as undermining judicial independence.

On October 19, police arrested four members of the Scorpions paramilitary unit for participation in the 1999 killing of 14 ethnic Albanians in the Kosovo town of Podujevo. War crimes prosecutor Vukcevic stated the arrests represented the end of the investigation into the Podujevo case.

On November 29, the war crimes chamber reported the indictment of 14 former volunteers and members of paramilitary units and members of the Army for complicity in the killing of at least 20 civilians and the abuse of other civilians in the 1991 attack on the Croatian village of Lovas. The court remanded seven of the indictees to custody and released the remaining seven pending trial.

There were developments in the Ovcara case (also known as the Vukovar massacre). On March 1, media reported that the Supreme Court upheld the conviction of Milan Bulic for beating and abusing Croatian prisoners. The Supreme Court reduced the 2006 sentence of the war crimes chamber, from 8 years to 2, citing the defendant's illness. In December 2006, the Supreme Court ordered a retrial of 14 former members of Serb militias convicted in 2005 of murder, torture, and inhuman treatment of more than 200 Croatian prisoners of war in 1991. Many in the international and NGO community criticized the ruling as politically motivated, noting that every major war crimes conviction (e.g., Podujevo, Sjeverin, Ovcara) in a first-instance court had been overturned by the Supreme Court upon first review. The retrial was ongoing at year's end.

On April 12, the Belgrade special war crimes chamber convicted four of five Scorpions members indicted for involvement in the 1995 execution of six Bosnian Muslim civilians from Srebrenica. The fifth defendant, Aleksandar Vukov, was acquitted for lack of evidence. On April 12, Commander Slobodan Nedic and Branislav Nedic received the maximum prison sentence of 20 years; Pero Petrusevic, who pleaded guilty, received 13 years; and Aleksandar Medic received 5 years.

The Zvornik trial, involving the 1992 killing of 21 Bosnian Muslims and expulsion of 1,822 others, continued in the special war crimes chamber. In a related case, the special war crimes chamber continued to investigate the killings of an additional 700 civilians.

*Political Prisoners and Detainees.*—There were no reports of political prisoners or detainees.

*Civil Judicial Procedures and Remedies.*—The country has an independent and impartial judiciary in civil matters where citizens can bring lawsuits seeking damages for or cessation of a human rights violation. The remedies generally involved monetary awards.

*Property Restitution.*—During the year a government commission continued to register claims for private property seized since 1945 but made no progress on enacting a private property restitution law or returning property. The Government enacted a law on restitution of communal property in 2006, but it took no significant action to register claims or return communal property.

The Union of Jewish Communities noted that Serbia has not ensured the restitution of private Jewish property that was expropriated, mainly between 1941 and 1944.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution and law prohibit such actions; however, the Government interfered with privacy and correspondence. While the law requires the Ministry of Interior to obtain a court order before monitoring potential criminal activity and police to obtain a warrant before entering property except to save people or possessions, police occasionally did not respect these provisions in practice.

Most observers believed that authorities selectively monitored communications, eavesdropped on conversations, read mail and e-mail, and tapped telephones. Human rights leaders frequently reported that their communications were being monitored.

Media reported that the Security Information Agency placed journalist Dejan Anastasijevic under surveillance and tapped his phone for 10 days before a bomb exploded outside of his home.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The law provides for freedom of speech and of the press; however, there were reports that the Government interfered with these freedoms and carried out reprisals against persons who criticized the Government. Independent media organizations were generally active and expressed a wide range of views; however, some media organizations experienced threats or reprisals for publishing views critical of the Government. During the year there was a decrease in criticism of the Government in the press. There was increased concern about declining professional and ethical standards and the rise of tabloid journalism. Many reporters lacked professionalism in citing sources and achieving accuracy.

Serbian media were mostly independent and privately owned, although most municipally-owned media had not been privatized. The oldest nationwide daily, *Politika*, was co-owned by a German company and the Government but operated by several shareholding companies. *Politika*'s reporting and editorials continued to have a progovernment slant, particularly favoring the prime minister's Democratic Party of Serbia (DSS). Other major newspapers include *Blic*, *Glas Javnosti*, *Vecernje Novosti*, *Kurir*, *Press*, *Dnevnik*, and *Danas*.

The law grants the Parliament the power to approve the budget of the independent broadcast council, which has broad authority to strip radio and television stations of their licenses without right of appeal; however, it did not revoke any national broadcasting licenses during the year.

Radio-Television Serbia (RTS), a public media outlet funded by mandatory subscription, was a major presence, operating two television channels as well as Radio Belgrade. RTS's coverage was generally objective, although the Government had considerable influence over RTS and public service Radio Television of Vojvodina. In addition, many television stations relied on the state-owned news agency Tanjug for news information. Independent news agencies BETA and FONET complained that state financing of Tanjug news agency provided unfair commercial advantage to Tanjug.

In 2006, the government-controlled Republic Broadcasting Agency awarded national television licenses to private operators B92, TV Pink, Fox TV, TV Avala, and Kosava-Happy and radio licenses to B92, Radio Index, Radio S, Roadstar, and Radio Fokus. Journalists and NGOs criticized the manner in which the agency allocated the licenses. In July the Supreme Court ruled in favor of two television and six radio stations denied licenses by the Broadcasting Agency, ordering the agency to review each case and reach new decisions. In its ruling, the court stated that the process of granting licenses lacked transparency. The Broadcasting Agency rejected the ruling, and the agency's president called for the Supreme Court president's resignation. On July 16, members of the agency's broadcasting council unanimously upheld its previous decisions.

In April 2006, police shut down the country's first private television station, BK (Karic Brothers) Television, for operating without a license, when the station criticized the process of granting licenses. BK Television broadcasted via satellite for several months, but by year's end the station was closed.

Media organizations, particularly the radio station B92, were victims of vandalism, bomb threats, and intimidation for coverage and portrayal of views unpopular with the Government and right-wing elements of society, such as discussion of the status of Kosovo independence or examination of Serbia's role in the wars of the 1990s. The South East European Media Organization (SEEMO), Association of Independent Electronic Media, and Independent Journalists' Association of Serbia (NUNS) reported a number of such incidents during the year. In April death threats against Dinko Gruhonjic, Novi Sad correspondent of news agency Beta and chairman of the Independent Journalists' Association of Vojvodina, appeared on a neo-Nazi Web site. Gruhonjic had reported extensively on National Formation, a neo-



Nazi group responsible for using crowbars to attack participants commemorating Kristallnacht (a pogrom against Jews throughout Germany and parts of Austria in 1938) in Novi Sad in 2005. In May a crowd of several hundred Serbian Radical Party members pasted posters supporting ICTY indictee Ratko Mladic on the front of B92's building and shouted insults at employees. In August Stefan Cvetkovic, editor-in-chief of independent radio and television station TNT in Bela Crkva, received death threats; according to SEEMO, the threats were made to stop TNT's reports of criminal activities. In two separate incidents in November and December in Arandjelovac, supporters of the New Serbia political party, including at least one local official, interrupted and prevented broadcast of a political debate program on B92.

On December 3, producers of the popular B92 radio show *Pescanik* (Hourglass), which offers political commentary often critical of government policy, attempted to host the show in the central-Serbian town of Arandjelovac. As the program was beginning, approximately 200 members of the New Serbia Party and the Serbian Radical Party, led by Topola Mayor Dragan Jovanovic, stormed the event. The demonstrators took over the microphone and assaulted some audience members. Jovanovic defended his actions and further threatened B92 in a published interview in *Politika*.

The Independent Journalists' Association of Serbia criticized delays in investigating attacks on journalists, stating that they contributed to the belief that perpetrators could act with impunity.

In April a bomb exploded outside the Belgrade apartment of Dejan Anastasijevic, journalist for the weekly *Vreme*. The attack followed Anastasijevic's criticism of sentences handed down to the Scorpions for war crimes. The Independent Journalists' Association of Serbia criticized the slow police response. On October 19, police stated that they had identified but not yet located suspects in the incident.

Journalists and media NGOs reported that the local government in the city of Novi Pazar restricted media access to municipal proceedings and events. According to Reporters Without Borders, authorities made a blacklist of journalists ahead of each press conference. For example, on September 25, municipal authorities prohibited some journalists from attending a press conference by the chief of the European Commission delegation in Serbia and the Swiss ambassador. The officials canceled the press conference when they became aware of the incident.

Journalists sometimes practiced self-censorship due to possible libel suits and fear of offending the public, particularly on subjects relating to wars in the former Yugoslavia and to the U.N.-led negotiations on the status of Kosovo. Human rights activists charged that they were subjects of smear campaigns in progovernment publications and tabloids for expressing critical views of the Government and for expressing views that challenged the popular narrative regarding Serbia's role in the wars of the 1990s.

Libel is a criminal offense; those convicted of libel face imprisonment or fines of \$720 to \$18,000 (40,000 to 1 million dinars).

In April Zeljko Bodrozic avoided an 80-day prison sentence for his 2002 defamation conviction after his publisher and humanitarian agencies paid his \$185 (10,000 dinar) fine. In 2002 Bodrozic wrote an article critical of a prominent member of the Socialist Party of Serbia (SPS). Bodrozic had refused to pay the fine, encouraged by a 2005 ruling by the U.N. Human Rights Committee that the Government should overturn his conviction and reimburse Bodrozic for his legal costs.

In September the Belgrade District Court ordered tabloid *Kurir* to pay damages to Economy Minister Mladjan Dinkic for publishing "untrue information" in 2005 when Dinkic was finance minister. According to the state-owned news agency, Tanjug, *Kurir* had waged a media war against Dinkic because the Finance Ministry had forced the paper's owner, Radisav Rodic, to pay back taxes.

*Internet Freedom.*—There were no government restrictions on access to the Internet. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. However, NGOs and the media reported that the Government selectively monitored Internet communications.

*Academic Freedom and Cultural Events.*—The Government generally respected academic freedom. Unlike in previous years, there were no reports of censorship of cultural events.

*b. Freedom of Peaceful Assembly and Association.*—The law provides for freedom of assembly and association, and the Government generally respected it in practice.

*c. Freedom of Religion.*—The law provides for freedom of religion, and the Government generally respected this right in practice; however, the Government maintained a discriminatory law on religion and a discriminatory property tax, and some government officials criticized minority religious groups.

While there is no state religion, the majority Serbian Orthodox Church received some preferential treatment. For example, there were complaints that the Government continued to fund construction of a large Serbian Orthodox Church in Belgrade and subsidized salaries of Serbian Orthodox clergy in neighboring countries of the former Yugoslavia.

The 2006 law on religion recognizes seven “traditional” religious communities: The Serbian Orthodox Church, the Roman Catholic Church, the Slovak Evangelical Church, the Reformed Christian Church, the Evangelical Christian Church, the Islamic community, and the Jewish community. The law requires all religious groups to re-register with the Ministry of Religion, which has the discretion to decide whether to grant approval to “nontraditional” groups; the law automatically grants traditional groups recognition. Under the previous law, many of these minority groups were recognized officially as religions in Serbia for over 50 years and were present in the republic for as long as 150 years.

The registration requirements for nontraditional groups include submitting names, identity numbers, and signatures of members; showing proof that the group meets the threshold of 0.001 percent of adult citizens of Serbia (roughly 75 persons); providing a description of the group’s religious texts and a summary of its religious teachings, ceremonies, religious goals, and basic activities; and information on its sources of funding. The Council of Europe and the OSCE deemed these requirements to be invasive.

While the law states that unregistered communities can continue to practice under prior law, unregistered communities were denied tax numbers and therefore could not pay taxes, hold bank accounts, or employ individuals. Unregistered religious communities were also ineligible to seek property restitution. Authorities also denied unregistered communities building permits and refused to recognize their official documents.

Many minority religious groups, attempting to register with the Ministry of Religion, reported confusing and irregular procedures. NGO Forum 18 reported during the year that the Government was arbitrarily denying legal status to numerous minority religious groups. Following the refusals, the ministry referred some groups to the Ministry of State Administration and Local Self-Government, where it suggested they seek registration as “citizens’ organizations.” However, the ministry referred these groups back to the Ministry of Religion because it stated that it lacked authority to register religious groups.

During the year the Ministry of Religion re-registered all seven traditional religious groups and registered 10 “nontraditional” religious groups: The Seventh-day Adventist Church, the Evangelical Methodist Church, the Church of Jesus Christ of Latter-day Saints, the Evangelical Church of Serbia, the Church of Christ’s Love, Christ’s Spiritual Church, Church of God, Christian Nazarene Religious Community, Association of Christian Baptist Churches, and Christ’s Church of Brothers.

In February, following two failed attempts to register, the Jehovah’s Witnesses filed a suit in the Supreme Court. The Religion Ministry claimed the application was not filed properly. The case was pending at year’s end. The Ministry also refused applications for registration from the Pentecostal Church.

The 2006 law stipulates that no religious group may be registered if its name contains part of the name of an existing group, and the Government continued to refuse recognition of the Greek and Macedonian Orthodox Churches on that basis. In late December, the Religion Ministry refused the application of the Montenegrin Orthodox Church (CPC) on the grounds that the church was a civic association. The Ministry also refused applications from the Serbian Baptist Union, the Old Catholic Church, and the Seventh Day Adventists Reform Movement of because their names were insufficiently distinct from the names of other registered churches.

Tax law exempts property owned by the seven recognized traditional religious groups, although a challenge to the law was pending in the Constitutional Court at the end of the year. The complaint was filed July 2006 on behalf of the Union of Protestant-Evangelical Churches in Serbia.

Non-Serbian Orthodox religious organizations continued to report difficulty obtaining permission from local authorities to build new worship facilities. The Belgrade Islamic community reported continued difficulties in acquiring land and government approval for an Islamic cemetery in the city. The Baptist Union, which conducted its services and other activities in an old building it purchased to use as a church, reported that the municipal authority continued to refuse, without explanation, a permit to renovate the building.

Serbian law requires students in primary and secondary schools either to attend classes of one of the seven traditional religious communities or, alternatively, to take a class in civic education. Leaders of religious groups excluded from the pro-

gram continued to express their dissatisfaction at the Government's narrow definition of religion.

Small religious groups continued to report official bias. Some government officials made public statements equating Protestant communities with satanic cults. During a lecture series in September, the senior police inspector in Belgrade, Zoran Lukovic, made several public statements equating Protestant churches with "satanic sects."

After a July attack on an Adventist church in Sombor, police asked church officials if they were registered under the new law before investigating the incident.

On August 27, Marija Arsenijevic lost custody of her infant based on the accusation of the baby's father that she was a member of Jehovah's Witnesses. Observers criticized the ruling, accusing the court of basing the decision solely on the mother's purported religion. On September 14, the media reported that all three had returned to Belgium, where they had previously lived as a family, and that a Belgian court had agreed to decide on custody because the baby was a citizen of Belgium.

The government, in accordance with a 2006 law on restitution of communal property in Serbia, including religious sites seized since 1945, established a Directorate of Restitution of Communal and Religious Property. The directorate had not begun processing claims by the end of the year, but was accepting property restitution claims from the traditional communities and religious communities registered under the 2006 law. Some communities had difficulty assembling the required documentation to submit claims. The Union of Jewish Communities and other religious groups protested the use of 1945 as a baseline, since their properties were largely confiscated between 1941 and 1944.

*Societal Abuses and Discrimination.*—During the year there were a few cases of physical and verbal attacks against religious minorities.

On March 28, Jehovah's Witnesses missionaries were attacked and held at gunpoint for nearly an hour in Stari Banovci. Police arrested and questioned a suspect, but released him. Prosecutors held a hearing on September 27 without victim testimony. Forum 18 reported that the victims did not receive notice of the hearing. Authorities took no further action during the year.

On June 29, Zivota Milanovic, a Hare Krishna devotee in Jagodina, was stabbed several times after opening his door to an individual who identified himself as a police officer. Milanovic was also attacked in June 2006 and treated for knife wounds, including a cross carved on his head. Before the June 29 incident, he had been attacked a total of five times since 2001. Authorities made no arrests in connection with any of the attacks.

Religious communities, especially minority religious communities, reported continuing problems with vandalism of buildings, cemeteries, and other religious sites. The police and prosecutors' responses were often inadequate, and civil society groups criticized the lack of commitment by the Government to addressing problems of discrimination. NGOs noted that prosecutors often charged perpetrators with misdemeanors instead of the more serious charges of intolerance, religiously motivated crimes, and hate crimes in those cases they did pursue.

On July 9, following attacks earlier in the year that damaged Adventist Churches in Sombor, Stapari, Kikinda, and Ruma, youth plastered the Adventist church in Belgrade with stickers that read: "Sects are death for the Serbian nation."

On September 17, unknown perpetrators sprayed "stop sects" on the walls of the Evangelical Church in Kraljevo.

On December 25, unknown perpetrators pulled out several crosses at the Orthodox cemetery in Subotica in Vojvodina. Police continued to investigate the incident at year's end.

The press continued to label smaller, multiethnic Christian churches, including Baptists, Adventists, Jehovah's Witnesses, and other smaller religious groups as dangerous "sects." RTS broadcast a program on Jehovah's Witnesses that described the teachings of the group as brainwashing and abusive. Religious leaders noted that instances of vandalism often occurred soon after such negative press reports.

The Jewish community comprised an estimated 3,000 persons. Jewish leaders in Serbia reported continued incidents of anti-Semitism, including anti-Semitic graffiti, vandalism, small circulation anti-Semitic books, and Internet postings. For example, on March 17, a swastika was spray-painted on the facade of the Novi Sad Synagogue. The HCS noted that anti-Semitism had grown in intensity in recent years. Serbia's publishing sector published various anti-Semitic books, such as *Jewish Ritual Murder*, *The Jewish Conspiracy*, and *Why I Admire Adolf Hitler*. According to Jewish community members, the release of such publications often led to an increase in hate mail and other expressions of anti-Semitism. Several nationalist, far-right organizations identified themselves with anti-Semitic rhetoric, displaying swastikas and using hate speech. The National Front was one of the most active

of these groups during the past few years, mixing anti-Semitic rhetoric with anti-Western messages. NGOs noted that the Government's response to such hate speech was often inadequate.

On October 7, participants in an unauthorized neo-Nazi rally in Novi Sad clashed with counterdemonstrators. Police arrested 56 neo-Nazis, including rally organizer Goran Davidovic. Davidovic had announced the rally in September, and the police prohibited it after religious organizations and other NGOs condemned the planned event. The League of Vojvodina Social Democrats organized the counterdemonstration in support of ethnic tolerance and against fascism. On October 9, a court in Novi Sad convicted three neo-Nazis for disrupting public order and sentenced them to 25 days in prison. The cases of the remaining individuals were pending at year's end.

Holocaust education was incorporated into the school curriculum, and the role of the Government in the Holocaust was also discussed. There was a tendency among some commentators to minimize and reinterpret the role of the Serbian movement, the Cetniks, during the Holocaust, casting them as victims of foreign occupiers when in fact many Cetniks at that time collaborated with the Nazis and began campaigns against the Jewish population even before the Nazis invaded Yugoslavia.

While government leaders publicly condemned incidents of anti-Semitism, there was no significant government effort to prevent such intolerance and hate speech.

During the year the Islamic community significantly split along political lines. One group aligned itself with a newly-established local Riyaset in Belgrade, and the other retained its traditional ties to the Riyaset in neighboring Bosnia and Herzegovina. Observers noted that both groups were positioning themselves for any eventual restitution of Islamic community properties in the Sandzak region. On November 19, tensions between the two groups resulted in a brawl and shootout outside the Atun Alem mosque in Novi Pazar. On December 19, the two groups clashed in Tutin in Sandzak when followers of one group attacked followers of the other group when they attempted to enter a religious building where the latter were to distribute presents to children for the Eid holiday.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the Government did not employ it.

*Internally Displaced Persons (IDPs).*—According to UNHCR figures, approximately 206,500 IDPs resided in Serbia, mainly Serbs, Roma, Ashkali (an Albanian-speaking ethnic group considered by outsiders as similar to Roma but self-identifying as a separate group with cultural distinctions from Roma), and Slavic Muslims who left Kosovo as a result of the 1998–1999 conflict. Approximately 4,600 IDPs remained in 67 official collective centers and 1,200 in 43 unrecognized collective centers. Although the Government continued to close collective centers, many IDPs remained in minimally habitable facilities that had been constructed as temporary accommodations, rather than for long-term occupancy.

The Ministry of Labor and Social Welfare established a Department for Population Policy to address the needs of vulnerable populations in Serbia, including IDPs. Some of these responsibilities were previously held by the Commissariat for Refugees. The Commissariat remained responsible for determining status of IDPs, issuing identification cards to IDPs, and accommodating IDPs in collective centers.

The Government continued to pay salaries to IDPs who were in the Kosovar government and state-owned enterprises before June 1999.

The law requires residents to register changes of residency, deregistering from the old address in person. Those IDPs from Kosovo who lacked personal or residency documents from Kosovo were unable to deregister from their Kosovo addresses, and were thus unable to register at a new address in Serbia. Without an authorized local address in Serbia, individuals are ineligible for health insurance, social welfare, and public schools. Legal assistance NGOs provided support to IDPs in residency registration.

There were 23,164 officially registered Romani IDPs in the country. However, the UNHCR estimated that there were a total of 40,000 to 45,000 internally displaced Roma living in Serbia proper, many of whom presumably lacked personal documents

necessary to register as IDPs. Many Roma displaced from Kosovo were assumed to have been Serb collaborators during the conflict in Kosovo and could not safely return. While some Roma lived in government-supported collective centers, living conditions for Roma in Serbia were generally extremely poor. Local municipalities often were reluctant to accommodate them. If Roma did stay, they often lived in unauthorized encampments near major cities or towns. In at least one instance, when a local community did offer to relocate Roma from substandard conditions, the Roma refused to move away from the capital.

Unlike in previous years, there were no reports that IDPs were targeted for attacks. There were reports that the Government sometimes failed to recognize IDPs, often due to a lack of communication with officials at the administrative boundary line with Kosovo who were responsible for reporting IDPs. Without an official IDP card, individuals were not able to access IDP services.

The Government allowed IDPs access to assistance from NGOs and international organizations.

While government officials continued to make public statements that IDPs should return to Kosovo, senior government officials also claimed that it was unsafe for many to return.

*Protection of Refugees.*—During the year, the law did not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol. However, on November 23 the Parliament passed new legislation establishing a system for granting asylum and providing protection to refugees. The new law, which will enter into force in April 2008, provides protection against refoulement, the return of persons to a country where there is reason to believe feared persecution. There was no information available on whether authorities turned such individuals away at borders during the year.

The UNHCR maintained an office at the airport to receive third-country asylum seekers, including those who entered the country via other ports of entry. The UNHCR conducted refugee status determinations in accordance with the 1951 U.N. convention and the organization's mandate. By tacit agreement, the Government tolerated UNHCR status determinations, neither expelling individuals whom UNHCR determined to be refugees nor according them any opportunity for integration. UNHCR opened 33 cases for third-country nationals over the course of the year. Twenty-two Iraqis received refugee status during the year and were waiting to be resettled. At year's end, a total of 44 individuals remained under UNHCR protection as mandate refugees, 11 as asylum seekers, and 33 persons of concern. Two applications were withdrawn, and three applications for refugee status were "otherwise closed" because the individuals disappeared, presumably because they had migrated elsewhere.

UNHCR, with the cooperation of the Ministry of Interior, in October opened an asylum center for receiving and sheltering asylum seekers.

The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. Under the 1992 Decree on Refugees, the Government provided temporary protection to individuals from former republics of the Socialist Federal Republic of Yugoslavia (SFRY) who may not qualify as refugees under the 1951 convention and its 1967 protocol. The Government and UNHCR estimated that 98,000 refugees from Croatia and Bosnia and Herzegovina resided in Serbia. The Government also provided temporary protection to individuals from other areas who may not qualify as refugees under the 1951 convention and its 1967 protocol, and provided it to 33 persons during the year.

There were no reported cases of abuse or discrimination of refugees during the year.

*Stateless Persons.*—The basis for citizenship is *jus sanguinis*. The UNHCR estimated that there were up to 18,000 stateless persons in the country, mostly due to a cumbersome and lengthy citizenship registration process. Lack of information, administrative fees, difficulty obtaining documents, the lack of an official recognized residence, and sometimes the need to go to court to prove origin and identity made it difficult or impossible for some to register. These problems disproportionately impacted Roma, Ashkali, and Egyptian communities, particularly IDPs, although they also affected others who were destitute and living in isolated areas.

### *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

*Elections and Political Participation.*—The country held parliamentary elections on January 21, which the OSCE and other election observers judged free and fair. Ethnic Albanian parties also participated in the election, ending 15 years of boycotts.

Political parties generally operated without restrictions or outside interference. However, in a report released at midyear, YIHR detailed 119 instances of politically motivated violence between October 2006 and April 2007, including threats, assaults and property destruction directed at political party offices and officials. This violence was most commonly directed at the Liberal Democratic Party, which accepted the inevitability of independence for Kosovo and advocated cooperation with the ICTY, and the greatest number of incidents occurred in the weeks surrounding the January election.

There were 50 women in the 250-seat Parliament, and one of six parliamentary vice presidents and the secretary of the Parliament were women. There were four women in the 23-member cabinet. In 2006 the Government amended the law on elections of members of Parliament to require parties' preelection lists to include at least 30 percent women.

The Constitution and law exempt ethnically based parties from the 5 percent threshold required for a political party to enter Parliament. In the January election, minority parties and lists received a combined 3.5 percent of the total vote. Voter turnout by members of minority communities was higher than in previous elections; however Roma continued their historical pattern of low voter turnout. Eight members of national minorities, including ethnic Hungarians, Bosniaks, Roma, and ethnic Albanians were elected to Parliament. Roma political parties were represented for the first time, as two Roma parties won one seat each. An ethnic Albanian party also won a seat for the first time in 15 years. One of the six parliamentary vice presidents was a member of an ethnic minority. Rasim Ljajic, a Bosnian Muslim, was the sole member of a minority group, in the 23-member cabinet.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption; however, the Government did not implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. There was a widespread public perception of government corruption at all levels. The World Bank's worldwide governance indicators reflected that corruption was a serious problem. According to Transparency International's 2007 Global Corruption Barometer, 21 percent of respondents stated that they or their family members had paid a bribe during the past year.

Public officials are subject to financial disclosure under the conflict of interest law; however, the Committee for Financial Disclosure may only recommend dismissal for failure to file reports, and not for the substance of the information reported.

During the year authorities made some new arrests for corruption and continued the prosecution of high-profile cases from previous years. While the Government's Anticorruption Council frequently made public statements and granted interviews, the body had no legal standing and had only an advisory role. There were reports of authorities failing to act in response to detailed reports of suspected corruption. Unlike in previous years, there were no reports of high-profile politically motivated investigations.

On January 22, the trial of the "bankruptcy mafia" commenced. A total of 36 defendants, including Goran Kljajevic, former president of the Belgrade Commercial Court and commercial court judge Delinka Djurdjevic, faced charges of bribery, abuse of office, and illegal bankruptcy. The Government accused the defendants of operating a lucrative scam in which the commercial court would declare enterprises bankrupt and the Postal Savings Bank would provide cheap loans to favored businessmen to buy the enterprise's assets at a below-market price. The trial was ongoing at year's end.

In April Dejan Simic, former vice governor of the National Bank of Serbia, and Socialist Party of Serbia director Vladimir Zagradjanin were indicted for bribery. Simic allegedly accepted a suitcase containing the equivalent of \$146,000 cash (100,000 euros) in exchange for agreeing to register the Credit Export Bank. The trial had not begun by year's end.

In May the trial of 53 persons charged in the "highway mafia" case began. Prosecutors accused the defendants of using false payment cards and illegal software on two major tollgates between 2004 and 2006, resulting in a loss of approximately \$9.5 million (6.5 million euros) in state revenue.

In July police charged a former general manager of the power utility Elektroprivreda Srbije, Ljubomir Geric, and three other former executives of the company in connection with agreements between the utility and two trading companies between 2001 and 2004, citing the loss of millions of dollars to the state budget.

In September the fraud and embezzlement trial of Mihalj Kertes, the former Head of the Customs Service during the Milosevic era, began. The case was part of the ongoing "Cyprus money laundering" investigation of former Milosevic officials, conducted by the organized crime prosecutor's office.

The leader of the Power of Serbia Movement, Bogoljub Karic, remained outside the country at year's end. Shortly after Karic formed a new parliamentary caucus in 2006, police issued a warrant for his arrest on charges of tax evasion, mismanagement of millions of dollars, and money laundering while he was owner of the telecommunications company Mobtel. Authorities took no additional action in this case.

The trial of deputy public prosecutor Milorad Cvijovic was underway at year's end. Cvijovic was charged with the unauthorized appropriation of a court document from the archives of the state prosecutor's office in 2005 in order to influence proceedings in a commercial case.

There was no new information in the trial of former minister of defense Prvoslav Davinic, charged with facilitating apartment leases for his bodyguards. On July 2, prosecutors indicted Davinic, Major General Milun Kokanovic and Colonel Jovica Vuckovic for abusing their positions in connection with a 2005 military equipment purchase scandal. Mile Dragic, reported as the owner of a military equipment firm, was concurrently charged with attempted fraud and possession of illegal weapons.

Government implementation of the 2004 access to information law continued to be slow, and the Government generally did not provide access in practice. The law provides for public access to information of "legitimate public importance" (with many exceptions) and establishes an independent commissioner, selected by the Serbian Parliament, to handle appeals when government agencies reject requests for information. In March the Commissioner of Information released a report on the law that concluded that agency compliance was increasing but was still poor. According to a September 2006 report by Transparency International, 81 percent of local institutions, 67 percent of public enterprises, and 35 percent of ministries were failing to fulfill their obligations under the access to information law, even as requests for information tripled between the end of 2005 and the end of 2006. NGOs reported that their requests for information from the Government frequently went unanswered.

On March 30, the Government signed a contract to build a highway from Horgos to Pozega through Vojvodina. The Anticorruption Council, local Vojvodina officials, journalists, and NGOs following corruption publicly questioned whether the contract was awarded to the lowest bidder. Infrastructure Minister Velimir Ilic repeatedly refused public efforts to obtain the contract, citing a secrecy clause in the contract, which he claimed was intended to protect the contractor's proprietary information. After continued public pressure and public requests for information under the access to information law, the ministry posted most of the contract on its Web site. At year's end, the Government was in the process of implementing the contract.

#### *Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

A variety of independent domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. However, these groups were often subjects of harassment, threats, and libel suits for expressing views critical of the Government or contrary to nationalist views of Kosovo, the ICTY, and the wars of the 1990s. Prominent human rights groups included HCS, the Humanitarian Law Center (HLC), the Lawyers' Committee for Human Rights (YUCOM), the Fund for an Open Society, YIHR, and the Belgrade Center for Human Rights.

In July YIHR activist Maja Stojanovic avoided imprisonment when a group of NGOs paid a fine on her behalf. A Nis municipal magistrate had ordered the fine or a 10-day prison sentence if she did not pay the fine by July 25. The fine was imposed after Stojanovic was arrested in 2005 for putting up posters calling for the arrest of ICTY indictee Ratko Mladic. Stojanovic chose not to pay the fine as an act of civil disobedience, protesting selective enforcement of the law. The NGOs paid the fine after President Tadic issued a statement supporting Stojanovic's position.

During the year media campaigns aimed at demonizing human rights activists led to threats, harassment, and attacks against NGO workers. Media sometimes published NGO workers' personal information, such as their ethnic backgrounds and addresses. On February 28, tabloid Kurir called for the prosecution of Women's Peace Coalition for advocating the independence of Kosovo. On April 28, the pro-Radical newspaper Pravda printed an eight-page report attacking NGOs as enemies of the country, including attacks on HCS director Sonja Biserko, HLC's Natasa Kandic, and YUCOM director Biljana Kovacevic-Vuco.

During the year there were several physical attacks and threats against NGO workers. NGOs reported that officials were often slow to investigate or prosecute these cases. On January 22 in Belgrade, a group of skinheads attacked Violeta Djikanovic and Milos Urosevic of the NGO Women in Black. After making derogatory comments regarding Urosevic's sexuality, one of the attackers pushed Djikanovic down a flight of stairs; she was treated at the hospital for head and body injuries. Djikanovic and Urosevic reported the incident to the police and identified one of the assailants from a photograph. However, the suspect claimed an alibi for the time of the attack, and police took no further action.

On January 24 in Nis, YIHR activist Radojica Buncic was punched in the face and verbally abused by unknown assailants. Police took a statement from Buncic but did not identify the perpetrators. There was no further action during the year.

On July 11 in Nis, youth members of My Initiative were hanging posters calling for the arrest of ICTY indictee Mladic when six men attacked them. Police detained one assailant, but subsequently released the assailant without charges, and authorities took no further action.

In March 2006, HCS issued a report on the targeting of human rights defenders in Serbia. While praising some positive legal developments, the report criticized the Government's failure to denounce more forcefully verbal and physical attacks against human rights defenders, as well as continued media campaigns aimed at discrediting local human rights advocates.

In July the Government selected Sasa Jankovic to serve as ombudsman for the country, a position established in 2005 but previously unfilled. Vojvodina province had its own ombudsman, who operated independently during the year. The city of Kragujevac also had its own ombudsman.

During the year the Government assisted in the arrests of Zdravko Tolimir and Vlastimir Djordjevic, two of the remaining six indictees sought by the ICTY. Two of ICTY's most wanted war crimes suspects with links to Serbia, Ratko Mladic and Radovan Karadzic, remained at large. Despite the arrests, ICTY Chief Prosecutor Carla del Ponte stated in her December report to the U.N. Security Council that she was disappointed that more was not being done to apprehend Mladic and Karadzic and that the Government was not cooperating fully with ICTY.

While the Constitution prohibits the extradition of any person with Serbian citizenship, the law allows for an exception in cases of extradition of citizens to the ICTY.

#### *Section 5. Discrimination, Societal Abuses, and Trafficking in Persons*

The Constitution and law prohibit discrimination based on race, gender, disability, language, or social status; however, discrimination against women and ethnic minorities, trafficking in persons, and violence against women and children were problems.

*Women.*—Rape, including spousal rape, is punishable by 1 to 40 years for a simple case, a minimum of 3 years for an aggravated case, and a minimum of 5 years if death results or the victim is a minor. Advocates suspect that only a small percentage of rape victims reported their attacks, fearing reprisals from their attackers or humiliation in court. Few spousal rape victims filed complaints with authorities. Women's groups reported that sentences were often too lenient.

Violence against women was a problem, and high levels of domestic violence persisted. Domestic violence is a crime punishable by a prison sentence of 6 months to 10 years, depending on the seriousness of the offense, and a minimum of 10 years if death results. Such cases were difficult to prosecute due to lack of witnesses and evidence and unwillingness of witnesses or victims to testify. In a 2006 World Health Organization study of Serbian women, two-thirds of physically abused women reported that they did not seek help because they thought such abuse was normal or not serious. The few official agencies dedicated to coping with family violence had inadequate resources.

A report by several Romani NGOs released in April found that, of the half of the respondents who would discuss domestic violence, over 75 percent reported experiencing verbal or physical abuse. The respondents said that police did not act to protect them and that they were excluded from some state-funded safe houses.

The Serbian Victimology Society reported in July 2006 that one-third of women have been victims of physical violence and half of women have been victims of psychological violence. In 2004 there were approximately 4,900 reported cases of domestic violence in the country. According to the Magistrates Association of Serbia (MAS), domestic violence was significantly underreported and the problem was widespread and usually long-lasting. Violence frequently became a way of life in a country where contributing factors such as financial dependence, cramped living



quarters (multifamily living arrangements were common), and the lack of support from extended family were prevalent.

During the year the MAS participated in a series of seminars and training sessions for magistrates to adjudicate domestic violence cases. The Center for Autonomous Women's Rights in Belgrade offered a rape and spousal abuse hot line and sponsored a number of self-help groups. The Counseling Center Against Family Violence operated a domestic violence shelter partly funded by the Government. On November 22, the Government opened its own shelter in Belgrade for victims of domestic violence. Media outlet B92 ran a campaign with the Counseling Center against Family Violence to raise funds for a shelter to be built in cooperation with the City of Belgrade.

Prostitution is illegal, although being a client of a prostitute is not a criminal offense.

Sexual harassment was a common problem, but public awareness remained low and few complaints were filed during the year. The law provides that sexual harassment is a crime punishable by up to 6 months' imprisonment for a simple case and up to 1 year's imprisonment for abuse of a subordinate or dependent.

Women have the same legal rights as men, including under family law, property law, and in the judicial system, and these rights were generally enforced in practice. The Government has a council for gender equality, which worked during the year with NGOs in raising public awareness of gender equality problems. The Vojvodina government also has a secretariat for labor, employment, and gender equality. The OSCE mission to Serbia helped to establish domestic bodies in charge of gender equality in more than 30 municipalities.

Traditional views of gender roles, particularly in rural areas, resulted in discrimination against women. In remote rural areas, particularly among some minority communities, women could not effectively exercise their right to control property. In rural areas and some minority communities, it was common for husbands to direct the voting of their wives.

The social status of women was generally considered inferior to that of men, and women were not well represented in commerce. Women were legally entitled to equal pay for equal work; however, according to the International Helsinki Federation for Human Rights, women's average wages were 11 percent lower than that of men.

*Children.*—The Government was committed to the rights and welfare of children.

Romani families experienced some difficulties registering the births of children, mostly due to a lack of permanent address or documentation of parents' identity.

The educational system provided 9 years of free, mandatory schooling, including a year before elementary school. However, ethnic prejudice, cultural norms, and economic distress discouraged some children, particularly Roma, from attending school. According to a progress report on poverty reduction released by the Government in August, 95 percent of children started elementary school on time, and an estimated 76–86 percent of secondary school-age children attended school. The report noted, however, that school attendance was significantly lower among children from vulnerable groups, including Roma and poor populations. Only 14.4 percent of children in rural areas attended preschool.

Romani education remained a problem. Many Romani children, especially girls, did not attend primary school, reportedly either for family reasons, because they lacked identity documents, because they were judged by school administrators to be unqualified, or because of societal prejudice. In some cases, children who did have access to school sat in separate Roma-only classrooms or in a group at the back of regular classes. Few teachers were trained in the Romani language, and many Romani children did not learn to speak Serbian. Some Romani children were mistakenly placed in schools for children with emotional disabilities because the Romani language and cultural norms made it difficult for them to succeed on standardized tests in Serbian. According to a 2005 report on racism in eastern Serbia by the Forum for Ethnic Relations and International Cooperation, although 70 percent of Romani children who attended urban schools completed primary school, only 10 percent did so in rural areas. The UNHCR, with government support, conducted health education programs for Roma and preschool programs for Romani children.

The law provides that government clinics offer free medical care, including free medicines from a limited list of covered drugs. There were reports, however, that corruption resulted in restricted access to medication for some. Boys and girls had equal access to medical care; however, Romani children often were not vaccinated.

Child abuse was a problem. According to the Poverty Reduction Strategy Report, reported cases of family violence rose in 2006. While teachers were instructed to report suspected child abuse cases, they often did not do so. Police generally responded to complaints, and prosecutions of child abuse cases occurred during the

year. Psychological and legal assistance was available for victims, and there was an incest trauma center.

Child marriage was a problem in some communities, particularly among Roma and in rural areas of southern and eastern Serbia. In the Romani community, boys and girls generally married between the ages of 14 and 18, with 16 as the average; boys generally married a few years later than girls. Child marriage was most common among Muslim Ashkali, most of whom came from Kosovo and were living in other parts of the country as IDPs.

*Trafficking in Persons.*—The law prohibits trafficking in persons; however, there were reports that persons were trafficked through, to, and from the country for commercial sexual exploitation, labor, and begging.

Serbia was a transit point and a point of origin and destination for trafficking in women and children for the purpose of sexual exploitation. Domestic trafficking increased compared to previous years, and the number of domestic victims identified was higher than foreign victims. Serbia was a transit point for women trafficked to other Balkan countries and Western Europe. Eastern European countries were the primary source countries for persons trafficked to and through Serbia. NGOs and government officials reported that the number of minor victims continued to increase, although this may have been a result of increased monitoring and improved identification of victims.

In 2006 the Ministry of Labor, Employment, and Social Policy and the NGO Children's Rights Center released results of a survey that showed Romani children and children from poor, rural communities and foster families were at the highest risk for child labor abuse, including begging, theft, prostitution, dealing narcotics, and hard physical labor. Some Romani children were trafficked within the Romani community and to Roma abroad for exploitation in begging and theft rings.

Traffickers tended to be part of small crime groups with international links. Unlike in previous years, there were no identified cases with ties to large organized crime groups. In some cases, friends or family members facilitated contact between traffickers and victims.

Traffickers recruited victims through enticements including advertisements for escorts, marriage offers, and offers of employment. Some women went to work as prostitutes knowingly and only later became trafficking victims. Authorities reported increased use of the Internet and mobile text messaging as a method of recruiting victims.

The Government increased funding for its antitrafficking programs. The criminal code differentiates between trafficking and smuggling. The penalty for trafficking in persons is 2 to 10 years in prison; for trafficking minors, the penalty is a minimum of 3 years; if the act of trafficking resulted in death, the penalty is a minimum of 10 years; if it involved serious physical injury, the penalty is 3 to 15 years; if there were multiple acts of trafficking or if perpetrated by an organized group, the penalty is a minimum of 5 years.

During the year authorities filed 26 criminal charges against 57 persons for trafficking. Government officials estimated that the number of unidentified cases was increasing. Antitrafficking groups worked with 185 trafficking victims, including 60 victims identified during the year.

The Government cooperated in combating trafficking with neighboring countries, including Bosnia and Herzegovina, Croatia, Hungary, Slovenia, Bulgaria, Romania, Greece, and Ukraine. However, the Constitution prohibits extradition of citizens, including dual nationals (except to the ICTY for war crimes) and the Government did not extradite any citizens who were accused of trafficking in other countries.

On November 17, acting public prosecutor in Novi Pazar, Slobodan Radovanovic, announced the arrest of deputy public prosecutor Nenad Palamar, who allegedly failed to investigate or report victims of trafficking forced to work as prostitutes at a night club in Novi Pazar and allegedly sexually abused those victims. The trial was pending at year's end.

The Government's antitrafficking team, headed by an antitrafficking coordinator who was the chief of the border police, incorporated government agencies, NGOs, and international organizations and led government antitrafficking efforts. The organized crime police force included a full-time antitrafficking unit, and the border police force had a full-time office to combat trafficking and alien smuggling. The Government assisted in international investigations of human trafficking and participated in regional antitrafficking operations.

The Government offered temporary resident visas and shelter to victims who agreed to testify against their traffickers, provided victim and witness protection, and did not prosecute victims.

The Government's agency for coordination of protection to victims worked to ensure that trafficking victims were correctly identified and referred to assistance pro-

viders. Every police station had a focal point for trafficking in persons, to provide rapid response and assistance to possible victims. Separate shelters for domestic and foreign trafficking victims operated during the year. The NGO Astra operated a hot line for trafficking victims. NGOs and volunteers provided legal, medical, psychological, and other assistance to victims. The NGO Atina operated a long-term reintegration program for victims of sexual exploitation.

Unlike in previous years, the International Organization for Migration (IOM) did not have funds for repatriation of foreign victims, and it no longer ran a regional clearing center for information on trafficking victims.

The IOM and the OSCE funded numerous training programs, including training for hot line volunteers, shelters, social welfare officers, and police.

Government and NGO public awareness efforts to combat trafficking included conferences on trafficking, documentary films and public service announcements shown across the country, and school outreach programs. NGOs continued to organize and fund the majority of Serbia's public information campaigns. The Government partly funded a 13-episode television series, *Modern Slavery*, devoted to promoting awareness of human trafficking.

*Persons with Disabilities.*—The Constitution and law prohibit discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services, and the Government generally enforced the law. However, lack of access to public buildings and public transportation was a problem. The Center for Independent Living (CIL), a disability rights NGO, reported that most persons with disabilities lived isolated from their communities and that facilities for their education and care were nonexistent or inadequate. A high unemployment rate and lack of accommodations made it difficult for persons with disabilities to obtain employment. While there were no reports of overt discrimination against persons with mental or physical disabilities, CIL reported that it was difficult to determine if there was discrimination in obtaining employment because employers usually gave other reasons for not hiring persons with disabilities.

The law mandates access for persons with disabilities to new public buildings, and the Government generally enforced this provision in practice.

Unemployment remained a serious problem for persons with disabilities. A study released by the Center for Development of Inclusion and the Center for Study of Alternatives in 2006 found that 87 percent of persons with disabilities were unemployed, while 70 percent lived in poverty. The study also found that a greater percentage of women with disabilities were dependent on public assistance compared to men with disabilities.

In a report released in February, the HCS found that psychiatric hospitals in the country often provided inadequate living conditions and that staff lacked training to deal with these cases. Most institutions were large facilities, isolated from the community. Many patients stayed in institutions for 10 or 20 years because there were no other options. Rights of psychiatric patients are not protected either by law or regulation. The HCS reported that some patients were involuntarily confined in locked wards longer than was medically warranted and that abuses of treatment, such as lengthy physical immobilization, could occur.

On November 21, Mental Disability Rights International (MDRI) released a report on government facilities for the mentally disabled. The report, titled "Torment, Not Treatment," criticized the facilities for inadequate hygiene and treatment of patients. The report also cited a lack of training for personnel and lack of oversight of their activities, resulting in abuses of patients. MDRI gave examples of patients tied to their beds continuously. The Social Affairs Ministry objected that, while the report was partially accurate in its description of the worst institutions, the conditions were not so extreme at all facilities.

*National/Racial/Ethnic Minorities.*—Minorities constituted 25 to 30 percent of Serbia's population and included ethnic Hungarians, Bosniaks, Roma, Slovaks, Romanians, Vlachs, Bulgarians, Croats, Albanians, and others.

Roma, who constituted 1.4 percent of the population, continued to be targets of numerous incidents of police violence, verbal and physical harassment from ordinary citizens, and societal discrimination.

In January in the village of Medja in Leskovac municipality, 30 Romani homes were spray-painted with swastikas and anti-Roma graffiti. Police took statements but took no further action during the year.

On February 6, a group of Serbs attacked the president and several members of the Democratic Association of Roma in Belgrade. The HCS reported that traffic police witnessed the event without intervening and also made racist remarks about the victims. Police took statements from the victims but took no further action during the year.

In August there was a series of attacks on Roma in Belgrade, including destruction of homes, assaults, and hate speech graffiti. Police responded that they were investigating but had not made any arrests by year's end.

The July 2006 U.N. Development Program's social vulnerability report found that the Romani population continued to live in conditions of extreme poverty with limited access to education and healthcare. The report noted that the situation of Roma in the country remained largely unchanged since aid efforts began.

Many Roma, including IDPs from Kosovo, lived illegally in squatter settlements that lacked basic services such as schools, medical care, water, and sewage facilities. Some settlements were located on valuable industrial or commercial sites where private owners wanted to resume control; others were on the premises of state-owned enterprises due to be privatized. During the year Belgrade authorities continued to suspend demolition of one settlement on privatized land until they could locate alternative housing for Roma living there, but authorities continued to struggle to find an alternative.

Although not widespread, there continued to be incidents of vandalism and some physical attacks against minorities in Vojvodina. The number of incidents against ethnic Hungarians in Vojvodina remained low, and minority leaders there reported that the situation was calm. Vojvodina and Serbian government officials continued implementation of a 2005 10-point strategy to improve ethnic relations in the province, including education programs, public awareness campaigns, and greater representation of minorities in the police and judiciary.

Political leaders in Vojvodina continued to object to certain provisions in the 2006 Constitution. While the Constitution ostensibly gives Vojvodina a larger portion of its tax revenue than the province previously received, it also further limits its autonomy. Only 48 percent of the Vojvodina electorate voted in the referendum on the Constitution, and only 14 percent of ethnic Hungarians participated. Ethnic Hungarian political leaders cited these constitutional "defects" as an evidence of the Government's failure to involve minorities in policy-making.

The law stipulates official use of any native language and alphabet of a national minority with 15 percent of the population in a given area. However, in June YIHR reported that place and street names were only written in Serbian using the Cyrillic alphabet in six municipalities in Vojvodina with large populations of ethnic Czechs, Hungarians, and Romanians.

Ethnic Albanian leaders in the southern municipalities of Presevo, Bujanovac, and Medvedja continued to complain about under-representation of ethnic Albanians in government structures, and lobbied for greater political autonomy for predominantly ethnic Albanian areas. In the January parliamentary elections, ethnic Albanians in southern Serbia ended a decade-long boycott of national elections and elected one representative.

In September the Government announced a reorganization of the Coordinating Body for Southern Serbia, which coordinates policy and assistance to the region. Ethnic Albanian leaders complained that the Government did not consult them prior to the announcement and that the proposed changes did not address the most pressing problems in the region, such as education and healthcare. In December the president of the coordinating body traveled to the region to present the coordinating body's 5-year plan for the region and to urge local leaders to participate in the organization.

The Government operated a hot line for minorities and others concerned about human rights problems. The Government also provided students with an optional civic education class, which included information on minority cultures and multi-ethnic tolerance. The class was an alternative to religion courses covering the "traditional" religions.

*Other Societal Abuses and Discrimination.*—Violence and discrimination against homosexuals was a problem. Some NGOs reported that homosexuals were denied equal opportunities in education and employment. A 2006 survey by YIHR indicated that lesbians, gays, bisexuals, and transgender persons experienced widespread threats, hate speech, verbal assault, and physical violence. The Anti-Discrimination Coalition criticized the lack of police response to three attacks on patrons of two clubs in Belgrade frequented by homosexuals on October 12 and November 3. The NGO characterized the attacks as part of antigay campaign.

Although the broadcasting law prohibits discrimination on the grounds of sexual orientation, the media carried slurs against homosexuals.

Human rights organizations were sometimes targeted for their vocal support of gay rights, sometimes leading to harassment. For example, on February 28 in Nis, two YIHR members were followed and harassed by unknown persons who expressed anger that they "protect gays and lesbians" and accused them of being anti-Serb.

In a 2006 poll conducted by lesbian rights organization Labris, 65 percent of homosexual respondents claimed they had experienced violence due to their sexual orientation. Only 10 percent of respondents had reported this violence to the police.

NGOs reported acts of discrimination against persons with HIV/AIDS, including job loss and harassment from neighbors. The NGO Sunce stated that fear of discrimination prevented many persons from seeking testing, and, as a result, the actual number of HIV-positive persons in the country was as much as 10 times greater than the 2,088 reported HIV cases.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law and Constitution provide the right for workers, except military and police personnel, to join or form unions of their choosing. This right was subject to restrictions, including approval by the Ministry of Labor and a statement from the employer that the union leader is a full-time employee, which reportedly was tantamount to an employer approval requirement. A state-affiliated trade union federation dominated organized labor, due to preference by the managements of the state-owned industries that dominated the economy. Smaller federations of independent trade unions successfully competed with the government-affiliated federation. In the state-owned sector, 61 percent of workers belonged to unions, down from last year due to privatization. In the private sector, 13 percent were unionized, an increase from the previous year.

The law does not prohibit antiunion discrimination. According to the trade union Nezavisnost, during the year there were cases of dismissal and suspension for union activity. One employer forced workers to relocate to another branch in the hope that workers would quit. That case was pending in court.

*b. The Right to Organize and Bargain Collectively.*—The law and Constitution allow unions to conduct their activities without interference, and the Government protected this right in practice. The law protects the right to organize and bargain collectively, and it was exercised freely in practice. The 2005 labor law requires collective bargaining agreements for any company with more than 10 employees. However, in order to negotiate with an employer, a union must have 15 percent of company employees as members. In order to negotiate with the government, a union must have 10 percent of all workforce employees as members. Wage arrears were reported to be substantial and widespread. Approximately 40 percent of employed workers were covered by collective bargaining agreements.

The law and Constitution provide for the right to strike except by persons providing essential services such as education, electric power, and postal service. These employees constitute approximately 50 percent of the workforce and must announce planned strikes at least 15 days in advance and ensure that a “minimum level of work” is provided. Workers exercised the right to strike.

Serbia continued to lack a general collective agreement since the previous agreement expired in 2005. Following unsuccessful negotiations in 2006, there were no new talks during the year. In the absence of a general collective agreement, branch and local agreements can be signed based on provisions in the labor law. In the event that there is no union representation at a company, the employer is obligated to set minimum labor standards based on the labor law.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law and Constitution prohibit forced and compulsory labor, including by children; however, women and children were trafficked for commercial sexual exploitation, labor, and begging.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The Government effectively enforced laws protecting children from exploitation in the workforce; however, there were reports that children were trafficked for commercial sexual exploitation, labor, and begging.

In villages and farming communities, younger children commonly worked in family businesses. Children, particularly Roma, also worked in a variety of unofficial retail jobs, typically washing car windows or selling small items such as newspapers. Romani children were often forced by their families into manual labor, compelled to beg, or trafficked abroad to work in begging or theft rings.

The minimum age for employment is 15, and youth under 18 require written parental or guardian permission for employment. The labor law stipulates very specific working conditions for youth, and limits their workweek to 35 hours.

The Labor Inspectorate of the Ministry of Labor, Employment, and Social Issues checked for child labor during its inspections; however, the ministry stated it found no violations during the year. The absence of such violations was most likely the result of limited monitoring capabilities by inspectors. No reliable data existed on the extent of child labor due to the lack of a mechanism to monitor the problem.

There were no reported child labor violations during the year. The ministry also included prevention of child labor in its regular child and family protection programs.

*e. Acceptable Conditions of Work.*—The minimum wage for the period July–December was set by the Social Economic Council at approximately \$205 (11,094 dinars) per month. The minimum wage did not provide a decent standard of living for a worker and family. In companies with a trade union presence, there was generally effective enforcement of the minimum wage. This was not the case in smaller private companies, and workers were often afraid of losing their jobs because many of them were not legally registered. The Labor Inspectorate is responsible for enforcing the minimum wage.

According to figures released at year's end, the average salary in November was approximately \$524 (29,373 dinars) or \$26 (1,468 dinars) per day or \$3 (183 dinars) per hour. The average salary was not adequate for a worker and family to live comfortably. Two average salaries were needed to cover expenses for average monthly consumption.

The standard workweek of 40 hours was generally observed in state-owned enterprises but not in private companies. The law provides that an employee may not work overtime for more than 4 hours a day or for more than 240 hours in a calendar year. For an 8-hour workday, one 30-minute break is required. At least 12 hours of break are required between shifts during a workweek, and at least 24 hours of break are required over a weekend.

Collective agreements were the primary means of providing premium pay for overtime. However, the labor law requires that the premium for overtime work should be at least 26 percent of the salary base, as defined by the relevant collective agreement. Trade unions within a company are the primary agents for enforcing overtime pay; however, the labor inspectorate also has enforcement responsibilities. The inspectorate had mixed results enforcing labor regulation due to a variety of factors, including politics and corruption.

It is mandatory for companies to establish a safety and security unit to implement safety and security regulations; however, in practice these units often focused on rudimentary aspects of safety, such as purchasing soaps and detergents, rather than on providing safety equipment for workers. Workers did not have the right to remove themselves from situations that endangered health or safety without jeopardy to their employment.

## KOSOVO

Kosovo has a population of approximately 2.2 million and is administered by the U.N. Interim Administrative Mission in Kosovo (UNMIK) pursuant to U.N. Security Council (UNSC) Resolution 1244 of 1999. UNMIK is led by a special representative of the U.N. secretary general in Kosovo (SRSG). UNMIK promulgated regulations that addressed the civil and legal responsibilities of governmental entities and private individuals and ratified laws passed by the Kosovo Assembly. The UNMIK-promulgated Constitutional Framework for Provisional Self Government in Kosovo defines the provisional institutions of self-government (PISG). Multiparty elections in November for the Kosovo Assembly generally reflected the will of the voters. During the year negotiations aimed at settling Kosovo's status were held under the auspices of the U.N. No decision on Kosovo's status was reached by year's end. UNMIK international civilian authorities and a U.N.-authorized North Atlantic Treaty Organization (NATO) peacekeeping force for Kosovo (KFOR) generally maintained effective control over security forces.

UNMIK and the PISG generally respected the human rights of residents; however, there were problems in some areas, particularly relating to minority populations. The most serious of these were cases of politically and ethnically motivated violence; injuries from unexploded ordnance or landmines; lengthy pretrial detention and lack of judicial due process; corruption and government interference in the judiciary; societal antipathy against Serbs and the Serbian Orthodox Church; lack of progress in returning internally displaced persons to their homes; corruption in the PISG; violence and discrimination against women; trafficking in persons, particularly girls and women for sexual exploitation; societal violence, abuse, and discrimination against minority communities; societal discrimination against persons with disabilities; abuse and discrimination against homosexuals; and child labor in the informal sector.

## RESPECT FOR HUMAN RIGHTS

*Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Arbitrary or Unlawful Deprivation of Life.*—The Government or its agents did not commit any politically motivated killings; however, UNMIK forces killed two persons during demonstrations.

During a February 10 demonstration by the Self-Determination Movement in which protestors turned violent, UNMIK security forces killed two civilians with rubber bullets and seriously wounded two others. Subsequent to this incident, UNMIK Police Commissioner Steven Curtis and Minister of Interior Fatmir Rexhepi resigned from their posts. In July, after a preliminary investigation, UNMIK Department of Justice concluded that the loss of life was unjustified and that the facts gave reasonable suspicion of criminal acts among the security personnel who had fired the rubber bullets. UNMIK Department of Justice also concluded that insufficient evidence existed for charges to be lodged against any particular officers. The investigation, which was ongoing at year's end, found that the security forces had used rubber bullets long past their expiration date. As a result UNMIK banned the use of rubber bullets by its security forces. Albin Kurti, leader of the so-called "Self-Determination Movement," was charged with participating in and organizing a crowd committing a criminal offense, participating in and leading a group obstructing officials in performing their duties, and a call to resistance. His trial was ongoing at year's end. Several international human rights organizations voiced concerns at the length of Kurti's pretrial detention and UNMIK's conduct of the trial.

There were no developments in the December 2006 case of Hetem Sadri Rexhaja, who was killed in police custody in Pec/Peja.

Unlike in 2006, there were no reports of deaths from landmines or unexploded ordnance from the 1998–1999 conflict.

There were no developments in the investigations of the following killings that may have been politically motivated: The May 2006 killing of Mark Oroshi, who was suspected of killing attorney and Istok/Istog Democratic League of Kosovo (LDK) political activist Shaban Manaj in 2001, or the June 2006 killing of Kosovo Serb Dragan Popovic, who was shot and killed in his home in the ethnically mixed Klina municipality.

Unlike in previous years, there were no apparently politically motivated killings of police officers. However, two Kosovo Police Service (KPS) officers were killed during the year. On January 3, officer Avni Kosumi was shot and killed near Babin Most village while driving on the Pristina-Mitrovica highway. He was with two other off-duty KPS officers. A KPS investigation continued at year's end.

On August 30, KPS officer Triumf Riza was shot in a Pristina parking lot while off duty and died at the hospital shortly thereafter. On September 1, Arben Berisha confessed to the murder and surrendered to police. Local criminal figure Enver Sekiraga was publicly accused of involvement in the murder; at year's end the KPS was investigating his alleged links to the crime.

In 2006 the murder trial of Shkumbin Mehmeti, Florim Ejupi, Nazim Kadriu, Arben Ahmeti and Arsim Rashiti began before international judges. The suspects were charged in 2005 with the killing of a KPS officer and an UNMIK police officer in an ambush on the Podujevo/Podujeve road after the March 2004 riots. On November 9, the Pristina District Court convicted Mehmeti of aggravated murder, attempted murder and three counts of unauthorized possession of weapons, while acquitting him of other charges in the indictment. Shkumbin Mehmeti was sentenced to 30 years' imprisonment. Florim Ejupi, Nazim Kadriu, Arben Ahmeti, and Arsim Rashiti were acquitted of all charges. A separate ruling was issued extending Mehmeti's detention until the verdict becomes final.

Florim Ejupi was also indicted earlier on charges that he and accomplices planned and executed the 2001 Merdare bus bombing near Podujevo/Podujeve that killed 11 Kosovo Serbs and injured 40. On August 9, the international prosecutor amended the indictment withdrawing charges of terrorism against all defendants, as well as dropping charges against five defendants. Closing arguments have been filed in the case. On November 30, acting on a request filed by the international public prosecutor, the court extended the period of detention on remand against the defendant for 2 months. The trial was ongoing at year's end.

On September 19, the Pec/Peja regional court sentenced Bedri Krasniqi to 27 years' imprisonment for the 2003 shooting of KPS officers Sebahate Tolaj and Isuf Haklaj.

There were developments in some alleged war crimes cases from previous years. On January 17, the Prizren District Court closed the investigation of two former Kosovo Serb policemen, Goran Janjusevic and Slavisa Milkovic, for committing war

crimes against the civilian population in the Prizren region during the 1999 conflict. Neither Janjusevic nor Milkovic were apprehended.

On February 8, prosecutors indicted Idriz Gashi, who was brought to Kosovo from Sweden to face war crimes charges for crimes committed in 1998 in the Pec/Peja region. In June Gashi was convicted of murdering Sanije Balaj, a Kosovo Albanian civilian in 1998 after she was stopped at a Kosovo Liberation Army (KLA) checkpoint in the village of Barane. He was sentenced to 15 years of imprisonment.

There were developments in the case of Kosovo Albanian Kosovo Protection Corps (KPC) officers (Selim Krasniqi, Bedri Zyberaj, Xhavit Elshani, Isuf Gashi, and Islam Gashi), arrested for alleged involvement in war crimes committed against Kosovo Albanian civilians in the Drenovac Detention Camp in Prizren in 1998. Selim Krasniqi was apprehended on November 24 and was in detention awaiting trial at year's end. On April 19, UNMIK Police arrested Osman Zyberaj, who was accused of the 2005 murder of Hasan Rrustemi and attempted murder of Nezim Rrustemi, both witnesses in the then-ongoing war crimes trial against Krasniqi. On July 17, an international prosecutor indicted Zyberi and another suspect, Shyqeri Shala.

On August 22, the Supreme Court acquitted Sali Veseli of the murder of a former KLA leader from Prizren and ordered his immediate release. This decision by international judges overturned the District Court of Prizren's retrial conviction of Veseli.

There were no developments in the investigation into the 2005 killing of UNMIK police officer Omar Ali, who died when a bomb was detonated under his official vehicle.

There were no developments in the possibly politically motivated 2005 killing of ethnic Turk and Turk Democratic Party of Kosovo member Ibish Cakalli. Investigations were ongoing at year's end.

There were no developments in the following apparently politically motivated killings of Kosovo Albanians in 2005: The killing of Sadik Musaj, a witness at the "Dukagjini group" trial; the killing of Muhamet Sallaj, a former KLA member; the drive-by shooting of journalist Bardhyl Ajeti of the Albanian language daily Bota Sot; the drive-by killing of Muhamet Xhemajili, former commander of the Liberation Army of Presevo, Medvedje and Bujanovac, an armed Kosovo Albanian group previously active in Serbia's Presevo Valley; and the car bombing of KPC and former KLA member Naser Ramaj and his brother Jeton.

There were no developments in the case of Faton Hajrizi, arrested in 2006 for the alleged killing a Russian KFOR soldier in Klina in 2002. On August 18, he escaped from the Dubrava prison; police apprehended him in a Pristina cafe on October 5.

*b. Disappearance.*—There were no reports of politically motivated disappearances; however, there were still thousands of persons missing from the 1998–99 conflict, whose remains had not been identified or whereabouts determined.

According to the International Committee of the Red Cross (ICRC), at the end of June, there were 2,047 persons still listed as unaccounted for since the conflict, of whom 70 percent were Kosovo Albanians and 30 percent were Kosovo Serbs and other minorities.

During the year the UNMIK Office of Missing Persons and Forensics (OMPF) continued to identify the remains of missing persons in Kosovo. Since 2002 the office performed 571 field operations and exhumations, 66 of which took place during the year. The remains of over 3,800 missing persons were recovered and OMPF focused on establishing the identities of 1,500 sets of human remains discovered in Kosovo since 1999, along with the identities of approximately 900 sets received from Serbia since 2002.

By the end of the year, 455 unidentified bodies were under OMPF custody (397 bodies were exhumed in Kosovo and 58 were transferred from Serbia proper). Between January and August the OMPF received 180 positive DNA reports, representing 77 identifiable individuals. During the year the OMPF and the International Commission on Missing Persons worked on the identification of 61 cases of missing persons for which there were not enough blood donors to provide information for a match. DNA information and traditional methods were combined to confirm identification of remains. Nine sets of remains were returned during the year; identification of the remaining bodies was in process.

During the year OMPF also continued exhumations; it recovered and autopsied 73 bodies from 66 sites. Exhumations were ongoing at year's end.

In June 2006 the Serbian government transferred the last sets of identified remains of Kosovo Albanian victims of the 1998–99 conflict found in mass graves in Serbia. These remains were returned to families for burial. Families of the missing continued to request that the Serbian government provide access to records that might indicate locations of additional mass graves or places where bodies may have been incinerated.



Four times during the year, officials from Kosovo and Serbia met in a working group on missing persons, chaired by the ICRC and under the auspices of the SRSG. Although a sub-working group on forensic issues met twice during the first half of the year and the parties conducted several teleconferences on forensic issues, hundreds of sets of human remains in the Pristina morgue remained unidentified.

According to the ICRC, during the period between January and August, 155 identified sets of human remains were handed over to families. Forty-one were transferred from Serbia to Kosovo (through the OMPF); 16 were transferred from Kosovo to Serbia (exhumed in Kosovo and handed over to families in Serbia), and 98 were transferred within Kosovo (exhumed in Kosovo and handed over to families in Kosovo).

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The constitutional framework and criminal procedure code prohibit such practices; however, there were reports that the PISG engaged in such practices. There were no reports that UNMIK, which is the sovereign authority, or KFOR, which has limited arrest and detention authority, engaged in such practices.

According to media reports, the KPS used force to disperse violent demonstrations and beat demonstrators while making arrests during the demonstration on February 10. The Ombudsperson Institution began an investigation into the February 10 protest and sent letters to the SRSG and the prime minister requesting that they use their authority to ensure independent investigations of police behavior during this protest.

The KPS Professional Standards Unit initiated three investigations, one of which was dismissed as unfounded. The other two investigations resulted in disciplinary action against the officers involved, each of whom was suspended for 10 days without pay, given mandatory remedial training, and had letters of discipline placed in their personnel files.

*Prison and Detention Center Conditions.*—Prisons and detention centers reportedly met international standards; however, there were allegations of abuse and mistreatment of prisoners during the year.

On August 18, seven prisoners incarcerated for terrorism, murder, attempted murder, and robbery escaped from Dubrava prison. One inmate allegedly fired two shots inside the prison, and unknown suspects fired automatic weapons at the outer walls of the facility to cover the escape. Rocket-propelled grenades were found later outside the prison walls. UNMIK Department of Justice's Penal Management Division took control of Dubrava Prison for a day. Five Kosovo Correctional Service (KCS) officers were arrested. The Director of Dubrava Prison, Sokol Zogaj, resigned on August 27. Police subsequently arrested one escapee in a Pristina cafe on October 5 and another outside Pristina soon afterwards. One escapee was killed in fighting near Tetovo, Macedonia, on November 1, and two others died in fighting in the same area on November 7. Two escapees remained at large at year's end.

UNMIK reported bringing disciplinary proceedings against members of the 1,650-strong KCS during the year. Behavior resulting in discipline included administrative violations such as repeated tardiness and fraud.

Dubrava prison held 1,161 inmates as of July 1, above its total capacity of 1,100. The Dubrava prison and five detention centers operated during the year, and the construction of a new prison facility continued in Lipljan/Lipjan to alleviate crowding.

During the year UNMIK police corrections officers continued to transfer responsibility for administering Kosovo's prisons to the KCS, under the authority of the PISG. The KCS managed daily operations at the Dubrava prison, with the exception of the 32-prisoner high risk section, which remained under international supervision. UNMIK retained authority to take full control of the prison system during emergencies.

UNMIK permitted ICRC visits and monitoring by the ombudsperson of Kosovo's prisons and detention centers. In February the Ministry of Justice granted the Council for Defense of Human Rights and Freedoms (CDHRF), a local NGO, full access to all prisons, detention centers, and correction centers. CDHRF had previously complained that it was denied access on some occasions. In March, representatives of the Council of Europe's Committee for the Prevention of Torture (CPT) visited prisons and other detention facilities. The delegation was also provided full access to the detention facility on a NATO/KFOR base. During the year the ICRC visited some of Kosovo's prisons, but issued no public findings.

*d. Arbitrary Arrest or Detention.*—The constitutional framework and criminal procedure code prohibit arbitrary arrest and detention, and UNMIK, KFOR, and the PISG generally observed these prohibitions in practice.

*Role of the Police and Security Apparatus.*—Local security forces included the KPC, a civilian emergency response organization, and the KPS, a local police force that functions under the authority of the SRSG and supervision of UNMIK police. A December 2005 UNMIK regulation established the Ministry of Internal Affairs, which under the constitutional framework is responsible for law enforcement. In 2006, the first internal affairs minister was appointed, and KPS became an executive agency under the ministry. UNMIK maintains executive authority over the police but continued to transfer police authority and functions to the KPS.

An international commissioner of police directed both UNMIK police and the KPS. A Kosovar deputy commissioner and four Kosovar assistant commissioners reported to the international police commissioner. Members of ethnic minorities comprised approximately 16 percent of the KPS's 7,200 officers at year's end; 10 percent of KPS officers were Kosovo Serbs. Women accounted for over 13.5 percent of KPS officers.

Executive authority over the KPS is a reserved power of the SRSG. Day-to-day police operations were transferred to the KPS in all regions except Mitrovica region. In those regions, the KPS is responsible for all police services and routine activity. Specialized units on war crimes and ethnically motivated crimes were still primarily staffed by international U.N. police officers and largely operated independently of the KPS due to the sensitivity of those functions. Units on criminal intelligence and organized crime were operated jointly. Both the international police and the judiciary have broad discretion to intervene in any particular criminal matter. As a practical matter, most policing duties and responsibilities were in the hands of KPS.

Corruption and government influence remained problems in the security forces. In 2006 the PISG Ministry of Internal Affairs and the Organization for Security and Cooperation in Europe (OSCE) Mission in Kosovo inaugurated the Police Inspectorate of Kosovo, a body designed to promote police efficiency and effectiveness, hold police accountable for their actions, and investigate and punish misconduct. Inspectors conducted 14 audits and inspections during the year, including one related to the February 10 self-determination protest.

An UNMIK office of oversight investigated corruption in UNMIK and the criminal justice system. The judicial system generally held the security forces to the same level of accountability as it held the general population.

During the year the KPS professional standards unit, run by UNMIK police, opened 460 cases involving 678 KPS employees; most were related to unjustified absences from work, misuse of sick leave, use of force, sleeping on the job, and ethics violations. At year's end 376 of these cases were completed, 2,994 were deemed to have merit, and 68 were deemed unfounded. Nine were closed without investigative measures due to resignation of accused officers. Sanctions ranged from dismissal to temporary suspension or mandatory training. As of September a total of 185 cases were still under investigation; in cases involving violations of the criminal code, many of the employees were suspended temporarily pending a court decision.

In April a KPS-led raid in the Serb-majority municipality of Strpce/Shterpece, conducted solely by ethnic Albanian police officers, resulted in injuries to several Kosovo Serb suspects and credible allegations of excessive use of force and inappropriate behavior. As a result, the KPS launched an internal investigation to determine police misconduct and began drafting standard operating procedures for police operations in Serb and other minority areas. The investigation and establishment of these procedures were ongoing at year's end.

*Arrest and Detention.*—Police generally made arrests openly using a warrant issued by a judge or prosecutor; however, in some cases, persons were arrested secretly by masked or undercover police officers. By law, arrests must be based on prosecutor orders and arrestees must be brought before a judge within 72 hours. The majority of the year's arrests were carried out by the KPS rather than by UNMIK. The KPS did not abuse the 72-hour rule and generally charged arrestees within 6 hours or released them. Arrestees have the right to be informed of the reason for their arrest in a language they understand; to remain silent and not answer any questions except those concerning their identity; to obtain free assistance of an interpreter; to obtain defense counsel and to have defense counsel provided if they cannot afford to pay for legal assistance; to receive medical treatment including psychiatric treatment; and to notify a family member. UNMIK police and the KPS generally respected these rights in practice. The law permits bail, confiscation of travel documents, house arrest, and other measures as an alternative to detention on remand, but these were applied in only a handful of cases.

Under extraordinary circumstances, KFOR can arrest and detain individuals without a warrant. The KFOR commander can extend the detention of individuals in 30-day increments without charging them with a crime before a court, provided

they were not released by a court. There were no reports that KFOR arrested persons without a warrant during the year.

UNMIK police and the KPS may hold individuals for up to 72 hours without a court order. The court may hold individuals in pretrial detention for 30 days from the day of arrest but this can be extended by the courts up to a total of 18 months. The law allows for house arrest, an appeal for detention on remand, and expanded use of bail as alternatives to pretrial detention.

Lengthy detentions, both before and during judicial proceedings, remained a problem, although some improvements were reported during the year. The law provides that the judge may impose this extraordinary measure only when ordinary measures, such as house arrest, are insufficient to secure the defendant's presence during the criminal proceedings and enable proper administration of the criminal proceedings. In practice judges routinely used detention on remand without showing any evidentiary justification.

*e. Denial of Fair Public Trial.*—The constitutional framework provides for an independent judiciary; however, the local judiciary was at times biased and subject to outside influence and did not always provide due process. There were credible reports of corruption in the local judiciary, and the court system was inefficient.

Legal authority is held by UNMIK under UNSC Resolution 1244. UNMIK police and justice authorities held executive responsibility for the judicial system but worked with local judges and prosecutors; UNMIK continued to transfer some reserved competencies to the Ministry of Justice, the Ministry of Internal Affairs, and the Kosovo Judicial Council that was established in 2005. The Serbian government continued to operate an unsanctioned parallel judicial system in Kosovo Serb enclaves and in majority Serb municipalities.

The court system includes a Supreme Court, five district courts including a commercial court, 25 municipal courts, 25 minor offense courts, and an appellate court for minor offenses. As of October there were 174 UNMIK-appointed international judges and 13 international prosecutors. In January UNMIK and the Ministry of Justice established the Kosovo Special Prosecutors Office, under the oversight of UNMIK Department of Justice. The office included six Kosovar special prosecutors, with a focused on serious crimes, including human trafficking, corruption, and counterterrorism. One special prosecutor was responsible for prosecuting human trafficking, while another was responsible for counterterrorism and serious inter-ethnic crime.

The PISG included a central public prosecutor's office, five district prosecutors, and seven municipal prosecutors.

While the law provides that a panel of two professional and three lay judges try serious cases, an UNMIK regulation authorizes international prosecutors to try cases of a sensitive ethnic or political nature, including before a panel of three international judges. Since beginning their work in 2003, international prosecutors completed approximately 300 of 700 cases assigned to them.

In 2006 UNMIK and the Kosovo Judicial Council launched a recruitment campaign for judges and prosecutors targeting members of underrepresented communities. In June a Kosovo Serb judge was sworn into office, bringing the total number of Kosovo Serb judges to 15.

UNMIK's Judicial Inspection Unit monitored judicial performance and made recommendations on discipline and training. The unit has a mandate to audit and evaluate the Kosovo justice system, make recommendations to the UNMIK Department of Justice for the resolution of systemic problems, conduct investigations into allegations of judicial and prosecutorial misconduct, and present cases of misconduct in disciplinary hearings before the Kosovo Judicial Council. The Judicial Inspection Unit processed a total of 1,838 complaints since 2001, including 351 during the year to September. Of those 351, the unit rejected 179 cases and completed 71 of 150 investigations. In the majority of investigations (64), the unit found no misconduct. The unit referred seven cases to the Judicial Council, which suspended one municipal court judge pending his indictment for accepting bribes, reprimanded one district prosecutor and one municipal court judge, and cleared one district court judge and one district prosecutor. The Judicial Inspection Unit appealed the cases that were cleared and sought harsher discipline for the prosecutor.

*Trial Procedures.*—Trials are public, and the law provides for the right of defendants to be present at their trials, to confront witnesses, to see evidence, and to have legal representation, at public expense if necessary; however, these procedures were used rarely in practice. Defendants are presumed innocent until proven guilty and have the right of appeal. Trials are heard by panels consisting of professional and lay judges; there are no jury trials.

As of January the Kosovo Judicial Council increased monthly payments to court-appointed attorneys from approximately \$365 (250 euros) to approximately \$730 (500 euros) per month.

During the year the PISG established a Legal Aid Commission. The prime minister appointed a head of the commission, and UNMIK Department of Justice conducted background checks of eight nominees slated to become commission deputies. The commission is an independent government agency that provides free legal assistance to low-income individuals. Once fully operational, legal aid officers will operate in five district legal aid bureaus, where attorneys appointed by the commission will provide legal assistance to people in need. The commission used a broad range of media in an effort to encourage minority participation.

The UNMIK-established judicial integration section continued to address judicial system problems that affected minorities. In addition, the Ministry of Justice operated 11 court liaison offices, two of which were created during the year, to assist minority communities in Kosovo Serb-majority areas by accompanying members of minorities to courts, filing documents with courts on their behalf, and providing information and legal assistance to refugees and internally displaced persons (IDPs). In response to past criticism by legal experts and human rights observers of a lack of fairness in criminal trials involving ethnic minorities, international judges and prosecutors—rather than Kosovo Albanians—tried and prosecuted cases involving Kosovo Serbs.

Kosovo's justice system and the International Criminal Tribunal for the former Yugoslavia (ICTY) continued to identify and punish perpetrators of war crimes from the 1999 conflict; however, many cases remained unresolved. Supreme Court appeals continued in local courts to adjudicate cases of alleged war crimes and genocide arising from the 1999 conflict.

*Political Prisoners and Detainees.*—There were no reports that KFOR, UNMIK, the KPS, or the PISG held political prisoners or detainees during the year.

*Civil Judicial Procedures and Remedies.*—According to a 2006 OSCE report, interference by municipal authorities and UNMIK Department of Justice hampered judicial independence in civil matters. The OSCE cited instances in which municipal authorities plainly obstructed court proceedings, pressured judges in cases to which authorities were party, and influenced third parties to prevent courts from exercising their authority. The OSCE also reported that UNMIK Department of Justice instructed judges not to process claims for compensation for property damages caused by KFOR, UNMIK, or the municipalities. During the year the OSCE reported some progress in this area but not enough to reduce the backlog. UNMIK Department of Justice claimed that it did not pursue such compensation claims because the logistical challenges of such claims were insurmountable. It also claimed that an influx of property-related claims would hinder the courts' work, increase its already large backlog of cases, and require special planning and coordination, since it would be necessary to provide security escorts to a large number of Kosovo Serb claimants. In July the OSCE reported that UNMIK and municipal authorities improperly interfered with judicial independence in the proposed sale of property in the Roma settlement in Mitrovica region.

There were no reports of difficulty in enforcing court orders resulting from civil litigation. However, according to a 2006 survey, only 14 percent of the pending cases to affect a civil order resulted from civil litigation; 69 percent of such cases dealt with debt collection by utility companies.

*Property Restitution.*—The Kosovo Property Agency (KPA) was created in March 2006 under the PISG as the successor to the UNMIK Housing and Property Directorate. While the directorate handled only claims to residential properties, the new agency is responsible for the resolution of residential, commercial, and agricultural property claims from the Kosovo conflict. By September the agency had received 27,064 claims: 24,064 for agricultural property, 844 for commercial property, and 1,808 for residential property. Kosovo Serbs in the northern part of Mitrovica continued to occupy Kosovo Albanian properties, while Kosovo Albanians in the southern part occupied and denied Kosovo Serbs access to their property.

The Housing and Property Claims Commission held its final session in June, where it considered 53 requests pending for reconsideration. Some 98.8 percent of all commission decisions had been implemented, leaving some 354 cases remaining. In early August UNMIK principal deputy SRSG temporarily suspended enforcement of KPA decisions due to the refusal of local authorities in the municipality of Klina to enforce them. This action prompted greater cooperation from municipal authorities, and UNMIK lifted the suspension on August 8; the validity of property agency's decisions was unaffected.

At year's end the property agency had 4,665 properties under administration; 3,350 upon the request of a successful claimant, and 1,315 based on ex officio intervention by the Housing and Property Claims Commission (the predecessor agency to the KPA). Of these cases, 167 were subjects of repossession requests.

The KPA's mandate includes supervising the rental of certain abandoned property in Kosovo. To this end, the agency managed a rental scheme for properties under its administration, enabling property holders to receive rental income from the property by authorizing the agency to rent it until the owner decides to utilize the property in another way. A total of 813 properties were being rented at year's end, of which 113 were rented ex officio. The KPA collected approximately \$618,330 (423,514 euros) in rent through this program.

The backlog of property-related claims in municipal courts remained high, with some 21,000 at year's end, representing almost exclusively monetary claims by Kosovo Serbs for war-related damage.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—UNMIK regulations and the constitutional framework prohibit such actions, and UNMIK, KFOR, and the PISG generally respected these prohibitions in practice. KFOR forces assisted UNMIK civilian police and the KPS in conducting searches for high-risk suspects and independently searched private property for weapons without court orders, based on UNSC Resolution 1244's peacekeeping authority.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—UNMIK regulations and the constitutional framework provide for freedom of speech and of the press, and UNMIK and the PISG generally respected these rights in practice. However, there were reports of intimidation of reporters, including by officials in the public sector and government, and from politicians and businesses. The media also said they encountered difficulties and obstructions in obtaining information from the Government and public institutions. Applicable law on broadcast media bans hate speech and speech that incites ethnic violence. Print media have a code of ethics and a self-regulatory body to deal with complaints related to newspaper articles.

Individuals generally could criticize authorities publicly or privately without reprisal.

According to the Association of Professional Journalists of Kosovo, media outlets' financial difficulties left their editorial independence and journalistic professionalism vulnerable to outside influence and pressure. Some newspapers were financially self-sufficient or operated through aid donations and thus were able to develop editorial policies independent of business and political interests. However, other newspapers relied on funding from businesses and political interest groups, who provided such money in exchange for positive coverage. During the year there were no reports that the PISG or UNMIK pressured or influenced the independent print media.

Print media were self-regulated by a press code of conduct adopted by the Press Council of Kosovo, an organization composed of print editors and publishers. The council's complaint board may impose fines for breaches of the code of conduct, including penalties of up to \$2,920 (2,000 euros) for serious violations such as hate speech and defamation.

During the year Kosovo had 114 licensed broadcasters (45 of which broadcast in minority languages), and these broadcasters expressed a wide variety of views.

International media were allowed to operate freely.

Journalists reported that pressure from politicians and organized crime resulted in indirect forms of censorship; some refrained from critical investigative reporting out of fear for their personal security. Journalists occasionally were offered financial benefits in exchange for positive reporting or for abandoning an investigation. According to editors, government agencies withdrew regular advertising from newspapers that had published critical coverage of them.

Since January 2006 Kosovo's popular public broadcasting company, Radio Television Kosovo (RTK), has been directly overseen by the Kosovo Assembly, and its budget was controlled by the Ministry of Finance. The 2006 law transferring RTK oversight from UNMIK to the PISG provides for regulation of RTK program content and requires that at least 15 percent of RTK program time, including prime time, be dedicated to nonmajority communities in their respective languages on a proportional basis.

In August 2006 the Independent Media Commission replaced UNMIK's temporary media commissioner. The commission is a permanent body overseen by a seven-member governing council that includes two international members. The commission implemented UNMIK regulations and enforced codes of conduct governing broadcast media.

In previous years public naming of Kosovo Serbs as war criminals resulted in vigilante killings and other violence. Beginning in March the newspaper Infopress regularly published lists of Kosovo Serbs drafted into the Yugoslav Army during the 1998–99 conflict. The Press Council of Kosovo, a self-regulating body dealing with complaints against print media, launched an investigation but was unable to reach consensus on whether Infopress had violated the Press Council's standards. The OSCE publicly criticized the articles; Infopress rejected the criticism, claiming its stories were accurate and filled a void left by the weakness of the judiciary.

Unlike in 2006 there were no cases of police violence against the press. However, the Association of Professional Journalists of Kosovo reported 24 instances of press freedom abuses during the year. Those included verbal threats to journalists and their agencies by subjects affected by negative media coverage, and pressure not to publish certain materials and articles.

During the year there were several incidents of violence or harassment directed at the media.

On March 6, Lajm reporter Enis Veliu claimed that he was assaulted by security personnel of the WDG Security Company at the Kosovo Electric Corporation's (KEK) headquarters in Pristina after asking the company's spokeswoman about a KEK tender for security services.

On September 21, the home of journalist Milaim Zekawas burned, resulting in damage estimated at approximately \$146,000 (100,000 euros). Zeka said that his house had been looted twice before this incident. Zeka had written reports about controversial cases, including high-profile killings and corruption.

On August 2, the Association of Professional Journalists of Kosovo received a complaint from Lajm reporter Alban Selimi claiming that the Ministry of Health denied him physical access to the ministry and access to ministry information in retaliation for publishing a report it claimed was inaccurate.

In July reporters from daily Koha Ditore complained publicly that the Ministry of Environment had banned their access to the ministry, allegedly for contesting a statement by the minister.

Unlike in previous years, there were no altercations reported between journalists and members of the KPS.

There were no developments in the investigation of the 2005 killing of Bota Sot editor Bardhyl Ajeti. A KPS investigation continued at year's end.

According to election regulations, during political campaigns media must ensure fair and equitable news coverage and access to discussion and debate for all parties; campaign-related reporting must be fair and impartial; and debates must have politically diverse guests and audiences and impartial moderators. In 2006 an international judge ordered daily Bota Sot's assets seized and sold to pay \$105,000 (72,000 euros) in fines for unbalanced coverage of the 2004 elections and a failure to ensure accuracy in reporting. A Bota Sot bank account containing \$75,900 (52,000 euros) was frozen pending payment of the fine. No developments were reported in this case, and the bank account remained frozen. Bota Sot resumed publication in March after the paper reached an agreement with the Tax Administration for gradual payment of its tax debt.

*Internet Freedom.*—There were no UNMIK, KFOR, or PISG restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. In a survey conducted in May, approximately 22 percent of Kosovars reported that they used the Internet daily.

*Academic Freedom and Cultural Events.*—There were no UNMIK, KFOR, or PISG restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—UNMIK regulations and the constitutional framework provide for freedom of assembly, and UNMIK, KFOR, and the PISG generally respected this right in practice. An UNMIK regulation required that demonstration organizers give 48 hours advance notice for police coordination.

According to media reports, the KPS used force to disperse demonstrations and beat demonstrators while making arrests on at least four occasions during the year.

*Freedom of Association.*—UNMIK regulations and the constitutional framework provide for freedom of association, and UNMIK, KFOR, and the PISG generally respected this right in practice.

The OSCE Mission in Kosovo routinely registered political parties under UNMIK auspices, and the Ministry of Public Services registered NGOs.

*c. Freedom of Religion.*—UNMIK regulations and the constitutional framework provide for freedom of religion, and UNMIK and the PISG generally respected this right in practice.

There are no specific licensing regulations for religious groups; however, religious organizations must register as NGOs with UNMIK and the Ministry of Public Services in order to purchase property or receive funding from UNMIK or other international organizations. Religious groups complained that NGO status did not adequately reflect their religious character, and the Protestant Evangelical Church refused to register as an NGO.

Pursuant to a 2002 law requiring public education institutions to refrain from religious instruction or other activities promoting any specific religion, the Ministry of Education prohibited the wearing of headscarves. The ministry continued to enforce this prohibition, particularly at schools with obligatory uniforms, despite a 2004 opinion issued by the Ombudsperson that the rule should apply only to teachers and school officials, not students. On September 20, Koha Ditore reported that three female students in 2 secondary schools in Srbica/Skenderaj municipality were banned from entering school because they were wearing headscarves; eventually, they were allowed to resume attendance.

Protestant groups continued to report that they experienced discrimination in media access, particularly by public television station RTK. The Protestant Evangelical Church in Kosovo, known as the Fellowship of the Lord's People, reported in 2006 that Decani/Decan municipality, citing negative reaction from local citizens, denied it permission to build a church facility on land the church purchased previously. At year's end the case remained pending before the Supreme Court.

The Islamic community continued to assert that UNMIK's denial of a radio frequency for an Islamic radio station and the national library's closure of its prayer room constituted violations of religious freedom.

*Societal Abuses and Discrimination.*—There were reports of attacks against Serbian Orthodox clergy and parishioners, along with numerous cases of vandalism of Serbian Orthodox Churches and church property.

There were no developments in a May 2006 case in which unknown attackers shot at a car driven by Serbian Orthodox priest Srđan Stankovic in Zvečan municipality. UNMIK charged a Kosovo Serb KPS officer in connection with the incident. The case was turned over to an international prosecutor and remained pending at year's end.

There were reported incidents of rock-throwing and other assaults against Serb buses and Serbian Orthodox clergy as they traveled outside their monasteries, and monks and nuns at some monasteries reportedly did not use some parts of the monasteries' property out of concern for their safety.

Security concerns continued to affect the Serb community and its freedom to worship. Some Kosovo Serbs asserted that they were not able to travel freely to practice their faith.

On March 29, an assailant identified by the KPS as Kosovo Albanian Jusuf Mulaj of Istinic/Isnq village launched a rocket grenade at Decani monastery. Prime Minister Agim Ceku and other senior Kosovo Albanian politicians condemned the attack and expressed solidarity with the monastery. Police searched Mulaj's home on May 4, but he had already fled, suggesting that he was likely warned in advance of the search. This attack was the fourth on the monastery since 1999. Mulaj remained at large at year's end.

On July 29, in Boljotin village in Zvečan municipality, a Kosovo Albanian threatened a Serbian Orthodox nun from the Sokolica monastery. The assailant made derogatory remarks against her and also threatened a KFOR soldier with an axe. The perpetrator was detained by the KPS for questioning and was later released.

During the year there were numerous cases of vandalism and theft directed against Serbian Orthodox Church property. Many cases involved theft of objects made of precious metals, while others involved vandalism, often of newly reconstructed churches. For example, on March 5, unknown perpetrators vandalized the Church of St. John in Pec/Peja. St. John was one of many churches burned during riots in 2004 and partially reconstructed in 2005.

On January 16, Bishop Teodosije of Lipljan/Lipjan and members of the Council of Europe's Committee for Renewal of Churches in Kosovo visited the newly restored church of St. Nicholas in Pristina after the committee was informed that part of the lead roof was missing. In addition to the theft of the roof, several church windows were broken.

On February 10, unknown perpetrators damaged the interior of the Orthodox church in Lepi village, Lipljan/Lipjan municipality, and stole approximately \$560 (30,000 Serbian dinars). A KPS investigation continued at year's end.

On May 30, five teenagers were arrested as they removed the lead roof of the St. Kyriaki church in Prizren. The teenagers were released soon thereafter.

On August 18, unknown individuals spray-painted graffiti inside a Serbian Orthodox Church in Gnjilane/Gjilan, which read, among other things: "I'm proud to be Albanian" and "Death to all Serbs." A KPS investigation continued at year's end.

On October 26, the Council of Europe's Reconstruction Implementation Commission, which oversees the reconstruction of Serbian Orthodox churches destroyed during the March 2004 riots, reported that thieves had stolen lead roofing valued at approximately \$15,000 (10,400 euros) from the Church of Saint Kyriake and the Church of the Holy Virgin Ljeviska, both under reconstruction in Prizren. The PISG publicly condemned the thefts and pledged it would fund repairs. The PISG later committed approximately \$70,000 (50,000 euros) to an effort to provide security at commission reconstruction sites.

A Protestant group in Mitrovica reported regular, methodical incidents of vandalism and theft at its church. The group reported that the KPS failed to take any action, despite the existence of video evidence of the crimes and information about the perpetrators.

Despite some improvement, Protestants continued to report harassment and discrimination, including verbal attacks, a lack of Protestant programming on RTK, and incidents of school officials calling in parents of pupils to deter their children from converting to Protestantism.

Approximately 40 individuals from two families in Prizren had some Jewish roots, but there were no synagogues or Jewish institutions in Kosovo other than a small cemetery in Pristina. On August 16, 14 gravestones were deliberately damaged. A police investigation continued at year's end.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—UNMIK regulations and the constitutional framework provide for freedom of movement within Kosovo, foreign travel, emigration, and repatriation, and UNMIK and the PISG generally respected these rights; however, interethnic tensions and real and perceived security concerns restricted freedom of movement in practice. During the year UNMIK, KFOR, and the PISG generally improved protection of these rights for minority communities. The PISG cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The police continued to assess the security situation as stable but fragile. No freedom of movement related crimes were reported to police. Nevertheless, members of all ethnic communities continued to remain largely within or travel between areas where their group comprised the majority. Rock-throwing and other forms of intimidation continued to affect Kosovo Serbs when traveling outside Serb majority areas.

Sporadic incidents of violence and intimidation targeting minorities continued to limit freedom of movement for Kosovo Albanians in northern Kosovo. The PISG and UNMIK enhanced efforts to facilitate minority travel throughout Kosovo, but real and perceived risks deterred many minorities from traveling outside their neighborhoods.

On June 27, KPS in Serb-majority Leposavic/Leposaviq municipality were alerted to an explosion on the road leading to the Albanian villages of Koshtova, Bistrica, and Ceraja. A minibus operated by the municipal communities office was transporting nine passengers and ran over a tripwire attached to a hand grenade, which detonated behind the vehicle. No injuries resulted from the explosion. This was the second device placed on the road in a 2-month period; in the first incident, KFOR discovered and dismantled a bomb. An investigation continued at year's end.

There were attacks during the year on buses carrying Serbs and other ethnic minorities. For example, on October 14, a bus transporting a group of Serbs who visited the Serbian Orthodox Patriarchate in Pec/Peja was stoned during the group's subsequent visit to the Decani Monastery. The bus reportedly sustained significant damage. On November 17, a bus carrying 30 professors and students from the Warsaw Theological Seminary to Zociste Monastery was stoned while parked in the middle of a majority Albanian village.

To reduce the risk of attack by making Kosovo Serb and Kosovo Albanian vehicles indistinguishable, UNMIK continued to offer Kosovo license plates at no fee to Kosovo Serbs who had already registered their vehicles in Serbia. However, Kosovo Serbs were reluctant to use the UNMIK-issued plates because doing so limited their ability to travel to Serbia, which does not recognize the UNMIK plates.



There were also incidents targeting infrastructure used by minorities. On March 10, hunters found an unexploded grenade near a transmitter in Matica village in Mitrovica. On April 17, an explosive device was found on a bridge in Pogradje village in Gnjilane/Gjilan. On April 23, unexploded ordnance was found under a bridge in Vrbovac village in Gnjilane/Gjilan. At year's end no suspects had been apprehended in these incidents.

There were no developments in the following cases from 2006: The June discovery of explosives under a bridge connecting two Kosovo Serb returnee villages in Klina municipality, and the December explosion on railroad tracks in Mihaliq village, Vucitrn/Vushtrri municipality, which temporarily halted rail service between Kosovo Serb communities in southern Kosovo and areas north of the Ibar River. No suspects were apprehended in either incident.

On January 1, UNMIK transferred responsibility for humanitarian and special transportation services for minority communities in Kosovo to the Ministry of Transport and Communications and the Ministry of Communities and Returns. Some Kosovo Serbs complained that the quality and frequency of humanitarian transport services in certain municipalities was reduced after this transfer.

UNMIK regulated movement in and out of Kosovo. UNMIK regulations provide that the central civil registry may issue travel documents to any person registered as a habitual resident of Kosovo, and the registry routinely issued such documents in practice. The PISG held managerial and operational responsibility for the registry, while UNMIK retained its overall authority, including for the issuance of UNMIK travel documents and the security of the central registration database.

The law prohibits forced exile, and authorities did not use it.

*Internally Displaced Persons (IDPs).*—According to the UNHCR, 207,000 persons from Kosovo remained displaced in Serbia and 16,500 in Montenegro as a consequence of the 1998–99 conflict. Of the 4,100 persons displaced by riots in 2004, some 1,200 remained IDPs. There were 20,310 persons displaced within Kosovo, half of whom were Kosovo Albanians. Few IDPs returned during the year due to uncertainty over Kosovo's future political status, lack of employment opportunities, security concerns, and property disputes. Successful returns continued in Klina, Istok/Istog, and Pec/Peja. While municipal governments generally supported returns, obstacles remained for Serb returnees in Kosovo.

During the year the number of minority returns remained low overall, although there was an increase in the return of Kosovo Roma, Ashkali, and so-called Egyptians. Kosovo Serb returns remained low. According to the UNHCR, more IDPs returned to Kosovo during the year than in 2006, differing from the declining trend of returns per year since 2003. UNHCR reported that 1,685 minorities returned during the year, while in 2006 this number was 1,627. These figures also included returns of Kosovo Albanians to areas where they were a minority.

During the year UNMIK continued to transfer responsibilities to the Ministry of Communities and Returns. Transferred competencies included the coordination of municipal fair-share financing and of the work of municipal returns offices and municipal community offices. The ministry focused its efforts on supporting organized and individual returns of minorities and administering community development and stabilization projects.

Overall minority returns since 2000 stood at 17,149 by September. Kosovo Serbs comprised approximately 38 percent of returnees during the year, compared with 31 percent in 2006. Roma (including Ashkali and Egyptians) continued to return in slightly greater numbers, comprising 43 percent of the overall number of returns compared to 54 percent in 2006. In Mitrovica, Kosovo Serbs in the north of the city and Kosovo Albanians in the south continued to illegally occupy each others' properties, hindering potential returns.

As of September, the Government had reconstructed over 98 percent (881 of 897) of the houses damaged or destroyed in the 2004 riots. According to the Ministry of Culture, of the 26 houses not yet reconstructed, 23 remained unfinished due to security concerns in northern Mitrovica, and the owners of the remaining three refused to have their homes reconstructed. On May 11, following complaints about the quality of the reconstruction, the Government established a five-member complaint review commission, although this body had not begun issuing decisions by year's end.

As of September, 37 Roma families (144 persons) remained at the lead-polluted Cesmin Lug camp for IDPs. Osterode, a medical treatment facility also in northern Mitrovica, housed 98 families (395 persons) who were relocated from Cesmin Lug and two other polluted camps in 2006. During the year 31 children at Osterode completed lead chelation therapy and another 20 began the second phase of treatment.

In 2005 UNMIK began a donor funding campaign to rebuild the original Roma settlement in southern Mitrovica, destroyed in 1999 by Kosovo Albanians. Limited funding slowed the return project, but reconstruction of the neighborhood began in

May 2006. Returns to the neighborhood started in March and by year's end 320 out of an expected 438 persons had returned. The reconstruction of two additional apartment buildings housing an additional 24 units was completed and 24 families returned to them by year's end. In March the KPS established a police substation in the area, and a foreign government-supported health clinic was opened in May.

*Protection of Refugees.*—The laws does not provide for the granting of asylum or refugee status in accordance with the 1951 Convention relating to the Status of Refugees or its 1967 protocol. However, Kosovo provides asylum and refugee status under an UNMIK regulation on the movement of persons into and out of Kosovo, whose provisions are compatible with the convention and protocol. Under its mandate UNHCR issues decisions on such cases in Kosovo.

In practice UNMIK provided protection against “refoulement,” the return of persons to a country where there is reason to believe they feared persecution.

*Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

UNMIK regulations and the constitutional framework provide residents with the right to change their government peacefully, and they exercised this right in practice through periodic elections on the basis of universal suffrage.

Kosovo continued to be administered under the civil authority of UNMIK. UNMIK and its chief administrator, the SRSG, established an international civil administration in 1999 following the NATO military campaign that forced the withdrawal of Serbian forces. In 2001 UNMIK promulgated the constitutional framework for the PISG. Under this framework, a 120-member Kosovo Assembly selects a president, a prime minister, and other ministers and PISG officials. Kosovo's leaders continued to criticize UNMIK for the slow pace of transfer of powers to the PISG, and UNMIK retained a number of competencies under UNSCR 1244, including security and relations with foreign governments. In 2005 a U.N. report noted that without clarity on future political status, the PISG was unable to take further steps to improve its effectiveness.

*Elections and Political Participation.*—International and domestic observers determined that the November 17 Kosovo Assembly elections generally reflected the will of the voters, although few Kosovo Serbs participated, largely due to Serbian government pressure to boycott. No significant irregularities were reported. Kosovo has a multiparty system dominated by four Kosovo Albanian parties with several minority parties and coalitions.

Under UNMIK regulations, individuals may nominate themselves as candidates to their parties, which must hold open and transparent internal elections to select candidate lists. Party affiliation played an important role in access to government services and social and employment opportunities. Traditional social arrangements and clan loyalties also played an important, although unofficial, role in political organizations.

There were reports of politically motivated attacks and threats against Kosovo Albanian political and institutional figures during the year.

In February, following a decision on Kosovo's second mobile telephone tender, two unknown suspects shot at Anton Berisha, the head of the Telecommunications Regulation Authority, as he traveled along the Pristina-Pec/Peja highway; no injuries were reported. Suspects also ambushed Berisha in Balinca village near Klinë on April 12; one KPS officer was injured in this attack. On July 23, special prosecutor Afrim Shefkiu filed an indictment against five suspects. On September 17, Agim Hoti, one of the suspects, admitted that he shot in the direction of the car but claimed that his intention was not to shoot Berisha. He also admitted that the weapons used in the attack and weapons found during the police investigations were his and that he illegally used them. The four other suspects pleaded not guilty.

There were no developments in the following cases from 2006: The January assault of Urosevac/Ferizaj LDK branch presidency member Ismajl Nazifi by an unknown assailant, the July publication by a Kosovo daily newspaper of a threat against the Kosovo negotiating team by the self-proclaimed “Karadaku fighter comrades,” and the Gnjilane/Gjilan bombing of a car belonging to the wife of former interior minister Fatmir Rexhepi.

There were 38 women in the 120-seat Kosovo Assembly. Women must occupy every third spot on each political party's candidate list. There were no women on the eight-member assembly presidency and only one female minister and one female deputy minister. Women represented 28 percent of the elected municipal representatives. In September 2005, 34 female Kosovo Assembly members established an informal women's caucus with an eight-person, multiethnic board.

After the November 17 elections, there were 24 ethnic minority members in the 120-seat Kosovo Assembly, including 10 Kosovo Serbs and 14 members of other

groups, including ethnic Turks, Bosniaks, Gorani, Roma, Ashkali, and Egyptians. There were three minority PISG ministers—two Kosovo Serbs and one Kosovo Bosniak—and one Serb deputy minister. The seat of one Serb minister was kept vacant, as the designated Serb party refused to take the position. One Kosovo Bosniak and one Kosovo Turk held a rotating seat on the Kosovo Assembly presidency; the boycott by one of the Kosovo Serb parties left empty the eight seats set aside for Kosovo Serbs. Kosovo Serbs from several political parties won the set-aside 10 Assembly seats in the November 17 election. Before that election, the previous holders of those seats did not claim their set-aside cabinet posts and continued to boycott Assembly votes, although they did participate in committees. A Kosovo Serb led the Ministry of Returns. The constitutional framework requires that the Assembly reserve 10 seats for Kosovo Serbs and 10 for members of other ethnic groups, but ethnic minorities were underrepresented at the municipal level where no such provisions govern.

*Government Corruption and Transparency.*—There was a widespread public perception of corruption in both the PISG and UNMIK. The World Bank's Worldwide Governance Indicators reflected that corruption was a serious problem. A lack of effective judicial oversight and general weakness in the rule of law contributed to corruption in the PISG. As part of its mandate, UNMIK continued to adjudicate many sensitive cases related to corruption and interethnic crimes.

The Office of the Auditor General, an independent body, reviewed financial management and accountability in the PISG, along with all municipalities and publicly owned enterprises. During the year the office issued audit reports of every ministry, the president's office, and the Assembly. Most reports were critical of government administrative, fiscal management, and procurement practices.

During the year prosecutors continued to review audit reports from 2006, which led to the resignation of then minister for returns Slavisa Petkovic.

In 2006 Kosovo Assembly President Kole Berisha ordered an audit on Assembly management under his predecessor, Nexhat Daci. The audit uncovered numerous wrongdoings and mismanagement by the Assembly administration, misuse of public funds, and procurement irregularities during Daci's tenure. The Assembly then established a commission to investigate the situation. On January 17, as a result of its work, the commission fired four Assembly staff members for wrongdoing during Daci's presidency. On February 22, the Assembly debated and endorsed a report by the auditor general that highlighted malfeasance in the Assembly under Daci's leadership.

In June 2006 the KPS Financial and Corruption Crime Investigation Unit arrested Ahmet Alishani, Daci's senior advisor, on suspicion of fraud and bribery. Alishani was released, then rearrested in November 2006 in connection with the audit of the Kosovo Assembly. On February 1, Alishani was released pending trial.

The PISG took other steps to combat corruption. In February the newly formed Anticorruption Agency began operations. On June 7, agency head Hasan Preteni stated that government institutions were not properly supporting either the Anticorruption Agency or the fight against corruption. On September 5, Preteni announced that the agency had submitted 37 cases of corruption to the prosecutor's office.

There were no developments in the investigation of the February 2006 assault on the independent international auditor general, which took place after a critical audit of Pristina municipality. A KPS investigation continued at year's end.

In November 2006 an international prosecutor indicted former Director of the Post and Telecommunications of Kosovo (PTK), Leme Xhema; former divisional manager at Kosovo Trust Agency, Roger Reynolds; former director of Norway Invest, Mustafa Neziri; and former managing director and chairman of Norway Invest, Ronnen Sorensen; in connection with the alleged misuse of \$438,000 (300,000 euros). On April 5, Ove Johansen, a Norwegian citizen, was arrested in Montenegro pursuant to an international warrant issued by UNMIK in November 2006; Johansen allegedly arranged the fraudulent transfer of these funds from PTK to a phantom company headquartered in Norway. Johansen remained in custody at year's end, and his criminal case remained pending.

On May 4, Pec/Peja prosecutor Gezim Kollcaku confirmed the investigation of 11 international and eight local employees of Radoniqi Hydro-System, a company that had had dealings with KEK. Former KEK manager Joe Truschler, convicted in Germany in 2003 for stealing \$6.6 million (4.5 million euros) from KEK, was head of the Radoniqi board prior to assuming his position at KEK, and was also implicated in the Radoniqi investigation. According to Kollcaku, concerns about organized crime necessitated turning the case over to the special prosecutor's office.

On May 14, a mixed panel of two international judges and one local judge convicted Teuta Vranica, a municipal court judge in Gjakova/Dakovica, of extortion and

destroying official documents. Vranica had demanded that a party in a civil case pay her \$730 (500 euros) in return for a favorable decision, then destroyed both the public prosecutor's indictment and the file. She was sentenced to a combined sentence of 3½ years, and was barred from serving as a judge for 5 years following the end of her sentence.

In November 2006 two finance officers at Dubrava Prison were arrested on charges of abusing their official position and falsifying documents. Chief of finance Sabajdin Llonqari and procurement assistant Fitim Maksutaj were suspected of misappropriating prison funds and of falsifying invoices. They were released on condition that they approach neither potential witnesses nor any employee of the Dubrava Prison finance office, and that they do not enter their former workplace. A former international staff member was also under investigation.

During July and August, trial commenced in the case of Sanije Gashi, accused of misappropriating \$70,000 (48,000 euros) in her capacity as the budget and finance manager of the Pristina Tax Administration.

No law provides for access to official UNMIK documents. The law provides for access to official PISG documents but does not include penalties for failure to comply; in practice PISG institutions rarely granted access during the year. Institutions failed even to respond to nearly 85 percent (690 of 820) of requests made during the year, according to a 2006 Youth Initiative for Human Rights study, and those who did most often refused to provide the requested documents. Only six of 318 requests made in the Serbian language were replied to in Serbian as required by law. Although most replies came within the required 15-day window, journalists complained that allowing 15 days effectively meant they could never obtain official documents in time to meet their own publishing deadlines.

During the year the media complained regularly about lack of access to official documents, even though such access was required by law. At the end of August, the Association of Professional Journalists of Kosovo reported that a survey measuring the responsiveness of government and public institutions to media requests for official documents showed that only 23 percent of requests were successfully completed. The survey indicated that none of the institutions approached by journalists provided the petitioner with a register of available documents.

#### *Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. UNMIK, KFOR, and the PISG were occasionally cooperative and responsive to their views.

An Ombudsperson Institution was responsible for investigating allegations of government abuses of international human rights laws. While the ombudsperson office actively issued intervention letters, reports, and recommendations, its recommendations were not always followed by the PISG, local courts, or the KPS. Cases investigated by the office concerned property rights, abuse of official authority, administrative acts or omissions by public authorities, lack of proper investigations into criminal acts, issues involving the length of court proceedings and the execution of court decisions, employment-related disputes, and impunity. Former Deputy Ombudsperson Hilmi Jashari continued to serve as acting head of the Ombudsperson Institution during the year, following the end of the international ombudsperson's mandate in 2005. In 2006 the ombudsperson's mandate was changed to exclude UNMIK from its purview; a new Human Rights Advisory Panel within UNMIK was established in April and charged with UNMIK oversight.

UNMIK, KFOR, and the PISG generally cooperated with the ICTY. In 2005 the ICTY indicted then-prime minister Ramush Haradinaj and codefendants Idriz Balaj and Lahi Brahimaj for war crimes committed in 1998. The trial began in March and was ongoing at year's end.

#### *Section 5. Discrimination, Societal Abuses, and Trafficking in Persons*

UNMIK and PISG regulations specifically prohibit discrimination on the basis of race, gender, ethnic origin, disability, or language; however, violence and discrimination against women, persons with disabilities, and ethnic minorities persisted.

*Women.*—UNMIK regulations criminalize rape; however, spousal rape is not specifically addressed. Under the provisional criminal code, rape is punishable by 1 to 10 years in prison; statutory rape (sexual intercourse with a child under 14) is punishable by 1 to 5 years in prison.

Rape was significantly underreported due to the cultural stigma attached to victims and their families. According to the Ministry of Justice, victim advocates pro-

vided services to victims in approximately 82 cases of rape during the year. UNMIK Police reported that the KPS arrested six persons for rape during the year.

Domestic violence against women, including spousal abuse, remained a serious and persistent problem. UNMIK regulations prohibit domestic violence, and convictions carry prison terms of 6 months to 5 years. When victims did press charges, KPS domestic violence units conducted investigations and transferred cases to prosecutors. According to UNMIK, family loyalties and close-knit communities and the backlog of cases in both civil and criminal courts added to a low rate of prosecution.

As with rape, domestic violence remained a significant problem that was underreported. In July the OSCE issued a report on domestic violence. The report emphasized problems in the adjudication of domestic violence cases, including unlawful delays in reviewing applications for protection orders. The OSCE also expressed concern regarding the appellate procedure in domestic violence cases; in some cases, courts unlawfully noted in their decisions that an appeal by the defendant would stay the execution of a protection order.

The KPS reported that 53 victims of domestic violence were housed in shelters during the year. The Center for Protection of Women and Children provided assistance to 43 victims of domestic and sexual violence from January to August 30. The Ministry of Justice Victim Advocate and Assistance Unit was involved in 334 domestic violence cases between January and June. Although convictions in such cases were rare, sentences ranged from judicial reprimands to imprisonment. Traditional social attitudes towards women in the male-dominated society contributed to the high level of domestic abuse and low number of reported cases.

There were no governmental agencies dedicated solely to dealing with family violence. The Ministry of Labor and Social Welfare provided some financial support to NGOs running shelters for victims of domestic violence, which also accommodated some trafficking victims. The ministry provided social services through Centers for Social Welfare. The Ministry of Justice maintained a shelter for trafficked persons. In total, six shelters assisted victims of domestic violence and trafficking, including one run by an international NGO. The KPS reported that 66 victims of domestic violence received shelter during the year. Several domestic and international NGOs pursued activities to assist women; however, they were constrained by a tradition of silence concerning domestic violence, sexual abuse, and rape.

During the year a 24-hour anonymous hot line for reporting domestic abuse operated in Pristina, Gnjilane/Gjilan, Pec/Peja, Prizren, and Mitrovica. Victims of domestic violence accounted for 70 percent of the calls, with trafficking in persons, sexual mistreatment, and child abuse cases accounting for the remainder. The hot line informed callers about their rights, available shelters, and related information.

The KPS training school offered special courses on domestic violence and rape in its curriculum. There were no reports that KPS responded inappropriately to rape or domestic abuse allegations.

The law prohibits prostitution, but prostitution remained prevalent. The UNMIK police prostitution investigation unit investigated cases of prostitution.

There was no specific law against sexual harassment, which was a common problem. Social awareness of sexual harassment remained low, and few cases were reported.

Women have the same legal rights as men but traditionally have a lower social status, which affected their treatment within the legal system. Despite a lack of legal impediments, relatively few women obtained upper-level management positions in commerce, the KPS, or government. While the number of women with jobs continued to increase, female unemployment remained high at around 70 percent, 20 to 25 percent higher than the rate for men. Women represented less than 34 percent of the Government workforce.

Traditional social attitudes toward women resulted in discrimination. In some rural areas, women often had little ability to make decisions involving their children or to exercise control over property. While women and men have an equal legal right to inherit property, family property customarily passes only to men. Ethnic Albanian widows, particularly in rural areas, risked losing custody of their children due to a custom calling for children and property to pass to the deceased father's family, while the widow returns to her birth family.

*Children.*—UNMIK and the PISG were generally committed to the welfare and rights of children.

UNMIK regulations require children between the ages of 6 and 15 to enroll in compulsory education. Compulsory education, consisting of nine grades, is free of charge. According to 2005 statistics, 97.5 percent of Kosovo Albanian and 99 percent of Kosovo Serb children were enrolled in primary school, while only 77 percent of children between the ages of 7 and 14 from non-Serb minority communities (Roma,

Ashkali, Egyptian, Turkish, Bosniak, Gorani, and others) attended school. Girls from non-Serb minorities attended school at a rate of 69 percent.

The U.N. Children's Fund (UNICEF) reported that the lack of facilities for minority education in parts of Kosovo made it difficult for some IDPs to return to their homes.

UNICEF estimated that less than 75 percent of children who completed compulsory basic education enrolled in secondary school and the continuation rate for Kosovo-Albanian girls was less than 55 percent. Among girls from non-Serbian minority communities, only about 40 percent enrolled in secondary schools.

According to UNICEF, an estimated 40 percent of the population was under the age of 18, with 33 percent under 15. Less than 10 percent of children aged 2 to 5 attended preschool.

UNMIK regulations require equal conditions for school children and provide the right to native-language public education through secondary level for minority students. Schools teaching in Serbian, Bosnian, and Turkish operated during the year. Both Kosovo Serb and Kosovo Albanian children attended schools with inadequate facilities that lacked basic equipment. A few schools housed both Kosovo Serb and Kosovo Albanian pupils, who studied different curricula and rotated class schedules.

Romani, Ashkali, and Egyptian children attended mixed schools with Kosovo Albanian children but reportedly faced intimidation and bullying in some majority Albanian areas. Romani children tended to be disadvantaged by poverty, leading many to start work both at home and in the streets at an early age to contribute to family income. Romani children were also disadvantaged by having to learn another language to attend school since many spoke Romani at home. Some Kosovo Bosniak children in predominantly Bosniak areas occasionally were able to obtain primary education in their language, but those outside such areas received instruction in the Albanian language.

A 2006 study by UNICEF and the Ministry of Education on the prevalence of violence in schools found that violence against children was condoned. Corporal punishment was an accepted practice in homes and schools. Those who lived far from school reported they were afraid to travel the distance due to the threat of peer violence. Children reported that persons close to them were perpetrators of violence; that boys were at higher risk for physical violence and that girls were at higher risk of verbal abuse. Of children ages 6 to 11, 75 percent perceived the street as the most violent place, 27 percent said the school was the scene of violent events, and 12 percent mentioned the home. Thirty-seven percent of older children considered violence against children in schools to be a widespread phenomenon.

Children without parents were housed in various residential placements including extended family care, foster care, and community-based homes. However, because domestic adoptions and foster family programs did not keep pace with the rate of abandonment, authorities sometimes housed infants and children in group homes with few caregivers. Children with disabilities were often hidden away without proper care, particularly in rural areas.

During the year the Ministry of Labor and Social Welfare operated 31 social welfare centers that assisted 1,253 orphans and 913 delinquent children. The ministry also managed foster homes and coordinated with NGOs to place children in temporary shelters. According to the Center for Social Work, 19 abandoned disabled children, ranging from 3 to 18 years of age, were living in two government-funded community homes under 24-hour care.

Child marriage was reported to occur, particularly in the ethnic Romani, Ashkali, Egyptian, and Albanian communities. UNMIK did not compile statistics, so the extent of the problem was unclear.

*Trafficking in Persons.*—UNMIK regulations and the provisional criminal and criminal procedure codes criminalize trafficking in persons; however, trafficking of women and children remained a serious problem.

Kosovo was a source, transit, and destination point for trafficked persons, and internal trafficking was a growing problem. Victims were women and children trafficked internally or from Eastern Europe, the Balkans, and the former Soviet Union into Kosovo, primarily for sexual exploitation but also for domestic servitude or forced labor in bars and restaurants. Victims were also trafficked through Kosovo to Macedonia, Albania, and countries in Western Europe. According to the International Organization for Migration (IOM), all eight persons who were identified as foreign victims of trafficking during the year were returned to their countries of origin on a voluntary basis.

According to the KPS and the IOM, trafficking in persons was an increasing problem. IOM records indicated that roughly 73 percent of trafficking victims were Kosovars, followed by women and girls from Moldova (13 percent), Albania (10 percent), and Ukraine (3 percent). KPS statistics differed, with police records indicating

that 56 percent of the victims were internally trafficked, followed by 28 percent from Albania, 9 percent from Moldova and 3 percent from both Macedonia and Serbia. KPS also reported great difficulty in identifying trafficking victims due to their reluctance to come forward and report the crimes to the police. Cultural taboos and the threat of social discrimination caused most internally trafficked victims to remain silent about their experiences. Another difficulty was the inability of the KPS to recruit Kosovo Serb officers for the antitrafficking unit, which prevented undercover operations from taking place in northern Kosovo and in Kosovo Serb enclaves.

Trafficking victims were exploited primarily in the sex industry, mostly in brothels and nightclubs but increasingly in private residences and through call girl services. None reported that they were aware they would be working in the sex industry when they left their homes. Trafficking victims reported that they were regularly subjected to beatings and rape, denied access to health care, and had their travel and identity documents confiscated. Victims were often found in poor physical and psychological condition.

UNMIK reported that traffickers often worked as part of a coordinated effort between Kosovo Serb and Kosovo Albanian organized crime elements, and some women were trafficked from or through Serbia into Kosovo. Bar and brothel owners purchased victims from organized crime rings.

Methods of trafficking continued to increase in sophistication. In reaction to an aggressive eradication campaign by local and international authorities, traffickers shifted the commercial sex trade out of public bars and clubs and into private homes, where operations were more difficult to detect. Traffickers increasingly used financial incentives to encourage victims to refuse assistance.

The IOM reported that of the 569 mainly international victims it assisted since 1999, 74 percent fell prey to traffickers after accepting a bogus job offer abroad, 4 percent claimed to have been kidnapped, and 4 percent were promised marriage. In 83 percent of cases, recruiting was through personal common contacts; the recruiter was an acquaintance of the victim in 29 percent of the cases and a friend or family friend in approximately 16 percent. Recruiters were most often female.

Under the provisional criminal code, trafficking is punishable by a maximum of 20 years' imprisonment. Engaging in trafficking is punishable by 2 to 12 years' imprisonment, or up to 15 years if the victim is a minor; organizing a group to engage in trafficking is punishable by 7 to 20 years' imprisonment and a fine up to \$730,000 (500,000 euros); facilitating trafficking through negligence is punishable by 6 months' to 5 years' imprisonment. A person convicted of engaging in sex with someone who is known to be a trafficking victim may be imprisoned from 3 months to 5 years, while sex with a minor known to be a trafficking victim carries penalties of 2 to 10 years' imprisonment. Facilitating prostitution is punished by a fine or imprisonment up to 3 years, and up to 5 years if it occurs within a 350-meter radius of a school or other location used by children. When the offense of prostitution involves victims who are minors, the term of imprisonment can be up to 12 years. Prostitution is punished as a minor offense; prostitutes can be punished, but not clients, unless the police can prove that a client knowingly used the services of a trafficking victim. Prostitution constitutes grounds for deportation unless the "prostitute" is a victim of trafficking.

In May 2006 responsibility for counter-trafficking activities was transferred from UNMIK to the KPS; during the year the KPS maintained primary responsibility for combating human trafficking and conducted 120 surveillance operations. The KPS also closed 45 business establishments used for trafficking. During the year the KPS arrested 43 people for trafficking, one for pimping, one for prostitution, and eight on trafficking-related charges such as illegal weapons possession and counterfeiting. It also identified 41 trafficking victims, 28 of whom received needed assistance, including safe accommodation, counseling, and professional training for return and social reintegration. At least one shelter provided medical care pursuant to its agreements with health care providers. The prosecutor's office filed 33 cases of trafficking in persons; 28 additional cases from previous years remained open. Thirteen of the cases were completed, resulting in 13 convictions.

Factors that contributed to a low number of prosecutions included the increasing sophistication of organized crime to avoid direct links between the victims and senior crime figures, the lack of a witness protection program (although means were employed to provide anonymity during trial testimony), reluctance of victims to cooperate with authorities, inadequate training for judicial personnel, and failure of police to adapt to new techniques employed by traffickers.

UNMIK regulations provide a defense for trafficking victims against criminal charges of prostitution, illegal entry, presence, or work in Kosovo. In the past local judges sometimes incorrectly sentenced trafficking victims to prison or wrongly issued deportation orders against women convicted of prostitution or lack of docu-

ments. Unlike in previous years, there were no reports of these practices occurring during the year.

The IOM and the KPS reported that trafficked persons often had work contracts that enabled them to enter Kosovo legally and obtain residence permits. This made it difficult to detect and prove trafficking in persons.

The KPS shared responsibility for combating trafficking with UNMIK, border police, the OSCE, the Office of Good Governance, prosecutors, judges, and the ministries of health, education, public services, and labor and social welfare. NGOs and international organizations, particularly the IOM, handled protection and prevention-related antitrafficking activities. The PISG, in cooperation with NGOs, international organizations, and foreign governments, continued to implement the 2005 Kosovo Action Plan to Combat Trafficking in Human Beings. Activities included media interviews aimed at raising awareness of the problem, a competition for the best reporting on trafficking, and producing the antitrafficking film *Recruitment*, which premiered in Pristina and later aired on television throughout Kosovo. However, a Partnership against Trafficking in Human Beings Project assessment of the action plan published in September revealed that only four of its planned activities had been implemented by the end of June and 20 had yet to begin. The remainder were in progress. The plan expired in December, and the PISG did not extend it.

The IOM assisted 31 victims of trafficking during the year, 23 of whom were from Kosovo. More than half of the victims from Kosovo were minors (12 cases), and all but one (who was trafficked to Montenegro) were internally trafficked. As in 2006, the IOM assisted more local than foreign trafficking victims. Of the victims from outside Kosovo that the IOM assisted since 1999, over 51 percent were from Moldova, 19.5 percent from Romania, 13 percent from Ukraine, and the rest from Bulgaria, Albania, Russia, Serbia, Montenegro, Slovakia, and Nigeria. The majority of these victims were between the ages of 18 and 25. IOM figures indicated that nearly 82 percent of Kosovo victims were internally trafficked, while approximately 8 percent were trafficked to Macedonia, and 4.5 percent each to Albania and Italy.

The overall number of trafficking cases involving minors increased from 2006. While one of the foreign victims of trafficking the IOM assisted during the year was a minor, approximately 55 percent of local victims were minors. Children and young girls from rural areas comprised over 50 percent of trafficking victims. Children and young girls from backgrounds with a high level of poverty, unemployment, family abuse, and illiteracy were particularly at risk of being trafficked. The IOM reported that 10 percent of local victims were not enrolled in school; 35 percent had only finished primary school (fifth grade); 45 percent had finished elementary school (ninth grade); 8 percent had completed secondary education (high school); and less than 1 percent had gone to university.

There was anecdotal evidence during the year that a complex set of financial relationships and kinship ties existed between political leaders and organized crime networks that had financial interests in trafficking.

There were a number of arrests and police actions against traffickers during the year. For example, in January, KPS arrested two Kosovo Albanian men who ran the Suka and Suka 1 cafes in Prizren after receiving information about a Kosovo Albanian victim who had been hired as a cleaning lady and then forced into prostitution. The KPS interviewed the woman and found her in a traumatized state; they took her to Prizren hospital, where doctors discovered that the traffickers had denied her food and water and only given her alcohol. The doctors fed her intravenously, and later released her to a shelter. Suka and Suka 1 were closed.

In March five Kosovo Albanian men were arrested for trafficking women out of a private residence in Gnjilane/Gjilan, and one 45-year-old victim was rescued. One of the traffickers, a 74-year-old man, died in jail. A sixth man was wanted in connection with the trafficking ring but remained at large.

On June 22, the KPS conducted a covert operation at a cafe in Kosovo Polje/Fushe Kosova, which resulted in the arrest of one Albanian man and the rescue of two Albanian women. The suspected trafficker was sent to jail for 30 days, but the prosecutor later concluded that there was insufficient evidence to prosecute him for trafficking.

International and local NGOs funded by foreign donors were the main source of assistance to trafficking victims. Local NGOs, such as the Center for Protection of Victims and Prevention of Trafficking in Humans and the Center for Protection of Women and Children, operated shelters that provided medical care and psychological counseling services to trafficking victims in cooperation with UNMIK, the OSCE, and the IOM. The NGO Hope and Homes for Children operated a shelter for child victims of trafficking, and the Ministry of Labor and Social Welfare, in cooperation with UNMIK and the OSCE, ran a semi-independent group housing unit for minors who were victims of trafficking and domestic violence. Some domestic vio-



lence shelters, such as Liria in Gnjilane/Gjilan, offered short-term shelter and referral services to low security risk victims. A Ministry of Justice interim facility also provided temporary shelter to victims while they considered whether to be repatriated or to testify against traffickers. Police often referred suspected trafficking victims to the IOM through OSCE regional officers.

*Persons with Disabilities.*—Several UNMIK regulations prohibit discrimination against persons with disabilities in employment, education, access to health care, and in the provision of other state services; however, there was considerable discrimination in practice, and the rights of persons with disabilities were not a PISG priority. According to the local disability rights NGO HandiKos, the laws relating to persons with disabilities were not adequately implemented. As a result, children with disabilities were often excluded from educational opportunities, were not professionally evaluated, and lacked sufficient health and social services. According to the Ministry of Education, Science and Technology, there were 14,000–15,000 children with disabilities in Kosovo. There were seven special residential schools for children with disabilities, and 50 special needs classrooms attached to regular schools. The ministry reported that the total number of pupils receiving special education was over 900, and estimated that 2.5 percent of students in regular schools had disabilities. Between 84 and 90 percent of children with disabilities lacked access to schooling; the rest were placed in segregated special schools.

There were no special legal protections for children with disabilities, as the Council on Economy and Finances claimed that it did not have sufficient funding to support such programs. There was no law defining the status of persons with disabilities, nor was there provision for their training or employment. There were no guardianship laws with appropriate due process protections, and the regulations did not recognize the placement of individuals with mental disabilities in institutions as a legal issue separate from the issue of involuntary treatment. The law mandates access to official buildings; however, it was not enforced and rarely available in practice.

According to the NGO Mental Disability Rights International (MDRI), patients with mental disabilities continued to be detained in isolated conditions with no legal basis, since there is no law to regulate the process of committing persons to psychiatric or social care facilities or to protect rights within institutions. On occasion individuals in need of mental health treatment were convicted of fabricated or petty crimes and sent to prisons that lacked resources for adequate treatment. According to the World Health Organization (WHO), there were an estimated 14,000 persons with mental disabilities; MDRI reported an estimated 50,000 people with mental disabilities living outside institutions. According to MDRI, such persons lived isolated and stigmatized lives.

In April 2006 the prime minister established the National Council on Disabled People as an advisory organization to government authorities and the Kosovo Assembly. In May the council determined its priorities, chief among which is the drafting of a national platform on disabled people.

By year's end neither UNMIK nor the PISG had filed criminal charges or taken other legal action in response to a 2002 report by MDRI that found extensive evidence of physical abuse, sexual assault, neglect, and arbitrary detention by staff and patients in mental health care facilities at the Stimlje/Shtimje Institute, the Pristina Elderly Home, and the Pristina University Hospital. MDRI reported that, as of September 2006, Stimlje/Shtimje has been separated into a facility for the developmentally disabled with 74 residents and a psychiatric facility with 68 residents. The majority of residents at Stimlje/Shtimje were Serbs and other minorities. MDRI also reported that new patients were being admitted to the facility despite a 2001 "nonadmission" policy.

The ministries of education, health, social welfare, and public services were responsible for protecting the rights of persons with disabilities.

A 2004 MDRI report stated that institutional care of persons with mental disabilities left them isolated, arbitrarily detained, and vulnerable to physical violence and sexual abuse. In 2005 the PISG expanded options for independent living by such persons and spent \$175,000 to \$292,000 (120,000 to 200,000 euros) each on 14 integration homes endorsed by MDRI. MDRI reported that, while these homes were intended to be transitional, most residents spent years there with little prospect of returning to the community. According to a 2006 WHO report, there were not enough facilities to provide care for persons with mental disabilities and employment opportunities for persons with mental disabilities were limited. The Council for Defense of Human Rights and Freedoms reported that prisoners with mental disabilities were often kept in prison facilities due to a lack of available mental health treatment.

*National/Racial/Ethnic Minorities.*—Official and societal discrimination persisted against ethnic Serb, Roma, Ashkali, and Egyptian communities with respect to employment, social services, language use, freedom of movement, the right to return, and other basic rights, although reports of such discrimination declined compared to 2006. Members of the Kosovo Bosniak and Gorani communities also complained of discrimination. During the year violence and other crimes directed at minorities and their property lessened but remained a problem. Minority employment in the PISG continued to be low and was generally confined to lower levels of the government; members of minorities occupied 10.4 percent of government jobs despite a PISG target of more than 16 percent.

On July 20, the human rights ombudsperson issued a report that concluded ethnic discrimination was a prevalent and constant problem, particularly in the areas of health care and employment. The report also noted that minority groups continued to face regular threats.

Through September, UNMIK police reported 457 cases of interethnic crime; 342 involved Serbs as victims or suspects. According to UNMIK, incidents targeting minorities were generally underreported due to distrust of the KPS and the legal system, much of which stemmed from the low rate of successful criminal investigations, prosecutions, and convictions.

There were multiple reports of violence against Kosovo Serbs during the year, which was usually investigated by the international police unit, a unit composed of U.N. international police officers within the KPS that reports directly to the police commissioner, who is also an international staff member.

On February 2, a Kosovo Serb woman was found behind a cafe in Mitrovica with a stab wound to her stomach. Police questioned a Kosovo Albanian man and two Kosovo Bosniaks; A police investigation continued at year's end.

On June 12, a Kosovo Albanian teen assaulted an elderly Kosovo Serb woman in the hallway of their dwelling in Pristina. The teen was arrested and sentenced for the attack; his appeal was refused, and his sentence of 8 months in jail was upheld.

On September 4, an elderly Serb woman, Vucica Mikic, was attacked by three stone-throwing Albanian teenagers in her home in Klina. Her neighbor reported the incident to police; Mikic declined to press charges, but requested additional police patrols in the area.

There were developments in previously reported cases involving attacks on Kosovo Serbs.

On June 25, the presiding juvenile judge ordered a psychological evaluation of the 16-year-old Kosovo Albanian male, "AD," who reportedly threw an explosive device at the entrance of a cafe in northern Mitrovica in August 2006, injuring seven Kosovo Serbs, a Bosniak, and a British national. AD was arrested, arraigned, and provisionally released due to a medical condition. An international prosecutor filed an indictment in December 2006, and AD was kept under house arrest pending trial. Further hearings were suspended pending the outcome of a psychiatric evaluation. On December 4, the Mitrovica District Court found that AD suffers from a permanent mental disorder and was therefore incompetent to stand trial. Accordingly, the charges were dismissed.

On June 7, an international judge began considering the indictment of Sabri Haziri, accused of assisting in planting a bomb on a railway bridge connecting predominantly Albanian and Serbian areas in April 2003 near the village of Loziste/Llozishte in Zvecan.

During the year there were no developments in the following 2006 cases: The March stabbing of a Kosovo Serb youth by two Kosovo Albanian youths near the main bridge in northern Mitrovica; the June case in which unknown persons fired gunshots at the homes of Kosovo Serb returnees in Llug village in Istok/Istog; and the December explosion on a railway line frequently used by members of the Serb minority in Vucitrn/Vushtrri municipality.

There were no developments in the following 2005 cases: The bombing of Kosovo Serb leader Oliver Ivanovic's official vehicle; the throwing a hand grenade into the Zubin Potok offices of Slavisa Petkovic's Serbian Democratic Party for Kosovo and Metohija; and the shooting of four Kosovo Serb youths (two of whom subsequently died) who were driving in Strpce/Shterpece.

During the year there were regular reports of Kosovo Albanians destroying private property belonging to Kosovo Serbs; some violence against Serbs may have been attempts to force them to sell their property. An UNMIK regulation prevents the wholesale buy-out of many Kosovo Serb communities in an effort to prevent the intimidation of minority property owners in certain areas; however, it was rarely enforced. There were reports that Kosovo Serbs had difficulty accessing their property, which was sometimes occupied or used by Kosovo Albanians. For example, several Serbs holding decisions in their favor from the Kosovo Property Agency were not

able to access their property in Klina without assistance from the international community and political pressure from senior PISG politicians.

In some cases Kosovo Serb property was reportedly sold by persons falsely claiming to be their attorneys and presenting forged documents in court; in situations where the rightful owners did not live in Kosovo, such fraud went undiscovered for months.

The northern municipalities of Zvecan, Mitrovica, Zubin Potok, and Leposaviq/Leposaviq unanimously decided to suspend their relations with the PISG in June 2006, claiming that it was in response to several unsolved crimes involving Kosovo Serb victims. Despite subsequent evidence, arrests, and clear statements by UNMIK and KPS officials that these crimes were not ethnically motivated, the three northern municipalities had not resumed relations with the PISG by year's end.

There were numerous reports of stone throwing directed at vehicles carrying Serbs during the year. KPS assumed responsibility from UNMIK for escorting Serb vehicles.

There were new developments in the cases of several persons detained on suspicion of organizing or leading the 2004 riots. On February 20, an international prosecutor filed an indictment in the Pristina District Court against five Kosovo Albanians for their role in allegedly burning down several buildings in Kosovo Polje/Fushe Kosova: Skender Islami, Mustafa Islami, Ramadan Islami, Omeri Sylejmani, and Gazmend Morina. The defendants were accused of burning a hospital, school, and a number of Serbian homes and vehicles. On July 5, an international judge confirmed the indictments against Skender Islami, Mustafa Islami, and Ramadan Islami, who remained in detention on remand. Proceedings against the remaining two defendants were delayed pending confirmation of their ages at the time the crime was committed.

On June 15, a mixed panel of the Prizren District Court, composed of two international judges and one local judge, convicted Esmir Hamza and a juvenile defendant of one count of inciting national, racial, religious, or ethnic hatred, discord or intolerance, two counts of causing general danger resulting in sizable property loss, and one count of participating in a crowd committing a criminal offence. Hamza was sentenced to 4 years of imprisonment, while the juvenile defendant was committed to an educational-correctional facility for 2 years. On February 14, a witness in the case testified that in March 2004 her house was attacked and later burned, with estimated damages of \$248,000 (170,000 euros). A relative of the witness who refused to leave the house was beaten.

In December 2006 police arrested Zlyhaje Avdullahu for crimes committed in March 2004 in Kosovo Polje/Fushe Kosova. Avdullahu was allegedly part of a Kosovo Albanian mob that broke into, looted, and burned Kosovo Serb homes and attacked Kosovo Serbs. On August 14, the international pretrial judge extended alternative detention measures against Avdullahu for 1 month, expiring on September 14. At year's end, the case was awaiting trial.

On August 21, a March 2004-related trial began in the Pristina district court before a panel composed of three international judges. Defendants Mirsad Kurteshi and Kadri Sylejmani pleaded not guilty to charges stemming from their alleged leadership of a large group of rioters in the Municipality of Obilic/Obiliq in 2004.

There were reports of politically motivated violence against non-Serb minorities during the year.

On January 8, two Kosovo Albanian males assaulted a Kosovo Egyptian male in Pec/Peja; the victim was hospitalized with serious injuries. A KPS investigation continued at year's end.

On May 15, a Kosovo Bosniak reported being assaulted by a Kosovo Albanian in Prizren. He was hospitalized with serious injuries, and the police apprehended the suspect. A KPS investigation continued at year's end.

There were no updates in the following cases from 2006: The August assault of Kosovo Montenegrin IDP Vuko Danilovic by a group of Kosovo Albanians, and the October bomb attack against the home of a Gorani representative of Belgrade's Coordination Center for Kosovo and Metohija. KPS investigations in both cases continued at year's end.

Roma were subject to pervasive social and economic discrimination; often lacked access to basic hygiene, medical care, and education; and were heavily dependent on humanitarian aid for survival. Although there were some successful efforts to resettle Roma, Ashkali, and Egyptians in the homes they occupied prior to the 1999 conflict in Vucitrn/Vushtrri, security concerns remained.

Kosovo Bosniak leaders complained that thousands of their community members left Kosovo because of discrimination and lack of economic opportunities.

On May 21, the Government announced the formation of the Commission of Languages, composed of representatives from government ministries and the Kosovo As-

sembly, to supervise implementation of the language law that makes Serbian Kosovo's second official language and sets a 5 percent threshold for making a language spoken by an ethnic minority official in a municipality. The law provides that Turkish will continue to be the third official language in Prizren, regardless of the percentage of the Turkish population in the municipality.

*Other Societal Abuses and Discrimination.*—The law prohibits discrimination based on sexual orientation; however, there were reports of violence and discrimination directed against gays and lesbians.

Traditional societal attitudes about homosexuality intimidated most gays and lesbians into concealing their sexual orientation. Gays and lesbians generally felt insecure, with many reporting threats to their personal safety. The print media at times reinforced these attitudes by publishing negative articles about homosexuality that characterized gays and lesbians as mentally ill and prone to sexually assaulting children. Individual homosexuals also reported job discrimination. At least one political party, the Islamic-oriented Justice Party, included a condemnation of homosexuality in its political platform.

On May 18, following a celebration of the International Day Against Homophobia outside Pristina, four males, three wearing dresses, were driving home when they were stopped by the police and forced out of their car. The police took them to a nearby police station, where, after compelling them to show their identification, officers made discriminatory and derogatory comments to them. The KPS did not open a file on this case, and the victims refused to give statements out of fear of further discrimination.

The Center for Social Emancipation, a local NGO promoting lesbian, gay, bisexual, and transgender rights, stated that there were a number of other cases of discrimination against homosexuals during the year but that victims refused to allow it to present their cases publicly out of fear of discrimination.

There were no updates in the March 2006 assault case involving unknown assailants who severely beat two men they observed engaging in homosexual sex. One of the victims later died of his injuries.

There were no reports of discrimination against persons with HIV/AIDS.

#### *Section 6. Worker Rights*

*a. Right of Association.*—UNMIK regulations allow workers to form and join unions of their choice without previous authorization or excessive requirements, but this right was sometimes impeded.

The only significant unions were the Association of Independent Trade Unions of Kosovo (BSPK), and the Confederation of Free Unions (CFU). UNMIK regulations prohibit antiunion discrimination; however, some union officials reported discrimination in practice. The BSPK reported that only a small number of companies respected regulations preventing antiunion discrimination and claimed that worker rights were abused in every sector, including international organizations, where staff did not have security insurance or pensions.

*b. The Right to Organize and Bargain Collectively.*—UNMIK regulations allow unions to conduct their activities without interference, and UNMIK protected this right in practice. UNMIK regulations also provide for the right to organize and bargain collectively without interference, and the Government did not restrict this right in practice; however, no collective bargaining took place during the year. UNMIK regulations do not recognize the right to strike; however, strikes were not prohibited in practice, and strikes occurred during the year.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—UNMIK regulations prohibit forced or compulsory labor, including by children; however, there were reports that women and children were trafficked for sexual exploitation, domestic servitude and forced labor in bars and restaurants.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—UNMIK regulations and policies prohibit exploitation of children in the workplace, including a prohibition of forced or compulsory labor; however, with the exception of trafficking, UNMIK and the PISG rarely challenged these practices. Trafficking of children, primarily for sexual exploitation, was a serious problem.

UNMIK regulations set the minimum age for employment at age 16 and at age 18 for any work likely to jeopardize the health, safety, or morals of a young person, but they permit children to work at age 15, provided it is not harmful or prejudicial to school attendance.

In rural areas younger children typically worked to assist their families. Urban children often worked in a variety of unofficial retail jobs, such as selling newspapers, cigarettes, and phone cards on the street. The numbers of such children

grew relative to 2006, although statistics were not kept by either UNMIK or the PISG. According to the Ministry of Labor and Social Welfare, the PISG still lacked plans to address this common form of informal child labor. Some children were also engaged in physical labor, such as transporting goods. International NGOs active in Kosovo reported serious labor violations during the year, including child labor.

The Ministry for Labor and Social Welfare, in cooperation with UNMIK, coordinated child protection policies, and the ministry's department of social welfare had responsibility for ensuring the protection of children; however, the ministry acted in an advisory rather than enforcement role, and conducted very few inspections during the year.

*e. Acceptable Work Conditions.*—Although UNMIK regulations provide for a minimum wage, one has not been adopted. While many international agencies and NGOs paid adequate wages, the average full-time monthly public sector wage of \$355 (243 euros) and the average private sector wage of \$444 (304 euros) were inadequate to provide a decent standard of living for a worker and family. Public sector salaries remained subject to an International Monetary Fund-ordered freeze and had not significantly risen since 2003.

UNMIK regulations provide for a standard 40-hour workweek; require rest periods; limit the number of regular hours worked to 12 hours per day, overtime to 20 hours per week and 40 hours per month; require payment of a premium for overtime work; and prohibit excessive compulsory overtime. Employers often failed to implement these regulations due to the high underemployment and unemployment.

BSPK reported serious labor violations during the year, including lack of a standard workweek and compulsory and unpaid overtime; employees did not report such violations due to fear of reprisals. According to BSPK, many private sector employees worked long hours as at-will employees without employment contracts, regular pay, or pension contributions paid on their behalf. Employees reported being fired without cause and in violation of existing laws and being denied holidays. CDHRF and CFU reported that sexual abuse occurred on the job but went unreported due to fear of expulsion and/or physical retaliation. According to union officials, workers in the public sector commonly faced similar mistreatment, including the loss of employment due to political party affiliation.

A labor inspectorate within the Ministry of Labor and Social Welfare is responsible for enforcing labor standards. However, the inspectorate primarily advised employers, and although 511 fines were issued during the year for various violations of labor standards, they remain unpaid pending litigation. The labor inspectorate is responsible for enforcing health and safety standards but lacked trained staff and did not do so effectively. The law does not permit employees to remove themselves from dangerous workplaces without jeopardizing their continued employment.

## SLOVAK REPUBLIC

The Slovak Republic, with a population of approximately 5.4 million, is a multiparty parliamentary democracy led by a prime minister and a 150-member Narodna Rada (National Council). The head of government, Prime Minister Robert Fico of the social democratic Smer Party, was elected for a 4-year term in June 2006. President Ivan Gasparovic, the head of state, was elected for a 5-year term in 2004. Both elections were free and fair. Six political parties, three of which comprise the governing coalition, sit in the National Council. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Notable human rights problems included some continuing reports of police mistreatment of Romani suspects, lengthy pretrial detention; restrictions on freedom of religion; corruption in the judiciary, local government, and the health sector; violence against women and children; trafficking in women and children; and societal discrimination and violence against Roma and other minorities.

### RESPECT FOR HUMAN RIGHTS

#### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Arbitrary or Unlawful Deprivation of Life.*—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

The trial of seven police officers charged with inhuman and degrading treatment in connection with the 2001 death of a Romani man in police custody reconvened at the Banska Bystrica regional court in September and was subsequently sus-

pended again; the trial is scheduled to resume in 2008. The accused, who were dismissed from the police force, were not in detention.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution and the law prohibit torture and other cruel, inhuman, and degrading treatment or punishment, and the Government generally respected these provisions in practice.

Nongovernmental organization (NGO) sources and members of the Romani community cited a continuing, though lessening, trend of mistreatment of Romani suspects by police officers during arrest and while in police custody. The Council of Europe's Committee for the Prevention of Torture (CPT) released an inspection report in February 2006 that noted significant allegations of mistreatment of detainees by law enforcement agencies, including slaps, punches, kicks, and/or blows with hard objects such as batons. Some persons claimed they had been struck with pistol butts, flashlights, or plastic bottles filled with water. In a "notable proportion" of cases the victims were Roma.

Police continued to provide special training on Romani culture and language to police officers working in districts with Romani communities in the Kosice and Presov regions. Additionally, the Bratislava branch of post-secondary schooling for police offered an elective course in Romani language and culture.

*Prison and Detention Center Conditions.*—Prison conditions generally met international standards; however, overcrowding continued to be a problem. The Government permitted visits by independent human rights observers.

The 2006 CPT report indicated widespread overcrowding in prisons and pretrial detention (remand) centers, noting an overall occupancy rate of 102 percent of capacity with the larger burden falling on the latter. The Government acknowledged that prison overcrowding was a problem and adopted legislative changes in 2005 and 2006 to address it and other prison conditions. This year the minister of justice allocated additional funds for prison facility upgrades and submitted legislation requesting one new facility. As a result of these measures and the declining crime rate, the overcrowding situation improved, although a prison official acknowledged that more time and funding would be required to implement all of the necessary modifications. At year's end the prison occupancy rate was 76 percent of capacity, with three facilities over capacity.

The law mandates that female and juvenile prisoners and detainees be allotted 13 square feet of cell space per prisoner; the standard for male prisoners is 11.5 square feet.

*d. Arbitrary Arrest or Detention.*—The Constitution and the law prohibit arbitrary arrest and detention, and the Government generally observed these prohibitions.

*Role of the Police and Security Apparatus.*—The national police has sole responsibility for internal and border security and reports to the Ministry of Interior. The head of the police force reports directly to the minister of interior, who has the authority to recall any member of the police. Human rights observers charged that police were occasionally reluctant to take the testimony of witnesses, particularly Roma, women, and homeless persons, and often failed to promptly and thoroughly investigate cases involving Roma and other minorities.

Instances of police corruption and misconduct were reported, primarily in the form of extorting bribes during traffic stops. Headed by a director who reports directly to the minister of interior, the Bureau for the Inspection Service of the Police Corps at police headquarters is responsible for investigating police abuses. Cases may be initiated by, among others, the inspection service, the Police Corps, the police antiorganized crime unit, and individual citizens.

The most common charge brought against police officers was abuse of power. Other charges included battery, assault and battery, and illegal intrusion into private homes. On November 2, two police officers and a former police officer were convicted for the on-duty November 2006 murder of businessman in Polomka. One of the officers, who plea-bargained for a reduced sentence, admitted that a business associate of the victim ordered the murder. The primary assailant received a 25-year sentence, while the other two received sentences between 5 and 10 years.

There were some indications that impunity was a problem, as evidenced in the ongoing case of Radoslav Puky, a citizen of Romani origin. In 2004 Puky's body was found in a Trebisov canal 10 days after he disappeared during a police operation. Police investigators dismissed a complaint filed on behalf of Puky's family members in 2005; however, a subsequent CPT investigation indicated that the investigators made no attempt to examine a discrepancy between expert opinions on Puky's date of death, took only perfunctory action to investigate the report that police beat Puky before he disappeared, and did not interview any of the officers that participated

in the police operation. In March the Constitutional Court dismissed a new complaint filed by the League of Human Rights Activists on behalf of the Puky family, citing new evidence from the CPT report. The league subsequently submitted the case to the European Court of Human Rights (ECHR), where it was pending at year's end.

Human rights training remained on the curriculum at police training facilities.

*Arrest and Detention.*—The Constitution and the law stipulate that a person can only be taken into custody for explicit reasons and must be informed immediately of the reasons for detainment. A written court warrant is required for arrest. The court must grant a hearing to a person accused of a crime within 48 hours (or a maximum of 72 hours for “serious cases,” defined as violent crimes, treason, or other crimes with a sentence of at least 8 years) and either release or remand the individual. Detainees have the right to consult with an attorney immediately and must be notified of this right. The Government provides free counsel to indigent detainees. If remanded by a court, the accused is entitled to an additional hearing within 48 hours, at which time the judge must either release the accused or issue a written order placing the accused in custody. The authorities respected these provisions in practice.

There was a bail system in place that functioned effectively. Attorney visits were allowed as frequently as necessary. The law allows monthly family visits upon request.

Criminal court procedures mandate that the total time of detention (pretrial plus trial) cannot exceed 12 months in the case of minor offenses, 24 months for regular crimes, 36 months for severe crimes, and 4 years for crimes in which the expected sentence is more than 25 years. Further, pretrial detention cannot account for more than one-half of that total. In cases with extenuating circumstances, the Supreme Court may extend pretrial detention to 4 years. Delays in court procedures and investigations frequently led to lengthy detentions during both the pretrial and trial periods. According to 2006 statistics, pretrial detainees accounted for approximately one-third of the total prison population and were held on the average for 117 days at the district court level and 274 days at the regional court level. Judges released seven defendants involved in criminal murder cases from detention because of maximum pretrial detention regulations, even as the cases continued in the courts.

The law allows plea bargaining, which helped reduce the backlog of court cases.

*e. Denial of Fair Public Trial.*—The law provides for an independent judiciary; however, problems with corruption and inefficiency in the judiciary continued, despite a series of reforms implemented in 2005 and 2006 by the Ministry of Justice to decrease corruption and improve efficiency.

Cases are generally first heard in the district courts; appeals are made to the eight regional courts. The Supreme Court, consisting of 70 active judges, is the highest court of appeals and court of last resort in all civil and most criminal cases. The Constitutional Court, with 13 judges serving 12-year terms, is independent of the Ministry of Justice and rules on cases regarding the Constitution and international treaties, considers cases in which constitutional provisions are in conflict, and hears complaints about violations of basic rights and freedoms; decisions cannot be appealed to the Supreme Court. The Judicial Council, a constitutionally recognized independent body of lawyers and judges, makes decisions regarding disciplinary actions, administrative issues, and appointments of judges. The Special Court hears cases of official corruption and those related to high-ranking government and political figures and organized crime. The court's decisions may be appealed to the Supreme Court, which has thus far upheld every verdict. Military courts hear criminal cases concerning soldiers, police, prison guards, and related government security services. Military courts also have jurisdiction in cases involving civilians suspected of treason during time of war. Military courts provide the same rights as the regular court system.

In January the Ministry of Justice submitted legislation to shut down the Special Court. The prime minister rejected the legislation; however, the justice minister continued to make attempts to curtail the Special Court by introducing various measures to undermine the court's authority or reduce its funding.

The Disciplinary Court, which is part of the Judicial Council, initiated investigations against five judges during the year but did not take action against any of them.

With the exception of the Constitutional Court, courts employed a computerized system for random case assignment to increase transparency. Nevertheless, public skepticism toward the court system remained widespread.

*Trial Procedures.*—Persons charged with criminal offenses are entitled to fair and public trials and have the right to be informed of the charges against them. How-

ever, NGO observers stated that judicial corruption often resulted in lengthy court delays and improper handling of police investigations. Defendants enjoy a presumption of innocence, have the right to refuse self-incrimination, and may appeal adverse judgments. They are also presumed innocent during the appeals process, meaning that a person found guilty by a court does not serve his imposed sentence nor pay any fine until the final decision on his appeal is reached. The law does not provide for jury trials. A panel of three judges is obligatory in criminal cases and in civil cases at the regional court and Supreme Court levels. Defendants have the right to be present, consult in a timely manner with an attorney at government expense, have access to government-held evidence, confront witnesses against them, and present witnesses and evidence on their own behalf.

*Political Prisoners and Detainees.*—There were no reports of political prisoners or detainees.

*Civil Judicial Procedures and Remedies.*—Citizens have unrestricted access to an independent judiciary to bring lawsuits in civil matters including human rights violations. Courts that hear civil cases were subject to the same delays as criminal courts and were also perceived as being corrupt. Administrative remedies are available in certain cases. The National Center for Human Rights has the authority to provide mediation for cases of discrimination and to represent claimants in court.

The Office of the Public Protector of Rights (ombudsman) determined that, of the 2,247 of complaints it received during the year, 199 delays in court proceedings constituted violations of the rights of the claimants, most of which involved delays of 5 or more years.

The ECHR made eight rulings during the year against the country based on the “reasonable time” requirement for civil and criminal proceedings under the European Convention on Protection of Human Rights.

*Property Restitution.*—The law provides citizens an opportunity to apply for the return of land confiscated by the state between 1948 and 1989. Almost 50,000 cases were filed since a 2006 Constitutional Court decision paved the way for cases to be filed past the original filing deadline at the end of 2004. Through June over 15,000 claims had been resolved through land return, land awards, or financial reimbursement. A lack of historical documentation prolonged the process and prevented many cases from being resolved. The property restitution fund also suffered from corrupt management practices (see Section 3).

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution and the law prohibit such actions, and the Government generally respected these prohibitions in practice.

Police must present a warrant before conducting a search or within 24 hours afterwards. There were no documented cases of police entering Romani homes without search warrants during the year, although observers believed such practices continued to occur.

Romani advocacy groups pressured the Government to acknowledge and compensate victims for past involuntary sterilization practices on Romani women in public health facilities. Although the Government acknowledged in a 2003 report that such procedures had taken place until the late 1990s, it dismissed them as “procedural shortcomings.” Since 2005 the law has required that a patient must have submitted a written request at least 30 days before a sterilization is performed; however, criminal charges cannot be filed for offenses that took place prior to the date the law took effect. No victims of involuntary sterilization or sterilization without informed consent received financial redress for sterilization in the country’s court system.

According to the NGO Poradna (Center for Civil and Human Rights), which helped alleged victims prepare cases, several civil court cases were filed since the 2005 law went into effect. During the year the Presov regional court issued one verdict against the plaintiff.

Two forced sterilization civil suits that predate the 2005 law were filed at the ECHR in 2004. Both are still pending, with no significant action taken during the year. In one case, three Romani women claimed that they were sterilized without informed consent. In December 2006 the Constitutional Court ruled that regional-level prosecutors had violated the Constitution and the European Convention on Human Rights by improperly closing the investigation of the original claim, and it awarded the claimants \$2,200 (50,000 korunas). The court instructed the prosecution to reopen its investigation, and the Government began collecting official depositions in July.

In the second case, eight Romani women who suspected they had been sterilized without their knowledge filed a case with the ECHR when hospitals allegedly denied them access to their own medical records. Four of the women subsequently re-



ceived access to their medical files, and at least one discovered she had been sterilized. The remaining four women continued to be denied access to their medical records despite a government decree. In May the Ministry of Health informed Poradna that the women's medical records were lost.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution and the law provide for freedom of speech and of the press; while the Government generally respected these rights in practice, it imposed limits aimed at extremist groups.

The law prohibits the defamation of nationalities, which is punishable by up to 3 years in prison, and denying the Holocaust, which carries a sentence of 6 months to 3 years.

The independent media were active and expressed a wide variety of views without restriction, although state-owned television and wire services were subject to political influence by the Government. There were reports that newly appointed directors of Slovak Public Television exerted pressure in the news department to provide favorable coverage of governing coalition events and activities, leading to the departure of several reporters and editors.

The Government took several actions that observers believed were intended to pressure the media to curtail reporting critical of the Government. In September the prime minister asked the prosecutor general to investigate journalists reporting corruption allegations against the minister of labor. The Slovak Syndicate of Journalists issued a statement rejecting the prime minister's actions as an attempt to instill self-censorship among journalists. The Government also passed two resolutions reprimanding journalists for being too aggressive.

On December 6, the Bratislava district court ordered the newspaper Plus 1 Den to pay \$22,000 (500,000 korunas) to Minister of Justice Harabin for publishing an article entitled "Harabin Protects Murderers."

The newspaper Pravda appealed to the Constitutional Court the February 2006 regional court ruling ordering it to apologize and pay damages of \$176,000 (4 million korunas) to a former supreme court chairman and current minister of justice for news stories and cartoons alleging judicial corruption. The court had not decided by year's end whether to hear the appeal.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mails; however, police monitored Web sites hosting hate speech and attempted to arrest or fine the authors. The law defines hate speech as speech that publicly threatens an individual or group based on nationality, ethnicity, race, skin color, or that publicly incites the restriction of rights and freedoms of such an individual or group. Individuals and groups could otherwise engage in the peaceful expression of views via the Internet, including by e-mail. Internet access was generally available across the country.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The Constitution and the law provide for freedom of assembly, and the Government generally respected this right in practice.

On December 12, the Banska Bystrica regional court sentenced five neo-Nazis to probation of 3 to 6 months for propagating an ideology that suppresses the rights of others and riotous conduct during a September 2006 rally in Turecka.

*Freedom of Association.*—The Constitution and the law provide for freedom of association, and the Government generally respected this right in practice. However, the law requires organizations to pay a nominal registration fee and stipulates that those registering as foundations have "substantial" financial resources of \$7,900 (180,000 korunas) to operate. In August the Ministry of Interior denied Juzanska Rada (Southern Council for Self-Determination) registration on the grounds that the organization's calls for separate self-governance structures in southern Slovakia were unconstitutional. It was the only organization denied registration during the year.

*c. Freedom of Religion.*—The Constitution and the law generally provide for freedom of religion; however, an amendment to the religious registration law discriminated against smaller religious groups. Catholicism was the dominant religion due to the number of adherents and received larger state subsidies; however, there was no official state religion.

In May the Government amended religious registration law to require that religious groups must provide signatures of 20,000 citizens or permanent residents who are adherents of the faith in order to register officially. Registered groups received

state subsidies for clergy and office expenses and were permitted to proselytize in prisons and hospitals and to conduct legal marriage ceremonies.

There were 18 registered religious groups in the country. No unregistered religious group has sufficient membership to meet the new requirements for registration.

Leaders of smaller religious communities, particularly Muslims, but also some Protestant denominations, the Hare Krishna community, and the Church of Scientology, complained that the membership requirement for registration effectively barred them from obtaining official status, although these groups experienced no restrictions on assembly and worship. Many government officials expressed support for the law in a way that indicated that certain minority religions were targeted. Jan Slota, leader of the Slovak National Party, one of three parties in the governing coalition, stated in March that stricter registration requirements were needed to prevent "our children going to a mosque to pray and professing that we are Al-Qaeda."

There were no further developments in the case of the 12 members of the Church of Jesus Christ of Latter-day Saints, who were told by Trnava local police to stop collecting signatures and leave the city during their 2006 registration petition drive. In October 2006 the Government recognized the church.

Unlike in previous years, there was no evidence that the Government monitored religious sects.

The law requires public elementary school students to take either a religion or an ethics class. Critics claimed students in poorer rural schools might be denied a choice or socially pressured to choose religion class. The law also allows government-funded religious schools to remove material inconsistent with church beliefs from the curricula.

Church groups contended that the Government had taken few steps to carry out the restitution law for religious properties. The Reformed Christian Church stated that a handful of the 70 claims filed before the April 2006 filing deadline were restituted later that year, but there was no further action during the year.

*Societal Abuses and Discrimination.*—There were reports of societal violence and discrimination against religious groups; however, the Government made efforts to prosecute offenders and conducted programs to prevent it.

Organized neo-Nazi groups, estimated to have 500 active members and several thousand additional sympathizers, promoted anti-Semitism; these groups also harassed and attacked other minorities, including Roma. The Jewish community expressed concern that some media coverage in the country exhibited anti-Semitic undertones. Jewish community leaders and 2001 census data estimated the size of the Jewish community at approximately 3,000 persons.

On January 27, two young men were arrested and charged with defamation against an ethnic group; the men yelled Nazi slogans at the Bratislava rabbi and his son as they were leaving a synagogue. The case was pending trial at year's end.

In June a man was convicted and sentenced to 1 year in prison and 2 years' probation for the April 2006 desecration of a monument to Jewish Holocaust victims in Rimavska Sobota.

The May 2006 case of seven neo-Nazis in Kosice charged with possession of illegal weapons and propagating an ideology that suppresses the rights of others was pending trial at year's end.

The trial of the juveniles who vandalized 19 tombstones in the Jewish cemetery in Ruzomberok in 2005 was pending at year's end.

While direct denial of the Holocaust was not common, public expressions of support for the World War II-era Slovak fascist state, which deported tens of thousands of Slovak Jews, Roma, and others to their deaths in German concentration camps, increased during the year. Extreme right-wing groups, such as Slovenske Hnutie Obrody, regularly praised the wartime fascist state and denied its role in the Holocaust. Slovenske Hnutie Obrody and similar groups linked their Web sites to those of Matica Slovenska, a cultural heritage organization that received significant state subsidies, and reproduced articles from Matica Slovenska's newsletter without authorization; Matica Slovenska did not act to stop these practices. The director of the Government Institute for National Memory stated in June that he respected Father Jozef Tiso, the leader of the fascist state, and believed he played a positive role in the country's development. As a result of public outcry over similar statements made by the archbishop of the Roman Catholic diocese of Bratislava-Trnava in December 2006, Prime Minister Fico reaffirmed in January that Tiso was a war criminal.

The Ministry of Interior actively pursued violent extremist groups, and police monitored Web sites hosting hate speech and attempted to arrest or fine the authors. The Government also continued implementing its action plan to fight dis-

crimination, racism, xenophobia, and anti-Semitism. During the year the Government organized educational programs on minority and human rights issues. High school and university curricula promoted tolerance, and students could also compete in annual essay contests that focused on human rights issues.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution and the law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

The law prohibits forced exile, and the Government did not employ it.

*Protection of Refugees.*—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government had an established system for providing some protection to refugees. However, the Government did not routinely grant refugee status or asylum. According to national migration office statistics, 2,643 new cases were opened, 14 persons received asylum, 1,177 were denied refugee status, and 1,693 cases were terminated.

In December the Government passed an amendment to the asylum law that gave officials broader authority to reject applicants based on technical errors in their applications.

In practice the Government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution.

The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol and provided it to approximately 82 persons during the year. The law provides for temporary protection, classified as “tolerated residence,” which is granted if asylum is denied and the individual is not eligible for deportation to his or her country of origin due to administrative problems or fear for the person’s safety.

The Government accepted refugees from third countries and provided basic facilities and services to encourage integration. Language training and work permits were available for refugees and asylum applicants with extended stays.

The Government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers. In September the government, the UNHCR, and the local NGO Human Rights League signed an agreement to monitor border and airport activities in an effort to assist asylum and refugee seekers by providing a more efficient system for processing claims and making counseling and advocacy services available to applicants. The agreement was also designed to improve monitoring of illegal immigration and trafficking.

Unlike in previous years, there were no reports of mistreatment in asylum centers.

### *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The Constitution and the law provide citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

*Elections and Political Participation.*—In June 2006 citizens voted six political parties into the National Council (Parliament) in free and fair elections. Three of the six parties then formed the governing coalition. While election observers reported instances of localized vote buying aimed at Roma in the eastern part of the country, they noted that it had no impact on the final election results.

Political parties operated without restriction or outside interference. A political party must receive at least 5 percent of the ballots cast to enter the National Council. In the 2006 elections, voters had the option to mark a preferential vote for an individual candidate on a political party list in addition to voting for a party.

There were 28 women in the 150-seat National Council, 36 women on the 70-seat Supreme Court, and two women in the 16-member cabinet.

The law prohibits collecting information on ethnicity, and it was not possible to determine the number of members of minority groups in government. No member of the cabinet claimed minority status. The party of the Hungarian coalition holds 20 seats in the National Council. Some ethnic Romani individuals and parties were successful at winning representation at the local level; however, Roma were consistently underrepresented in government service, and no Roma were in the National Council. There was no unified Romani minority party, and several Romani activists reported that this hampered political participation.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption; however, the Government did not always implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. The World Bank's worldwide governance indicators reflected that corruption was a problem, and cases of corruption were reported in the legislative and executive branches. However, NGOs and the Ministry of Interior indicated that the number of reports of corruption fell during the year.

The Special Court convicted numerous health care workers for taking bribes. Primary health care is heavily subsidized by the state and primarily run by state-owned institutions.

NGOs reported several instances of corruption by high-ranking ministerial appointees; however, the Ministry of Interior did not investigate any of these alleged corrupt activities.

In September police began a criminal investigation of the NGO Privilegium on the grounds that it had failed to pay almost \$110,000 (2.5 million korunas) in payroll taxes associated with government contracts in recent years. The minister of labor and social affairs worked at Privilegium before joining the cabinet in 2006.

On November 15, Branislav Briza, acting director of the Ministry of Agriculture's property restitution fund, resigned after reports of corruption surfaced. During the year the acting director granted several properties to claimants, who, as a precondition of the grant, sold the properties to businessmen connected with HZDS, one of the political parties in the ruling coalition, for less than 5 percent of appraised value. The lands in question, zoned for ski resorts, golf courses, industrial park development, or other high-value usage, did not formerly belong to the recipients, who lived in other regions of the country. On November 27, Prime Minister Fico forced Minister of Agriculture Miroslav Jurena (also HZDS) to resign.

The Supreme Court upheld the Special Court's January 2006 sentence against the mayor of Velky Meder for accepting a bribe in 2005. The case marked the first time that the court system had issued a final sentence against a mayor on bribery charges.

The Special Court found the former director of the National Agency for the Development of Small and Medium-sized Enterprises not guilty of transferring almost \$69 million (1.58 billion korunas) to private accounts in 2005. The prosecution's handling of the case was widely criticized by government transparency advocates.

The Special Court sentenced the mayor of Raca to 5 years in prison and fined him \$22,000 (500,000 korunas) for bribery in 2004. The man accused of bribing the mayor was sentenced to 4½ years in prison. Both men have appealed their cases to the Supreme Court.

Government officials were subject to financial disclosure laws; however, the parliamentary committee that received such information did not have the authority to prohibit specific activities based on any identified conflict of interest.

The Ministry of Interior is responsible for developing the Government's overall strategy for combating corruption, with a specific focus on investigation and enforcement. The Special Court for Corruption, housed at the Ministry of Justice, is responsible for most prosecution efforts. The general prosecutor, who is appointed by Parliament and independent of the executive and judicial branches, also plays a leading role in prosecuting corruption. The Office of the Slovak Republic, which answers to the prime minister, also plays a role in developing anticorruption legislation and regulations.

The law provides public access to government information; however, NGOs cited a need for greater public awareness of the responsibility of government to provide information. A few local government offices denied information requests without justification or left them unanswered.

#### *Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views.

#### *Section 5. Discrimination, Societal Abuses, and Trafficking in Persons*

The Constitution and the law prohibit discrimination based on race, gender, disability, language, or social status; the Government effectively enforced these prohibitions in practice. However, violence against women and children, trafficking in persons, and discrimination against minority groups were problems.

*Women.*—The law prohibits rape, including spousal rape. Although the Government enforced the law effectively, rape was a problem and was underreported.

There were 22 convictions for rape during the year. Rape victims had access to the shelters and counseling offered by NGOs and government-funded programs.

Domestic violence against women also continued to be a problem. The law prohibits domestic violence; however, it was pervasive, and activists claimed that the Government did not enforce the law effectively. There were 457 incidents of domestic violence reported during the year. There were 246 persons convicted for domestic violence, marking a significant increase from the 128 persons convicted in 2006. The law provides stricter sentences for violence when directed toward members of the same household and allows for continued criminal prosecution even when a spouse drops charges. Domestic violence was punishable by 2 to 12 years of imprisonment. Domestic violence often was underreported because of the social stigma associated with being a victim; crime statistics did not adequately reflect the extent of the problem. During the year police provided a training course to officers on domestic violence within the framework of a community policing seminar. The training was supplemented by printed reference material that encouraged officers to cooperate with women's rights advocates and NGOs.

Prostitution is legal; however, the law prohibits related activities, such as operating brothels, knowingly spreading sexually transmitted diseases, or trafficking in women for the purpose of sexual exploitation. It was unclear to what extent prostitution occurred.

The law does not prohibit sexual harassment, and there were no statistics available to measure the frequency or severity of the problem. The Government took no action during the year to combat sexual harassment.

Women and men are equal under the law, including family law, property law, and in the judicial system; however, discrimination against women remained a problem in practice. The equal opportunity office in the Ministry of Labor, Social Affairs, and Family worked in an advisory capacity to ensure the legal rights of women. Experts believed that reported wage differences were due to large numbers of women working in low-paid occupations, such as the education or social services sectors. NGOs continued to push for increased opportunities for the political participation of women.

*Children.*—The Government was committed to children's rights and welfare; the Ministry of Labor, Social Affairs, and Family and the Ministry of Education oversaw implementation of the Government's programs for children. Education was universal and free through the postsecondary level and was compulsory for 10 years or until the age of 16. The U.N. Children's Fund (UNICEF) reported that the rate for primary and secondary school attendance was approximately 85 percent.

Most ethnic Slovak and Hungarian children attended school on a regular basis, but Romani children exhibited a lower attendance rate. Although Romani children comprised nearly 15 percent of the total number of children under the age of 16, they were disproportionately enrolled in "special" schools for children with mental disabilities, despite diagnostic scores that were often within the normal range of intellectual capacity. In many such schools in the central and eastern parts of the country, the registered student body was nearly 100 percent Roma. In turn, regular schools in the same communities had very few Roma students, especially at the secondary school level. The completion of education from a special school did not give Romani children the necessary knowledge nor the eligibility to continue on to higher education institutions, which do not accept special school certificates as entry criteria.

An increasing number of NGOs, including the League of Human Rights Activists (LPR), trained Romani children from special primary schools to help them transfer to regular schools. As a result of the LPR program, 24 children in Trnava entered regular schools in the 2006–07 school year, and 45 children entered regular schools in Zlate Klasy in the fall of 2007.

Child abuse remained an underreported problem. Since the passage of the 2005 child abuse law, the Government increased training programs to reduce the instance of child abuse and implemented a publicity campaign to raise awareness of the issue.

A number of children's foundations operated programs for abused children or children with disabilities. UNICEF continued to operate a hot line for children.

In June the Ministry of Interior, UNICEF, and corporate contributors announced a new program to search for lost or runaway children, estimated at 700 nationwide, and to provide assistance to families of these children.

Child prostitution is prohibited; however, according to the U.N., it remained a problem in Romani settlements with the worst living conditions.

There were approximately 7,500 children in institutional care, the majority of whom were Roma. Most government orphanages were long-term care facilities rather than short-term residences. Activists claimed that orphans had difficulty inte-

grating into society at age 18 and were at increased risk of falling victim to trafficking.

*Trafficking in Persons.*—The law prohibits trafficking in persons; however, there were reports that women and children were trafficked from, within, and through the country.

The International Organization for Migration (IOM) estimated that between 150 and 200 persons were trafficked from or through the country during the year, mainly for the purpose of sexual exploitation. There were isolated reports that children were forced into prostitution. The IOM reported expanded usage of victims' assistance programs during the year linked to increased awareness of these programs. Most of the victims trafficked through the country came from the former Soviet republics (particularly Moldova and Ukraine) and Balkan countries. Traffickers also recruited Slovaks. Victims were typically trafficked through the Czech Republic or Austria to Western Europe. Victims were typically between the ages of 18 and 25 from various social backgrounds, but particularly from areas with high unemployment. Some experts alleged that Romani women and persons raised in state institutions were most vulnerable to being trafficked because of their socioeconomic situation and reduced freedom of mobility.

Traffickers lured women with offers of employment, often relying on personal connections. Activists who worked with the few victims forced to work while transiting the country reported that most were placed as prostitutes or as exotic dancers in nightclubs. Such activity was concentrated on the border with Austria and close to Ukraine and along trucking routes with a prevalence of nightclubs. Traffickers closely monitored victims, withheld their documents, and used violence to ensure their compliance. Some victims allegedly were threatened with violence or even death if they attempted to escape.

Under the law, traffickers may be sentenced to 4 to 10 years in prison. The sentence may be increased to as much as 25 years depending on complicating factors, for example if a trafficking incident involves wrongful death.

Police investigated 13 cases of trafficking during the year, resulting in charges against nine suspects. Courts convicted and sentenced seven traffickers, none of whom were involved in child trafficking.

In February police uncovered a trafficking ring organized by Slovak and Slovenian citizens that recruited young women to work legally in Croatia, then forced them to work as prostitutes in Slovenia. Four members of the organization were arrested and were in custody at year's end awaiting a 2008 trial.

The Government agencies responsible for combating trafficking include the national coordinator to combat trafficking in persons; the police antitrafficking unit; the ministries of interior, finance, justice, and education; the prosecutor's office; the border police; the equal opportunity office at the Ministry of Labor, Social Affairs, and Family; and the plenipotentiary for Romani communities.

The Government continued efforts related to the 2006 National Action Plan to Combat Trafficking in Persons, although corruption among border officials, police, and asylum officials allegedly hampered efforts to combat trafficking. In February the national coordinator signed agreements with three NGOs—Dotyk Crisis Centre, Prima, and Storm—for 1-year pilot projects to identify and provide shelter and services to victims of trafficking. The Government also carried out a project with the U.N. Office on Drugs and Crime during the year aimed at strengthening legislative, investigative, prosecutorial, and technical capabilities to combat trafficking and provide protection and support to victims. The Ministry of Interior carried out prevention programs for teachers, students, and mayors, with a particular focus on towns near the Ukrainian border. Although no formal screening or referral process was in place, the law required police to provide a list of assistance programs to suspected victims. NGOs reported increased cooperation and communication with police.

Police participated in international investigations on a limited basis. Slovenia, Austria, and Belgium made requests for extradition of perpetrators of trafficking in persons during the year. One person was extradited to Slovenia based on a European Union arrest warrant; the other cases are still pending.

*Persons with Disabilities.*—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services, and persons with disabilities were able to vote and participate in civic affairs. In practice, however, experts reported that access to buildings and higher education remained a problem, and that laws to provide assistance to students with disabilities have not been implemented with regard to school facilities or educational materials. There were reports that persons with severe physical disabilities received less than the minimum wage in some instances.

NGOs reported deficiencies in psychiatric care of patients with mental disorders and in mechanisms to monitor human rights violations against them. Psychiatric institutions and hospitals, which fall under the purview of the Ministry of Health, continued to use cage beds. The law prohibits both physical and nonphysical restraints in social care homes, managed by the Ministry of Labor, Social Affairs, and Family. Several NGOs conducted public education campaigns on mental illness and worked cooperatively with the health ministry.

The Government has taken recent steps to strengthen laws improving access to services for persons with disabilities. During the year the Government enacted legislation requiring television stations to provide "voiceover broadcasting" for blind viewers. Currently less than 30 percent of television programs provide such services. In 2006 the Government also enacted legislation that further defines mandatory standards for access to buildings. According to NGOs, a lack of funds prevented full implementation of these laws, although they note that access to privately owned buildings improved more rapidly than access to state buildings.

The Council for Citizens with Disabilities, chaired by the minister of labor, social affairs, and family, served as a governmental advisory body regarding persons with disabilities.

*National/Racial/Ethnic Minorities.*—Discrimination and societal violence against Roma and individuals of non-European ethnicity was common, and the number of violent attacks on foreign students and visitors increased during the year. Unlike in previous years, there were no reported cases of violence against ethnic Hungarians. Roma constituted the second largest ethnic minority, reported by the 2001 census to number 90,000, although experts estimated the population to be between 350,000 and 400,000. The discrepancy was attributed to Roma identifying themselves as Hungarian or Slovak.

Racially motivated attacks on minorities—Romani and otherwise—were reported widely throughout the year. Investigation of attacks and enforcement of laws varied by jurisdiction. During the year one case of racially motivated murder was brought to trial and conviction; eight cases of racially motivated assault resulting in serious injury were tried during this time, resulting in seven convictions; 33 cases of violence against a racial or ethnic group were brought to trial, resulting in 22 convictions; and 17 cases of "violent threatening" were tried, resulting in 11 convictions. Some advocates believed police numbers underreported the problem.

Roma were particularly singled out for violence, and police detained numerous individuals for attacks against Roma motivated by racial hatred. There were also reports that police mistreated Roma. Skinhead and neo-Nazi violence against Roma and other minorities continued to be a serious problem. The LPR reported that, although police were increasingly responsive in their efforts to monitor and control the skinhead movement, the problem persisted. The LPR also reported receiving e-mail and telephone threats from skinheads.

Several non-Romani minorities, including foreigners, were also victims of racially motivated attacks. In March alone, the LPR received reports of attacks on Nigerian, Mexican, and Vietnamese citizens. The police response varied dramatically from case to case. Several skinheads attacked the Nigerian citizen, a resident married to a Slovak woman, in Bratislava. After visiting the scene of the alleged crime with police, the victim went to the police station to file a complaint and was himself charged with assault and detained. At year's end the case was pending trial, with the League of Human Rights Activists representing the Nigerian citizen.

On April 8, three men illegally entered a Romani home in Trebisov and assaulted several family members. The district court charged them with illegal entry and racially motivated criminal activity. Two of the men bargained with authorities and received light sentences, while the third pleaded not guilty. The police investigation was ongoing at year's end.

On August 30, a Romani man and his wife were attacked and seriously wounded in Detva. Suspects were detained but not charged; human rights groups asserted that the police did not investigate the case properly.

In the April 2006 case in which several youths attacked two Romani women in Spisska Stara Ves, the Kezmarok district court found six youths guilty of assault based on racial motives and disorderly conduct. One defendant received a 2-year prison sentence, while the rest received suspended sentences.

The alleged August 2006 attack on ethnic Hungarian university student Hedviga Malinova in Nitra continued to draw media attention during the year, sparking public debate on the Government's handling of the case. Two young men allegedly physically assaulted Malinova after hearing her speak Hungarian. The district prosecutor discontinued the investigation after 2 weeks, concluding that Malinova had lied. The minister of interior and other government officials supported the decision, claiming that the case had been fabricated by the opposition Slovak Hungarian

Party in order to bring down the Government. Journalists and human rights advocates criticized the decision, charging that a cover-up had taken place. Malinova's multiple appeals to the Constitutional Court were rejected, and on May 14, the Nitra police formally charged Malinova with perjury. In September, however, the prosecutor general indicated to journalists that he believed the initial investigation in the case was flawed and reopened the case with new investigative and prosecutorial teams at year's end.

In the September 2006 case of neo-Nazi youths who attacked several Roma at a train station in Humenne, the district court in Humenne in April convicted all three suspects for assault and riotous conduct and sentenced them to up to 1 year of probation.

Police continued to investigate the September 2006 case of three masked attackers who broke into a Romani family's home in Sered and beat the occupants.

Discrimination against minorities, particularly Roma, was common. The Slovak National Center for Human Rights reported that 1,440 complaints of discrimination were filed during the year, three of which were forwarded to the courts as civil cases. The most frequent claim involved labor-related discrimination, including discriminatory hiring processes. One NGO criticized the length of time it took for the center to issue required legal opinions on claims of discrimination.

Widespread discrimination against Roma continued in the areas of employment, education, health services, housing, and loan practices. Activists frequently alleged that employers refused to hire Roma, whose unemployment rate exceeded 95 percent in many settlements. Romani children were disproportionately assigned to schools for children with mental disabilities, essentially eliminating their chances to pursue higher education.

Increasingly during the year, local authorities and groups forced evictions of Romani inhabitants or blocked construction permits or the purchase of land. Many Romani settlements lacked formal infrastructure, access to clean water, and proper sewage systems. In September the city of Nove Zamky sold a building occupied primarily by Roma tenants, many of whom were in default on rent payments, to a private owner, who announced he would tear down the building as a condition of the sale. The owner evicted and moved 40 Romani families to housing without basic services, mostly in surrounding villages that lacked efficient transportation to the city. The case attracted the attention of the deputy prime minister, who labeled racism as a factor, saying the cases reminded him of World War II relocations. Similar, less-publicized cases were reported in other towns throughout the year, including Tornala, Kosice, and Kezmarok.

The relocation of Romani families proposed by the mayor of Puchov in March 2006 had not taken place.

In previous years the Government reported that usury, the illegal charging of high interest rates on small loans, was one of the main causes of the deepening poverty of Roma in settlements. While it was believed that usury continued, reports of it fell markedly during the year. Only 20 cases were reported, and eight alleged perpetrators were prosecuted.

The law prohibits defamation of nationalities in public discourse; however, this law was enforced during the year only when other offenses, such as assault or destruction of property, were committed. Public officials at every level defamed minorities and made derogatory comments about Roma. Inflammatory speech among government officials also raised tensions between ethnic Hungarians and ethnic Slovaks, especially since 2006.

Extreme-right nationalist and neo-Nazi groups such as Slovenska Pospolitost (Slovak Community) and Narodny Odpor (National Resistance) continued to hold events designed to intimidate minority groups. Dressed in uniforms similar to those of the Hlinka Guards (the fascist wartime militia responsible, among other things, for concentration camps), the group's members held marches and rallies to commemorate the wartime fascist state and to spread messages of intolerance against ethnic and religious minorities.

Reports of increased sales of neo-Nazi and white supremacist materials also emerged during the year. In May journalists in Banska Bystrica discovered that vendors of neo-Nazi products had offered discounts to police in exchange for protection from prosecution. In September police arrested the owners of a Bratislava clothing store for selling pro-Nazi apparel and educational materials.

The 2006 cases of racially motivated speech and incitement to violence by the leaders of the white supremacist World Church of the Creator and the National Alliance organizations and the August 2006 Banska Bystrica case in which three men held banners with the phrase "Death to Hungarians" at a soccer match were awaiting trial at year's end.



The Government continued to make efforts to address violence and discrimination against Roma and other minorities, although some critics worried that judges lacked sufficient training in the relevant laws. The Government continued to implement its action plan against xenophobia and intolerance, which included a special police unit to monitor extremist activities. A commission consisting of NGOs, police, and government officials advised the police on minority issues.

In a sign of greater political recognition of discrimination and violence directed at Roma, all six political parties that were elected to the National Council in June 2006 included plans in their party platforms to address Roma issues. In July a new plenipotentiary for Roma affairs, Anina Botosova, was appointed. The plenipotentiary maintained five regional offices to supervise the implementation of governmental policy on Romani issues, support infrastructure development, and cooperate with municipalities and villages to improve interaction between Roma and non-Roma. The Ministry of Labor, Social Affairs, and Family assigned specially trained social workers to Romani settlements to provide assistance with government paperwork and to build awareness of the importance of education and preventative health care. The Ministry of Health also continued to train Romani-speaking health care assistants to improve Romas' access to health services.

Interpretation of antidiscrimination laws during the year varied by jurisdiction. In May Kosice-East district court ruled that a bar owner in Medved had discriminated against two Romani patrons on the basis of their ethnic origin. The claimants were awarded \$700 (16,000 korunas), marking the first time a civil court awarded damages under the 2004 antidiscrimination law. In September the Spisska Nova Ves district court ruled that a local club had discriminated against a Romani family by not serving them but that the discrimination was not based on race or ethnicity. In a similar decision from August 2006, the Michalovce district court ruled that three Roma refused service at a cafe were victims of discrimination, but the court did not award damages because it ruled that the discrimination was not based on ethnicity. The National Center for Human Rights, which mediated several discrimination cases and provided official legal opinions in dozens more, noted that judges had not received sufficient training to implement the antidiscrimination law consistently.

*Other Societal Abuses and Discrimination.*—There were no reports of violence based on sexual orientation or discrimination against persons with HIV/AIDS. Prejudice and discrimination based on sexual orientation persisted.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law provides for the right to form and join unions except in the armed forces, and workers exercised this right in practice. Labor unions estimated that 17 percent of the work force was unionized; business associations believed the actual figure was under 10 percent.

*b. The Right to Organize and Bargain Collectively.*—The law provides for unions to conduct their activities without interference, and the Government generally protected this right in practice. The law provides for the right to organize and bargain collectively, and workers exercised these rights in practice. The law provides unions the right to strike with advance notice when collective bargaining fails to reach an agreement or to support other striking employees' demands (solidarity strike). The unions generally exercised these rights in practice without restrictions. The law prohibits dismissing workers legally participating in strikes; however, strikers are not ensured protection if a strike is considered illegal or unofficial. Civil servants in essential services and members of the military may not strike.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children; however, there were reports that women and children were trafficked for sexual exploitation.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The law provides for the protection of children from exploitation in the workplace; however, there were some reports that children were exploited and that Romani children in some settlements were exploited for commercial sex.

The minimum age for employment is 15, although children under 15 may perform light work in cultural or artistic performances, sports events, or advertising activities if it does not affect their health, safety, or schooling. The National Labor Inspectorate and Public Health Office must approve, determine the maximum hours for, and set conditions for child labor under age 15. Children under age 16 may not work more than 30 hours per week, and children ages 16 to 17 are limited to 37.5 hours per week. Children under age 18 are not allowed to work underground, work overtime, or perform work that is inappropriate for their age or health.

District inspection units received and investigated child labor complaints. If a unit determined that a child labor law or regulation had been broken, it turned the case over to the national inspection unit of the Ministry of Labor, Social Affairs, and Family.

Child labor, primarily in the form of begging, was a problem in some communities; there were also isolated reports of children forced into prostitution.

*e. Acceptable Conditions of Work.*—On October 1, the minimum wage increased to \$356 (8,100 korunas) per month. The minimum wage provided a decent standard of living for a worker and family in rural areas of the country but not in urban areas. The law mandates a maximum workweek of 48 hours including overtime, with 30-minute breaks after 6 hours of work or after 4 hours for employees younger than 18, and rest periods of at least 12 hours between shifts. The trade unions, local employment offices, and the Ministry of Labor, Social Affairs, and Family monitored observance of these laws, and authorities effectively enforced them.

The law establishes health and safety standards that the office of labor safety generally enforced. Workers have the right to refuse to work in situations that endanger their health and safety and may file complaints against employers in such situations; whether they did so in practice was not clear. Employees working under conditions endangering their health and safety for a certain period of time are entitled to be paid “relaxation” leave in addition to their standard leave.

## SLOVENIA

Slovenia is a parliamentary democracy and constitutional republic of approximately 2 million persons. Power is shared between a directly elected president (head of state), a prime minister (head of government), and a bicameral Parliament composed of the National Assembly (lower house) and the National Council (upper house). On November 11, the country elected Danilo Turk president in a free and fair election. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. There were reports of trial delays, indirect government influence on the media, and cursory procedures for review of asylum applications. Societal violence against women, trafficking in women and girls, discrimination and violence against Roma and homosexuals, and discrimination against former Yugoslav residents without legal status were also problems.

### RESPECT FOR HUMAN RIGHTS

#### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Arbitrary or Unlawful Deprivation of Life.*—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution and law prohibit such practices; on rare occasions police used excessive force such as kicks, punches, and shoves during arrest.

On January 9, a police commission investigating a report of minor injuries to three persons in a scuffle with police during November 2006 protests in Ambrus determined that the police used compulsory measures that were in “accordance with legislation and the principal of necessity” to the threat presented by the local residents. Authorities sent 100 special police to Ambrus after local residents blocked roads to prevent the return of the Strojjan family, a Romani family who had occupied land in the village for some years and had been sheltered in another town due to tensions with local residents.

*Prison and Detention Center Conditions.*—Prison conditions generally met international standards, and the Government permitted visits by independent human rights observers. A delegation of the Council of Europe’s Committee for the Prevention of Torture (CPT) visited the country’s prisons and detention facilities in January and February 2006; the CPT had not published the delegation’s findings by year’s end.

*d. Arbitrary Arrest or Detention.*—The Constitution and law prohibit arbitrary arrest and detention, and the Government generally observed these prohibitions.

*Role of the Police and Security Apparatus.*—Police are centrally organized under the supervision of the Ministry of Interior. The ministry oversees the drafting of basic guidelines, security policy, and regulations governing the work of the police

and exercises special inspectorial authority in monitoring police performance, with an emphasis on the protection of human rights and fundamental freedoms. The police provided effective law enforcement.

During the year the independent commission for the prevention of corruption referred eight credible reports of police corruption to police and the state prosecutor for further investigation. No credible reports of prosecutorial corruption were reported.

The law provides procedures for the review of alleged police abuse by a three-person government committee that includes two representatives of civil society organizations. The committee does not have authority to conduct independent investigations, and it relied on information provided by ministry of interior or police investigators. Committee findings were usually forwarded to the state prosecutor's office and published; cooperation between the committee and the state prosecutor's office reportedly increased during the year.

In January the Parliament passed legislation that established a new judicial police branch to investigate allegations of misconduct by police, prosecutors, and judges. The Government began implementing the new system on November 1.

*Arrest and Detention.*—Persons taken into police custody were generally apprehended openly with evidential warrants issued by either a prosecutor or judge. Persons can be detained for 48 hours before charges are brought. Authorities must also advise detainees in writing within 48 hours of the reasons for their arrest. Upon arrest, detainees have the right to contact legal counsel of their choice, and authorities generally respected this right in practice. The Government provides indigent detainees with free counsel, and detainees were generally allowed prompt access to family members. The law also provides safeguards against self-incrimination.

Once charges are brought, pretrial detention may last for up to 4 months, depending on the severity of the criminal act, and must be certified by an investigative judge. Once trial procedures have begun, the total period of detention may be extended for up to 2 years. Persons detained more than 2 years while awaiting trial or while their trial is ongoing must be released pending conclusion of their trial. Lengthy pretrial detention was not a widespread problem, and defendants generally were released on bail, except in the most serious criminal cases.

*e. Denial of Fair Public Trial.*—The Constitution and law provide for an independent judiciary, and the Government generally respected judicial independence in practice; however, court backlogs sometimes resulted in lengthy delays in trials. Following more than 100 judgments by the European Court for Human Rights (ECHR) against the Government in 2006 for violating the Convention for the Protection of Human Rights and Fundamental Freedoms due to excessive court delays and the denial of effective remedy, in April 2006 the Government adopted a law on the right to a trial without undue delay, which came into force on January 1. In a May 3 decision, the ECHR stated that the new law provides for efficient legal remedies for the protection of the right to a trial within a reasonable period of time. As part of its ongoing project to eliminate backlogs, which totaled 568,982 cases as of June 30, the Ministry of Justice hired 125 additional judges and court clerks during the year.

*Trial Procedures.*—The Constitution and law provide for the right to a fair trial, and an independent judiciary generally enforced this right. The judicial system was overburdened and lacked administrative support; as a result, the judicial process frequently was protracted. In many cases during the year, criminal trials lasted from 2 to 5 years.

*Political Prisoners and Detainees.*—There were no reports of political prisoners or detainees.

*Civil Judicial Procedures and Remedies.*—The Constitution and law provide for an independent and impartial judiciary in civil matters. As with criminal matters, court backlogs sometimes resulted in lengthy trials.

*Property Restitution.*—As of June 30, the Government had resolved 37,776, or 95.4 percent, of the 39,617 property restitution claims that have been filed with authorities. Unresolved cases included those in which the courts had not reached a final decision and those pending appeal. Court backlogs, a lack of trained judicial and administrative personnel, amendments to the Denationalization Act, and inadequate land ownership records slowed claims processing. Some claimants have complained of a general lack of transparency, bias, and potential conflicts of interest on the part of adjudicators, and procedures that were inconsistent with the law. An effort to initiate a program for the restitution of Jewish communal property has encountered a number of delays.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution and law prohibit such actions, and the Government generally respected these prohibitions in practice.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution and law provide for freedom of speech and of the press, and the Government generally respected these rights in practice; however, there were reports of indirect government influence on the media.

The penal code criminalizes the promotion of “national, race, or religious discord or intolerance or the promotion of superiority of one race over others.” There were no reports that criminal charges were brought against individuals or publications under this provision during the year.

Individuals could criticize the Government publicly or privately without reprisal, and the Government did not attempt to impede criticism.

The independent media were active and expressed a variety of views, and international media operated freely. The major print media were supported through private investment and advertising; however, the Government owned substantial stock in many companies that were shareholders in the major media houses. There were reports that indirect political and economic pressures and partial government ownership of media companies influenced journalists and the media, and that self-censorship was practiced in some media outlets.

On August 31, the International Press Institute (IPI) issued a statement expressing concern that the Government used business relationships and share holdings as leverage to induce independent media organizations to publish favorable news reports. Managers reportedly protected their own interests and the interests of those in government with whom they were affiliated.

In late September, hundreds of Slovenian journalists signed a petition that was distributed to international organizations, Embassies, and international media houses. The petition accused the Government of restricting media freedom through direct and indirect political and economic pressures and partial government ownership of media companies. On October 1, several editors and journalists published a letter that contradicted the petition. The letter asserted that the level of government influence in the media had not changed in recent years, but rather that journalists no longer found themselves in political agreement with the governing coalition. On October 12, the Government issued a statement denying any undue influence over the media. The Government stated that it does not have a significant ownership share in media institutions and has no means to leverage editorial decisions. On November 22, the European Federation of Journalists, Journalists Without Borders, and the IPI called on the Government to establish an independent commission to investigate charges of government influence on the media. As of year’s end, the Government had not established a commission.

The 2006 Act on Media created a “media pluralization” fund to ensure that media reflected a greater diversity of viewpoints. Some media watchdog groups reported that a disproportionate level of pluralization funds have gone to Catholic Church media and media outlets favorably disposed towards the Government.

In July 2006 several journalists covering a demonstration reported that police used excessive force against them, including pushing and shoving. In October 2006 a government investigatory panel found the subsequent complaint filed by the journalists to be justified but did not conclude that the journalists had been prevented from carrying out their work. The Government did not reprimand the officers involved or take other corrective action.

The law provides criminal penalties for defamation that harms a person’s honor or name, and one person was given a 3-month prison sentence during the year. In 2006 the International Helsinki Federation called on the country to abolish “criminal defamation laws establishing prison sentences for those who have harmed a person’s honor or name.” The Constitutional Court ruled in 1999 that the law is consistent with the Constitution and the European Convention on Human Rights.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail. Internet access was widely available, and nearly one-half of citizens used the Internet at least once a month.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution and law provide for freedom of assembly and association, and the Government generally respected these rights in practice.

*c. Freedom of Religion.*—The law provides for freedom of religion, and the Government generally respected this right in practice.

While there are no governmental restrictions on the Muslim community's freedom of worship, services were commonly held in private homes for lack of a larger venue. Although the city of Ljubljana worked actively with the Muslim community to establish a mosque, at year's end construction on a new site had not begun.

On July 9, the justice minister, who was the chair of the Government Commission for Religious Communities, and Mufti Nedžad Grabus signed an agreement that acknowledges the Muslim community as an integral part of Slovenian society, more clearly defines the areas of its activities, and facilitates the implementation of its programs. It also gives the Muslim community the right to establish its own media and educational institutions, the right to preserve historical and cultural heritage, the right to conduct religious services in hospitals and for army and police forces, and places Muslim charities on equal footing with other charities.

*Societal Abuses and Discrimination.*—There are approximately 300 Jews in the country. Jewish community representatives reported some prejudice, ignorance, and false stereotypes of Jews propagated within society, largely through public discourse. There were no reports of anti-Semitic violence or overt discrimination.

The Government promoted antibias and tolerance education in the primary and secondary schools, and the Holocaust is a mandatory topic in the contemporary history curriculum. On September 2, the Jewish community, supported by local government officials, held the second annual European Day of Jewish Culture festival, which was attended by the country's president and received broad media coverage.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution and law provide for these rights, and the Government generally respected them in practice. The law prohibits forced exile, and the Government did not employ it.

*Protection of Refugees.*—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided some protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. During the year the Government received 395 requests for refugee status or asylum and granted refugee status or asylum in nine cases.

During the year the Government did not provide temporary protection to persons who may not have qualified as refugees under the 1951 convention or the 1967 protocol.

The Government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees and asylum seekers.

In February 2006 the National Assembly amended the Government's asylum procedures to allow border police to perform an initial screen of asylum seekers and to reject applications they deem to be "manifestly unfounded." The procedures could prevent the applications of some asylum seekers from receiving a thorough review. The law restricts refugees' ability to work in the country for 1 year. In December 2006 the Constitutional Court ruled that asylum seekers should be allowed to change their asylum application if there were considerable changes in their circumstances.

The law provides asylum seekers with the right to appeal decisions on their applications, but many asylum seekers were not informed of this right. The independent ombudsman for human rights, the UNHCR, and several nongovernmental organizations (NGOs) reported that the Government put excessive restrictions on refugees' freedom of movement by requiring asylum seekers to sign a statement renouncing their claim to asylum if they left the premises of the asylum center.

On December 21, the Law on International Protection came into force. The law is intended to bring the country into compliance with European Union asylum directives. However, the UNCHR, Amnesty International (AI), and other NGOs expressed concern that the law provides for accelerated asylum procedures with few safeguards, and that its exclusion clauses and broad detention powers could lower the country's asylum standards.

*Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The Constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

*Elections and Political Participation.*—On October 21, the country held the first round of free and fair presidential elections. A free and fair second round of voting on November 11 resulted in the election of Danilo Turk as president.

Political parties operated without restriction or outside interference.

There were 11 women in the 90-seat National Assembly and three women in the 40-seat National Council. There were three women in the 17-member cabinet.

There were two members of minority groups in the 90-seat National Assembly and none in the 40-seat National Council or in the cabinet. The Constitution provides the “autochthonous” (indigenous) Italian and Hungarian minorities the right, as a community, to have at least one representative in the Parliament. However, the law does not provide such rights to any other minority group.

Twenty distinct Romani communities, each designated autochthonous at the local level, are entitled to a seat on their local municipal council. At year’s end, one municipality—Grosuplje—remained in noncompliance with this law for a second straight year. Although both the Government office of nationalities and the Romani community submitted proposals to freeze the municipality’s budget until it complied with the law, the Government had not taken any action on the proposals before year’s end.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively; however, officials sometimes engaged in corrupt practices.

Corruption was perceived by the public to be a widespread problem. Only the highest-level government officials—approximately 5,000 of the country’s 80,000 public servants—are subject to financial disclosure laws. The independent Commission for the Prevention of Corruption received 595 cases of suspected corruption and found 118 out of the 327 cases that were assessed during the year to be credible. The remaining cases were not assessed by year’s end.

The commission played an active role in educating the public and civil servants about corruption; however, it claimed it had neither adequate staff nor funding to fulfill its mandate and assess all cases of suspected corruption that it received during the year. In April 2006 the Constitutional Court stayed legislation adopted 2 months earlier that would have terminated the commission and replaced it with a parliamentary anticorruption commission. The commission continued to operate during the year, but reported that its funding had consistently been reduced over the previous 3 years. During the year the commission forwarded 150 suspected cases of corruption to police and prosecutors and 84 cases to other state institutions, including cases received in 2006 but not processed until the next year.

The law provides for free public access to all government information, and the Government provided access for citizens and noncitizens alike, including foreign media. The Government may deny public access only to classified information, personal data protected by privacy laws, and other narrowly defined exceptions.

The office of the Government information commissioner reported that, while the overall number of complaints it received declined, the number of complaints related to the nonresponsiveness of state institutions increased. During the year the office received 221 complaints about nonresponsiveness of state institutions and 121 complaints under the Law on Access to Public Information, and publicly called on government ministries to cooperate more transparently.

*Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views, although some human rights groups complained of lengthy delays in government responses.

*Section 5. Discrimination, Societal Abuses, and Trafficking in Persons*

The Constitution and law prohibit discrimination based on race, gender, disability, language, or social status, and the Government generally enforced these provisions in practice. However, violence against women and children, trafficking in persons, and discrimination against homosexuals and Roma were problems.

*Women.*—Rape, including spousal rape, is illegal; however, it was a problem. AI and SOS Phone, an NGO that provided anonymous emergency counseling and services to domestic violence victims, estimated that one in seven women was raped during her lifetime, but that only 5 percent sought assistance or counseling. Spousal rape, in particular, was rarely reported to authorities. Police actively investigated reports of rape and prosecuted offenders. The penalty for rape was 1 to 10 years in prison. During the year there were 41 criminal acts of rape, 32 criminal acts of sexual violence, 14 criminal acts of sexual abuse of the weak, and 115 criminal acts of sexual attack on a minor under the age of 15 reported to authorities.

Although no accurate statistics were available, violence against women, including spousal abuse, occurred and was generally underreported. Although domestic violence is not specifically prohibited by law, it could be prosecuted under statutes criminalizing assault, which provide for penalties of up to 10 years' imprisonment in the case of aggravated and grievous bodily harm. SOS Phone estimated that 25 percent of women had experienced domestic violence. In 2005 the U.N. Human Rights Committee announced its concern about the high rate of domestic violence and the lack of specific legal provisions and government programs to address the problem. The Government partially funded 19 shelters or safe houses for battered women, (12 run by NGOs and seven by government organizations) that offered 305 total beds. Some domestic violence victims also sought assistance at maternity homes and social work centers, although staff at these locations were not always trained to work with victims of violence. When police received reports of spousal abuse or violence, they generally intervened and prosecuted offenders. The NGOs SOS Phone and Kljuc provided support hot lines, and SOS Phone reported receiving approximately 5,000 calls during the year. The police academy offered training on domestic violence. The 2006 Council of Europe report, *Combating Violence Against Women*, stated that the country had trained nursing staff in all hospitals to screen patients for domestic violence.

Prostitution is illegal, but the Government did not actively enforce this prohibition. Antitrafficking authorities and NGOs informally estimated that as many as 80 bars and clubs across the country could be engaged in facilitating or promoting prostitution.

Sexual harassment remained a widespread problem. The law explicitly prohibits sexual harassment in the civil service, but not for the overall workforce. However, authorities could prosecute harassment under a provision of the criminal code prohibiting violation of sexual integrity through abuse of office; 22 criminal acts were reported during the year.

The law provides for equal rights for women, and there is no official discrimination against women in family law, property law, or the judicial system. The office of equal opportunities protects the legal rights of women. While the average length of unemployment was the same for men and women, women frequently held lower paying jobs. On average, women's earnings were 90 percent of those of men.

*Children.*—The Government was committed to protecting children's rights and welfare.

The Government provides compulsory, free, and universal education for children through grade nine and up to 4 additional years of free, voluntary secondary school education. The Ministry of Education reported an attendance rate of nearly 100 percent of school-age children, with most children completing secondary school.

On October 1, the Center for Social Work Grosuplje, the Ministry of Labor, Family, and Social Affairs, and the retail company Mercator opened a safe house for children. The "Palcica" safe house provides shelter for children up to the age of 6 who are victims of domestic violence or whose parents have died suddenly.

A November 2006 AI report noted that Romani children were enrolled in 40 nursery schools throughout the country, but that school attendance varied widely by region (39 percent of Romani children attend school in the southeastern Dolenjska region and 70 percent attend school in the northeastern Prekmurje region). Poverty, discrimination, and language continued to be the main barriers to the participation of Romani children in education programs. AI reported that the Romani literacy rate was 10 percent. A number of Roma reported that their children attended segregated classes and were selected by authorities in disproportionate numbers to attend classes for students with special needs. In 2004 the Government provided funding for a regional program to desegregate and expand Romani education by training Romani educational facilitators and creating special enrichment programs in public kindergartens. Other school districts hired Romani facilitators at their own initiative and expense. A March 2006 report by the Council of Europe commissioner for human rights noted that de facto segregation continued to exist in the Brsljin school district in Novo Mesto. Education authorities were evaluating Brsljin's program.

The Government has not developed a bilingual curriculum for Roma on the grounds that there is not a standardized Romani language. However, the Government was currently funding research into codifying the language. Romani assistants worked in some schools, although many schools were unable to hire Roma coordinators, a higher-level position, due to administrative impediments.

Child abuse was a problem. During the year there were 115 criminal acts of sexual abuse of a child under the age of 15 reported to authorities. The law provides special protection for children from exploitation and mistreatment, and the Government generally enforced the law in practice. The law criminalizes the sale, purchase, and propagation of child pornography.

Child marriage occurred within the Romani community; however, it was not a widespread problem.

*Trafficking in Persons.*—The law prohibits trafficking in persons. Slovenia is primarily a transit country for internationally trafficked victims. To a lesser extent, it is also a destination country and, almost negligibly, a country of origin.

A September 2006 Peace Institute study reported that, although the majority of trafficking victims were transiting from Southern, Eastern, and Central Europe through Slovenia, it was a source country for trafficking to countries such as Italy, Spain, the Netherlands, and Germany. The study reported that victims were trafficked primarily for sexual exploitation and that traffickers lured victims through advertisements promising high wages, marriage, employment as entertainers and dancers, and employment without indication that it would involve the sex industry. Organized criminal groups, nightclub owners, and local pimps were primarily responsible for trafficking. Those at particular risk of being trafficked were teenage girls and young women who lived in impoverished areas with high unemployment. Many of these women were unaware of the trafficking problem and the risk that they might become trafficking victims.

Penalties for trafficking range from 1 to 10 years' imprisonment. Authorities can also prosecute persons for rape, pimping, procurement of sexual acts, inducement to prostitution, sexual assault, slavery, and other related offenses.

The Government apprehended, investigated, and prosecuted traffickers under a 2004 law criminalizing trafficking. Police investigated three cases of human trafficking and five cases of forced prostitution, and found four victims of forced prostitution and nine victims of human trafficking. During the year there were 13 criminal acts of trafficking reported to authorities. There were four trafficking convictions during the year for crimes committed in previous years. Regional police directorates had departments that investigated trafficking and organized crime. One prosecutor in each regional state prosecutor's office was dedicated to trafficking cases.

During the year the Government continued to actively cooperate with NGOs and Interpol in project "Red Routes" by sharing information about traffickers and patterns of illegal migration. The Ministry of Interior Border Police Division also actively participated in Plan ILAEIRA, a Greek-led international transborder police cooperation project to combat trafficking. The Government did not extradite any persons who were accused of trafficking in other countries.

The Government's national coordinator for trafficking in persons served as the head of the interagency working group on trafficking in persons, which is responsible for the Government's long-term national strategy to combat trafficking. The working group consisted of representatives of ministries, NGOs, international organizations, and the media, and met more than six times during the year. In June the group established a 2008–09 action plan against trafficking that included trafficking legislation, prevention, prosecution, victims' assistance, and projects.

The NGOs Karitas and Kljuc provided shelter and assistance to trafficking victims under a contract with the Ministry of Labor. Karitas provided short-term emergency housing, transportation, translation services, and counseling for victims. Kljuc organized programs for prevention, education, detection, prosecution, and long-term reintegration of trafficking victims.

The Ministry of Interior, the UNHCR, Kljuc, and the NGO Filantropia jointly administered a project that addressed trafficking and gender-based violence by providing information and assistance to asylum seekers at greatest risk of being trafficked, particularly single women and children separated from their parents. The project provided information to trafficking victims, who were identified during asylum procedures, on how they could find specialized assistance and protection. At-risk asylum seekers received a book with trafficking information and assistance contacts throughout Europe.

The Government also continued the "Vijolica" and "CAP" programs, administered by Kljuc, to provide trafficking awareness classes for elementary and secondary school students.



*Persons with Disabilities.*—The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, or the provision of other government services, and the Government generally enforced these provisions in practice. The law mandates access to buildings for persons with disabilities. Modification of public and private structures to improve access for persons with disabilities continued at a slow pace, and many buildings were not accessible in practice. The Ministry for Labor, Family, and Social Affairs has primary responsibility for protecting the rights of persons with disabilities. In February 2006 the ministry established a working group to implement national guidelines for improving access to buildings, information, and communications for persons with disabilities.

*National/Racial/Ethnic Minorities.*—The law provides special rights and protections to “autochthonous” (indigenous) Italian and Hungarian minorities, including the right to use their own national symbols and have bilingual education and the right for each to be represented as a community in Parliament (see Section 3). Other minorities do not have comparable special rights and protections.

Ethnic Serbs, Croats, Bosnians, Kosovar Albanians, and Roma from Kosovo and Albania were considered “new” minorities; they were not protected by the special constitutional provisions for autochthonous minorities and faced some governmental and societal discrimination with respect to employment, housing, and education. A 2005 report by the U.N. Human Rights Committee and a November 2006 AI report noted that the Roma continue to suffer prejudice and discrimination, in particular with access to health services, education, and employment.

While implementation of the November 2006 law on protection of the Romani community resulted in the establishment of the Roma Council and the legalization of nearly 40 Romani settlements, some Roma and NGOs working with Romani communities reported that the new regulations are too abstract and have had little practical effect on average Roma. AI expressed concern that the law neglects to address the lack of social services available to Roma. Implementation of the law’s plan to place advisors in employment service offices has also met with difficulties due to the absence of these positions from the national employment register, resulting in an administrative impediment to the hiring of qualified individuals.

In a 2006 report the U.N. Committee on Economic, Social, and Cultural Rights expressed concern that discriminatory attitudes and practices against Roma persisted and that the distinction between “indigenous” Roma and “new” Roma could give rise to new discrimination. The report also cited the committee’s concern that “nonindigenous” Roma do not enjoy protection of their cultural rights, such as education in their mother tongue, unlike members of other minorities who enjoy this right under bilateral international agreements.

Many Roma lived in settlements, apart from other communities, that lacked such basic utilities as electricity, running water, and sanitation, as well as access to transportation. According to government officials, 65 percent of the approximately 100 Romani settlements are illegal, and Roma reported that discrimination in employment complicated their housing situation. Organizations monitoring conditions in the Romani community have noted in recent years that Roma exclusion from the housing market was a problem and that the unemployment rate among Roma was approximately 90 percent.

In October 2006 approximately 30 members of a Romani family living near the village of Ambrus left their homestead with assistance from government officials as the result of intense pressure from the local community, and temporarily relocated to a former army barracks in Postojna, which the Government had improved to meet basic living standards. The Government condemned the family’s home in Ambrus because of illegal construction and demolished it in December 2006. The family has been subsequently housed by the Government at a temporary location. On December 27, the minister of environment and spatial planning and the legal representative of the family signed an agreement that provides new land and housing for the family.

Human rights NGOs estimated that there are approximately 4,000 to 6,000 persons without legal status in the country as the result of the Government’s February 1992 erasure of the names of approximately 18,000 persons from the register of permanent residents. These persons were mostly Yugoslav citizens residing in the country at the time of independence who did not apply for citizenship in 1991–92. The deletion of these records has been characterized by some as an administrative decision and by others as a politically motivated act, based on a desire to exclude former Yugoslav nationals who did not actively seek Slovenian citizenship. Some of those affected complained that they had been legal residents at the time of the deletions and therefore saw no need to apply for citizenship. Others stated that they were not properly informed of the requirement to apply for citizenship. The deletion of

records resulted in a loss of legal status and, as a consequence, the loss of housing, employment, health insurance, pension rights, and access to higher education for some.

In 2003 the Constitutional Court ruled portions of a law governing the legal status of former Yugoslav citizens to be unconstitutional because the law neither recognized the full period in which “erased” persons resided in the country nor provided them the opportunity to apply for permanent residency. At year’s end the Government had not completed legislation to resolve the court’s concerns.

In July 2006 a group of 11 “erased” persons filed a complaint with the ECHR claiming several violations of their rights, including discriminatory treatment, denial of social benefits, a loss of legal status, and the lack of effective legal remedy due to the Government’s failure to implement the constitutional court ruling. In a 2006 report, the U.N. Committee on Economic, Social, and Cultural Rights urged the Government to restore the status of permanent resident to all individuals concerned to allow them to reclaim access to social services, education, and employment.

*Other Societal Abuses and Discrimination.*—The law prohibits discrimination based on sexual orientation; however, societal discrimination was widespread, and isolated cases of violence against homosexuals occurred. Recent data on the problem’s scope was not available. A 2004 Peace Institute poll of members of the gay and lesbian community found that 53 percent of respondents had experienced verbal, sexual, or physical harassment because of their sexual orientation. More recent polling data was not available.

On June 30, the seventh annual gay pride parade in Ljubljana took place with the support of local government officials, although there were reports that bystanders shouted homophobic slurs at participants, and antigay graffiti and stickers were seen in various locations around the city. Organizers reported satisfactory police presence during the parade. However, at a gay pride event that evening, four persons attacked a gay man who subsequently required hospitalization. Police responded immediately and reported the assault as a homophobic attack, but were unable to locate the attacker. Gay pride activists reported that, despite being notified of the attack, the Slovene Press Agency did not report the assault.

In July 2006 a law legalizing homosexual civil unions came into force. Gay activists, however, filed a complaint with the Constitutional Court in November 2006 claiming that the law does not afford the same social, family, and inheritance rights as those granted to heterosexual married couples. The court had not issued a ruling on the complaint by year’s end.

There were no reports of societal violence or discrimination against persons with HIV/AIDS.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law allows workers to form and join unions of their choice without previous authorization or excessive requirements, and workers exercised this right in practice. All workers, except police and military personnel, are eligible to form and join labor organizations. Approximately 35 percent of the workforce was unionized.

*b. The Right to Organize and Bargain Collectively.*—The law allows unions to conduct their activities without interference, and the Government protected this right in practice. The law provides for the right to bargain collectively, and it was freely practiced; however, the law requires that 10 percent of the workers in an industry sector be union members before collective bargaining can be applied to the sector as a whole. All workers were covered by either a general collective bargaining agreement or a collective bargaining agreement that focused on a specific business segment.

The law provides for the right to strike, and workers exercised this right in practice. The law prohibits retaliation against strikers, and the Government effectively enforced this provision in practice. The law restricts strikes by some public sector employees, primarily the police and members of the military services, and provides for arbitration to ensure due process and protection of these workers’ rights.

There are no special laws or exemptions from regular labor laws in the country’s sole export processing zone at Koper.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—There are laws and policies to protect children from exploitation in the workplace and to set forth

acceptable working conditions; the Government effectively implemented and enforced these laws and policies in practice.

The minimum age for employment is 15; however, younger rural children often worked during the harvest season and on other farm chores. The law limits working hours and sets occupational health and safety standards for children; the Government effectively enforced these provisions in practice. Urban employers generally respected the age limits.

Trafficking in children for sexual exploitation was a problem.

The Ministry of Labor, Family, and Social Affairs is responsible for monitoring labor practices and has inspection authority; police are responsible for investigating violations of the law. Enforcement practices were generally effective.

*e. Acceptable Conditions of Work.*—The national monthly minimum wage of approximately \$785 (538 euros) provided a decent standard of living for a worker and family. The law limits the workweek to 40 hours and provides for minimum annual leave of 20 days and a mandatory rest period of at least 1 day per week. Premium pay for overtime was regulated by collective agreements and was not standardized, and maximum overtime was limited to 8 hours per week, 20 hours per month, and 180 hours per year. The Ministry of Labor, Family, and Social Affairs is responsible for monitoring labor practices and has inspection authority; police are responsible for investigating violations of the law. The laws were enforced effectively.

Special commissions under the Ministry of Health and the Ministry of Labor, Family, and Social Affairs set and enforced standards for occupational health and safety. Workers had the legal right to remove themselves from dangerous work situations without jeopardy to their continued employment; however, it was not clear to what extent they could do so in practice.

---

## SPAIN

The Kingdom of Spain, with a population of approximately 45.1 million, is a parliamentary democracy headed by a constitutional monarch. The country has a bicameral Parliament, and the head of the largest political party or coalition is usually named president. The 2004 national election was free and fair. The Spanish Socialist Workers Party won the multiparty election, and Jose Luis Rodriguez Zapatero became president. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens, and the law and judiciary provided effective means of addressing individual instances of abuse. There were some reports that security forces abused suspects and that migrant children in detention centers were mistreated. There were reports of delays in arraignment of arrested persons before a judge and delays in providing legal assistance to arrested persons. There were reports that authorities at times expelled illegal immigrants without adequate screening for potential asylees. On June 5, the terrorist group Basque Fatherland and Liberty (ETA) declared an end to its March 2006 “permanent ceasefire,” and continued its terrorist campaign of bombings during the year, in addition to killing two Spanish Civil Guards in southern France. Societal problems included the following: Jewish groups reported isolated acts of vandalism and anti-Semitism, Muslim groups reported some societal discrimination, and there were incidents of societal violence against other minorities; domestic violence and trafficking in persons were also reported.

### RESPECT FOR HUMAN RIGHTS

#### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Arbitrary or Unlawful Deprivation of Life.*—There were no reports that the Government or its agents committed arbitrary or unlawful killings. On April 27, Almeria’s provincial court sentenced civil guard Jose Manuel Rivas to 15 months in prison and 3 years of probation in connection with the 2005 killing of Juan Martinez Galdeano, who was beaten to death in civil guard custody. Two other civil guards were fined for their role.

On January 23, the Barcelona Provincial Court acquitted a Catalanian police officer charged with negligent homicide in the 2004 death of Moroccan national Farid Ben Daoud.

Unlike in the previous year, ETA was not responsible for any killings in Spain during the year; however, injuries resulted from a car bomb and an attempted assassination. On December 1, ETA killed two Spanish Civil Guard members in a small French town near the Spanish border.

The investigation into the deaths of two persons killed in ETA's December 2006 bombing of a parking garage at Madrid's international airport continued at year's end, with no suspects in custody.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution and laws prohibit such practices, and the Government generally respected this prohibition; however there were reports of police mistreatment and impunity.

Amnesty International (AI) reported that in June a woman was arrested after trying to intervene during the violent arrest of another person in Barcelona. According to the AI report, the woman was then handcuffed and put in a police station cell, where she was severely beaten by four police officers. A police doctor recorded only minor bruising, but a medical report obtained after the woman's release noted multiple bruises on her body. In August she was fined for resisting arrest.

During the year Catalan courts investigated six complaints against Catalan regional police officers who allegedly subjected detained individuals to degrading treatment while in custody at Barcelona's main police station of Les Corts. Three of the complaints originated in 2006 and three in 2007.

On July 13, a Barcelona judge charged eight Catalan police officials with mistreating four persons during their March 2006 detention in the Ciutat Vella and Sants-Montjuic police stations.

The 13 police officers charged with the June 2006 beating of Guatemalan citizen Luis Carrillo had not been tried by year's end due to the inability of authorities to locate Carrillo.

In its annual report released May 12, the Spanish coordinator for the Council of Europe's Committee for the Prevention of Torture (CPT) reported that 610 individuals in 2006 filed mistreatment complaints against security forces. This represented 32 fewer complaints than in 2005.

In its 2007 annual report, AI expressed concern for immigrants in the country "who are expelled without judicial supervision and who are victims of mistreatment and illegal detentions by security forces." Spanish police union Confederacion Espanola de Policia charged that AI and Spanish nongovernmental organization (NGO) SOS Racismo concocted such reports to get public funds.

In 2006 the European Commission against Racism and Intolerance reported that NGOs continued to receive reports from noncitizens, Roma, and citizens of immigrant origin asserting that they were victims of insulting and abusive speech, mistreatment, and violence by security forces. The report indicated that victims rarely filed complaints, and that such incidents were rarely investigated.

In 2006 four unknown persons severely beat an immigrant from the Maghreb region, who subsequently sought police assistance. Instead of assisting the victim, police handcuffed the man and left him inside a police car for more than 30 minutes before seeking medical attention.

The results of the Government's investigation into alleged security force abuse and mistreatment of detained illegal aliens in 2006 had not been released by year's end.

On August 24, the ETA detonated a car loaded with 100 kilograms of explosives outside the civil guard headquarters in Durango, injuring two civil guards and causing significant property damage. On October 9, ETA terrorists tried to kill the bodyguard of a Basque politician by planting a bomb on his car; the bodyguard escaped the burning car and survived.

*Prison and Detention Center Conditions.*—Prison conditions generally met international standards, and the Government permitted visits by independent human rights observers.

Prisons were overcrowded, with an inmate-per-cell ratio of approximately 1.6. Two new prison facilities opened during the year.

On July 10, the CPT issued the report on its 2005 trip to Spain. The authors collected numerous allegations of ill-treatment, including some of a serious nature. The report noted that inmates lacked adequate protection against mistreatment, and recommended that jails maintain a log of inmate injuries observed during the admission medical exam, including information about the possible origin of such injuries. The Government's formal response, issued concurrently by the CPT, acknowledged the concerns of the CPT, examined several of these cases, and attempted to address certain legal concerns raised by the committee.

*d. Arbitrary Arrest or Detention.*—The Constitution and law prohibit arbitrary arrest and detention, and the Government generally observed these prohibitions.

*Role of the Police and Security Apparatus.*—Police forces include the national police and civil guard, both under the authority of the central government, as well as

municipal police and police forces under the authority of Catalonia and the Basque Country regional governments. All police forces operated effectively, with isolated reports of corruption. The Constitution provides for an ombudsman who investigates claims of police abuse. The national ombudsman filed 26 ex-officio judicial complaints, including several regarding instances of death during incarceration. During 2006 the ombudsman network processed 3,663 complaints relating to matters of justice, defense, and internal affairs.

*Arrest and Detention.*—The law provides that police may apprehend suspects with probable cause or with a warrant based on sufficient evidence as determined by a judge. With certain exceptions, police may not hold a suspect for more than 72 hours without a hearing. According to the CPT report discussed above, the requirement that an arrested person must be brought before a judge within 72 hours was not rigorously met in practice. Detainees were not generally informed of their right to the services of a lawyer free of charge, and it was common practice for detained persons to be granted access to a lawyer only at the moment when they made a formal statement while in law enforcement custody. Detainees generally were promptly informed of the charges against them. The courts released defendants on bail unless they believed the defendants might flee or be a threat to public safety.

In certain rare instances involving acts of terrorism or rebellion, the law allows authorities to detain persons for up to 5 days prior to arraignment on the authorization of a judge. In these cases a judge also may order incommunicado detention for the entire duration of police custody, which may be extended by the court up to 13 days. The law stipulates that suspects held incommunicado have the right to an attorney, but not necessarily to their attorney of choice. The Spanish Bar Association, not the government, selects an attorney for the detainee. Human rights observers indicated that this power carried the potential for abuse. Authorities responded that this form of detention was rare.

Lengthy pretrial detention occurred. As of November 1, the prison population was 66,809, 24 percent of whom were pretrial detainees. Under the law authorities may not detain suspects for more than 2 years before putting them on trial unless a judge authorizes a further delay, which may extend to 4 years. In practice pretrial detention was usually less than 1 year.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the Government generally respected judicial independence in practice.

*Trial Procedures.*—The Constitution and law provide for the right to a fair trial, and an independent judiciary generally enforced this right.

Trials are public, and there is a nine-person jury system. Defendants have the right to be represented by an attorney (at government expense for the indigent), to confront witnesses, to present witnesses on their behalf, and to have access to government-held evidence. Defendants enjoy the presumption of innocence and the right to appeal.

*Political Prisoners and Detainees.*—There were no reports of political prisoners or detainees.

*Civil Judicial Procedures and Remedies.*—An independent and impartial judiciary exists for civil matters, and there is access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution prohibits such actions, and the Government generally respected these prohibitions.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights. An active and independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

The independent media were active and generally expressed a wide variety of views without reprisal, and the Government did not attempt to impede criticism.

The law prohibits, subject to judicial oversight, actions including public speeches and the publication of documents that the Government interprets as glorifying or supporting terrorism. For example, Arnaldo Otegi, the leader of ETA's political front, was sentenced in June to 15 months in jail for glorifying terrorism during his participation in the 2003 commemoration of the 25th anniversary of the death of an ETA member.

On August 23, authorities arrested and extradited Gerd Honsik to face charges in Austria, where he was accused of "Holocaust denial." Honsik was sentenced to 1 to 2 years in prison. Promotion or justification of genocide had been a criminal

offense in the country, but the Constitutional Court ruled in November that the section of the penal code that punished “the spreading of ideas or doctrines that negate genocide crimes” was unconstitutional.

The trial of Holocaust denier Pedro Varela, who was arrested and charged with defending genocide and incitement to racial hatred in 2006, had not begun by year’s end.

Reporters without Borders’ annual report criticized the terrorist organization ETA for threatening journalists, contending that several journalists in Spain required personal protection due to these threats.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. However, authorities monitored Web sites for material containing hate speech and advocating anti-Semitism, and took action in at least one case; in April the Government shut down the Web site of R.E. Aitor for posting neo-Nazi material.

Internet access was readily available from a number of providers. The Government did not require Internet service providers to restrict public access to any Web sites.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respected this right. The Constitution declares the country to be a secular state, and various laws provide that no religion should have the character of a state religion; however, Roman Catholicism was the dominant religion and enjoyed the closest official relationship with the Government. The Roman Catholic Church benefited from financing through the tax system in that taxpayers, regardless of denomination, could elect to dedicate a small percentage of their taxes to the Roman Catholic Church. The Government also provided some direct funding to the Roman Catholic Church, as well as funding for religion teachers in public schools, military and hospital chaplains, and other indirect assistance. Jewish, Muslim, and many Protestant communities had “notorio arraigo” (“deeply rooted” traditional) status and received some tax benefits through agreements with the government, but enjoyed fewer privileges than the Roman Catholic Church. In January Jehovah’s Witnesses received notorio arraigo status, as did the Buddhists in November (and the Church of Jesus Christ of Latter-day Saints in 2003); however, they do not receive the same benefits and privileges granted the other “deeply-rooted” religions, which reached separate agreements with the Government in 1992. In May the Government indicated that rather than negotiate individual agreements with each of these religious groups, it would amend the laws governing tax benefits and privileges for religious groups to extend these benefits to all groups achieving notorio arraigo status. Parliament did not adopt this proposal prior to disbanding in December in advance of elections.

On October 11, the National Court ruled that the Church of Scientology should be listed with other religious groups in the country, overturning a 2005 ruling by the Ministry of Justice, which had treated Scientology as a cultural association. The Church of Scientology officially registered with the Ministry of Justice as a religion on December 12.

On separate occasions, leaders of the Muslim and Jewish communities complained about difficulties in securing permits and approvals to construct new places of worship. Specifically, efforts to construct a mosque in Seville met with judicial hurdles that the Seville Mosque Foundation claimed were prompted by societal prejudice against Islam. Bermejales 2000, a neighborhood association that gathered 1,500 signatures to oppose the construction, filed a judicial action in 2006. On May 17, the deputy mayor of Seville stated that the city was denying the construction of the mosque. However, on November 28, a court in Seville ruled that construction could take place as planned.

Muslim communities complained of the lack of Islamic cemeteries in the country. As of September, the Ministry of Justice was working to increase cooperation between local governments and Islamic communities to address these concerns.

The law mandates public funding for teachers in Catholic, Islamic, Protestant, and Judaic studies in public schools when at least 10 students request instruction. Muslim leaders complained that the demand for Islamic instruction far outstripped the Government’s capacity to provide it.

*Societal Abuses and Discrimination.*—The growth of the country's immigrant population at times led to social friction, which in isolated instances had a religious component. Muslims continued to experience some societal prejudice, and some citizens blamed recent immigrants for increased crime rates in the country.

On January 29, in Catalonia, a far-right politician introduced a measure before the city council of Vic calling for the prohibition of the full face-covering veil, or "hijab," in public. The measure was defeated and drew criticism from other council members in Vic and from the media.

In November 2006 a Muslim woman was badly beaten by four women in Santa Cruz de Tenerife, Canary Islands for wearing a hijab. The assailants called the woman a "moor" based on her Islamic dress. The victim, a Spanish convert to Islam, reported that the assault took place in front of witnesses in the neighborhood, none of whom came forward by year's end.

No arrests were made for the November 2006 vandalism of the Colon Park mosque in Corboba.

Unlike in the previous year, there were no arson attacks on mosques in the enclave city of Ceuta in North Africa. Authorities had not charged anyone in connection with the 2006 arson attacks.

Jewish community leaders reported that while violence against persons in the approximately 40,000-member Jewish community was rare, anti-Semitic attacks including graffiti against Jewish institutions continued.

In June construction workers in Tarrega uncovered an ancient cemetery from which the bones of 158 people were subsequently disinterred without religious supervision. Based on the finding of rings with Hebrew names in some of the graves, as well as the site's positioning with respect to the town's old Jewish quarter, it appeared that the cemetery existed before the Jewish expulsion from Spain in 1492. At the request of international and local Jewish groups, the remains from the Tarrega cemetery were reburied in the Jewish Cemetery of Barcelona on July 30.

Local municipal governments are the competent authority with respect to cemeteries and burials, and religious groups have reported varying degrees of success in gaining satisfactory treatment and reburial of disinterred remains, as well as access to cemeteries designated for particular religions, particularly Islamic cemeteries. The Federation of Jewish Communities in Spain had drawn up a nonbinding protocol for the national and local governments to follow in addressing such issues. The Ministry of Justice convened a December conference of municipal governments to clarify local government responsibilities concerning religious freedom, including respect for burial sites.

On August 14, in Cordoba, unknown persons defaced the Synagogue of Cordoba and the Casa Safarad (Sephardic House) with anti-Semitic and neo-Nazi graffiti, as well as threats written in German. Similar synagogue-defacing continued in Barcelona; no suspects were arrested. Earlier in the year neo-Nazi groups in Cordoba reportedly defaced a statue of the renowned 12th century Sephardic rabbi, Maimonides.

After investigation, R.E. Aitor of Barcelona was arrested on April 18 for maintaining a Web site that disseminated Nazi ideology. A search of his apartment turned up considerable amounts of propaganda and weapons. He was released on orders from the court; the Web site was closed down.

On August 12, the "Law against Violence, Racism, Xenophobia and Intolerance in Sport" went into effect. The law established sanctions against teams and stadiums for prohibited actions, including closures, suspensions, and demotion in divisional standings for actions perpetrated by professional athletic clubs, players, or fans. The law resulted from a long history of fans insulting players based on their race or religion, including, for example, a November 2006 soccer game in which fans shouted anti-Semitic slurs at an Israeli player.

On August 23, authorities arrested Holocaust denier Gerd Honsik to face charges in Austria where Holocaust denial is a crime. Honsik was sentenced to 1 to 2 years in jail.

Muslim and Protestant leaders cited the work of the Government's Foundation for Pluralism and Coexistence as a clear step for integrating non-Catholic faiths. The Government attributed significant increases in the number of non-Catholic religious organizations officially registering with the Ministry of Justice to this foundation, since registration was required to apply for foundation funds.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights.

The law prohibits forced exile, and the Government did not employ it.

*Protection of Refugees.*—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. The Government generally provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. The Government granted refugee status or asylum.

The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol. According to the Office of the U.N. High Commissioner for Refugees (UNHCR), in 2006 the country granted refugee status to 168 people. An additional 172 persons received subsidiary protection, and 16 were admitted for humanitarian reasons.

The Government cooperated with the UNHCR and other humanitarian organizations, including the Spanish Committee for Assistance to Refugees, in assisting refugees and asylum seekers.

During the year the country received far fewer undocumented migrants from Africa than in 2006, when more than 30,000 sub-Saharan migrants entered the country through the Canary Islands. During the year, 12,478 undocumented immigrants reached the Canary Islands, approximately 92 percent of whom were subsequently repatriated to their countries of origin. The Government repatriated a total of 55,938 undocumented immigrants during the year.

In April the Spanish Commission for Assistance to Refugees (CEAR) appealed the Government's decision to transfer 23 migrants from Kashmir, who were interdicted at sea, to Mauritania, where they were held for approximately 2 months in Spanish custody pending repatriation. According to CEAR, their detention in Mauritania should not have exceeded 40 days and should have included legal representation; CEAR also alleged that repatriation of the 23 to Kashmir could constitute refoulement. The Government granted asylum to six individuals, repatriated 13 to Pakistan, and another European nation accepted the remaining four. On July 19, CEAR called on the Government to make efforts to ensure that the returned migrants would not face persecution.

According to the NGO Save the Children, the Government repatriated minors without ensuring their safety in their country of origin. The ombudsman made recommendations in its annual report to modify certain procedures to guarantee the legality of the repatriation of minors.

There continued to be concerns about the quality of detention centers. On July 5, Human Rights Watch (HRW) reported that hundreds of unaccompanied migrant children were at risk of violence and mistreatment at Canary Island detention facilities. HRW charged that the facilities were overcrowded, did not provide access to public education, left children unprotected, and unduly restricted their freedom of movement.

An investigation was ongoing into the allegations that police officers sexually abused detainees being held at the Center for the Internment of Aliens in Malaga; in 2006 several NGOs called on the Government to close the facility, alleging a "plague of irregularities."

### *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The Constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through regularly occurring, free, and fair elections held on the basis of universal suffrage.

*Elections and Political Participation.*—In 2004 Jose Luis Rodriguez Zapatero of the Socialist Party became president in a free and fair national election. Governmental power was shared between the central government and 17 regional governments. Linguistic and cultural minorities had representation in, and participated in, both local and national political parties.

There were 129 women in the 350-seat Congress of Deputies (lower house) and 61 women in the 259-seat Senate (upper house). There were seven women in the 16-member Council of Ministers.

The Government did not keep statistics on the ethnic composition of the Parliament, but linguistic and cultural minorities were represented. The Catalan Parliament included a member of Moroccan origin. There were Muslim political parties in the city enclaves of Ceuta and Melilla in North Africa. Roma had little representation in government. During the year the Government appointed the first Roma to a high-level position, as an advisor in the Women's Institute, a division of the Ministry of Labor and Social Affairs.



*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption, and the Government generally implemented these provisions effectively. There were several reports of government corruption during the year, particularly in local government.

By September 86 persons had been charged in connection with the 2006 investigation into corruption and financial crimes in the Marbella local government. The mayor, former police chief, and much of the local government of Marbella were charged with crimes that included real estate graft, bribery, and embezzlement. Juan Antonio Roca, the suspected ringleader of the corruption, remained in custody awaiting trial at year's end. None of the trial proceedings for the 86 persons accused had begun by year's end.

Public officials were subject to financial disclosure laws passed in 2005; the Ministry of Public Administration was the agency responsible for managing and enforcing the Law of Conflicts of Interest. In addition the Government enacted a code of good governance in 2005 to apply to all high government officials.

The law mandates public access to government information, and the Government generally provided it.

*Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

*Section 5. Discrimination, Societal Abuses, and Trafficking in Persons*

The law prohibits discrimination based on race, gender, disability, language, or social status, and the Government generally enforced it effectively.

*Women.*—The law prohibits rape, including spousal rape, and the Government effectively enforced the law. The Government reported 6,331 cases of sexual assault, harassment, and aggression through November.

The law prohibits violence against women, and independent media and government agencies paid close attention to gender violence.

During the year women filed 63,347 complaints of abuse against their husbands, male partners, or ex-partners, approximately the same number as the previous year. According to the Ministry of Labor and Social Affairs, more than 600,000 women over the age of 18 (3.6 percent) were victims of gender-based abuse during the year.

The law establishes prison sentences of 6 months to a year for domestic violence, threats, or violations of restraining orders, with longer sentences if serious injuries result. Between June 29, 2005, and June 30, 2007, authorities convicted 49,968 men of gender-related violence out of a total of 69,200 prosecutions. During 2006 the special gender courts issued 29,617 restraining orders against men.

Over 50 offices provided legal assistance to victims of domestic violence, and there were approximately 293 shelters for battered women. A 24-hour free national hotline advised battered women on where to find shelter and other local assistance. During the year there were 1,614 specialized police officers focused on protection of victims of domestic violence (an increase of 1,109 officers since 2004).

As of October there were 70 specialized courts dealing exclusively with domestic violence cases, and 90 specialized judicial units.

A June 2006 AI report entitled *More Rights, the Same Obstacles* found that the implementation of the Government's domestic violence law was uneven and that regions outside the capital generally provided fewer resources for battered women.

Female genital mutilation (FGM) is prohibited. In Catalonia the law requires that a doctor examine immigrants considered to be in danger of FGM when they travel to and from their countries of origin. Parents whose children are determined to have been subjected to this practice risked losing custody. In practice there were no medical examinations of immigrants because there was no suspicion that FGM took place.

In June the Court of Girona prohibited a 3-year-old girl from traveling to Gambia with her mother due to suspicion that the girl would be subjected to FGM. In August the Girona Commission against Female Genital Mutilation prohibited three girls from traveling to their country of origin for the same reason. In another eight cases, parents were not allowed to travel with their daughters unless they agreed to a medical exam of the girls upon their return. As of June, the Womens' Institute had reported two FGM-related complaints.

Prostitution is not illegal, but forcing others into prostitution and organizing prostitution rings are crimes; it is illegal for anyone to profit from the prostitution of another. Prostitution was reported to be a problem. Local governments, notably

those of Madrid and Barcelona, continued efforts to discourage prostitution. In July the Madrid City Hall installed 31 video cameras in one of the city's largest parks where prostitutes gathered at night. Other efforts to combat prostitution included advertising campaigns discouraging prostitution, restrictions on prostitution near schools, and police actions such as road closings to deter clients from seeking prostitutes.

Trafficking in women for the purpose of sexual exploitation was a problem.

The law prohibits sexual harassment in the workplace; however, harassment was reported to be a problem. According to the Women's Institute, 15 percent of women experienced some kind of sexual harassment during 2006, although only 1 percent asked for assistance. The institute reported 490 cases of sexual harassment from January through November.

Under the law women enjoy the same rights as men, including rights under family law, property law, and in the judicial system. The Women's Institute worked to ensure the legal rights of women, combat economic discrimination, and integrate women into the professional workplace. Discriminatory wage differentials continued to exist, and women held fewer senior management positions than men.

*Children.*—The Government was strongly committed to children's rights and welfare.

Education is compulsory until age 16 and free until age 18. There were no apparent differences in the treatment of girls and boys in education. According to U.N. Economic and Social Council statistics for 2002 and 2003, 100 percent of primary school-aged children and 96 percent of secondary school-aged children were in school.

Access to the national health care system was equal for girls and boys.

The Ministry of Health and the Ministry of Labor and Social Affairs were responsible for the welfare of children. Several regional governments had an office of the children's defender, an ombudsman charged with defending children's rights. In June the Congress of Deputies approved a revision of the law to establish tougher penalties on juvenile offenders aged 14 to 17. The new law also permits underage witnesses and victims of crimes to testify via videoconference without having visual confrontation with the defendant.

There were reports of child abuse. In February the director of the Reina Sofia Center for the Study of Violence said that child abuse had increased 150 percent from 2001 to 2005. The Reina Sofia Center announced in September that 8 percent of Spanish children suffer psychological or physical mistreatment, but that only a small fraction of these cases were reported to the authorities. In November the Government launched a public awareness campaign on child abuse featuring billboards and radio and television advertisements.

Trafficking of teenage girls for sexual exploitation was a problem.

*Trafficking in Persons.*—The law prohibits all forms of trafficking in persons; however, there were reports that persons were trafficked to and through the country.

The country was both a destination and transit point for persons trafficked for the purpose of commercial sexual exploitation and, to a lesser degree, forced labor (primarily in agriculture, construction, and domestic employment). Trafficked women were usually 18 to 25 years of age, but some girls were reportedly as young as 16. Women were trafficked primarily from Latin America (Colombia, Ecuador, and Brazil), Eastern Europe (Romania, Russia, and Ukraine), and sub-Saharan Africa (Nigeria).

The traffickers were generally organized criminals based in the source countries. Methods used by traffickers to maintain control of their victims included physical abuse, forced use of drugs, withholding of travel documents, and threats to the victim's family. In the case of women from Eastern Europe, severe violence and threats were the methods most often employed by traffickers. Traffickers lured some victims from other regions with false promises of employment in service industries and agriculture, but forced them into prostitution upon their arrival. NGOs reported an increase in cases in which traffickers allowed their victims to keep a portion of the money they earned through prostitution to dampen the victims' desire to escape the trafficking network.

The law prohibits trafficking in persons for labor and sexual exploitation. Penalties ranged from 5 to 15 years' imprisonment. The law also prohibits the exploitation of prostitutes through coercion or fraud and the exploitation of workers in general, with penalties ranging from 5 to 10 years' imprisonment. In December 2006 the Council of Ministers approved a prison sentence increase of 2 to 6 years for traffickers belonging to a criminal organization.

In June security forces dismantled a network for the commercial sexual exploitation of women, resulting in the arrest of 88 persons. Also in June police disman-

tled three international networks that sexually exploited men and women from Paraguay, Brazil, and Venezuela; 10 persons were arrested. In July police also broke up a network that exploited laborers from Morocco. During investigations conducted during the year, approximately 300 trafficking victims were located.

During 2006 the Government launched 272 trafficking-related investigations, indicted 113 persons for trafficking, and secured 178 convictions with an average sentence of 5.1 years. Police dismantled 240 trafficking networks, arrested 1,039 persons, and freed 2,288 victims.

The Ministry of Interior coordinates antitrafficking efforts and works closely with the Office of the President, the Ministry of Labor and Social Services, the Ministry of Justice, and the Ministry of Education. The Immigration Networks and Falsified Documents Unit (UCRIF), a special unit of the national police, covers trafficking in persons. The UCRIF intelligence unit analyzed statistical data and trends, and coordinated efforts and shared data with the civil guard and Interpol. Regional national police offices conducted quarterly reviews to set goals in combating trafficking and to assess success in meeting previous quarterly goals. During the year 200 police and civil guard officers worked exclusively to combat trafficking of women and children.

The law permits trafficking victims to remain in the country if they agree to testify against the perpetrators. Victims have a 30-day "reflection period" to recover in a safe environment before being required to decide whether to cooperate with police investigation and prosecution of their traffickers. After legal proceedings conclude, victims are given the option of remaining in the country or returning to their countries of origin.

The Government worked with and funded NGOs that provided assistance to trafficking victims. In addition regional and local governments provided assistance either directly or through NGOs. Representatives of the Government's violence education programs for female victims and an NGO partner on trafficking reported that 89 percent of the victims they assisted pressed criminal charges.

The Government contracted with Project Hope, an international order of nuns whose domestic branch focused solely on abused women, to provide protection, housing, and counseling to victims of trafficking. Project Hope operated shelters in Madrid, provided assistance with medical and legal services, and acted as liaison with law enforcement for victims who chose to testify against traffickers. Project Hope received many referrals directly from police. The Catalonian regional and municipal government contracted with Caritas for the same services.

*Persons with Disabilities.*—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and in the provision of other state services, and the Government effectively enforced these provisions. The law mandates access to buildings for persons with disabilities, and the Government generally enforced these provisions; however, levels of assistance and accessibility differed among regions. The Ministry of Labor and Social Affairs has the responsibility of protecting the rights of persons with disabilities.

In July the minister of labor and social affairs appointed a person with disabilities as director general for the coordination of sector and handicapped policies, the first-ever selection of a person with disabilities for a high-level government position.

*National/Racial/Ethnic Minorities.*—There were instances of societal violence and discrimination against members of racial and ethnic minorities, and the Government undertook efforts to combat the problem.

Spanish male Sergi Xavier Martin assaulted an Ecuadorian woman on the Barcelona subway on October 7. Subway surveillance tapes and eyewitness accounts of the unprovoked assault indicated that the attacker's sole motivation was that the victim was an immigrant. The attacker subsequently told reporters that he had had too much to drink. Finding that he was not a flight risk, authorities released the individual on bail pending a trial.

On November 4, five young people severely beat a 56-year-old Colombian citizen in the Las Rozas township of Madrid, while shouting "Viva España." The NGO "Movimiento contra la Intolerancia" declared it a racist attack. At year's end no suspects had been arrested.

On November 13, a judge ordered the pretrial detention of Roberto Alonso de la Varga on charges of having attacked Congolese citizen Miwa Buene in February, leaving him a quadriplegic. The maximum sentence is over 2 years in prison; the trial had not begun by year's end.

In June the NGO SÓS Racismo warned of an increase in xenophobic attitudes in Catalonia, based on the increase in council seats obtained by far-right political parties in the May municipal elections in two towns in the Barcelona area. Noting that such parties based their electoral strategy on claiming an alleged relationship be-

tween immigration and crime, SOS Racismo charged that fighting ultraright organizations was not a priority for authorities, and noted that arrests of ultraright and neo-Nazi members for violent acts dropped by almost two-thirds in 2006. SOS Racismo also estimated that over 300 Spanish Web sites espousing hatred and violence toward various groups, including immigrants, were operational.

On February 28, the police arrested six persons accused of attacking immigrants in Catalonia. The individuals were members of the "Young Workers Front," and police seized documents and books on holocaust denial and Nazi glorification as well as 26 weapons, including firearms, and almost 4,000 rounds of ammunition. The individuals were tried and convicted.

The investigation into the September 2006 attack on Gambian citizen Bakari D. was ongoing at year's end. A suspect was identified, but had not yet faced trial. Authorities concluded that the attack did not constitute a hate crime.

The Roma population continued to face discrimination. According to the domestic NGO Fundacion Secretariado Gitano (FSG), Roma continued to face discrimination in access to employment, housing, and education. The Roma community, whose estimated size, according to FSG, was 600,000, experienced substantially higher rates of unemployment, poverty, and illiteracy than the general population. A September 2006 FSG study indicated that up to 80 percent of Romani children did not finish their required secondary education.

FSG's August report credited national and regional governments with taking several important steps to improve the cultural acceptance and social wellbeing of the Roma population, including providing assistance to several NGOs dedicated to improving the condition of Roma. In March the Government created the Fundacion Instituto de Cultura Gitana to develop and promote Roma history, culture, and language.

In October an estimated 5,000 writers, politicians, journalists, publishers, academicians, actors, and filmmakers reportedly signed a manifesto criticizing the firing of Cristina Peri, a writer/journalist for Catalunya Radio who said she was fired for speaking in Castilian rather than Catalan.

*Other Societal Abuses and Discrimination.*—There was no major societal violence or discrimination based on sexual orientation or against persons with HIV/AIDS. Gay marriage is legal.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law allows workers, except those in the military services, judges, magistrates, and prosecutors, to form and to join unions of their choice without previous authorization or excessive requirements, and workers did so in practice. Approximately 15 percent of the workforce was unionized. The law prohibits discrimination by employers against trade union members and organizers; however, unions contended that employers practiced discrimination in many cases by refusing to renew the temporary contracts of workers engaging in union organizing.

*b. The Right to Organize and Bargain Collectively.*—The law allows unions to conduct their activities without interference, and the Government protected this right in practice. The law provides for collective bargaining, including for all workers in the public sector except military personnel, and it was freely practiced. Public sector collective bargaining includes salaries and employment levels, but the Government retained the right to set these if negotiations failed. Collective bargaining agreements were widespread in both the public and private sectors; in the latter they covered 85 to 90 percent of workers. The law provides for the right to strike and workers exercised this right by conducting legal strikes. A strike in nonessential services was legal if the union gave 5 days' notice. Any striking union must respect minimum service requirements negotiated with the respective employer.

There are no special laws or exemptions from regular labor laws in the three special economic zones in the Canary Islands, Ceuta, and Melilla.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children; however, there were reports that women and children were trafficked for sexual exploitation.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—There are laws and policies to protect children from exploitation in the workplace. While child labor was generally not a problem, there were reports that children were trafficked for sexual exploitation. The statutory minimum age for the employment of children is 16. The law also prohibits the employment of persons under the age of 18 at night, for overtime work, or in sectors considered hazardous. The primary responsibility for enforcement lies with the Ministry of Labor and Social Affairs, and the minimum age was enforced effectively in major industries and in the service sector. It was

more difficult to enforce the law on small farms and in family-owned businesses, where some child labor persisted. Legislation prohibiting child labor was enforced effectively in the special economic zones.

*e. Acceptable Conditions of Work.*—The minimum wage was approximately \$876 (600 euros) per month, which generally did not provide a decent standard of living for a single-income family. The Ministry of Labor and Social Affairs effectively enforced the minimum wage.

The law provides for a 40-hour workweek, with an unbroken rest period of 36 hours after each 40 hours worked. By law overtime is restricted to 80 hours per year unless collective bargaining establishes a different level. Premium pay is required for overtime, up to a maximum of 80 hours per year.

The National Institute of Safety and Health in the Ministry of Labor and Social Affairs has technical responsibility for developing labor standards, and the inspectorate of labor has responsibility for enforcing the law through inspections and judicial action when infractions are found. Unions criticized the Government for devoting insufficient resources to inspection and enforcement. Workers have the right to remove themselves from situations that endanger health or safety, without jeopardy to their employment, and authorities effectively enforced this right; however, employees with short-term labor contracts may not understand that they have such legal protections.

---

## SWEDEN

The Kingdom of Sweden is a constitutional monarchy with a multiparty parliamentary form of government. According to government statistics, the population is approximately 9.2 million. Legislative authority is vested in the unicameral Riksdag (Parliament). In national elections in September 2006, voters elected a center-right coalition government led by the Moderate Party. The elections were free and fair. The king is the largely symbolic head of state. The prime minister is the head of the Government and exercises executive authority. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens, and the law and judiciary provided effective means of dealing with individual instances of abuse. Reported human rights problems included isolated incidents of excessive police violence; prison overcrowding and lengthy pretrial detention; government surveillance and interference; isolated cases of anti-Islamic and anti-Semitic discrimination; violence against women and children; trafficking in women and children; and societal discrimination against foreign-born residents, Roma, and homosexuals.

### RESPECT FOR HUMAN RIGHTS

*Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Arbitrary or Unlawful Deprivation of Life.*—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits such practices; however, there were isolated reports that police used excessive force.

During the year law enforcement authorities conducted 40 investigations of police officers and charged and convicted nine for crimes, including minor assault, theft, and sexual molestation.

*Prison and Detention Center Conditions.*—Prison conditions generally met international standards, although overcrowding and lengthy pretrial detention remained problems. The addition of some 700 new detention and prison cells during the year helped mitigate prison overcrowding.

Restrictive conditions for prisoners held in pretrial custody remained a problem. According to the National Agency for Prison and Probation, 40 to 50 percent of these detainees were subject to restrictions, such as extended isolation.

The Government permitted visits by independent human rights observers. In January the Council of Europe's commissioner for human rights visited the prison system.

*d. Arbitrary Arrest or Detention.*—The Constitution and law prohibit arbitrary arrest and detention, and the Government generally observed these prohibitions.

Civilian authorities maintained effective control over the national police and the Swedish Security Service and other government authorities have effective mecha-

nisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

*Arrest and Detention.*—The law requires warrants issued by duly authorized officials for arrests, and the Government generally respected this requirement in practice. Police must file charges within 6 hours against persons detained for disturbing the public order or considered dangerous, and within 12 hours against those detained on other grounds. Police may hold a person for questioning for 6 hours, or up to 12 hours if necessary for the investigation. After questioning, the extent to which reasonable suspicion remains determines whether the individual will be arrested or released. If the suspect is arrested, the prosecutor has 24 hours (or 3 days in exceptional circumstances) to request continued detention. An arrested suspect must be arraigned within 48 hours, and initial prosecution must begin within 2 weeks, unless extenuating circumstances exist. Authorities generally respected these requirements.

Detainees may retain a lawyer of their choice; in criminal cases the Government is obligated to provide an attorney if the defendant cannot afford one. Detainees are afforded prompt access to lawyers and to family members. Although there is no system of bail, courts routinely release defendants pending trial unless they are considered dangerous.

*e. Denial of Fair Public Trial.*—The Constitution and law provide for an independent judiciary, and the Government generally respected this provision in practice.

*Trial Procedures.*—The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right.

*Political Prisoners and Detainees.*—There were no reports of political prisoners or detainees.

*Civil Judicial Procedures and Remedies.*—There is no specific court for human rights violations. Instead, cases are tried in the general court system. As members of the European Union (EU), citizens can appeal to the European Court of Human Rights in matters related to the state.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution and law prohibit such actions, and the Government generally respected these prohibitions in practice.

Human rights organizations, including the International Helsinki Federation for Human Rights, expressed concern over government proposals to increase the number of permitted surveillance methods available to the police. Human rights groups argued that allowing additional surveillance methods, such as bugging, would conflict with protection of the individual's right to privacy. During the year courts issued 893 and denied 13 permits for wiretapping.

An ombudsman in the prosecutor's office is responsible for protecting citizens' rights in court cases that involve use of invasive measures, such as camera surveillance or wiretapping. The ombudsman participates in the court review of all wiretapping and surveillance requests.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press. While the Government generally respected these rights it prohibited certain types of expressions considered to be hate speech. The law on hate speech prohibits threats or expressions of contempt for a group or member of a group based on race, color, national or ethnic origin, religious belief, or sexual orientation.

The independent media were active and expressed a wide variety of views without restriction. On August 19, a regional newspaper published a cartoon showing Mohammed's head on the body of a dog, together with an editorial on freedom of expression. The publication prompted demonstrations, vandalism, and personal threats against the artist Lars Vilks and the editor of the newspaper Ulf Johansson. The prime minister commented on the event, emphasizing the importance of freedom of expression and freedom of speech. He also met representatives from the Swedish Muslim Council and 22 ambassadors from Muslim countries. Although several complaints of inciting ethnic hatred were filed against Vilks and Johansson, in September the chancellor of justice decided not to initiate legal proceedings, and Muslims, who had been planning further demonstrations, called them off, indicating that the dialogue underway made them unnecessary. Facing threats against his life, Vilks went into hiding in late September. Nevertheless through the end of the year, Vilks continued to pursue provocative new art projects in the name of defending freedom of expression; these projects have not provoked reaction from the Muslim community.

There have been efforts to use the hate-speech law to prevent the display of swastikas in public in recent years. In September 2006 the chancellor of justice requested that a residential search warrant be issued against one of the founding figures of the National Socialist Front because of his suspected involvement in the distribution of political campaign posters with swastikas. In April the investigation was dropped due to lack of evidence.

According to preliminary statistics from the Swedish National Council for Crime Prevention, 721 cases of hate speech were reported during the year. In 2006 there were 750 cases; 18 persons were prosecuted, and, while no one was sentenced to jail, most were fined.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in peaceful expression of views via the Internet, including by e-mail.

According to Statistics Sweden, 83 percent of the population between ages 16 and 74 had Internet access.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

The Swedish Commission for State Grants to Religious Communities subsidized 40 religious groups during the year, including numerous Christian churches, five Islamic organizations, the Jewish community, the Buddhist Cooperation Council, and a Shia Muslim organization.

Since 2005 the courts have upheld the rights of students and public employees to wear religious head coverings. In January and February, this right was upheld by the National Agency for Education when it was tested in Minerva School in Umea, and when the city of Stockholm agreed in an out-of-court settlement to pay approximately \$4,100 (28,000 crowns) in compensation to a Muslim woman denied employment as a nurse at a home for the elderly because she wore a head scarf. In a private sector case in May, a supermarket in Frolunda denied employment to a Muslim woman because she wore a head scarf, but agreed to pay approximately \$11,200 (76,000 crowns) in compensation in an out-of-court settlement. And the supermarket thereafter allowed employees to wear headscarves.

*Societal Abuses and Discrimination.*—During the year the media reported that individuals associated with the openly Nazi organization National Socialist Front Party perpetrated numerous discriminatory acts involving violence and harassment. The reports included cases of assault and hate speech, unauthorized demonstrations, illegal distribution of posters, illegal possession of weapons, disorderly conduct, and threats against the Swedish Federation for Lesbian, Gay, Bisexual, and Transgender Rights.

The Jewish community numbered approximately 18,500 to 20,000 persons; approximately half are estimated to be practicing members. In 2006 there were 134 reported cases of anti-Semitic crime, an increase of 23 from the previous year. The most frequent crime was “agitation against an ethnic group,” with 48 reported incidents. There were 35 reported cases of “unlawful threat or molestation.” Nazi symbols, such as Hitler salutes and the use of swastikas, were associated with 32 percent of reported anti-Semitic crimes.

In order to deal more effectively with hate crime complaints, police in Stockholm created a hate-crime hot line in June. At year’s end the hot line was operating, but tangible results had not been reported.

*d. Freedom of Movement, Internally Displaced Persons Protection of Refugees, and Stateless Persons.*—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

The Constitution and law prohibit forced exile, and the Government did not employ it.

*Protection of Refugees.*—The laws provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. In practice the Government provided some protection against “refoulement,” the return of persons to a country where there is reason to believe they feared persecution. The Government granted refugee status or asylum.

During the year the Government also provided temporary protection to approximately 124 persons who may not qualify as refugees under the 1951 Convention and the 1967 protocol.

The Government cooperated with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. In January 2006 the U.N.'s special rapporteur on the right to health expressed concern that undocumented persons and asylum seekers hiding in the country lacked adequate access to health care; the rapporteur estimated that approximately 15,000 such persons were hiding in the country. The Government publicly acknowledged the problem but at year's end had not yet taken concrete action.

Applications for asylum were often delayed, and the appeals process in the courts extended for several years in some cases.

The Government returned asylum seekers from EU countries or from countries with which it maintained reciprocal-return agreements. In most cases persons returned had passed through or had asylum determinations pending in other EU countries. In many cases authorities deported asylum seekers within 72 hours of their arrival. Human rights organizations expressed concern that some asylum cases were adjudicated too quickly. Early in the year, the Government approved the provision of financial repatriation support for asylum seekers who had been denied residence in the country. The amount authorized was \$2,500 (17,250 crowns) per adult and \$1,500 (10,350 crowns) per child, with a maximum of \$7,100 (48,300 crowns) per family.

In April 2006 the Government established a new appeals system that allows asylum seekers to appeal Migration Board rulings to two special migration appeals courts. Amnesty International (AI) criticized the new appeals system for failing to protect the asylum seeker's confidentiality, and in cases involving the Swedish Security Service, asylum seekers have not been able to access information used in the decision to expel them. AI also indicated that the judges lacked expertise on asylum issues and on the security situations in foreign countries. The Government appointed a judge to investigate these issues.

The U.N. Committee Against Torture (CAT) received 10 complaints against the Government of Sweden during the year, most concerning repatriation. The Government's position was upheld in all six cases the committee ruled on during the year.

In 2005 the CAT found that the country had violated the U.N. Convention against Torture in connection with the 2001 forced repatriation of Egyptian nationals Ahmed Agiza and Mohammed Alzery. During the year the victims initiated lawsuits with the Chancellor of Justice claiming damages against the Swedish government. In March the Government revoked the previous decision to expel Alzery, but in May the Migration Board, citing security concerns, turned down his application for residency.

### *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The Constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

*Elections and Political Participation.*—In parliamentary elections held in September 2006, voters turned the Social Democratic Party (SDP) out of power. The new government was a center-right coalition led by the Moderate Party. The SDP had dominated the political system for seven decades, and its members occupied a disproportionately large number of publicly appointed positions.

Political parties operate without restrictions or outside interference.

There were 165 women in the 349-seat Parliament and 10 women in the 22-member cabinet.

No official statistics on minority representation were available because the law prohibits the Government from holding information about the racial or ethnic background of its citizens. However, the Sami were not represented in the national Parliament, and media reports stated that there was one ethnic minority member in the cabinet, and 17 members of Parliament were born in other countries.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively. The Prosecutor's Office has a special unit working on cases involving corruption. The unit initiated 51 investigations during the year, resulting in 11 prosecutions.

Public officials and political parties are subject to financial disclosure laws.

The Constitution and law provide for public access to government information, and the Government generally respected this provision in practice. The public has the right of access to government documents unless they are subject to secrecy laws,



according to which information may be withheld if its release poses a threat to national security or to individual or corporate privacy.

*Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

Domestic and international human rights groups generally operated without government restrictions, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views.

*Section 5. Discrimination, Societal Abuses, and Trafficking in Persons*

The law prohibits discrimination based on race, gender, disability, language, or social status. Although the Government effectively enforced these laws, violence against women and children, trafficking in persons, and discrimination against resident foreigners, Roma, and homosexuals remained areas in need of improvement.

*Women.*—Rape, including spousal rape, is illegal, and the Government enforced the law effectively. The law stipulates more severe penalties for repeated crimes and if the perpetrator had a close relationship to the victim. Though the law is effectively enforced, the Swedish Helsinki Committee has contended that the country's legislation on rape does not correspond to the regulations in the European Convention on Human Rights. The National Council for Crime Prevention (NCCP) reported 3,483 rapes of persons over age 14, compared with 3,074 in 2006.

The NCCP reported 26,632 cases of assault against women. Approximately 86 homicide deaths of women and girls were reported during the year, most of them committed by men closely related to the victim. Authorities apprehended and prosecuted abusers.

The law provides victims with protection from contact with their abusers. When necessary, authorities helped women protect their identities or obtain new identities and homes; according to official statistics, some 1,000 individuals—mostly women—receive such services. Both national and local governments helped fund volunteer groups that provided shelter and other assistance for abused women, and both private and public organizations ran shelters and operated hot lines.

During the year the Government launched a \$118 million (800 million crowns), 4-year action plan to combat violence against women, including honor-related violence. The plan focuses on improving victim protection, the quality of legal investigations, and the rehabilitation services offered to abusers. It also concentrates on increasing cooperation among relevant government authorities and enhancing public awareness. The national police Board, the National Board for Youth Affairs, and the County Administrative Boards share responsibility for implementing the project. Also in July, the Parliament passed a law amending the Social Services Act to place higher demands on the municipal social services for action in assisting women exposed to violence.

At year's end authorities estimated that 1,500–2,000 women had been subjected to honor-related violence (patriarchal violence often linked to cultural and religious convictions about female chastity and marriage). Honor-related violence exclusively involved immigrants from Muslim countries; the police have concentrated on educating law enforcement officers and prosecutors to increase awareness and improve detection and prevention. In 2006 the Government established a national center to study male violence against females. The Government provided secure housing for young women vulnerable to honor-related violence. In an interview in March, the country's first black cabinet minister, Nyamko Sabuni, an immigrant from Congo, described honor violence against women as reaching urgent proportions.

The law prohibits female genital mutilation (FGM), punishable by up to 10 years' imprisonment; however, there were reports of FGM, usually by family members taking the victim abroad for the procedure.

Prostitution is legal; the purchase of sexual services, however, is illegal. In recent years the Government has sought to curb prostitution by focusing on the demand rather than the supply, by arresting clients and not prostitutes. There were 188 reported cases of individuals buying sexual services during the year.

The law prohibits sexual harassment, and the Government generally enforced this law in practice. Employers who do not investigate and intervene against harassment at work may be obliged to pay damages to the victim.

Women enjoy the same legal rights as men, including rights under family law, property law, and in the judicial system, but some sectors of the labor market still showed significant gender disparities. During the year women's salaries averaged 85 percent of men's salaries, adjusting for age, education, and occupational differences.

The equal opportunity ombudsman (EOO), a public official, investigates complaints of gender discrimination in the labor market. Complaints may also be filed

with the courts or with the employer. Labor unions generally mediated in cases filed with the employer. During the year the EOO's office registered 155 cases. Women filed approximately 80 percent of the cases; 50 percent of those cases concerned salaries. The number of discrimination complaints related to pregnancy rose to 30, compared with 22 in 2006.

*Children.*—The Government was strongly committed to children's rights and welfare; it amply funded systems of public education and medical care. The Government provided compulsory, free, and universal education for children up to 16 years old. It provided free, but not compulsory, public school for children up to 18 years old. Nearly 100 percent of school-age children attended school. The highest level achieved by most children was completion of high school.

The Government also provided free medical care to all children at next to no cost. Child abuse was a problem. At year's end, the NCCP reported 9,520 cases of abuse of children under the age of 15. Police reported 1,271 cases of child rape and 851 cases of sexual abuse of children, compared with 848 reported cases of rape and 654 reported cases of child sexual abuse in 2006.

The law prohibits parents or other caretakers from abusing children mentally or physically in any way. Parents, teachers, and other adults are subject to prosecution if they physically punish a child, including slapping or spanking. Children have the right to report such abuses to the police. The usual sentence for such an offense is a fine combined with counseling and monitoring by social workers. Authorities may remove children from their homes and place them in foster care.

During the year the Government allocated funds to private organizations dedicated to children's rights, such as the non-governmental organization (NGO) Children's Rights in Society which offered counseling to troubled youth. After the Office of the Children's Ombudsman indicated that efforts to implement the U.N. Convention on the Rights of the Child at the municipal level were insufficient, the Government also commissioned the Agency for Administrative Development to increase cooperation among authorities responsible for children and to implement necessary improvements. In March Orebro University inaugurated a National Child Center, which will concentrate on raising awareness of the U.N. convention. The Government continued to be active internationally in efforts to prevent child abuse.

*Trafficking in Persons.*—The law prohibits trafficking in persons; however, there were reports that persons were trafficked to, through, and within the country. Law enforcement officials and analysts estimated the number of trafficked women at 500 per year, cautioning, however, that it was not possible to obtain precise numbers. The national police estimated that the number of women trafficked to the country during the year was consistent with 2006 levels.

The country continued to be a transit point, and to a lesser extent a destination, for trafficked women and children. Victims came primarily from Estonia, Russia, and Poland. Those transiting the country came primarily from the Baltic region, heading toward suspected destination countries Denmark, Germany, Norway, Spain, and the United Kingdom. There were also occasional cases of trafficked women from South America and Thailand, some as young as 16. None of the cases involved young boys. Police reported an increase in unidentified children suspected to have been trafficked to the country; however, it was not clear whether they had been trafficked for sexual purposes. Some of these children came from Romania and Moldova.

Traffickers typically recruited victims in their countries of origin to work as cleaners, babysitters, or in similar employment abroad. Once in the country, traffickers isolated and intimidated victims and forced them to work as prostitutes in hotels, restaurants, massage parlors, or private apartments; some were locked up and their passports confiscated by their captors.

The law prohibits the trafficking of persons for sexual purposes, provides for sentences of 2 to 10 years' imprisonment for persons convicted of trafficking, and criminalizes attempting to traffic, conspiracy to traffic, and the failure to report such crimes. Authorities actively prosecuted trafficking cases. During the year police reported 15 cases of trafficking for sexual purposes, two of which led to convictions under the trafficking law in the first half of the year.

To prosecute traffickers, authorities continued to use primarily laws against procurement and an offense called "placing in distress," which can apply in cases where traffickers lure women from other countries under false pretenses. The laws on procurement and trafficking complement each other; however, the anti-trafficking law requires that prosecutors prove traffickers used "improper means." Judges commonly ruled that improper means were absent in cases involving victims who consented to being trafficked. Although consent is irrelevant under the anti-trafficking law, in practice judicial interpretation of the improper means criterion makes it difficult to obtain convictions. Prosecutors consequently continued to rely on the pro-

curement laws for most convictions of traffickers. During the year there were 64 cases of procurement reported, many involving trafficking victims.

During the year 22 Chinese children disappeared after coming to Sweden to apply for asylum. The previous year authorities had convicted and sentenced a Chinese immigrant couple in Stockholm to 2 years in prison for human smuggling. That case involved the disappearance of approximately 120 Chinese children who had requested political asylum in the country since autumn 2004. Authorities reported that the children were smuggled out of the country to other European countries, but were unaware of their final destinations.

The Government allocated funds to domestic and international NGOs to provide shelter and rehabilitation assistance to victims. Police and social services also provided funding. The law enables trafficking victims who cooperate with police investigations to receive at least 6-month temporary residence permits, allowing access to the full range of social benefits. Victims who do not cooperate with police investigations are ineligible to receive temporary residence permits and are promptly deported.

The Government has a special ambassador to combat human trafficking, tasked with strengthening international antitrafficking efforts. The country also actively participated in a Nordic-Baltic task force against human trafficking.

*Persons with Disabilities.*—The law prohibits employers from discriminating against persons with disabilities in hiring decisions, and prohibits universities from discriminating against students with disabilities in making admissions decisions. No other specific law prohibits discrimination against persons with disabilities. There is a disability ombudsman.

Regulations for new buildings require full accessibility. Similar requirements exist for some public facilities but not all; many buildings and some means of public transportation remained inaccessible.

There were 1,012 reports of governmental discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services; most of the cases involved lack of access to public buildings. Difficulties in accessing apartments, pubs, and bars were the most frequent reports of societal discrimination against persons with disabilities. A study from the Swedish Federation of People with Mobility Impairments found that 30 percent of women with disabilities claimed to have been subjected to violence, threats, or sexual harassment.

Approximately 50 percent of the cases submitted to the disability ombudsman were filed in accordance with the reporting requirements under the Disability Act and were handled under mediation procedures rather than through formal court hearings. The majority of the cases involved lack of appropriate access to buildings, education, and health care facilities and services.

The country has a National Authority for Coordination of Disability Policy, and, in April 2006, passed a new law protecting children with disabilities from harassment in school.

*National/Racial/Ethnic Minorities.*—Over 1 million persons in the country are foreign born, with the largest groups originating from Finland, the former Yugoslavia, Iraq, and Iran. According to preliminary figures from Statistics Sweden, approximately 93,000 persons immigrated to the country during the year. This figure represents an approximately 3,500 person increase from the previous year and makes 2007 the record year for immigration. The largest single group came from Iraq.

Police registered reports of xenophobic crimes (numbers not available), some of which were related to neo-Nazism/white power ideology. The Government investigated and prosecuted race-related crimes. Estimates placed the number of active neo-Nazis, or white supremacists, at approximately 3,000. The NGO EXPO estimated that fewer than 1,000 individuals attended the annual neo-Nazi/white supremacist march that took place in Salem in December. Neo-Nazi groups operated legally, but courts have held that it is illegal to wear xenophobic symbols or racist paraphernalia or to display signs and banners with provocative symbols at rallies, since the law prohibits incitement of hatred against ethnic groups.

The ombudsman for ethnic discrimination received 817 reports during the year compared to 757 in 2006. It should be noted, however, that beginning in 2006 discrimination cases filed by a group were registered as one case rather than as several individual cases, thus decreasing the total number of recorded cases. Workplace related discrimination cases increased by 18 percent from 2006.

In April 2006 the Government initiated a 2-year program aimed at improving minority integration and budgeted approximately \$258 million (1.9 billion crowns) for

its implementation. Key program areas include education, employment, and anti-discrimination.

The law recognizes Sami (formerly known as Lapps), Swedish Finns, Tornedal-Finns, Roma, and Jews as national minorities. The Government supported and protected minority languages.

The Government estimated the population of Roma to be 40–60,000. A governmental action plan directed the school authority to investigate the educational situation of Romani children, many of whom drop out of school. In May 2006, following an antidiscrimination ombudsman report describing cases in which Romani children were allegedly removed from their homes on weak grounds and taken into state care, the Government instructed the National Board of Health and Welfare to investigate the social authorities' care of Romani children. In the beginning of the year, the board concluded that Romani children were not being taken into custody on weak grounds and that Romani children were not taken into state care at a disproportionate rate. However, the board noted a lack of knowledge on minority policy among municipality-level social service providers.

There is a Special Delegation for Romani Issues consisting of representatives of Romani origin, experts on Romani issues, and representatives from Romani associations. The delegation worked to improve the situation of Roma in society and addressed such discrimination issues as social, political, and economic exclusion.

*Indigenous People.*—There were approximately 20,000 Sami in the country, represented by a 31-member Sami-elected administrative authority called the Sami Parliament; the Sami were not represented in the national Parliament. The Sami Parliament acts as an advisory body to the Government and has decision-making powers in matters related to Sami culture, language, and schools. Parliament and government regulations govern its operations.

Longstanding tensions between Sami and the Government over land and natural resources persisted, as did tensions between Sami and private landowners over reindeer grazing rights. Courts repeatedly ruled that Sami must compensate private landowners for use of their land for winter pastures. However, in September an appeals court dismissed a lawsuit brought by 100 landowners in the Umea region and ruled that the Sami villages had traditional rights to reindeer pasture in that area.

In January new legislation entered into force transferring some administrative authority over reindeer herding issues from the Ministry of Agriculture and county governments to the Sami Parliament.

*Other Societal Abuses and Discrimination.*—There were isolated incidents of societal violence and discrimination against homosexuals. The ombudsman against discrimination on grounds of sexual orientation registered 47 reported cases during the year, compared with 45 cases in 2006. Additionally, the ombudsman's office initiated eight new discrimination investigations, compared to 11 new investigations in 2006. The Government has a working group to promote equal rights for homosexuals, bisexuals, and transsexuals.

In March the EU criticized the Government for not following EU regulations on discrimination, which allow interest groups to initiate discrimination cases and require landlords to follow antidiscrimination regulations when making rental decisions.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law entitles workers to form and join unions of their choice, without previous authorization or excessive requirements, and workers exercised this right in practice. The law prohibits antiunion discrimination.

*b. The Right to Organize and Bargain Collectively.*—The law allows unions to conduct their activities without interference, and the Government protected this right in practice. The law provides for collective bargaining, and workers exercised this right in practice. Approximately 80 percent of the workforce was under collective bargaining agreements. The law provides for the right to strike, as well as for employers to organize and conduct lockouts; workers and employers exercised these rights in practice. Public-sector employees also enjoy the right to strike, subject to limitations in the collective agreements protecting the public's immediate health and security.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The law and policies (including those on acceptable working conditions) protect children from exploitation in the workplace, and the Government effectively implemented these laws

and policies in practice. The law permits full-time employment at age 16 under the supervision of local authorities. Employees under age 18 may work only during the daytime and under supervision. Children as young as 13 may work part-time or in light work with parental permission. Union representatives, police, and public prosecutors effectively enforced these restrictions.

*e. Acceptable Conditions of Work.*—There is no national minimum wage law. Wages are set by annual collective bargaining contracts. Nonunion establishments generally observed these contracts as well. Substantial benefits (e.g., housing, childcare) provided by social welfare entitlement programs assured even the lowest-paid workers and their families a decent standard of living. Foreign companies employing workers from their country of origin at wage levels below minimums stipulated in domestic collective-bargaining contracts created frictions in the labor market. For example, a 2005 incident in which Swedish worker unions blocked Latvian workers from access to a work site in Vaxholm resulted in a court case in the European Court of Human Rights. The Swedish union contended that the construction workers did not have collective bargaining agreements with a Swedish union. In December the court decided in favor of the Latvian company, ruling that although labor unions have the right to take action, in this case they went too far in blocking the company for not having signed a Swedish collective bargaining agreement.

The legal standard workweek is 40 hours or less. Both the law and collective bargaining agreements regulate overtime and rest periods. The maximum allowable overtime per year is 200 hours. The law requires a minimum period of 36 consecutive hours of rest, preferably on weekends, during a period of 7 days. The law also provides employees with a minimum of 5 weeks' paid annual leave. The Government effectively enforced these standards.

The Work Environment Authority, a government-appointed board, issued occupational health and safety regulations, and trained union stewards and safety ombudsmen. Government inspectors monitored them. Safety ombudsmen have the authority to stop unsafe activity immediately and to call in an inspector. These rules were effectively enforced. Workplaces were generally safe and healthy. In law and practice, workers could remove themselves from situations that endangered their health or safety without jeopardizing their future employment.

## SWITZERLAND

The Swiss Confederation, with a population of 7.5 million, is a constitutional republic with a Federal structure. Legislative authority is vested in the bicameral Parliament (Federal Assembly), whose members were chosen in free and fair elections on October 21. The government, elected by the Federal Assembly on December 12, is a coalition of the four major parties. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens, and the law and judiciary provided effective means of dealing with individual instances of abuse. However, there were reports that police at times used excessive force, particularly against blacks, asylum seekers, and certain other groups. Other human rights problems were lengthy pretrial detention, anti-Semitic and anti-Muslim incidents, violence against women, trafficking in persons, and discrimination against minorities.

### RESPECT FOR HUMAN RIGHTS

#### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Arbitrary or Unlawful Deprivation of Life.*—There were no reports that the Government or its agents committed arbitrary or unlawful killings.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits such practices; however, there were reports that police occasionally used excessive force.

In its annual report published in May, Amnesty International (AI) alleged mistreatment, use of excessive force, and racist abuse by police officers. In addition, AI released a special report in June accusing Swiss police forces of repeated human rights abuses that were rarely punished. The report documented some 30 instances of alleged police abuse, some of which had lethal consequences, in 14 cantons between 2001 and 2006. AI also alleged that police disproportionately subjected asylum seekers, blacks, anti-globalization protesters, soccer fans, and minors to interference, arbitrary detention, and degrading treatment. Police authorities responded that the AI report was biased against the police. The vice president of the National

Conference of Cantonal Police and Justice Ministers stated to the press that no other state service was scrutinized and disciplined so scrupulously.

*Prison and Detention Center Conditions.*—Prison conditions generally met international standards; however, prison overcrowding was a problem, particularly in the cantons of Geneva, Zurich, and Bern. A government report issued in February 2006 indicated that as of September 2005, one-third of the country's detention centers were at or above their designated capacity, and nine were overcrowded by 20 percent or more.

A study by the Ministry of Justice, published in May, found that during investigative detention, juveniles were often held together with adults and kept in prisons rather than reform schools. A new penal code for young offenders, which took effect at the beginning of the year, stipulates that juvenile detention prior to conviction should be minimized, and juveniles should be held in reform schools or separate wings of prisons, where they can be given educational support. As a consequence, in August the Federal Tribunal (the country's highest court) cancelled a provision of the Code of Criminal Procedures for juvenile offenders in the Canton of Basel that permitted the detention of juveniles in adult facilities under exceptional circumstances.

The Government permitted access to prisons by independent local and international human rights groups. A delegation of the Council of Europe's Committee for the Prevention of Torture conducted a 2-week visit in September.

*d. Arbitrary Arrest or Detention.*—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

*Role of the Police and Security Apparatus.*—Civilian authorities maintained effective control over police forces, which are organized and administered by the cantons with Federal coordination. The Government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces.

*Arrest and Detention.*—According to the law, criminal suspects must be apprehended on the basis of warrants issued by a duly authorized official unless there is a specific and immediate danger to which police must respond immediately. In most cases a suspect may not be held longer than 24 hours before being presented to a prosecutor or investigating magistrate, who must either bring formal charges or order the detainee's release; however, asylum seekers and other foreigners without valid documents may be held up to 96 hours without an arrest warrant.

There was a functioning bail system, and courts grant release on personal recognition or bail unless the magistrate believes the person charged is dangerous or is a flight risk. A suspect may be denied legal counsel at the time of detention but has the right to choose and contact an attorney before charges are brought. The state provides free legal assistance for indigents who are charged with crimes for which imprisonment would be a possible punishment. Access to family members may be restricted to prevent tampering with evidence, but law enforcement authorities are required to inform close relatives promptly of the detention.

AI and other nongovernmental organizations (NGOs) working with refugees complained that detained asylum seekers were often effectively denied proper legal representation in deportation cases because they lacked the financial means to obtain an attorney. Free legal assistance was only provided in cases of serious criminal offenses. The procedures for initiating and processing the deportation of asylum seekers are administrative, rather than judicial.

In some cases lengthy pretrial detention was a problem. During the year approximately one-third of all prisoners were in pretrial detention, and the average length of such detention was approximately 50 days. In April an expert group commissioned by Geneva's cantonal Parliament reported that a shortage of investigative magistrates reviewing new cases resulted in lengthy pretrial detention periods at the Champ-Dollon prison.

All cases of prolonged pretrial detention are subject to review by higher judicial authorities. The country's highest court has ruled that pretrial detention must not exceed the length of the expected sentence for the crime a suspect is charged with.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the Government generally respected judicial independence in practice.

*Trial Procedures.*—The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials were generally expeditious and public. Those involving minor offenses are generally heard by a single judge, more serious or complex cases by a panel of judges, and the most serious cases (including murder) by a jury. Defendants have the right to be present and to consult with an attorney in a timely manner, and an attorney is provided at public

expense if defendants face serious criminal charges. Defendants have the right to confront or question witnesses and to present witnesses or evidence. Defendants enjoy a presumption of innocence and have the right to appeal, ultimately to the highest court, the Federal Tribunal. These rights were generally respected in practice.

The Military Penal Code requires that war crimes or violations of the Geneva Conventions be prosecuted only if the defendant has close ties with Switzerland. Normal civilian rules of evidence and procedure apply in military trials. The Military Penal Code allows the appeal of any case, ultimately to the Military Supreme Court. In most cases defendants used attorneys assigned by the courts. Any licensed attorney may serve as a military defense counsel. Under military law the Government pays for defense costs. Civilians charged with revealing military secrets, such as classified military documents or classified military locations and installations, may be tried in military courts.

*Political Prisoners and Detainees.*—There were no reports of political prisoners or detainees.

*Civil Judicial Procedures and Remedies.*—There is an independent and impartial judiciary in civil matters. Citizens have access to a court to bring lawsuits seeking damages for, or cessation of, human rights violations.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

The law penalizes public incitement to racial hatred or discrimination, spreading racist ideology, and denying crimes against humanity. The law does not name anti-Semitism, Holocaust denial, or other specific offenses; however, there have been convictions under this legislation for anti-Semitism and denying the Holocaust as well as other offenses.

On March 9, a Lausanne court fined Dogu Perincek, a Turkish politician, \$2,650 (3,000 francs) for racial discrimination based on his public statement that Armenians had not been victims of genocide. In June the Vaud cantonal court confirmed the sentence. On December 12, the Federal Tribunal upheld the verdict, rejecting an appeal by Perincek.

It is a crime to publish “secret official discussions.” In February a military court announced that it had indicted three journalists working for the weekly *SonntagsBlick* for publishing a diplomatic communication. The indictments were criticized by organizations committed to freedom of the press. In April the military tribunal acquitted the defendants of all charges.

In December, in a case from 1997, the Grand Chamber of the European Court of Human Rights (ECHR) ruled that a domestic court had not violated freedom of expression when it fined a journalist for publishing excerpts from a confidential diplomatic document. The decision reversed an ECHR ruling from April 2006. It concluded that the way in which the journalist abbreviated the document for publication showed that his chief intent was to provoke a stir rather than to contribute to the public debate protected by freedom of expression.

*Internet Freedom.*—There were no government restrictions on access to the Internet or reports that the Government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Internet access was widely available, and over two-thirds of the population used it regularly.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

There is no official state church; however, most cantons provided financial support from tax revenues to at least one of three traditional denominations—Roman Catholic, Old Catholic, or Protestant. Each of the 26 cantons has its own regulations regarding the relationship between church and state. Foreign missionaries must ob-

tain a religious worker visa to work in the country. Such permits were generally granted routinely.

Resident Islamic organizations complained that authorities in many cantons and municipalities discriminated against them by refusing zoning approval to build mosques, minarets, or Islamic cemeteries. In the Canton of Solothurn, a project to build a symbolic minaret on top of existing prayer rooms was held up in legal disputes until July 4, when the Federal Tribunal threw out a complaint by a group of neighbors opposing the project. In the Canton of Bern, a similar community building project stalled when, on April 16, the cantonal government cancelled the building permit issued by municipal authorities. There are currently two minarets in the country—at the Geneva and Zurich mosques.

Religious instruction was a part of the curriculum in most public cantonal schools except in Geneva and Neuchatel. Most schools offered classes in Roman Catholic and Protestant doctrine, but some schools included discussion of other religious groups present in the country. A number of cantons complemented or entirely supplanted traditional classes in Christian doctrine with nonconfessional teachings about religion and culture.

The Department of the Interior's Federal Service for the Combating of Racism sponsored a variety of educational and awareness-building projects to combat racism, xenophobia, and anti-Semitism.

*Societal Abuses and Discrimination.*—There were reports of societal abuses or discrimination based on religious belief or practice. Some observers remained concerned about the climate for members of religious minorities, particularly Muslims and Jews.

According to the 2000 census, the most recent official data available, there were 17,914 members of Jewish communities, constituting 0.24 percent of the population. Anti-Semitic incidents occurred during the year. In 2006, according to the Geneva-based Intercommunity Center for Coordination against Anti-Semitism and Defamation recorded 67 anti-Semitic incidents in the western, French-speaking part of the country; they ranged from verbal and written assaults to offensive graffiti and acts of vandalism against Jewish property. This represented a decrease from the 75 incidents in 2005. In the German-speaking part of the country, the NGO Children of the Holocaust recorded 73 anti-Semitic incidents between September 2005 and December 2006.

On May 24, early in the morning, a fire broke out at the Hekhal Hanes synagogue in Geneva. The entrance hall was charred and other rooms heavily damaged, but no one was hurt. Authorities believed that the fire was arson, but did not identify political extremism as the motive for the attack. However, Alfred Donath, the head of the Federation of Jewish communities, told Swiss radio RSR that the anti-Semitic nature of the attack was undeniable. Local authorities opened an investigation, which was ongoing.

A study released during the year by the Federal Commission against Racism reviewed 183 court convictions between 1995 and 2000 for violation of antiracism legislation. It found that in over 25 percent of the cases, the victims of discrimination were members of the Jewish religious community.

The law penalizes public incitement to racial hatred or discrimination, spreading racist ideology, and denying crimes against humanity. The law does not name anti-Semitism, Holocaust denial, or other specific offenses; however, there have been convictions under this legislation have included anti-Semitism and Holocaust denial. Schools across the country honored Holocaust Remembrance Day, January 27, for victims of the Holocaust. The country is a member of the Task Force for International Co-operation on Holocaust Education, Remembrance, and Research.

On November 12, a 23-year-old man entered the Islamic center in Crissier near Lausanne and fired several shots, seriously injuring a 43-year-old worshiper, before being overwhelmed by other worshippers. The motive for the attack remained unclear. The attacker reportedly was a practicing Muslim. Police have opened an investigation that was incomplete at year-end. On February 20, a criminal court found the perpetrator of a 2004 attack on the imam of Lausanne not responsible for his actions by reason of insanity and ordered his confinement in a psychiatric institution. The man had entered the local Islamic center during Friday prayers and stabbed the cleric and a nearby worshiper with a knife. The two victims were each granted an indemnity of approximately \$13,251 (15,000 francs).

Plans by some Islamic associations to build minarets next to their houses of worship in the Cantons of Solothurn, Bern, and Sankt Gallen provoked political debates far beyond the municipalities concerned. In April a committee including members of the Federal Parliament launched an initiative favoring a vote to ban the construction of minarets across the country. Three cabinet ministers condemned the petition; Islamic umbrella organizations deplored it as threatening peaceful coexistence and



hampering the integration of Muslims. However, the Swiss People's Party (SVP), which won 29 percent of the vote in national elections in October, supported the banning of minarets.

Some employers prohibited the wearing of headscarves in the workplace. For example, the second largest retailer announced that its dress code did not cover headgear and that it would not allow the wearing of the Islamic headscarf.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice.

The Government cooperated with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations to provide protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

The Constitution prohibits forced exile, and the Government did not employ it.

*Protection of Refugees.*—The laws provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. The Government received asylum requests involving 10,387 persons. Authorities also adjudicated 9,577 cases, and granted refugee status or asylum to 1,561 persons. In practice the Government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. The Federal Office for Migration relied on a list of approximately 45 “safe countries,” and would-be refugees who originated in, or transited, these countries were generally ineligible to apply for asylum. NGOs criticized the inclusion in 2006 of some countries in Eastern Europe and Africa that they considered not sufficiently stable to justify automatic rejection.

The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol and provided it to 2,749 persons during the year; 22,753 individuals with temporary protection status were living in the country at year's end.

Asylum applicants were required to present documentation verifying their identity, and authorities refused to process the applications of asylum seekers who were unable to justify the lack of acceptable documents. Rejected asylum seekers were not generally detained, nor were they removed from the country. They were instructed to leave voluntarily. However, if they refuse to return home voluntarily, they may be forcibly repatriated.

On January 1, a revision of the asylum law took effect that imposed stricter identification requirements on asylum seekers and tightened treatment of rejected applicants. Under the revised law, asylum seekers not presenting an official travel or identity document within 48 hours or credibly justifying their lack of documents or showing evidence of persecution were excluded from the asylum process. Authorities could detain uncooperative asylum seekers, subject to judicial review, for up to 6 months while adjudicating their applications. Rejected applicants could be detained for up to 3 months to ensure their departure, or up to 18 months if repatriation posed special obstacles. Minors between 15 and 18 years of age could be detained up to 12 months pending repatriation.

International organizations and NGOs raised concerns that the new provisions would make the country's asylum process too restrictive. These measures followed other restrictive steps in recent years that had also been widely criticized by international organizations.

In September 2006, voters approved by referendum a new law on foreigners scheduled to enter into force on January 1, 2008. The law gives asylum applicants with temporary protection status easier access to the labor market and permits them to bring their families into the country, albeit after a waiting period of 3 years.

NGOs alleged that police at times used excessive force against asylum seekers.

### *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

*Elections and Political Participation.*—On October 21, citizens chose a new Federal Assembly in free and fair elections. Political parties could operate without restriction or outside interference.

There were 67 women in the 246-seat Federal Assembly and three women in the seven-seat Federal Council (cabinet). The proportion of female representatives in cantonal legislatures remained 24 percent. Women held approximately one-fifth of the seats in cantonal executive bodies.

There was one member of an ethnic minority in the 200-seat National Council, the lower house of the Federal Parliament.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively.

There were isolated reports of government corruption during the year.

Members of the Federal Parliament must disclose their interests, professional activities, supervisory board or executive body memberships, and expert or consulting activities every year. Investigating and prosecuting government corruption is a responsibility of the Federal authorities. A majority of cantons also require members of cantonal Parliament to disclose their interests. Since 2000 a joint working group comprising representatives of various Federal Government agencies has been working under the leadership of the Federal Department of Foreign Affairs to combat corruption.

The Constitution requires the Government to inform the public about its activities, and government information was available freely to all persons living in the country, including foreign media. A transparency law provides for public access to government documents.

#### *Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

#### *Section 5. Discrimination, Societal Abuses, and Trafficking in Persons*

The Constitution prohibits discrimination on the basis of race, gender, disability, language, or social status; however, some laws discriminate against women. The Government generally enforced these prohibitions effectively. Violence against women and children, trafficking in persons, and discrimination against minorities were problems.

*Women.*—Rape, including spousal rape, is a statutory offense, and the Government effectively prosecuted those accused of such crimes. According to a 2003 survey, more than 5 percent of women polled had been raped. In 2006 police recorded 639 instances of rape, and there were 486 prosecutions and 117 convictions.

Domestic violence is a statutory offense. On July 1, new legislation entered into force permitting a court to order an abusive spouse to leave the family home as a temporary measure and making stalking a punishable offense. Victims of domestic violence could obtain help, counseling, and legal assistance from specialized government agencies and NGOs or from nearly a dozen hot lines sponsored privately or by local, cantonal, and national authorities. In 2006, 1,127 women and 1,123 children spent a total of 58,795 nights in 18 women's shelters across the country. In the same year, 955 applicants for shelter had to be turned away, mostly due to a lack of space. The interior ministry's Federal Office for Equality between Women and Men has a special unit focusing on domestic violence. Most cantonal police forces had specially trained domestic violence units. A majority of cantons also had special administrative units coordinating the activities of law enforcement agencies, prosecutors, and victim assistance groups.

Violence against women was a problem. A 2003 international survey showed that almost 40 percent of women had suffered some sort of physical or sexual assault in their lifetimes, frequently at the hands of a former partner or an acquaintance; only one-third of the instances of physical violence and only 6 percent of sexual abuses were reported to police. A government study released in October 2006 found that 74 percent of all homicides or attempted homicides against women between 2000 and 2004 were acts of domestic violence; approximately 20 women are killed each year by their partners or former partners.

Forced marriage is illegal; however, NGOs asserted the practice occurred, predominantly in underprivileged immigrant families, but its extent remained unknown. In October 2006, the Asylum Appeals Commission ruled that forced marriage may be a reason to grant asylum.

Female genital mutilation (FGM) is illegal, but there were reports that the practice occurred. The U.N. Children's Fund (UNICEF) estimated that there were nearly 7,000 circumcised women and girls in the country as a result of immigration from

areas where FGM is practiced. UNICEF continued its efforts to raise awareness of FGM and, in cooperation with local gynecologists, has drafted guidelines for the medical care of circumcised women. In November a Zurich cantonal prosecutor opened criminal proceedings charging the parents of a 13-year-old girl with grievous bodily harm in a case of female genital mutilation. The parents of Somali origin reportedly had their daughter circumcised at the age of 2. It was the first time judicial authorities launched criminal proceedings in a case of FGM performed inside the country.

Prostitution is legal; however, street prostitution is illegal except in specially designated areas in the major cities. Police estimates from 1999, the latest nationwide data available, indicated that approximately 14,000 persons were engaged in prostitution. Information from individual cantons suggests that the number has increased since then.

The law prohibits sexual harassment and facilitates access to legal remedies for those who claim discrimination or harassment in the workplace; however, special legal protection against the dismissal of a claimant is only temporary. Employers failing to take reasonable measures to prevent sexual harassment are liable for damages equal to as much as 6 months' salary. In a government-contracted survey of 2,020 persons conducted during the year, 6.5 percent of respondents reported having suffered sexual harassment during the previous 12 months, and 18.1 percent had been subjected to sexual harassment at least once during their professional career. According to the study, women were three times more likely to be victims of sexual harassment than men.

Women enjoy the same rights as men under the Constitution, including in family law, property law, and in the judicial system; however, independent observers claimed that some laws, as interpreted by the courts, were discriminatory. For example, the Federal Tribunal ruled that the primary wage earner in a divorce must be left with sufficient income to remain above the poverty level. Since the primary wage earner in most marriages was the man, if the household income was too low to support both parties, the wife and children could be forced to resort to public assistance. In June the Federal Commission for Women's Issues concluded that twice as many women as men fell below the poverty line following a divorce.

The Federal Office for Equality between Women and Men and the Federal Commission on Women worked to eliminate both direct and indirect gender discrimination. Many cantons and some large cities have equality offices to handle gender issues.

Discrimination against women in the workplace is illegal, but women disproportionately held jobs with lower levels of responsibility. Women were promoted less frequently than men and were less likely to own or manage businesses.

Under the Constitution women and men are entitled to equal pay for equal work; however, women's gross salaries were on average more than 20 percent lower than men's. A government report issued in June 2006 estimated that 40 percent of the wage differential was due to gender discrimination.

*Children.*—The Government was strongly committed to children's rights and welfare, and it amply funded a system of public education and need-based subsidies of health insurance.

Education was compulsory, free, and universal for 9 years, from ages 6 or 7 through 15 or 16, depending on the canton. Almost all school-aged children attended school. Almost 90 percent completed postsecondary education or professional vocational training, and approximately 45 percent continued to earn specialized or university degrees.

Boys and girls had equal access to state-provided health care.

Child abuse was a problem. A 2005 study by the University of Fribourg estimated that, nationwide, 13,000 children under the age of 2½ had been slapped in the face by their parents at times and 1,700 had been occasionally struck with objects. Statistics on the extent of sexual violence against children were unavailable, but experts estimated that 20 percent of girls and 10 percent of boys under the age of 18 had been victims. Most abuse took place in the family or the immediate social environment.

During 2006 the national cyber crime monitoring body, CYCOS, referred 352 instances of possibly illegal Internet activities, including child pornography, to local prosecuting authorities. In most cases the cantonal prosecuting office opened a criminal investigation, and such investigations usually led to the confiscation of illegal material. The production, possession, distribution, or downloading from the Internet of pornography involving children is illegal and carries heavy fines or a maximum sentence of a year in prison. In 2005 the Government initiated a 3-year information campaign against child pornography on the Internet.

*Trafficking in Persons.*—The penal code prohibits all forms of trafficking in persons and provides for extraterritorial jurisdiction; however, there were reports that persons were trafficked to, from, and within the country and forced into prostitution or domestic servitude.

Officials estimated the number of trafficking victims to be a few hundred a year. Federal police conjectured that between 1,500 and 3,000 victims of human trafficking were residing in the country during the year. According to authorities, most victims came from Central Europe, the former Soviet Union, Latin America, Southeast Asia, and, to a lesser extent, Africa. The country was primarily a country of destination, and secondarily of transit, for trafficked persons.

The great majority of trafficking victims were women who were trafficked primarily for purposes of sexual exploitation, although trafficking for domestic servitude also occurred. In 2006 there were some isolated cases of trafficking in children, according to an NGO. Traffickers were mainly individuals and small groups related through ethnic, clan, or family ties, as well as, occasionally, organized criminals. Traffickers often forced victims into prostitution and in many cases subjected them to physical and sexual violence, threatened them or their families, encouraged drug addiction, withheld their documents, or incarcerated them. Many victims were forced to work in salons or clubs to pay for travel expenses and the production of fraudulent documents and found themselves dependent on the traffickers.

Trafficking in persons is punishable by a prison sentence of up to 20 years, and coercing a person into prostitution by up to 10 years. In 2006 authorities convicted 20 persons of trafficking in persons and forcing others into prostitution. The highest sentence given to a convicted trafficker was 4 years in prison; however, the majority of convicted traffickers received suspended sentences. The Coordination Unit against Trafficking in Persons and Smuggling of Migrants, which is linked to the Federal Office of Police, coordinates and monitors all antitrafficking efforts, including those of a Federal interagency task force. Authorities were active in international law enforcement activities and took the lead in coordinating several international trafficking investigations.

The law entitles trafficking victims to safe shelter as well as medical, psychological, social, and legal assistance regardless of their residency status. During 2005, 126 trafficking victims received assistance from publicly funded victim assistance centers. The Government continued partial funding of Zurich's leading antitrafficking NGO. A number of cantons have formalized their victim referral mechanisms in written agreements between NGOs and local law enforcement officials. As a result of this formalized cooperation, the number of victims who received professional counseling and were willing to testify against their traffickers increased considerably.

In September 2006 voters approved a new law on foreigners, scheduled to enter into force in 2008. It is intended to formalize the existing process of granting potential trafficking victims a stay of deportation to permit them to recover from their trauma and consider participation in judicial proceedings. The new law authorizes the Government to waive normal immigration requirements and grant residency permits to victims and witnesses who would be in danger if they returned home. It allows the Federal Government to assist victims logistically and financially in their voluntary return and their reintegration into the societies of their home countries.

The Government funded several antitrafficking information and education campaigns around the world. The Ministry of Foreign Affairs provided specialized training to its consular staff and distributed trafficking awareness information to visa applicants in local languages.

*Persons with Disabilities.*—The Constitution and law prohibit discrimination against persons with disabilities in employment, education, access to health care, and the provision of other state services, and the prohibition was generally enforced. The law mandates access to public buildings and government services for persons with disabilities, and the Government generally enforced these provisions in practice. On June 17, voters approved a government proposed reform of the Federal disability insurance scheme, which was facing financial difficulties. The reform restricts access to disability benefits but also offers better and timelier assistance to enable persons with disabilities to remain (partially) employed and strengthens incentives for employers to hire them.

The Federal Equal Opportunity Office for Persons with Disabilities promoted awareness of the law and respect for the rights of the disabled through counseling and financial support for projects to facilitate their integration in society and the labor market. In January 2006 the Government began a 3-year pilot project to empower persons with severe disabilities to live on their own, away from institutions. Approximately 400 participants, including some children, received grants to pay for

a helper but remained free to decide who should assist them and how much care they needed.

*National/Racial/Ethnic Minorities.*—Right-wing extremists, including skinheads, continued to be publicly active; police estimated that their numbers remained steady at approximately 1,200; in 2006 such groups were involved in 109 public incidents, including arson attacks, assaults, and “hate concerts” held to increase membership. This represented an increase of 12 percent over the previous year. Almost 60 percent of the incidents were violent attacks; 14 of them were against foreigners. The objects of right-wing hostility included foreigners, ethnic and religious minorities, and immigrants. Many of the violent incidents were clashes between right- and left-wing extremist groups. (Federal police counted slightly more hate concerts and brawls between left- and right-wing extremists but noted a drop in violence targeting foreigners).

There were reports of violent confrontations between skinheads and young individuals of foreign origin or non-Christian faith. According to statistics gathered by the Foundation Against Racism and Anti-Semitism, 113 incidents directed against ethnic and religious minorities were reported during the year. These figures included verbal and written attacks and acts of vandalism against property, which were much more common than physical assaults.

On May 1, unknown assailants attacked a 43-year-old immigrant from Angola at his place of work in a suburb of Zurich. Using chainsaws as weapons, the perpetrators inflicted severe injuries on the victim requiring extensive medical care. The victim reported that the attackers shouted statements against Africans during the attack. Authorities continued to investigate the attack but reportedly had no suspects.

The extreme right-wing, xenophobic, Party of Nationally Oriented Swiss (PNOS) continued to be the subject of judicial action. In October, according to media reports, a district court in Aargau Canton convicted five PNOS board members for racial discrimination. They were accused of having distributed a pocket diary with anti-Semitic content and published on the Internet a party program that denigrated foreigners. In June the Bern Cantonal Appeals Court partially upheld the verdict against the former president of the PNOS party’s Bern chapter for racial discrimination, but lowered the fine from approximately \$1,060 (1,200 francs) to approximately \$707 (800 francs).

The number of naturalizations of resident foreigners rose from 26,860 in 2001 to 45,987 in 2006. In September the Federal Commission against Racism (FCR) released an official report on the country’s naturalization procedures of foreign residents. The FCR concluded that the existing system in which parliaments or town hall assemblies decide on citizenship applications, sometimes resulted in discriminatory rejections, particularly of nationals of the former Yugoslavia and of Muslims. The commission recommended that the power to grant citizenship be delegated to an elected executive body.

On August 1, police prevented a group of right-wing extremists from gaining access to the Rutli meadow in central Switzerland, a place of national historical importance where national day festivities were scheduled to be held. The police action foiled the extremists’ plans to disrupt the ceremonies, as they had done in previous years. Nevertheless, on August 1, an explosive device planted in the ground went off on the Rutli meadow, and on September 4, three small bombs detonated outside the private homes of three politicians who were key sponsors of the Rutli national day celebrations. Nobody was hurt in any of these incidents. There were no reports of arrests by year’s end.

A 2006 study by the University of Neuchatel indicated that young adults whose immigrant parents came from outside the European Union faced discrimination in the job market. Young, second-generation immigrants who were equally well qualified and with identical resumes as their peers, stood a significantly lower chance of finding employment.

On March 27, the U.N. special rapporteur on contemporary forms of racism, Doudou Diene, reported to the U.N. Human Rights Council on his January 2006 visit to the country. Diene concluded that there was “a dynamic of racism and xenophobia” and that, “although Switzerland has competent mechanisms and motivated officials with mandates to combat racism,” the country lacked a coherent political and legal strategy to combat it. He commented that he believed there to be a “growing prevalence of racist and xenophobic stances in political programs and discourse, particularly during elections and various votes.” In its reaction, the Government acknowledged that deplorable incidents sometimes occurred, but rejected the conclusions about a “general dynamism of racism and xenophobia” in the country as a whole.

A number of NGOs, politicians, and special rapporteur Diene, expressed concern about what they concluded were racial overtones in election campaign posters of the

nationalist SVP that depicted a white sheep kicking a black sheep off of a Swiss flag under the slogan "Create Security." The SVP claimed that the poster was an idiomatic reference to a SVP initiative to deport foreigners who commit crimes in Switzerland, and not racist. Diene concluded that the posters promoted racial discrimination, and he requested a response from the Swiss government. The Federal Council stated that the posters in question were protected by laws governing freedom of expression.

The Department of the Interior's Federal Service for Combating Racism sponsored a variety of educational and awareness-building projects to combat racism, xenophobia, and anti-Semitism.

In June 2006 the Government foundation, Future for Swiss Itinerants, reported that habitat for the traveling Jenisch (a nomadic group of unknown origin and European ethnicity) was becoming scarce. Only one new permanent stopping place had been established since 2001, when the need for additional locations was pointed out, and the number of transit stopping places declined from 51 to 44 over the same period. In an October 2006 report on the situation of traveling Jenisch, the Government acknowledged that the number of permanent and transit stopping places was insufficient. Local authorities took some steps to alleviate the situation.

*Other Societal Abuses and Discrimination.*—There were no reports of societal violence or discrimination based on sexual orientation. However, there were occasional reports of discrimination against persons with HIV/AIDS. On World Aids Day, the Swiss Aids Federation (SAF) launched an awareness campaign to combat prejudices and workplace discrimination against persons with HIV/AIDS. In November the SAF started a billboard campaign to raise awareness of discrimination against children born with HIV/AIDS.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law permits all workers, including foreigners, to form and join unions of their choice without previous authorization or excessive requirements, and workers exercised these rights in practice. Approximately 25 percent of the workforce was unionized.

Trade union leaders criticized absence of a legal requirement obliging employees to offer reinstatement to an employee who is found to be unjustly dismissed. Present law provides that a worker found to have been dismissed illegally is entitled to maximum compensation of up to 6 months' wages. Trade union leaders complained that this penalty was insufficient to deter abusive dismissals of union activists.

*b. The Right to Organize and Bargain Collectively.*—The law allows unions to conduct their activities without interference, and the Government protected this right in practice. The law provides for the freedom to bargain collectively, and workers exercised this right. Approximately 50 percent of the work force was covered by collective bargaining agreements. The law provides for the right to strike, and workers exercised this right by conducting legal strikes. However, collective bargaining agreements commit the social partners to maintaining labor peace, limiting the right to strike for the duration of the agreement. Such agreements generally last several years, with wages being negotiated annually. The Government may curtail the right of Federal public servants to strike, but only for reasons of national security or safeguarding foreign policy interests. Public servants in some cantons and many municipalities are prohibited from going on strike.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred. Women were trafficked for sexual exploitation and domestic labor; there were isolated reports of trafficking in children.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The Government effectively enforced laws and policies to protect children from exploitation in the workplace; however, there were isolated reports of trafficking in children.

The minimum age for full-time employment is 15 years. Children 13 and 14 years of age may be employed in light duties for not more than 9 hours per week during the school year and 15 hours at other times. The employment of youths 15 and over is also restricted and cantonal inspectorates strictly regulated these provisions. Children are not permitted to work at night, on Sundays, or in hazardous conditions. In June 2006 the Federal Assembly adopted an amendment to the labor law lowering the maximum age for the special protection of young workers from 20 to 18 years.

The economics ministry monitors the implementation of child labor laws and policies, but actual enforcement is the responsibility of the cantonal labor inspectorates;

government officials inspected companies to determine whether there were violations of the child labor laws.

*e. Acceptable Conditions of Work.*—There was no national minimum wage, which resulted in low average wages for workers and employees in the clothing, hospitality, and retail industries. A majority of the voluntary collective bargaining agreements contained clauses on minimum compensation, ranging from approximately \$1,943 to \$3,710 (2,200 to 4,200 francs) per month for unskilled workers and \$2,473 to \$4,681 (2,800 to 5,300 francs) per month for skilled employees. However, parties did not always adhere to these agreements. On September 27, the Government released the results of a study involving the inspection of more than 31,000 companies between January 2006 and June 2007, which found that 24 percent of inspected companies undercut the minimum compensation provisions set in their collective bargaining agreements. This practice was most prevalent in the construction and hospitality sectors.

The law sets a maximum 45-hour workweek for blue- and white-collar workers in industry, services, and retail trades, and a 50-hour workweek for all other workers. The law prescribes a rest period of 35 consecutive hours plus an additional half-day per week. Premium pay for overtime must be at least 25 percent; overtime is generally restricted to 2 hours per day. Annual overtime is limited by law to 170 hours for those working 45 hours a week and to 140 hours for those working 50 hours a week. The Government effectively enforced these regulations.

The law contains extensive provisions to protect worker health and safety. The Economics Ministry and cantonal labor inspectorates effectively enforced the law. Workers have the right to remove themselves from work situations that endanger health or safety without jeopardy to their continued employment, and the authorities effectively enforced this right.

---

## TURKEY

Turkey, with a population of approximately 70.5 million, is a constitutional republic with a multiparty parliamentary system and a president with limited powers elected by the single-chamber Parliament, the Turkish Grand National Assembly. In an October 21 referendum that was deemed free and fair, voters approved a constitutional amendment that allows the president to be elected by popular vote for a maximum of two 5-year terms. In the July 22 parliamentary elections, also considered free and fair, the Justice and Development Party (AKP) won the majority of seats and formed a one-party government. Two opposition parties entered Parliament, and independent candidates representing four additional parties also entered Parliament. Civilian authorities generally maintained effective control of the security forces.

The Government generally respected the human rights of its citizens; however, serious problems remained in several areas. During the year human rights organizations documented a rise in cases of torture, beating, and abuse by security forces. Security forces committed unlawful killings; the number of arrests and prosecutions in these cases was low compared with the number of incidents, and convictions remained rare. Prison conditions remained poor, with problems of overcrowding and insufficient staff training. Law enforcement officials did not always provide detainees immediate access to attorneys as required by law. Some government and military officers at times undermined the judiciary's independence, and the overly close relationship of judges and prosecutors continued to hinder the right to a fair trial. Excessively long trials were a problem. The Government limited freedom of expression through the use of constitutional restrictions and numerous laws, including articles of the penal code prohibiting insults to the government, the state, "Turkishness," or the institution and symbols of the republic. Limitations on freedom of expression expanded to the Internet, as Turkish courts on several occasions ordered telecommunications providers to block access to Web sites. Non-Muslim religious groups continued to face restrictions on practicing their religion openly, owning property, and training leaders. Violence against women, including honor killings and rape, continued to be a widespread problem. Child marriage was a problem. Police corruption contributed to trafficking in women and children to, from, and within the country for sexual exploitation.

## RESPECT FOR HUMAN RIGHTS

*Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Arbitrary or Unlawful Deprivation of Life.*—The Government or its agents did not commit any politically motivated killings; however, security forces killed a number of persons during the year.

On September 13, security forces shot and killed Ejder Demir, a Kurdish-origin Turkish citizen in the Asagi Kockiran village in southeastern Turkey. After an investigative visit to the town, a delegation consisting of members of the nongovernmental organizations (NGOs) Human Rights Association (HRA) and Mazlum-Der reported that eyewitnesses stated that soldiers shot Demir in the back without any warning. The soldiers had called for Demir to come out of his house; Demir exited and turned around, at which point the soldiers shot him. The delegation reported that neither the local prosecutor nor the Jandarma commander would meet with them. The Saray subprovincial subgovernor Ali Yilmaz told the delegation Demir was trying to flee when shot, and that an investigation was ongoing. The delegation called on the Government and parliamentary human rights committee to take up the case. At year's end the Government had not initiated an investigation or legal action.

The NGO Human Rights Foundation (HRF) reported that, in contrast to past years, security forces caused no fatalities in connection with raids on houses or control of demonstrations.

There continued to be reports of security forces fatally shooting civilians who refused to obey a warning to stop. According to the HRF, police and Jandarma killed the following persons in such circumstances: An unidentified Syrian citizen in Islahiye, Gaziantep; Emrah Dervizoglu (17) in Istanbul; Osman Akdemir (42) in Uzumlu, Erzincan; Mikhail Cetin in Dortyol, Hatay; Bulent Karatas (33) in Hozat; and Baran Tursun (20) in Istanbul. Human rights organizations stated that the Government's failure to clearly delineate appropriate situations to use lethal force, in the revised Antiterror Law or other laws, contributed to cases of disproportionate use of force.

On September 28, security forces in the city of Hozat in Tunceli Province shot and killed 33-year-old Bulent Karatas and injured 31-year-old Riza Cicek, when the men did not obey a "stop" warning. The military's Web site described the incident as security forces rendering two terrorists ineffective. Hozat Mayor Cevdet Konak said the men were grazing livestock in fields when they were shot. On September 29–30, demonstrators gathered in Tunceli and Istanbul to protest the killings. HRA Tunceli representative Baris Yildirm said the killings epitomized an increase in the violation of civilians' rights occurring in the region.

On October 17, police shot and subsequently paralyzed 17-year-old Ferhat Gercek in Yenibosna in Istanbul. Witnesses reported that police tried to arrest Gercek and other vendors who were selling the socialist magazine Yuruyus. When the vendors resisted, a short fight ensued and a police officer shot Gercek in the back. Gercek's family and friends complained that Gercek was not questioned in an effort to find the responsible officer. No officers were charged in connection with the case.

On November 21, in the Avcilar neighborhood of Istanbul, a police officer kicked the chest of 26-year-old Feyzullah Ete, who died of a heart attack following the blow. Ete and a friend had been drinking in a public park and passers-by complained to police that the pair were disturbing the peace. Witnesses said police warned the victim and his friend before the fatal skirmish ensured. In late November, police arrested one officer in connection with the case, and the Ministry of Interior also opened a disciplinary case against that officer. The police were investigating the officer's conduct at year's end.

In February 2005 demonstrators in Mersin Province claimed police shot and killed Umit Gonultas during a protest in support of Abdullah Ocalan, imprisoned leader of the terrorist Kurdistan Workers Party (PKK). The HRA and HRF reported that the Mersin prosecutor was continuing a "secret" investigation at year's end.

The prosecutor's case against nine members of the now-dissolved pro-Kurdish Democratic People's Party (DEHAP) for their role in a statement protesting the shooting continued at year's end.

At year's end the military court of appeals had not ruled on whether a military court has jurisdiction in the case of army private Murat Polat, who died in July 2005 from wounds he received when he was allegedly beaten by fellow soldiers at Adana military prison. Although prosecutors initially indicted 29 soldiers for torture, both the civilian and military court concluded jurisdiction lay in the other court. One army private remained in custody at year's end.

On May 16, the Court of Appeals overturned the June 2006 conviction and sentence of 39½ years of Jandarma officers Ali Kaya and Ozcan Ildeniz, in connection



with the November 2005 bookstore bombing in Semdinli, Hakkari Province. The bombing, which killed Mehmet Zahir Korkmaz, sparked violent protests against the alleged Jandarma role in the bombing, resulting in the deaths of two protestors. The appellate court ruled that the investigation was flawed and that the proper venue was a military court. The court also overturned the sentence of informant Veysel Ates, and ordered that the two cases be joined. The trial court subsequently transferred the joint case to a military court. On December 14, the military court released the suspects pending trial.

In a related case against Army Sergeant Tanju Cavus for using excessive force in the demonstrations following the bombing, the Hakkari prosecutor transferred the case for security reasons to the Malatya Heavy Penal Court in May 2006. At year's end the trial continued in the Malatya court.

In a connected case, the Van prosecutor charged bookstore owner Seferi Yilmaz with assisting and sheltering members of the terrorist organization PKK. In June 2006 authorities arrested Yilmaz and placed him in prison pending trial. On April 4, he was discharged from Van Prison while the case continued.

Also related to the Semdinli bombing, in March 2006, a Diyarbakir prosecutor opened a case against the senior military commander, General Yasar Buyukanit, for attempting to influence the legal process after Buyukanit publicly remarked that the Semdinli affair was an attempt to defame Turkey's armed forces. The High Council of Judges and Prosecutors barred the prosecutor from continuing to work as an attorney.

The trial against four defendants in the 2005 killing of Hikmet Fidan, a former DEHAP vice chairman, continued at year's end. Defendants Firat Karahan, Veysi Akgonul, Mustafa Kemal Ok, and Zeki Peker were accused of complicity in capturing Fidan and turning him over to PKK terrorists who allegedly carried out the murder. On March 22, the Diyarbakir Heavy Penal Court adjourned the case pending receipt of medical reports on the defendant Karahan.

The Hakkari court's acquittal of 12 defendants in November 2005, including former members of the security forces, who had been charged with extrajudicial killings, bombings, extortion, and other crimes was under appeal for the second consecutive year.

At year's end the military had not opened a case in the matter of 11 corpses discovered near the town of Kulp, Diyarbakir Province, in late 2004. In February 2006 the Forensic Medicine Institute used DNA matching to confirm that the corpses belonged to villagers who disappeared after detention in 1993.

On March 6, an Adana court acquitted the three police officers charged in connection with the shooting of suspected PKK member Siar Perincek in Adana in 2004. The court ruled that the officers acted in self-defense.

On April 18, the four police officers charged with the 2004 unlawful killing in Kiziltepe, Mardin Province, of Ahmet Kaymaz and his son Ugur were acquitted. The HRF reported that the four defendants were reassigned and back on duty. Prosecutors charged Tahir Elci, an attorney for the Kaymaz family, with attempting to influence a fair prosecution by making statements to the press during the trial. His trial began on June 14 and continued at year's end.

There was no new information available on the appeal of the 2005 conviction of Jandarma official Murat Sener on charges of using excessive force in the 2004 killing of Fevzi Can in Hakkari Province.

According to the government, four persons died while in police detention through November 5.

The HRF reported that six persons died in detention during the year. Three of the deceased reportedly hanged themselves: E.T. (26), in an Izmir police station; Hakki Canci, in an Istanbul police station; and Polish refugee Dariusz Witex, in a refugee shelter in Istanbul. In late August, Nigerian refugee Festus Okey died in a police station in Istanbul during interrogation by a policeman who was alleged to have had a gun. Police stated that Okey was arrested for drug dealing and that he was accidentally shot while trying to disarm a police officer. However, tape from the surveillance camera in the interrogation room was never made available to the public. Initially, an officer from the Beyoglu District was indicted for "negligent killing" and the case was referred to Beyoglu criminal court. On November 26, the court ruled the incident should be seen as "premeditated murder" and sent the matter to the Heavy Penal Court.

According to the government, 27 civilians were killed and 134 were injured, 139 members of the security forces were killed and 216 were injured, and 295 terrorists were killed and 193 were injured in armed clashes related to the struggle against the terrorist PKK organization during the year. Most of the clashes occurred in the southeast.

According to the HRF, landmines and unattended explosives killed three civilians and injured three, through October 4. Both security forces and the PKK used landmines.

On several occasions in December, Turkish air force planes struck sites in northern Iraq targeting PKK areas following the terrorist organization's attacks in Turkey. According to press reports, one civilian was killed.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution and law prohibit such practices; however, members of the security forces continued to torture, beat, and otherwise abuse persons.

Human rights organizations reported a rise in cases of torture and abuse during the year. In a July 5 report, Amnesty International (AI) noted that a "culture of impunity" allowed police and Jandarma to escape accountability for torture and enabled courts to disregard medical evidence of torture and accept as evidence statements allegedly extracted under torture.

The Ministry of Justice reported that it opened 45 torture cases during the year, involving 298 suspects and a total of 178 victims. The suspects comprised 263 police, 15 Jandarma, and 20 other public servants. The justice ministry reported that it opened 34 excessive force cases during the year, involving 65 suspects and 49 victims. The suspects comprised 56 police, seven Jandarma, and two other public servants.

According to the HRA and Mazlum-Der, there were 451 incidents of torture in the first 6 months of the year. The HRF reported that during the year 452 persons applied to HRF's centers for assistance. Of these, 248 cases involved torture or abuse inflicted during the year; the rest involved incidents that occurred previously. HRF stated that there were 10,449 credible reports of torture or abuse from 1990 to 2005. A number of human rights observers claimed that only a small percentage of detainees reported torture and abuse because they feared retaliation or believed that complaining was futile.

In a July 5 report, the NGO Societal Legal Research Foundation discussed the circumstances of 34 torture complaints it received between March 2006 and February 28. The victims comprised 23 men, 10 women, and one transsexual individual. Thirty-three victims said they were tortured for political reasons. Methods allegedly used by officers included burning skin with cigarettes, squeezing testicles, administering electrical charges, beating with batons, using tear gas, and withholding food and water. Police officers were charged but not convicted in four of the cases. Investigation into the remaining 30 cases was ongoing.

The Council of Europe's Committee for the Prevention of Torture (CPT) and domestic human rights observers reported that, because detention periods were reduced to 24 hours in 2005, with prosecutorial discretion to extend the period to 48 hours, security officials for the most part eliminated more severe methods of torture and abuse, such as use of electric shocks, high-pressure cold water hoses, rape, beatings on the soles of the feet and genitalia, hanging by the arms, and burns. Instead, security officials mainly used methods that did not leave physical signs, including repeated slapping, exposing detainees to cold, stripping and blindfolding detainees, food and sleep deprivation, threatening detainees or their family members, dripping water on detainees' heads, isolation, and mock executions.

Human rights activists, attorneys, and physicians who treated victims said that because of increased punishments for torture and abuse, police who engaged in these practices often did so outside of police detention centers to avoid detection.

Human rights activists maintained that those arrested for ordinary crimes were as likely to suffer torture and mistreatment in detention as those arrested for political offenses such as speaking out against the government, although they were less likely to report abuse. Observers believed that security officials usually tortured political detainees to intimidate them and send a warning to others with similar political views. Authorities allegedly tortured some suspects to obtain confessions.

On March 13, a Diyarbakir woman filed a criminal complaint alleging she was tortured at a police station. In the complaint, she alleged that police took her to an interrogation room when she went to see her husband who had been detained in the station for allegedly stealing a cellular telephone. The police asked her to admit that her husband stole the telephone, and demanded she return it. She alleged that one of the officers held her while the other beat her with a police baton for approximately 1 hour. The police at the station denied any mistreatment. At year's end the Government had not opened an investigation into the incident.

The Istanbul branch of the Contemporary Lawyers' Association (CHD) documented several cases of prison guards beating inmates during the year. In one incident on June 13, prison guards beat prisoner Kemal Avci when he asked to be sent

to a hospital for pain in his hands. In another, prisoner Hakan Ozek was made to stand even though he had a leg injury that required crutches. When Ozek could stand no longer and asked for a chair, guards beat him with clubs. The CHD documented alleged abuse of prisoners Muammer Simsek, Turan Ozen, Ilhan Iseri, Zeynel Erturk, Mesut Omur, and Bulent Pelit.

In mid-June, 24-year-old Mustafa Kurkcu died in detention due to alleged police torture. Police detained Kurkcu on June 14 and took him to the courthouse on June 15 after he and three friends allegedly stole several tires. Later that day, Kurkcu's family witnessed police dragging him, while his hands and feet were cuffed, into a judiciary building to meet with a prosecutor and his court-appointed attorney Abdulaziz Levent. According to Radikal newspaper, Levent later noted that Kurkcu looked to be in very bad condition during that meeting. On June 16, police transferred Kurkcu to Umraniye Prison. On June 17, Kurkcu's family was informed he was dead. Kurkcu's brother-in-law Oktay Ergocer used his cellular telephone to take pictures of Kurkcu's body in the morgue. The pictures showed markings that indicated Kurkcu had been seriously beaten. The Umraniye chief prosecutor initiated an investigation into the incident.

On July 6, Hurriyet newspaper published an expose by reporter Aydin Dogan regarding allegations that two boys, aged 17 and 18, were tortured early in the year by prison officials, while they were imprisoned for 10 days on allegations, later withdrawn, that the boys had committed rape in a boys' shelter. Both boys wrote letters to Dogan detailing how Jandarma officers and prison wardens beat their legs and soles with plastic pipes while laughing. Dogan urged the minister of justice and prime minister to open an investigation into the case. At year's end, HRF reported that no investigation had been opened.

On July 26, police in Istanbul beat Sinan Tekpetek, a leader of 52 Percent, a group that protests Turkey's university entrance exam system, and editor of 52 Percent Anger magazine and Ozgur Hayat (Free Life) newspaper. In a July 28 press conference at HRA's Istanbul office, Tekpetek said that, as he drove home from a party on July 2, police pulled him over and asked for identification, then, together with several other officers from another car, sprayed him with tear gas and beat him. He stated the police drove him to a field and with approximately seven more officers continued to beat him before driving off with him and throwing him out of the moving car. At year's end human rights groups reported the Government had not opened an investigation into the case.

On March 23, an Ankara court doubled the original sentence of four police officers to 8 years, 10 months' imprisonment each for torturing and killing Hacattepe University student Birtan Altinbas in 1991 during a 6-day interrogation over his membership in a left-wing organization. In 2001 a trial court had convicted the four defendants who were present during the interrogation but reduced the sentence for good behavior to 4 years and 5 months. Human rights observers frequently argued that the numerous legal delays in the case demonstrated Turkey's tolerance of torture. On October 23, the Court of Appeals upheld the March 23 verdict.

In November 2006 the Court of Cassation upheld the 2004 conviction of Mehmet Desde, Mehmet Bakir, Huseyin Habip Taskin, Maksut Karadag, Serafettin Parmak, Metin Ozgunay, Omer Guner, and Ergun Yildirim for being members of the Bolshevik Party of North Kurdistan Turkey Branch, based almost exclusively on evidence allegedly obtained by torture. The defendants received 30-month prison sentences.

In December 2006 an Izmir heavy penal court acquitted the four police officers charged with torturing Mehmet Desde in 2002 after detaining him for "being member of a Bolshevik Party of North Kurdistan." Amnesty International called the verdict "evidence of a continuing pattern of unfair trial proceedings which blights Turkey's criminal justice system." The HRF and other human rights groups also criticized the ruling.

Human rights organizations reported no developments in the 2005 police detention and alleged abuse in Konya of minors Habip A and Mehmet K for smuggling cigarettes.

A state hospital in Van Province issued reports in 2005 stating there were no signs of torture in the case of five men who had claimed they were tortured during detention in 2005. The men's attorney obtained a report from a private physician that stated one of the men, Abdulkadir Akgul, was tortured but that there were no longer marks of torture on the four others. The attorney filed a criminal complaint against the state doctors and local Jandarma; the local prosecutor decided not to pursue the case. The lawyer appealed to the Van Regional Administrative Court, where the case remained at year's end.

The criminal trial against 12 orphanage employees accused of abusing children at the Malatya State Orphanage in 2005 continued at year's end. The investigation

into the matter began in 2005 when media aired footage of employees beating naked orphanage children. Several of the children told police their caretakers had forced them to eat excrement. Physicians subsequently examined the children and reported finding evidence that 21 of 46 had been subject to torture, including severe beatings and hot water burns. The defendants were transferred to another facility but not relieved of their duties.

Prosecutors did not open a case against police officers alleged to have tortured Orhan Kara, Velat Haci Ali, Idban Kaplan, Seref Inanc, and Nezir Ayan while in detention in Silopi, Sirnak Province in 2005.

At year's end, prosecutors had not opened a case regarding 2005 allegations that wardens at the Sincan Children's and Youth Prison beat five inmates between 19 and 21 years old on the soles, a practice known as "falaka." Following the allegations, the Ankara chief prosecutor and Forensic Medicine Institute confirmed the existence of bruises and wounds. Prosecutors had one of the five boys identify the perpetrators from a group of 45 wardens. Ozgur Karakaya, one of the youths, identified the six wardens but was not told their names. Human rights groups were unable to determine the status of the prosecutorial investigation at year's end.

*Prison and Detention Center Conditions.*—Prison conditions generally improved during the year but facilities remained inadequate. Underfunding, overcrowding, and insufficient staff training were problems.

On September 17, attorneys Filiz Kalayci, Murat Vargun, and Ibrahim Vargun alleged that a team of guards at recently-opened Kirikkale "F-type" high security prison severely beat and maltreated their two clients after they were transferred to Kirikkale from Sincan Prison in mid-September. Speaking at HRA headquarters, Kalayci stated that the attorneys had observed the results of the beatings: One inmate could not stand up, one's teeth were broken, several had severe bruises, and one had difficulty breathing. Kalayci demanded that independent observers visit the prison. At year's end the Government had not opened an investigation into the allegations.

At year's end, the Ministry of Justice reported that Turkey had 391 prisons with a capacity of 92,497 and with a total of 90,837 inmates. The inmates comprised 37,608 convicts and 53,229 arrestees awaiting trial.

On March 25, Ahmet Ersin, a member of Parliament from Izmir and member of the Parliament's Human Rights' Committee, complained to the press about overcrowding in Turkish prisons. Ersin gave the example of Izmir's Buca Prison, which had a capacity of 1,300 but housed 2,500 prisoners.

On January 22 the Ministry of Justice issued a circular that increased the amount of time prisoners could gather in common spaces in high-security "F-type" prisons, to 10 hours per week in groups no larger than 19. According to the circular, prisoners can participate in training, sports, and social and cultural activities. The new rules did not apply to prisoners sentenced to heavy life imprisonment or deemed dangerous.

According to the medical association, there were insufficient doctors, and psychologists were available only at some of the largest prisons. Several inmates claimed they were denied appropriate medical treatment for serious illness.

Despite the existence of separate juvenile facilities, at times juveniles and adults were held in adjacent wards with mutual access. Observers reported that detainees and convicts occasionally were held together. Occasionally inmates convicted for nonviolent, speech-related offenses were held in high-security prisons.

The Government has permitted prison visits by representatives of some international organizations, such as the European Committee to Prevent Torture and the CPT, though it was unclear at year's end the extent to which such visits occurred during the year. The CPT reported on its Web site that it performed an ad hoc visit in May to visit Imrali Island, where PKK leader Abdullah Ocalan was detained, and visited psychiatric facilities in 2006. Domestic NGOs did not have access to prisons. Domestic human rights organizations and activists reported that prison monitoring boards composed of government officials and private individuals were ineffective. The CPT last conducted a systematic visit to the country's prisons in 2004.

In July the Ministry of Justice issued a regulation that restricted the ability of members of Parliament to visit inmates who were convicted of terrorism or violations against the Constitution and state. According to government sources, officials adopted the regulation to prevent possible attempts by the pro-Kurdish Democratic Society Party (DTP) deputies to visit Abdullah Ocalan, the leader of the outlawed PKK. Human rights activists called the measure undemocratic and argued that reducing parliamentarians' access to prisons would diminish oversight of continuing problems, such as torture.

*d. Arbitrary Arrest or Detention.*—The law prohibits arbitrary arrest and detention; however, the Government at times did not observe these prohibitions.

*Role of the Police and Security Apparatus.*—The Turkish national police (TNP), under interior ministry control, is responsible for security in large urban areas. The Jandarma, paramilitary forces under joint interior ministry and military control, is responsible for policing rural areas. The Jandarma is also responsible for specific border sectors where smuggling is common; however, the military has overall responsibility for border control.

In 2005 the Government established judicial police, who were to take direction from prosecutors during investigations; however, human rights groups reported that in practice the judicial police continued to report to the Ministry of Interior.

A civil defense force known as the village guards, concentrated in the southeast, was less professional and disciplined than other security forces. The village guards were accused repeatedly of drug trafficking, corruption, theft, and rape and other human rights abuses. Inadequate oversight and compensation contributed to this problem, and in many cases Jandarma allegedly protected village guards from prosecution. Although the security forces were generally considered effective, the village guards, Jandarma, and police special forces were viewed as those most responsible for abuses. Corruption and impunity from prosecution remained serious problems.

On May 27, Parliament passed a law overhauling the village guard system. The law limits the total number of village guards under normal circumstances to 40,000; provides that the Council of Ministers may increase this number by up to 50 percent; provides continued employment for current guards; establishes a mandatory 55-year retirement age; provides a partial salary for early retirement; provides for a pension to guards who served more than 15 years; and requires the Ministry of the Interior to establish procedures for hiring, firing, training and otherwise regulating the guard system. According to government officials, the law is intended to gradually phase out the system while providing social support for the 63,000 current village guards.

Human rights organizations maintained that developments in the 2005 Semdinli bombing trial demonstrated the serious obstacles to bringing to justice senior members of the security forces. The trial court had convicted Jandarma officers Ali Kaya and Ozcan Ildeniz for the bombing, and observed that the two men could not have acted without the knowledge and involvement of their superiors. The Court of Appeals overturned the conviction, ruling that the investigation was flawed and that the proper venue was a military court. On December 14, the military court released the suspects pending trial.

Courts investigated many allegations of abuse and torture by security forces during the year; however, they rarely convicted or punished offenders. When courts did convict offenders, punishment generally was minimal and sentences were often suspended. Authorities typically allowed officers accused of abuse to remain on duty and, in occasional cases, promoted them during their trials, which often took years.

On September 12, the European Court of Human Rights (ECHR) ruled that Turkey violated the European Convention on Human Rights by failing to implement the 1997 conviction of two Jandarma officers for torturing Cengiz Aksakal in 1980. The ECHR noted that the two officers were allowed to continue their military jobs until retirement.

The TNP and Jandarma received specialized training in a number of areas, including human rights and counterterrorism. According to the government, the armed forces emphasized human rights in training for officers and noncommissioned officers.

The Ministry of Interior reported that through November 22, judicial cases were initiated against nine security personnel for excessive use of force. Administrative investigations were opened against three security personnel for use of torture; investigators concluded the statute of limitations had been reached in all three cases. Administrative investigations were opened against 65 security personnel for excessive use of force. One person received a reprimand, five cases were dismissed based on the statute of limitations, and 58 resulted in a determination of “no need to punish.” No security personnel were fired for torture or excessive use of force.

The Ministry of Interior reported that 14 cases against security personnel for use of torture were concluded during the year. Eleven resulted in acquittal and three cases were dropped. Seventy-three cases for excessive use of force concluded during the year. Sixty-two resulted in acquittal, four were dropped, and 11 resulted in sentences ranging from 5 days to 7 months’ imprisonment. Nine cases opened prior to 2007 for excessive use of force continued at year’s end.

*Arrest and Detention.*—Warrants issued by a prosecutor are required for arrests unless the suspect is caught in the commission of a crime. A suspect may be de-

tained for 24 hours, with prosecutorial discretion to extend the period to 48 hours, excluding transportation time, before being arraigned by a judge. There is a functioning bail system. After arraignment, the judge may release the accused upon receipt of an appropriate assurance, such as bail, or order detention if the court determines that the accused is likely to flee the jurisdiction or destroy evidence. The law provides that detainees are entitled to immediate access to an attorney and to meet and confer with an attorney at any time. The Government scaled back its law that allows for provision of a public attorney to indigent defendants in all criminal cases. The amended law requires the Government to provide indigent detainees with a public attorney in criminal cases where the defendant faces a penalty of more than 5 years in prison.

Private attorneys and human rights monitors reported irregular implementation of these regulations, particularly with respect to attorney access. According to a number of local bar associations, attorney access for detainees remained consistent with the previous year, and continued to vary widely across the country. Numerous bar association representatives and human rights organizations reported that in urban areas most detainees consulted with attorneys soon after being detained, while in rural areas, particularly the southeast, there was a higher number of cases where defendants did not have immediate access to an attorney. The HRA observed no change in the percentage of detainees consulting with attorneys.

Human rights observers noted that in most cases where a defendant could not afford an attorney, one was provided; however, in terrorism-related cases an attorney was frequently not provided until after the suspect had been detained and interrogated by security forces. Provincial bar associations continued to face difficulties providing such attorneys because the Government was behind on compensation payments for such work. In early March the Union of Bar Associations president Ozdemir Ozok recommended local bars institute a freeze on assigning such attorneys, stating that the Government owed the union over \$95 million (112 million lira) in back payments. Ozok also criticized the Government's practice of having judges and prosecutors determine the amount to be paid to these assigned attorneys. The Ankara Bar Association instituted such a freeze but lifted it on October 11.

HRA claimed police often intimidated detainees who asked for attorneys, for example by telling them a court would assume they were guilty if they consulted an attorney during detention. Detainees were generally allowed prompt access to family members; however, human rights organizations reported that since 2005, they have been hindered from helping families find out whether a relative has been detained because the Government began refusing to release such information to the organizations.

On February 6, Parliament amended the Law on the Duties and Competencies of Police to significantly expand the authority of security forces to search and detain a suspect. Under the amended law, police and Jandarma may compel a citizen to declare his identity without any cause. In a June 5 press release, the HRA stated that the expanded authority was contrary to legal and civil rights. On June 22, the newspaper *Radikal* noted a rise in mistreatment and torture allegations in Istanbul following enactment of the law.

During the year police routinely detained demonstrators. Police detained several members of the former DEHAP party on various occasions. Police continued to detain and harass members of human rights organizations and monitors. Police continued to detain persons on suspicion of links to Turkish Hizballah.

Lengthy pretrial detention was a problem. The law provides detainees the right to request speedy arraignment and trial; however, judges have ordered that some suspects be detained indefinitely, at times for years, without a trial. Slightly less than half of the prison inmates held during the year were convicts; the other inmates were either awaiting trial or held during trial proceedings.

*e. Denial of Fair Public Trial.*—The law provides for an independent judiciary; however, the judiciary was occasionally subject to outside influence. There were reports of judicial corruption.

The law prohibits the Government from issuing orders or recommendations concerning the exercise of judicial power; however, the Government on occasion launched formal investigations against judges who had spoken critically of the Government or state structure. The Government and several high-ranking military officers on several occasions issued announcements or directives about threats to the Turkish state, which could be interpreted as general directions to the judiciary.

The High Council of Judges and Prosecutors was widely criticized for undermining the independence of the judiciary. The justice minister serves as chairman of the seven-member High Council, and the Ministry of Justice undersecretary also serves on the council. The council's rules stipulate that one of these two officials

must preside over meetings. The High Council selects judges and prosecutors for the higher courts and is responsible for oversight of the lower courts. The High Council is located in the Ministry of Justice and does not have its own budget. While the Constitution provides for job security through tenure, the High Council controls the careers of judges and prosecutors through appointments, transfers, promotions, reprimands, and other mechanisms.

In March the five non-ministry members of the High Council publicly complained that Justice Minister Cemil Cicek and Justice Undersecretary Fahri Kasirga prevented the council from convening to fill vacancies on the Supreme Court and Council of State by purposely failing to attend meetings. According to the five judges, Cicek blocked the meetings because he opposed appointing new judges while Parliament worked to pass a law decreasing the number of appellate court judges. Cicek accused the five judges of pursuing their own political motives. On March 21, the Union of Turkish Bar Associations stated that the “tragicomic” situation demonstrated that the judiciary is not independent. On March 27, the stalemate ended when the justice minister and undersecretary attended a weekly meeting. On April 15, all members of the council convened to select judges to fill the vacant positions.

On March 29, the justice minister gave the Ankara Judicial Justice Committee permission to open an investigation against Ankara Kazan subprovincial judge Kemal Sahin for allegedly insulting the judiciary in an August 2006 newspaper article. Sahin wrote that the judiciary was losing credibility and objectivity because judges face the fear of being investigated by the High Council if they pursue certain crimes or cases. The investigation was ongoing at year’s end. The Ministry of Justice did not guarantee the independence of the judiciary in numerous freedom of expression cases, according to the Turkish Publishers’ Association (TPA). Prosecutors and courts accepted certain classes of cases filed by ideologically motivated attorneys, such as those involving allegations of insulting Turkishness or Ataturk, but ignored complaints that regarded many categories of human rights.

The close connection between public prosecutors and judges gave the appearance of impropriety and unfairness in criminal cases. Prosecutors and judges study together before being assigned by the High Council. Once appointed, they are housed together, frequently share the same office space, and often work in the same courtroom for over 5 years.

In December the Government enacted a law that codified the practice of subjecting all judicial candidates to a written exam and an oral exam administered by the Ministry of Justice, and established a mechanism to allow private attorneys with 5 years’ experience who are under age 35 to enter the judiciary’s ranks. The Union of Turkish Bar Associations stated the oral exam provision would allow the Ministry of Justice to select candidates based on political considerations, and organized a December 9 rally in Ankara that drew thousands of lawyers to protest the new law. The Government responded that the oral exam already existed, the new law merely codified prior practice, and the new law was necessary to fill thousands of vacant posts for judges.

The Government devoted insufficient resources to public defense, according to several regional bar associations. These associations also noted that public defense attorneys underwent less rigorous training than prosecutorial counterparts and were not required to take an exam to demonstrate a minimum level of expertise.

The judicial system is composed of general law courts; specialized heavy penal courts; military courts; the Constitutional Court, the nation’s highest court; and three other high courts. The High Court of Appeals hears appeals for criminal cases, the Council of State hears appeals of administrative cases or cases between government entities, and the Audit Court audits state institutions. Most cases were prosecuted in the general law courts, which include civil, administrative, and criminal courts. In 2004 Parliament adopted legislation providing for the establishment of regional appeals courts to relieve the high court’s caseload and allow the judiciary to operate more efficiently. The Ministry of Justice reported that none of the regional appeals courts were operational at year’s end and that the project has been postponed until 2010.

The Constitutional Court examines the constitutionality of laws, decrees, and parliamentary procedural rules and hears cases involving the prohibition of political parties. If impeached, ministers and prime ministers can be tried in the Constitutional Court. However, the court cannot consider “decrees with the force of law” issued under a state of emergency, martial law, in time of war, or in other situations as authorized by Parliament.

Military courts, with their own appeals system, hear cases involving military law for members of the armed forces. Military courts can also hear cases involving crimes committed by both civilians and military personnel.

Administrative and bureaucratic barriers impeded prosecutions and contributed to the low number of convictions of security force personnel for human rights abuses. Under the law, courts could not convict unless a defendant attended at least one trial session. Police defendants occasionally failed to attend hearings in order to avoid conviction; prosecuting attorneys claimed courts failed to make serious attempts to locate such defendants, even in cases where the defendants received salary or pension checks at their home address.

According to a September 2006 Amnesty International (AI) report, criminal defendants faced numerous violations of their right to a fair trial during courtroom proceedings. The report found that courts frequently refused to hear defense witnesses, despite a new law allowing the defense to call its own witnesses; courts and prosecutors often refused to consider new exculpatory evidence; pretrial and trial periods frequently lasted for many years due in part to a severe backlog of cases; often courts did not allow defendants to take part in pretrial hearings; and frequently courts failed to provide defendants with qualified interpreters.

According to the AI report, defendants in cases that were transferred from state security courts, abolished in 2004, to heavy penal courts often faced the same judges and prosecutors who presided over their cases when they were before the state security courts. The report also found that these judges frequently failed to investigate or take into account allegations that confessions were brought about by torture, and allegations of long periods of “unofficial” detention with no access to legal counsel. The report noted that defendants in these cases were being sentenced on the basis of evidence extracted under torture or other mistreatment.

*Trial Procedures.*—There is no jury system; a judge or a panel of judges decides all cases. Trials are public. The law requires bar associations to provide free counsel to indigents who request it from the court, and bar associations across the country did so in practice. Defendants have the right to be present at trial and to consult with an attorney in a timely manner. Defendants or their attorneys can question witnesses for the prosecution and present witnesses and evidence on their behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases. Defendants enjoy a presumption of innocence and the right to appeal.

International human rights organizations and the European Union (EU) stated that the courtroom structure and rules of criminal procedure gave an unfair advantage to the prosecution. Prosecutors enter the courtroom through the same door as the judge; defense attorneys enter through a separate door. Prosecutors sit at an elevated desk that is at the same level as that of the judge; the defense sits at floor level. During the trial, the prosecutor may himself call any witness desired, whereas the defense must request that the judge call a witness. Judges decide whether to ask and how to phrase defense counsel’s questions, but ask all of the prosecution’s questions in the exact form presented.

The law provides for the right to a speedy trial; however, at times trials lasted for years. Proceedings against security officials often were delayed because officers did not submit statements promptly or attend trials. In several cases such delays extended beyond the statute of limitations, causing the trial to end without a verdict.

The law prohibits the use of evidence in court obtained by torture; however, prosecutors in some instances failed to pursue torture allegations, and exclusion of evidence occurred only after a separate case on the legality of the evidence was resolved. In practice a trial based on a confession allegedly coerced under torture could proceed, and even conclude, before the court had examined the merits of the torture allegations.

*Political Prisoners and Detainees.*—There were no reports of political detainees. The HRA asserted that there were several thousand political prisoners, including leftists, rightists, and Islamists. However, the Government claimed that alleged political prisoners were in fact charged with being members of, or assisting, terrorist organizations. According to the government, 2,232 convicts and 2,017 pretrial detainees were being held in prison on terrorism charges through September 30.

International humanitarian organizations were allowed access to alleged political prisoners, provided they could obtain permission from the Ministry of Justice. In practice, organizations were rarely granted such permission.

*Civil Judicial Procedures and Remedies.*—There is an independent and impartial judiciary in civil matters. The law provides that all citizens have the right to file a civil case for compensation for physical or psychological harm suffered.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law prohibits such actions, and the Government generally respected these provisions in practice.



*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The law provides for freedom of speech and of the press; however, the Government continued to limit these freedoms in occasional cases. The Government intimidated journalists into practicing self-censorship.

The government, particularly the police and judiciary, limited freedom of expression through the use of constitutional restrictions and numerous laws, including articles of the penal code prohibiting insults to the government, the state, “Turkishness,” Ataturk, or the institutions and symbols of the republic. Other laws, such as the Antiterror Law and laws governing the press and elections, also restricted speech.

Individuals could not criticize the state or government publicly without fear of reprisal, and the Government continued to restrict expression by individuals sympathetic to some religious, political, and Kurdish nationalist or cultural viewpoints. In some cases government officials prosecuted individuals who had displayed no intention of criticizing or insulting the Government or Turkish state. Active debates on human rights and government policies continued, particularly on issues relating to the country’s EU membership process, the role of the military, Islam, political Islam, the question of Turks of Kurdish and other ethnic or religious origins as “minorities,” and the history of the Turkish-Armenian conflict at the end of the Ottoman Empire. However, persons who wrote or spoke out on such topics, particularly on the Armenian issue, risked prosecution. The TPA reported that serious restrictions on freedom of expression continued despite legal reforms related to the country’s EU candidacy.

The TPA reported that the most serious problem during the year remained the large number of complaints filed by ideologically motivated attorneys, subsequently accepted by the courts, on grounds such as insulting Turkishness or the memory of Ataturk. According to a November European Commission report, the number of persons prosecuted for the expression of non-violent opinions almost doubled in 2006 compared with 2005, and there was a further increase in the number of prosecutions during the year. More than half of the charges were brought under the Penal Code, and in particular under Article 301, which criminalizes insulting “Turkishness.”

According to the government, there were no journalists held on speech violations during the year. The TPA reported, however, that there were 21 journalists in jail based on the content of their reporting.

In March the Ankara chief prosecutor initiated a case against seven youth members of the rock band “Deli,” meaning crazy, for insulting the state and its employees in a 5-year-old song that criticized the country’s standardized high school exams. The song, “OSYM”—which refers to the nation’s Student Selection and Placement Center, a state institution that uses an annual exam to decide which students will go to universities—came to the attention of prosecutors after a teenager posted it on the Internet in 2006. On September 26, Judge Erdal Isik ruled that the prosecution had not proven the elements of the crime, and dismissed the case.

On July 11, police detained for 5 days Gazi University students Durmus Sahin and two friends after Sahin criticized Health Minister Recep Akdag, who was making a campaign stop in Olum, Erzurum, by refusing to shake his hand and calling him a “traitor.” Akdag filed a complaint with the local prosecutor, who brought charges under penal code Article 301 for insulting “Turkishness.” On July 16, the court released the youths, pending trial. The students face imprisonment of 6 months to 2 years if convicted. The case continued at year’s end.

On October 4, an Izmir penal court acquitted popular Turkish singer Ferhat Tunc of making propaganda for a terrorist organization when he remarked during a July 2006 concert, “Just as every soldier who dies in this country is counted as a child of this country, so every guerrilla who is killed is a child of this country. My heart burns for every dead soldier; my heart bleeds for every dead guerilla.”

In November Diyarbakir prosecutor investigated 14 children, ages 12 to 17, for “promulgating propaganda on behalf of an illegal organization” after they sang a Kurdish folk song also utilized as the anthem of Iraq’s Kurdistan Regional Government at the San Francisco International Music Festival, held during the last week in October. At year’s end the prosecutor had not formally indicted the participants.

On October 29, police took Tulga Hepis (35) into custody and questioned him for 2 hours for allegedly insulting Turkishness by dressing his dog in a shirt depicting the Turkish flag during an antiterrorism rally in the Aegean resort town of Bodrum. During the march, several demonstrators criticized Hepis, forcing him to take off the dog’s shirt. Upon learning of the complaints, local administrator Abdullah Kalkan ordered the police to detain Hepis on charges of insulting Turkishness. Hepis told the police his aim was not to insult Turkishness but to show patriotism. The police released Hepis, and the local prosecutor charged him under Article 301. The case continued at year’s end.

Throughout the year, law enforcement and the judiciary increased pressure on members of the pro-Kurdish DTP. The most common tactic used was investigation and prosecution of DTP leaders for speaking in the Kurdish language or for making statements critical of the Government.

On February 23, police arrested DTP Diyarbakir provincial chairman Hilmi Aydogdu for "provoking hatred and animosity among people" after he made a statement that his party would consider an attack on Kirkuk to be an attack on Diyarbakir. He later clarified his remarks to mean that he was suggesting the Government extend a hand of friendship to Kurds in northern Iraq. On February 28, an appellate court denied Aydogdu's appeal of his incarceration. On April 6, Aydogdu was released during trial, which continued at year's end.

On February 26, an Ankara court sentenced DTP cochairmen Ahmet Turk and Aysel Tugluk to 18 months' imprisonment for violating the Political Parties Law by printing and delivering Kurdish-language handouts on the occasion of World Women's Day in March 2006. They were also convicted of violating a law prohibiting praising a crime or a criminal, for using phrases and honorific titles such as "sayin" (esteemed) that praised jailed PKK leader Abdullah Ocalan. Turk and Tugluk appealed the verdict to the Supreme Court. In March Turk was sentenced to 6 months' imprisonment, along with DTP member Sedat Yurttas, for using "sayin" in reference to Ocalan, and was investigated, along with former Kurdish parliamentarian Leyla Zana, for a third instance of using the title.

On March 8, a Kars court ordered police to seize Nevruz (Kurdish New Year) invitations and posters from DTP's Kars office because they used the letter "w," which occurs in Kurdish but not Turkish.

On March 19, a Van heavy penal court sentenced Hakkari DTP Mayor Metin Tekce to 10 months in prison for "making propaganda on behalf of a terror organization," for his comment in March 2006 after the Semdinli incident that the PKK was not a terrorist organization.

On June 14, a Council of State court, abiding by the Ministry of Interior request, decided to dissolve the Sur Municipality of Diyarbakir and dismiss its mayor, Abdullah Demirbas, after the municipality attempted to institute a program to offer multilingual services to its citizens, 72 percent of whom the municipality stated spoke Kurdish as a first language. On October 19, the Council of State's Grand Chamber upheld the decision and rejected defendants' objections to the June 14 decision.

Prosecutors opened 15 cases against Diyarbakir Mayor Osman Baydemir during the year, bringing the total number of cases against him to 24. Baydemir was acquitted in four cases during the year; he faces a total of 280 years' imprisonment if convicted on all charges in the remaining 20 cases. Since March 2004 prosecutors opened 75 investigations of Baydemir. On October 18, the Diyarbakir public prosecutor opened two cases against Baydemir, demanding sentences of 5 and 4½ years, in connection with his references to the PKK as the "armed Kurdish opposition." In February, the Tarsus chief prosecutor filed an indictment seeking up to 2 years' imprisonment against Baydemir's wife, HRA Vice Chair Reyhan Yalcindag, for attempting to "influence those who are performing a judicial duty." Yalcindag had praised a Mersin court's decision to release six youths for attempting to burn a Turkish flag during Nevruz celebrations in 2005. The case was pending at year's end.

The prosecution continued at year's end against DTP mayor of Batman Huseyin Kalkan for his remarks on the PKK and Kurdish sentiments in the Los Angeles Times in May 2006, after two Turkish citizens filed a crime complaint.

Trial proceedings in the case against six juveniles charged with attempting to burn the national flag during celebrations of Nevruz in 2005 continued at year's end.

On February 14, an Ankara court sentenced 13 officials of the pro-Kurdish party Hak-Par for speaking Kurdish at, and distributing Kurdish-language invitations to, the 2004 party convention. The court issued two rulings based on the "intensity of the offense." The court sentenced five defendants to a 1-year prison term, but reduced the sentence of one of those five to a \$24,700 (29,200 lira) fine due to his advanced age. The court sentenced the remaining eight defendants to 6 months in prison but converted the term to a \$1,680 (1,980 lira) fine. On February 28, the Constitutional Court ruled that Hak-Par dismiss the 13 convicts in order to be in compliance with the Political Parties Law.

There was no new information available regarding the appeal of the 2005 conviction of DEHAP official Ahmet Dagtekin for illegal speech for using Kurdish language and symbolism during a 2004 campaign event. During the year an appellate court overturned the 2005 conviction of DEHAP official Resit Yardimci for speaking Kurdish during a 2003 party convention.

Turkey had an active print media independent of state control. There were hundreds of private newspapers that spanned the political spectrum.

The Government owned and operated the Turkish Radio and Television Corporation (TRT). According to the High Board of Radio and Television (RTUK), there were 213 local, 16 regional, and 23 national officially registered television stations and 952 local, 102 regional, and 36 national radio stations. Other television and radio stations broadcast without an official license. The wide availability of satellite dishes and cable television allowed access to foreign broadcasts, including several Kurdish-language private channels. Most media were owned by large, private holding companies that had a wide range of outside business interests; the concentration of media ownership influenced the content of reporting and limited the scope of debate. Observers noted that media conglomerates increasingly used media as a tool to build pressure against government policies.

Prosecutors harassed writers, journalists, and political figures by bringing dozens of cases to court each year under various laws that restrict media freedom; however, judges dismissed many of these charges. Police harassed and beat journalists during at least one demonstration. Authorities ordered raids of newspaper offices, closed newspapers temporarily, issued fines, or confiscated newspapers for violating speech codes. Despite government restrictions, the media criticized government leaders and policies daily and in many cases adopted an adversarial role with respect to the Government.

In April an Istanbul court began investigating journalists Lale Sariibrahimoglu of Today's Zaman newspaper and Ahmet Sik of Nokta newsmagazine under Article 301, after Sik published a Nokta story in which Sariibrahimoglu expressed concern about the "mentality" of the military and its role in internal security. The court held its first hearing on November 12; the case continued at year's end.

On April 13, approximately 50 police officers from an antiterrorism unit searched the employees and office of Nokta weekly magazine with a search warrant issued by a prosecutor upon a complaint filed by the military prosecutor in the office of the chief of the general staff. The complaint came following Nokta's publication of an April 5 article that explored the relationship between unnamed civil society groups and the military, citing the diary of retired Naval Forces commander Admiral Ozden Ornek as its source. AI's April 17 statement on the case stated that state security denied Nokta staff access to their computers even though the warrant allowed only for files to be copied. The Turkish Journalists' Association, the Contemporary Journalists' Association, and other groups contended the raid was an illegal suppression of free expression. In April prosecutors indicted Alper Gormus, editor-in-chief of Nokta for slander, requesting a prison sentence of 6 years and 8 months. The trial began in an Istanbul court on September 19, and was pending at year's end.

On May 1, police harassed and hit journalists who were attempting to cover May Day labor demonstrations as the police dispersed crowds using tear gas and force. The Turkish Journalists' Association reported that at least six journalists were harassed or struck by police. The International Federation of Journalists said the incident created a "very dangerous" situation for journalists that could quell freedom of the press by making it too dangerous for journalists to cover such events. The European Federation of Journalists released a statement condemning the attacks on journalists and calling on the Government to allow the media to work freely and independently. The Istanbul governor acknowledged "various problems" but stated that the police do not have enmity toward journalists.

In July prosecutors began an investigation of journalist Umur Talu, after the military's general staff complained to the Ministry of Justice that Tulu's column discussing the inequalities faced by noncommissioned officers aimed to harm the hierarchy within the military. Talu maintained his reporting was accurate and well within the bounds of journalistic freedom to analyze problems within the Government. The prosecutors concluded Talu acted within the bounds of freedom of expression, committed no crime, and dismissed the case.

On December 5, two individuals attacked and beat Andreas Rombopulos, editor-in-chief of the Greek-language newspaper Iho, outside the newspaper's office in Istanbul. Police made no arrests during the investigation, which continued at year's end.

The TPA observed in a June report that a legal change absolving publishers from responsibility for the books they publish resulted in a shift of liability from the publishers to translators. The TPA also noted that publishers continued to be held liable for books whose authors are foreigners or living abroad.

On January 19, Hrant Dink, a prominent human rights activist and editor-in-chief of the bilingual, Turkish-Armenian weekly newspaper Agos, was assassinated outside of his office building in Istanbul. A 17-year-old suspect, Ogun Samast, was

arrested shortly after the incident and charged with the murder. Samast reportedly admitted during an October 1 session of the trial, which was ongoing at year's end, to shooting Dink. The investigation, which continued at year's end, resulted in the arrest and indictment of another 19 suspects, eight of whom remained in detention. The president, prime minister and other government officials condemned the killing, while a national debate ensued concerning ultra-nationalism and the true source of culpability. Dink had previously received a 6-month suspended prison sentence in 2005 following his conviction for "insulting Turkishness" in an article he wrote on Turkish-Armenian relations.

On October 11, Arat Dink, Hrant Dink's son and a managing editor at Agos, and Serkis Seropyan, a colleague, received a 1-year suspended jail sentence following their conviction for "insulting Turkishness." The related charges were filed in September 2006 after Agos reprinted a Reuters interview with Hrant Dink in which the senior Dink describes the events of 1915 as "genocide." On June 14, a court acquitted Arat Dink and Seropyan of separate charges filed in 2005, accusing the two of "attempting to influence the judiciary" by criticizing Hrant Dink's 2005 conviction.

In June 2006 an Istanbul court acquitted columnist Murat Belge for insulting the judiciary and trying to influence the judicial process for coverage of the court battle over the legality of holding a 2005 Istanbul conference on the 1915 massacre of Armenians in the Ottoman Empire.

There was no new information available about the 2005 convictions of writer Zulkuf Kisanak for "denigrating the Republic of Turkey" and journalist Aziz Ozer on similar charges.

The Government maintained significant restrictions on the use of Kurdish and other minority languages in radio and television broadcasts. RTUK regulations limited minority-language news broadcasts to 45 minutes per day, with no time restrictions for minority-language cultural shows or films. RTUK regulations required non-Turkish-language radio programs be followed by the same program in Turkish and that non-Turkish-language television programs have Turkish subtitles. Start-up Kurdish broadcasters reported that these were onerous financial obligations that prevented their entry into the market. The state-owned TRT broadcasting company provided limited national programming in Kurdish and three other minority languages.

On February 9, after a 3-year legal battle, RTUK barred from broadcasting "Anatolia's Voice" radio station for "inciting hatred and enmity" among the people on the basis of three 2003 programs. At year's end the station remained banned but continued to broadcast on the Internet.

Officials at Radyo Imaj reported that they faced increasing pressure in the form of two continuing administrative closure case and efforts by unknown parties to "jam" the station's frequency, reportedly because the station played Kurdish music and conducted occasional Kurdish-language interviews. Government officials responded that Radyo Imaj never obtained legal rights to the frequency at issue and is only one of numerous stations waiting for a frequency to become available. Radyo Imaj continued to broadcast over the Internet.

The TPA reported that the banning and recall of books became very rare; however, writers, and publishers were still prosecuted on grounds of defamation, denigration, obscenity, separatism, subversion, fundamentalism, and blasphemy. Printing houses are required to submit books and periodicals to prosecutors at the time the materials are published. According to the TPA, prosecutors investigated and in several cases pressed charges against printing houses for late submission of materials deemed problematic. The TPA reported that publishers often avoided works with controversial content. According to the TPA, from June 2006 to June 2007, authorities opened court cases against 43 authors and 24 publishing houses for 43 books they had either written or published. These cases resulted in eight acquittals, 13 convictions, five dismissals, and 17 ongoing cases.

On May 22, a Fatih criminal court acquitted publisher Hamza Turkmen and sentenced author Mehmet Pamak to 15 months' imprisonment for his book *Kemalism, Secularism and Martyrdom*, for allegedly infringing penal code Article 216, which prohibits provoking the public to hatred, hostility, or denigration. The court postponed the execution of punishment.

On September 25, an Istanbul court acquitted publisher Fatih Tas and two translators in two cases for "insulting Turkishness" by publishing two books: A translation of the Noam Chomsky and Edward S. Herman book, *Manufacturing Consent: The Political Economy of Mass Media*; and a Turkish translation of the book, *Spoils of War: The Human Cost of America's Arms Trade*.

An Istanbul court acquitted Ragip Zarakolu, owner of Belge Publishing, in one of the two cases brought against him in 2005 for insulting the state by publishing translations of two books dealing with Turkish-Armenian relations. The court ruled

that the translator, Atilla Tuygan, should be charged instead of Zarakolu. A case continued against Tuygan at year's end, in which Tuygan faces a 6-year prison sentence. In the second case, Zarakolu faces 7½ years' imprisonment for publishing *The Truth Will Set Us Free*. On June 1, the book's author, George Jerjian, sent a letter to the court urging Zarakolu's acquittal. The case continued at year's end.

Authorities occasionally censored media with pro-Kurdish or leftist content, particularly in the southeast, by confiscating materials or temporarily closing down the media source at issue.

Judges effectively shut down *Ozgur Gundem*, a Kurdish-language paper generally considered to be pro-PKK, by ordering its closure for 15 to 30 days on five separate occasions during the year, confiscating copies of the paper, and barring access to its Web site. On July 18, an Istanbul court closed the Kurdish newspaper *Guncel* for 15 days because it had the same owner as *Ozgur Gundem*. *Guncel* editor-in-chief Mehmet Samur said the court applied flawed legal reasoning to silence the paper in what amounted to "election censorship" just prior to the July 22 parliamentary elections. An Istanbul heavy penal court closed Kurdish newspaper *Yedincigun* for 15 days beginning on November 12 and 30 days beginning on November 27 for allegedly spreading PKK propaganda.

There was no new information available on the May 2006 Ankara court conviction of Ismail Yildiz, president of the Political, Economic Social Research and Strategy Center for insulting Prime Minister Erdogan, Finance Minister Unakitan, and Transportation Minister Yildirim, by publishing Internet articles critical of them.

On April 18, an Ankara court dismissed the case Prime Minister Erdogan brought against political cartoonist Mehmet Cagcag for his cartoon in the 2005 edition of *Leman* magazine, which depicted Erdogan as a tick. The court reasoned that public officials should expect tough criticism.

After Prime Minister Erdogan filed a series of 2005 lawsuits alleging political cartoonists had insulted him, the satirical magazine *Penguen* responded to the lawsuits by publishing a front page with a series of drawings by different cartoonists depicting Erdogan as various animals. In 2005 Erdogan filed a lawsuit against *Penguen* seeking \$31,912 (38,178 lira) in compensation; the court ruled in favor of the magazine. In April the Court of Appeals upheld the decision.

During the summer of 2006, the Parliament placed further restrictions on the media by adopting amendments to the Antiterror Law. Under the amendments, editors at media organizations that disclose the identities of public personnel fighting terrorism may be fined, and a judge may order the closure for up to 1 month of a publication that "makes propaganda for terrorist organizations." Former president Ahmet Necdet Sezer challenged these amendments in the Constitutional Court, arguing that such restrictions violate the Constitution. At year's end, the Constitutional Court had not ruled on the case, and the laws remained in suspension.

During the year cases against the press under the Antiterror Law continued. The TPA and human rights groups reported that the law contains an overly broad definition of offenses that allows ideologically and politically motivated prosecutions. The TPA reported that the Kurdish newspapers and radio stations were closed down periodically and in some cases were raided by security forces. According to TPA, the total cases against pro-Kurdish daily *Ozgur Gundem* under the Antiterror law reached 550, and its editor-in-chief Hasan Bayar was sentenced to a total of 5 years and 10 months' imprisonment.

*Internet Freedom.*—The Internet was widely available in the country. It is used in schools, libraries, private Internet cafes and other public locations, and the Government encouraged its use. There were some restrictions on Internet access.

On May 4, the Government adopted a new Internet law governing criminal and civil law violations. The law allows the Government to ban a Web site if there is sufficient suspicion that one of eight crimes is being committed via the site: Encouraging suicide; sexual abuse of children; facilitation of drug abuse; provision of dangerous substances for health care; obscenity; prostitution; gambling; or crimes regulated in Turkish Code 5816 (crimes against Ataturk). Upon receiving a complaint or as a result of personal observations, a prosecutor may file an application for a ban on access to the offending site, or in an urgent situation, the prosecutor or the Telecommunication Presidency may impose a ban. In either case, a judge must rule on the matter within 24 hours. Following a judicial ban order, the Internet service provider (ISP) must block access within 24 hours. If the judge does not approve the block, the prosecutor must ensure access is restored. The ISP may face a penalty ranging from 6 months' to 2 years' imprisonment for failing to comply with a judicial order. The law also allows individuals who believe a Web site violates his or her personal rights to request the ISP to remove the offensive content.

On March 7, an Istanbul court banned access to the "YouTube" Web site to block a cartoon video that lampooned Turkey's founding father, Ataturk, as gay. The court

ruled that the ban was necessary because “Ataturk and Turkey were insulted with swear words written in English on Ataturk’s photos and to protect freedom of expression.” On March 8, the court ruled in a new decision that it would lift its prior order if YouTube removed the offensive video. On March 9, after YouTube removed the video, the ban was lifted and users were again able to access the site.

On August 17, a court prohibited all postings on the wordpress.com Web site in response to a petition filed by lawyers for Adnan Oktar, a controversial Turkish Muslim author best known as an ardent antievolutionist who authored the book *Atlas of Creation*. Letters from Oktar’s lawyers claimed that Edip Yuksel, a popular Turkish Muslim author who has defended evolution and criticized Oktar, posted offensive and illegal content on his wordpress sites. Oktar’s lawyers initially applied to have only several postings blocked but later applied for a blanket prohibition after authors moved the allegedly defamatory content to other sites hosted on the wordpress.com domain. The Government said that, pursuant to the court order, all wordpress sites were blocked because it did not possess the technology to block just one site. All wordpress sites remained blocked at year’s end.

Earlier, on April 17, an Istanbul court granted Oktar’s petition to block access to the electronic dictionary Web site *Eksi Sozluk* for allegedly insulting him; access to the site was restored 1 week later without the offensive links.

On September 17, a Sivas court issued an order to block access to YouTube after the court determined content on the site insulted Ataturk and the leaders of the Government. Reporters Without Borders issued a statement calling the blocking of the entire Web site a disproportionate measure and urged the Government to reverse the decision. YouTube removed the offensive content and the Government did not block access.

Government authorities have on rare occasions accessed Internet user records to protect “national security, public order, health, and decency” or to prevent a crime. Police must obtain authorization from a judge or, in emergencies, the highest administrative authority before taking such action.

*Academic Freedom and Cultural Events.*—There generally were no government restrictions on academic freedom or cultural events; however, university authorities suspended one academic who publicly supported views contrary to the official state ideology and there was some self-censorship on sensitive topics.

On March 13, an Izmir public prosecutor opened a court case against Gazi University professor Atilla Yayla for violating the law prohibiting insulting Ataturk. Yayla would face up to 3 years in prison if convicted. In November 2006 Gazi University suspended Yayla after he stated at a 2006 AKP-organized conference that the one-party secular regime imposed by “this man” (Mustafa Kemal Ataturk) was not “progressive.”

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The law provides for freedom of assembly; however, the Government restricted this right in practice. Significant prior notification to authorities is required for a gathering, and authorities may restrict meetings to designated sites.

The HRF reported that, unlike 2006, there were no killings of participants in demonstrations during the year. There were reports that police beat, abused, detained, or harassed some demonstrators during the year.

The Ministry of Interior reported that police detained 2508 persons involved in demonstrations through November 22.

On January 10, police used excessive force to disperse approximately 80 members of the Rights and Freedom Association who had gathered in Istanbul’s Taksim Square to protest problems in prisons. According to the HRF, police beat six demonstrators and broke the leg of Ibrahim Gokce, a member of the music group Grup Yorum.

Approximately 200 public events around the country celebrating the Nevruz holiday in March were generally peaceful despite widespread predictions that tensions over the situation in the southeast would lead to serious violence; however, police detained 431 persons for displaying PKK flags and posters of jailed PKK leader Ocalan. Four demonstrators and seven police officers were injured during demonstrations.

On May 1, police used excessive force to disperse approximately 1,000 demonstrators who gathered without legal permission in Istanbul’s Taksim Square to mark the 30th anniversary of “Bloody Labor Day,” when over 30 persons were killed in Taksim Square after gun shots into the crowd from an unknown source prompted a stampede. Istanbul’s governor denied permits for use of the square for this year’s demonstrations, but unions associated with the Revolutionary Workers’ Unions publicized their determination to hold them anyway. As marchers proceeded to the

square, police used water canons and tear gas to disperse the crowd, including journalists covering the event. Seventy-five-year-old Ibrahim Sevindik, who was sitting at a cafe in the square, died from exposure to the gas. Police detained more than 700 persons but released many the same evening. There were no reported trials resulting from the May 1 incident.

The trial of nine DEHAP officials for being members of an illegal organization continued at year's end. The nine officials were charged after they alleged that police shot and killed Umit Gonultas during a February protest in Mersin Province in support of Abdullah Ocalan, imprisoned leader of the PKK. According to the HRA, there was no evidence that demonstrators used weapons during the altercation. No one had been prosecuted for the death of Gonultas by year's end.

On October 16, a Diyarbakir heavy penal court sentenced Kurdish activists Ibrahim Guclu, Zeynel Abidin Ozalp, and Ahmet Sedat Ogur to 1 year in prison under the Antiterror Law for demonstrating against a possible Turkish military operation in southeastern Turkey and northern Iraq. The defendants had announced they planned to walk from Diyarbakir to the Iraqi border as a symbolic protest, but were apprehended as they left Diyarbakir.

The Government initiated an investigation, which continued at year's end, into the 2005 death of Hasan Is, who relatives and other witnesses claimed was shot and killed by police during an altercation at a funeral ceremony for PKK militants in Batman Province.

In March 2006 the first session of a case against 54 police officers began for alleged use of excessive force during a March 2005 International Women's Day demonstration in Istanbul. The case was ongoing at year's end.

The six juveniles charged for allegedly burning the Turkish flag during Nevruz celebrations in Mersin in 2005 remained free while their trial continued at the heavy penal court at year's end.

During a 2005 rally in support of PKK leader Abdullah Ocalan in Siirt Province, police shot and killed demonstrator Abdullah Aydan and detained 39 other demonstrators. The trial court acquitted a police sergeant of the murder. The chief prosecutor of the court of appeals requested the court's penal department to overturn the acquittal. At year's end the penal department had not issued a ruling. The public prosecutor dismissed the demonstrators' complaint that alleged the police beat and harassed them. Prosecutors later charged the demonstrators for chanting illegal slogans and performing an illegal march. The trial continued in Diyarbakir Penal Court at year's end.

*Freedom of Association.*—The law provides for freedom of association; however, there continued to be several restrictions on this right in practice.

Under the law, associations need not notify authorities before founding an association, but still must provide such notification before interacting with international organizations, and/or receiving financial support from abroad, and provide detailed documents on such activities. Representatives of associations said this placed an undue burden on their operations.

Members of the Judges and Prosecutors' Union (YarSav) faced legal pressure to close down the organization. The organization at various times criticized the Ministry of Justice for selecting employees based on their personal beliefs. On August 17, Ankara Governor Kemal Onal applied to the Ankara chief prosecutor and Council of State to dissolve the organization because it allegedly violated the Constitution and the Law on Associations. The Council of State denied the request. At year's end the organization continued to operate.

Foreign associations wishing to conduct programs in the country were required to submit detailed reports to the Government on each activity, despite the fact that local partners were required to report on the same projects.

According to the Third Sector Foundation of Turkey, an NGO advocacy organization, the criteria for NGOs to obtain public benefit status, entitling them to certain tax exemptions, were restrictive and complicated. Applications for public benefit status must be approved by the Council of Ministers. The law does not allow applicants to appeal if their petitions are rejected.

Unlike the previous year no organizations were closed by the Government or courts.

*c. Freedom of Religion.*—The Constitution and laws provide for freedom of religion, and the Government generally respected this right in practice; however, the Government imposed significant restrictions on Muslim and other religious groups.

The Constitution establishes the country as a secular state and provides for freedom of belief, freedom of worship, and the private dissemination of religious ideas; however, other constitutional provisions regarding the integrity and existence of the secular state restrict these rights.

The Government oversees Muslim religious facilities and education through its Directorate of Religious Affairs (Diyanet), which is under the authority of the Prime Ministry. The Diyanet regulates the operation of the country's 77,777 registered mosques and employs local and provincial imams, who are civil servants. A few groups, particularly Alevis, claimed that the Diyanet reflected mainstream Sunni Islamic beliefs to the exclusion of other beliefs; however, the Government asserted that the Diyanet treated equally all who request services.

Academics estimated the Alevi population at 15 to 20 million, including ethnic Turks, Kurds, and Arabs. In general, Alevis follow a belief system that incorporates aspects of both Shi'a and Sunni Islam and draws on the traditions of other religions found in Anatolia as well. The Government considers Alevism a heterodox Muslim sect; however, some Alevis and absolutist Sunnis maintain that Alevis are not Muslims.

Alevi "cem houses" (places of gathering) have no legal status as places of worship. In May 2006 authorities in the Sultanbeyli municipality of Istanbul reportedly banned the construction of a cem house on the grounds that the Pir Sultan Abdal Association, an Alevi group, had not acquired the necessary construction permits. Association officials said the local mayor and his staff had attended the groundbreaking ceremony and promised not to interfere with the project; however, the municipality reportedly filed a case against the association after it proceeded with construction following the ban. The case was ongoing at year's end.

Mystical Sufi and other religious-social orders (tarikats) and lodges (cemaats) are officially prohibited; however, tarikats and cemaats remained active and widespread. Many prominent political and social leaders continued to associate with these religious-social orders, lodges, and other Islamic societies.

A separate government agency, the General Directorate for Foundations, regulates a few administratively critical activities of non-Muslim religious groups and their affiliated churches, monasteries, synagogues, and related religious property. There are 161 "minority foundations" recognized by the GDF, including Greek Orthodox foundations with approximately 70 sites, Armenian Orthodox foundations with approximately 50 sites, and Jewish foundations with 20 sites, as well as Syrian Christian, Chaldean, Bulgarian Orthodox, Georgian, and Maronite foundations. The GDF also regulates Muslim charitable religious foundations, including schools, hospitals, and orphanages.

Members of Jehovah's Witnesses reported continuing official harassment of their worship services because they are not members of an officially recognized religion. In 2006 the Witnesses reported that police arrested 25-year-old member Feti Demirtas and sent him to prison on nine occasions for conscientiously objecting to military service, as his religion requires. According to Jehovah's Witness officials, the harassment Demirtas received for his beliefs was not atypical; other cases have included arrests, court hearings, verbal abuse, physical mistreatment, sleep deprivation, strip searches, and psychiatric evaluations by police and local officials.

In 2005 the Jehovah's Witnesses appealed an administrative court decision that prohibited them from worshipping in their hall in Akcay in Bursa Province. In December 2006, after the court had taken no action on the case, the Jehovah's Witnesses filed a demand to expedite a hearing. For the second year in a row, there was no decision on that motion by year's end.

On July 31, the Istanbul Governorship Associations Directorate confirmed that the charter for the "Association for the Support of Jehovah's Witnesses" was registered and granted legal recognition. Despite the new legal status, local government officials cited obscure laws or zoning regulations as a way to deny members permission to worship at a particular site, rendering the new legal recognition of limited use. Following the killing of Hrant Dink, the Jehovah's Witnesses faced an increase in threats and harassment. In one case, after a local Fetiye newspaper published photographs and a negative article on the local Jehovah's Witnesses, unknown perpetrators defaced the houses and businesses of the members with graffiti.

Religious affiliation is listed on national identity cards. A few religious groups, such as the Baha'i, are unable to state their religion on their cards because it is not included among the options; they have made their concerns known to the Government. In April 2006 Parliament adopted legislation allowing persons to leave the religion section of their identity cards blank or change the religious designation by written application. However, the Government reportedly continued to restrict applicants' choice of religion; members of the Baha'i community stated that government officials had told them that, despite the new law, they would still not be able to list their religion on the cards.

Secularists in the military, judiciary, and other branches of the bureaucracy continued to wage campaigns against what they labeled proponents of Islamic fundamentalism. These groups viewed religious fundamentalism as a threat to the sec-



ular state. The National Security Council categorized religious fundamentalism as a threat to public safety.

According to the human rights NGO Mazlum-Der and other groups, a few government ministries have dismissed or barred from promotion civil servants suspected of antistate or Islamist activities. Reports by Mazlum-Der, the media, and others indicated that the military periodically dismissed religiously observant Muslims from military service. Such dismissals were based on behavior that military officials believed identified these individuals as Islamic fundamentalists, which they were concerned could indicate disloyalty to the secular state.

According to Mazlum-Der, the military charged individuals with lack of discipline for activities that included performing Muslim prayers or being married to women who wore headscarves. According to the military, officers and noncommissioned officers were periodically dismissed for ignoring repeated warnings from superior officers and maintaining ties to what the military considered to be Islamic fundamentalist organizations. In November the Government reported 38 military dismissals of which they claimed seven were associated with religious extremism.

The Government did not recognize the ecumenical status of the Greek Orthodox Patriarch, acknowledging him only as the head of the country's Greek Orthodox community. As a result, the Government has long maintained that only citizens of the country could become patriarch, serve as members of the Greek Orthodox Holy Synod, and participate in patriarchal elections. Nevertheless, officials did not respond to the ecumenical patriarch's appointment of six non-Turkish metropolitans to the Holy Synod in 2004. Members of the Greek Orthodox community asserted that these restrictions threatened the survival of the patriarchate in Istanbul, because, with no more than 4,000 Greek Orthodox persons remaining in the country, the community was becoming too small to maintain the institution.

The law restricts religious services to designated places of worship. Municipal codes mandate that only the Government can designate a place of worship; if a religious group has no legal standing in the country, it may not be eligible for a designated site. Non-Muslim religious services, particularly for groups that did not own property recognized by the GDF, often took place on diplomatic property or in private apartments. Police occasionally prohibited Christians from holding services in private apartments, and prosecutors sometimes opened cases against Christians for holding unauthorized gatherings.

In August 2006 the Istanbul Protestant Church finalized the legal procedure for officially registering its building as a "place of worship." This was the first time that the Government approved a request for such status in the zoning plan.

Many local officials continued to impose standards, such as minimum space requirements, on churches but not mosques.

The Ecumenical Patriarchate in Istanbul continued to seek to reopen the Halki seminary on the island of Heybeli in the Sea of Marmara. The Government closed the seminary in 1971, when the patriarchate chose not to fulfill a government requirement for all private institutions of higher learning to nationalize. The patriarchate found it impossible to comply with the order. Under existing restrictions, religious communities other than Sunni Muslims cannot legally train new clergy in the country for eventual leadership. Coreligionists from outside the country have been permitted to assume leadership positions in a few cases, but in general all religious community leaders, including patriarchs and chief rabbis, must be citizens.

No law explicitly prohibits proselytizing or religious conversions; however, many prosecutors and police regarded proselytizing and religious activism with suspicion. Police occasionally prevented Christians from handing out religious literature. Christians performing missionary work were occasionally beaten and insulted. Police officers sometimes reported students who met with Christian missionaries to their families or to university authorities.

Several foreigners who are practicing Christians and have lived with their families in various cities for many years reported increased governmental harassment during the year, including denial of residence and work permits that had been granted in previous years, monitoring by Jandarma, and threats to themselves and their families. These persons reported that they worshiped in their homes but did not proselytize by distributing bibles, going door-to-door, or undertaking similar activities.

Authorities continued to enforce a long-term ban on the wearing of headscarves at universities and by civil servants in public buildings. Women who wore headscarves and persons who actively showed support for those who defied the ban were disciplined or lost their jobs in the public sector. Students who wore head coverings were not permitted to register for classes, although some faculty members permitted students to wear head coverings in class. Some wore wigs instead.

In 2005 the ECHR Grand Chamber upheld a 2004 ECHR ruling that the ban on Islamic headscarves in the country's universities was lawful.

In February 2006 the Council of State ruled in favor of a decision by education authorities to revoke the promotion of an Ankara teacher to a nursery school principal position on the grounds that the teacher regularly wore an Islamic headscarf outside of school. Numerous journalists and religious rights advocates asserted that the court's decision effectively expanded the headscarf ban into the private sphere. The court, however, maintained that the teacher had violated the principle of secularism in education by wearing the headscarf while traveling to and from school.

In May 2006 attorney Alparslan Arslan opened fire in the Council of State court responsible for the February ruling, killing Judge Mustafa Yucel Ozbilgin and wounding four other judges. His trial was ongoing at the end of the year.

The law establishes 8 years of compulsory secular education for students. Subsequently students may pursue study at imam hatip (Islamic preacher) high schools. Imam hatip schools are classified as vocational, and graduates of vocational schools faced an automatic reduction in their university entrance examination grades if they applied for university programs outside their field of high school specialization. This reduction effectively barred imam hatip graduates from enrolling in university programs other than theology. Most families that enrolled their children in imam hatip schools did so to expose them to more extensive religious education, not to train them as imams.

The Constitution establishes compulsory religious and moral instruction in primary and secondary schools. Religious minorities are exempted. However, a few religious minorities, such as Protestants, faced difficulty obtaining exemptions, particularly if their identification cards did not list a religion other than Islam. The Government claimed that the religion courses covered the range of world religions; however, religious minorities asserted the courses reflected Sunni Islamic doctrine, which they maintained explains why non-Muslims are exempt.

Many Alevis alleged discrimination in the Government's failure to include any of their doctrines or beliefs in the religion courses. On October 9, the ECHR ruled in favor of an Alevi parent who, in 2004, filed a suit claiming the mandatory religion courses violate religious freedom.

In April 2006 an Istanbul court ruled in favor of an Alevi father who requested that his son be exempt from the religion courses at school; however, the following month, a higher court overturned the lower court's ruling, and the case was pending in the Higher Court of Appeals at year's end.

Officially recognized minorities may operate schools under the supervision of the Ministry of Education. Such schools are required to appoint a Muslim as deputy principal; reportedly these deputies had more authority than their nominal supervisors. The curriculum of these schools included Greek Orthodox, Armenian Orthodox, and Jewish instruction.

Only the Diyanet is authorized to provide religion courses outside of school, although clandestine private courses existed. Students who complete 5 years of primary school may enroll in Diyanet Koran classes on weekends and during summer vacation. Many Koran courses functioned unofficially. Only children 12 and older may legally register for official Koran courses, and Mazlum-Der reported that law enforcement authorities often raided illegal courses for younger children. According to Diyanet figures, there were nearly 5,000 official Koran courses throughout the country.

Numerous religious groups, particularly the Greek and Armenian Orthodox communities, have lost property to the Government and continued to fight ongoing efforts by the Government to expropriate properties. Many such properties were lost because the law allows the GDF to assume direct administration of properties that fall into disuse when the size of the local non-Muslim community drops significantly. The Government expropriated other properties that were held in the name of individual community members who emigrated or died without heirs. The GDF also took control of non-Muslim foundations after the size of the non-Muslim community in a particular district dropped below the level required to elect foundation board members.

The law allows the 161 minority foundations recognized by the GDF to acquire property, and the GDF has approved 364 applications by non-Muslim foundations to acquire legal ownership of properties. However, the law does not allow the foundations to reclaim hundreds of properties expropriated by the state over the years. Foundations have also been unable to acquire legal ownership of properties registered under names of third parties, including properties registered under the names of saints or archangels, during periods when foundations could not own property in their own name.

Turkish law has no provisions to accommodate those who conscientiously object to military service.

The military failed to comply with a January 2006 ECHR decision ordering Turkey to pay \$16,000 (11,000 euros) compensation to Osman Murat Ulke, for mistreatment he received when he conscientiously objected to military service. The court also pointed out the necessity to create a legal mechanism to allow conscientious objectors to perform nonmilitary public service. The Turkish Military Court of Appeals Grand Chamber claimed that the decisions of the ECHR on conscientious objectors were not binding. Eskisehir military prosecutors continued to demand a sentence of 17 months and 15 days' imprisonment of Ulke, who was first arrested in 1996 and tried several times since for "damaging the public image of the army," "disobeying orders," and "desertion." He served a total of 701 days in prison.

On March 15, a military court sentenced conscientious objector Halil Savda to 1 year and 8 months' imprisonment. Halil refused to wear a military uniform and shave a beard he maintained for religious beliefs.

*Societal Abuses and Discrimination.*—Attacks on those practicing Christian faiths continued. On June 19, the Ministry of Interior issued a circular to all governors that acknowledged an increase in individual criminal actions and attacks against non-Muslim citizens and their places of worship, and requested governors take all necessary measures to prevent future incidents against non-Muslims. The circular requested that governors ensure detailed investigation of such crimes and take protective measures to protect at-risk individuals, groups, or property. The circular also urged governors to undertake social and cultural activities that would increase social tolerance toward individuals of different religions and beliefs.

In January the building of the Agope Church Foundation in Samsun was attacked and its windows were broken.

In March a hand grenade was thrown into the courtyard of the house of the president of the Syriac Churches Foundation in Mardin's Midyat district. The police opened an investigation after the incident, but there were no reports of an arrest or a court case by year's end.

In April a group of youths murdered three members of a protestant church in Malatya, including a German citizen. The victims were found with their hands and legs bound and their throats slit in the office of a company that publishes books on Christianity. Four suspects were caught as they were trying to get out of the building, while another jumped out of the window and was hospitalized. A total of 11 suspects were charged in connection with the killings, five of whom remained in custody as the investigation continued. The trial began on November 23 and was ongoing at year's end. Five defendants faced multiple life sentences for murder and terrorist acts and another two were charged with assisting in the planning of the murders.

In November Ministry of Environment and Forestry officials damaged a Greek Orthodox church on Heybeli Island as it was being restored. The officials claimed the restoration was illegal; however an investigation conducted by island authorities later determined the ministry officials acted independently and without cause.

In November Syriac priest Edip Daniel Savci was kidnapped in Midyat and held for 3 days as his kidnappers demanded \$438,000 (300,000 euros) in ransom. One of the kidnappers, reportedly overcome by guilt, released him unharmed, and seven suspects were later arrested for the crime.

In November two intoxicated suspects were arrested for breaking windows of the Greek Orthodox Holy Trinity Church in Istanbul's Kadikoy district.

In November security officials thwarted a planned attack on a priest at St. Paul's Church in Antalya. The officials had been investigating suspect Murat T for his ties to other crimes when they discovered a telephone conversation in which he declared his intent to kill the priest. He remained under arrest at year's end for his alleged involvement in five counts of arson, although by year's end, there were no reports of charges related to the planned attack on the priest.

In December a 19-year-old assailant stabbed 65-year-old Italian priest Adiano Francini inside the St. Antoine church in Izmir. Police soon captured Ramazan Bay outside a mosque where he had allegedly gone to confess the crime to an imam. Francini survived the attack and stated he did not intend to press charges against Bay, whom he described as a mentally disturbed youth acting on his own volition.

In January 2006 five assailants severely beat Protestant church leader Kamil Kiroglu in Adana. One attacker with a knife threatened to kill Kiroglu unless he renounced Christianity. The Government did not investigate the incident or make any arrests for the second consecutive year.

In February 2006 an assailant shot and killed Catholic priest Andrea Santoro in a church in Trabzon. On October 4, an appeals court upheld the prison sentence of

18 years and 10 months rendered in October 2006 to the 16-year-old defendant charged with the murder.

In July 2006 a Catholic priest in Samsun was attacked and suffered knife wounds. Authorities announced that, prior to the attack, the assailant, who was later arrested, had filed complaints against the priest for "Christian propaganda." During the trial, which was ongoing at year's end, prosecutors requested the assailant be hospitalized after he reportedly was diagnosed with chronic schizophrenia.

Members of the Syriac community reported that Syriacs who were forced to leave their southeastern villages during PKK-related violence in the 1980s and 1990s faced fewer problems when attempting to return to their villages. Previously, local villagers, particularly village guards, often occupied the homes of Syriacs who fled and refused to leave when Syriacs attempted to return.

In 2005 a group of nationalists gathered outside the Dirilis Protestant Church in Istanbul and chanted slogans, vandalized the premises, and beat the landlord. The church has since shut down. There were no reports that a court case was opened against the perpetrators.

For the second consecutive year, no court cases were opened in several 2005 incidents of violence, threats, and vandalism against Christians and Christian places of worship.

For the second consecutive year, the Government did not initiate an investigation into two 2005 incidents targeting Syriacs.

In September 2006 retired imam Bayram Ali Ozturk was stabbed to death following morning prayer in a mosque in Istanbul. Ozturk's attacker, Mustafa Erdal, was killed by others in the mosque. Ozturk was the primary candidate to succeed the head of the Nakshibendi tarikat. In October one of the two suspects under arrest was sentenced to 4 years and 2 months for "aiding and abetting," while the other remaining suspect was acquitted.

Many Muslims, Christians, Jews, and Baha'is faced societal suspicion and mistrust. Jews and Christians from most denominations freely practiced their religions and reported little discrimination in daily life. However, religious minorities asserted that they were effectively blocked from careers in state institutions.

A variety of newspapers and television shows continued to feature anti-Christian and anti-Jewish messages, and anti-Semitic literature was common in bookstores.

The Jewish community numbered approximately 23,000. During the year there were continued reports of anti-Semitic language in newspapers and Web sites, as well as of increased societal antagonism and discrimination, which peaked following the summer 2006 conflict involving Israel and Lebanon and remained high since then.

The popular television series Valley of the Wolves continued for a fourth season in May after briefly being taken off the air in February due to government pressure and viewer complaints over the show's violent content. Critics argued the show, and its 2005 spin-off movie of the same title, stoked nationalism and reinforced societal suspicion toward non-Muslims.

In February two of the 74 defendants charged in connection with the 2003 terrorist bombings of two synagogues, the British Consulate, and a bank were sentenced to heavy life imprisonment, and five others were sentenced to life terms. Authorities imprisoned 41 suspects for 3 to 18 years and acquitted 26.

Trial proceedings continued in the case of the 2004 bombing of an Istanbul Masonic lodge. It was widely believed in the country that Masons have Zionist and anti-Islamic tendencies; evidence gathered in the investigation indicated that anti-Semitism was at least a partial factor in the attack, which killed two persons and wounded seven.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation; however, at times the Government limited these rights in practice. The law provides that a citizen's freedom to leave the country could be restricted only in the case of a national emergency, civic obligations (e.g., military service), or criminal investigation or prosecution. The Government maintained a heavy security presence in the southeast, including numerous roadway checkpoints.

On June 7, the Government declared a High Security Zone would be established from June 9 to September 9 in specific demarcated zones located in three southeastern provinces of Siirt, Sirnak, and Hakkari. Journalists attributed the measure to "part of an intensifying battle" between the military and the PKK. Prior to September 9, the Government extended the termination date to December 10. Some vil-

lagers claimed the establishment of the security zones restricted their access to their fields and pastures.

The law prohibits forced exile, and the Government did not employ it.

*Internally Displaced Persons (IDPs).*—Various NGOs estimated that there were from 1 to 3 million IDPs in the country remaining from PKK conflict, which began in 1984, continued at a high level through the 1990s, and continued during the year. The Government reported that 368,360 citizens from 62,448 households migrated from the southeast during the conflict, with many others departing before the fighting. In December 2006 Hacettepe University released the results of a study that was commissioned by the government, which concluded that an estimated 953,680 to 1,301,200 persons were displaced by conflict in the southeast between 1986 and 2005. The study found that the main reason for the large discrepancy between government and NGO figures was that the Government only included persons evacuated by the security forces from settlements, and not those who were forced to flee because of general violence or for a combination of security and economic reasons. The study also noted that internal displacement in the country is part of a broader rural-to-urban migration by individuals seeking economic opportunity, exacerbated by the violence in the southeast, and has been affected by large-scale development projects, such as the Southeastern Anatolia Project, and natural disasters.

The law to compensate IDPs allows persons who suffered material losses during the conflict with the PKK to apply for compensation. On May 31, Parliament extended the duration of the law so that applicants may apply for compensation until May 2008. Human Rights Watch (HRW) reported in December 2006 that the law was being implemented in a way contrary to the Government's stated purpose and principles of fair and appropriate redress. According to HRW, rulings by provincial commissions charged with the law's implementation were inadequate and actually hindered those IDPs who would like to return to their preconflict homes. HRW also found that IDPs had no realistic avenue of appeal. These findings mirrored those of local NGOs and regional bar associations, which maintained that the law included unreasonable documentation requirements and awarded levels of compensation far below standards established by the ECHR. A representative from the Ministry of Interior denied that the Government has implemented the law unfairly.

The Ministry of Interior reported that the review commissions had received a total of 278,165 applications for compensation under the law through December. The commissions have processed 97,579, approving 66,563 and rejecting 31,016. The Government paid total compensation in the amount of \$294 million (351 million lira), an average of \$13,400 (16,000 lira) per person.

According to the Turkish Economic and Social Studies Foundation (TESEV), the law only compensates losses suffered after 1987, leaving out victims who suffered losses between 1984, when the clashes started, and 1987. TESEV reported that many victims who fled the region because of the deteriorating economic and security situation have been unable to receive compensation because they could not demonstrate a direct link between their losses and the actions of either the PKK or the security forces. HRW reached the same conclusion in its December 2006 report, in which it noted that the Government has unjustly refused to compensate those villagers in the southeast region displaced prior to 1987.

On June 26, Jandarma and village guards forced villagers to leave the Ceme Kare hamlet of Yapraktepe village of Siirt's Pervari district after the Turkish military proclaimed a "special security zone" in portions of Hakkari, Sirnak, and Siirt Provinces. The villagers, members of the nomadic Kican and Batuyan tribes, were evicted for security reasons in 1989 but repatriated to the area in 2003. When villagers protested security forces' orders to evacuate, the troops forcibly loaded their belongings onto trucks and took the belongings to the Pervari Jandarma station. Many villagers remained in Ceme Kare hamlet, although without provisions and with no access to their crops. The following day, after several villagers filed an administrative complaint, security forces blocked the main point of access to the village. Villagers alleged that the action prevented a couple from obtaining treatment for their sick infant, leading to the baby's death. On August 8, a villager filed an administrative complaint with the Siirt governorship. Jandarma officials took the applicant and 15 villagers into custody for questioning and released them the same evening.

Village guards occupied homes abandoned by IDPs and have attacked or intimidated IDPs attempting to return to their homes with official permission. For example, village guards reportedly threatened and beat Hayrettin Yildirim on several occasions since he returned to the village of Kasyayla in Batman Province 3 years ago. On April 10, village guards opposed to Yildirim and other returnees' attempts to re-settle the land beat him to the point where he required medical attention, according to the HRA and an April 23 report in *Radikal* newspaper.

Voluntary and assisted resettlements were ongoing. In a few cases, persons could return to their former homes; in other cases, centralized villages were constructed. The Government reported that as of September 7, its "Return to Village and Rehabilitation Project" had facilitated 151,469 persons from 25,001 households returning to their villages.

Foreign governments and national and international human rights organizations continued to criticize the Government's program for assisting the return of IDPs as secretive and inadequate.

*Protection of Refugees.*—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights in practice. The Government generally cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees (recognized as such with certain geographical limitations), returning refugees, asylum seekers awaiting resettlement to third countries, stateless persons, and other persons of concern.

An administrative regulation provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol. However, Turkey ratified the 1967 protocol subject to a geographic limitation, and therefore accepts its obligations only with respect to refugees from Europe. The Government has not established a formal system or legislation for providing protection to refugees. The UNHCR conducted refugee status determination for applicants from non-European countries and facilitated the resettlement of those recognized as refugees.

The Government provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol, including individuals of non-European origin. According to the Ministry of Interior, during the year the Government provided temporary protection to 12,249 foreigners referred by UNHCR for resettlement to a third country. Refugees were not authorized to work in the country and needed permission from Ministry of Interior authorities to travel to Istanbul or Ankara, including for meetings with UNHCR or resettlement agencies.

In practice, in nearly all cases the Government provided protection against "refoulement," the return of persons to a country where there is reason to believe they feared persecution. However, during the year the Government deported 20 recognized refugees to Iraq. One of these was an Iraqi citizen, while three were members of an Iranian family who entered Turkey from Iraq in 2002. The others included five Iranians deported as a group in August and 11 Iranians deported as a group on December 30.

On August 22, Pejman Piran, brother of jailed Iranian activist Peyman Piran, was deported to Iraq along with four other Iranian refugees who had been living in Van. Piran entered Turkey from Iran in 2005 and registered with UNHCR immediately; UNHCR recognized him as a refugee in October 2006 and referred him for resettlement to a third country. He was denied permission to travel from Van to Istanbul for resettlement interviews with third country officials three times between November 2006 and May 2007. Authorities denied Piran's lawyer access to him before his deportation. The ECHR issued a decision to stop the deportation on August 26, but Piran and the other four refugees had already been taken to Iraq. An ECHR case against Turkey was ongoing at year's end. Turkey's statement to the court claimed that this deportation did not violate the European Convention on Human Rights because the individuals' asylum claims had been rejected by competent Turkish authorities, and because they were deported to Iraq and not returned to Iran.

Iraqi citizens were generally able to obtain tourist visas upon arrival at airports in Turkey. However, some foreigners, including Iraqis, transiting Turkey on their way to Europe were returned to their countries of origin when immigration authorities determined they might seek asylum in Europe. According to UNHCR, a group of 500 persons from the Middle East and Asia were detained in Izmir in July as they tried to exit Turkey for Europe. Authorities returned 135 Iraqi citizens in this group, including some who had tried to claim asylum, to Iraq.

Illegal immigrants detained when found near the country's eastern border areas were more likely to be questioned about their asylum status and referred for processing than those caught while transiting or attempting to leave the country from other locations. However, access to the national procedure for temporary asylum was hindered by the lack of reception facilities for groups of interdicted migrants, potentially including asylum seekers, and a lack of interpreters to assist security officials.

In January 2006 the Government introduced amendments to the 1994 Asylum Regulation that eliminate a time limit for asylum seekers, as well as the require-

ment to present a valid identity document. Despite this, the International Organization for Migration (IOM) reported that during the year some refugees were charged fines for late registration before being authorized to travel to Istanbul in order to leave Turkey for their countries of resettlement. In June 2006 the Government also issued an implementation directive that provided detailed guidance on the refugee status determination procedure and established a framework for the provision of assistance to asylum-seekers and refugees.

The UNHCR reported that it was able to successfully intervene in most cases where asylum seekers arrive in the country after transiting through one or more other countries. However, UNHCR access to persons in detention who wish to apply for asylum, as well as to persons trying to seek asylum while they are at the international areas of the country's airports, remained problematic.

*Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The Constitution and law provide citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage. However, the Government restricted the activities of a few political parties and leaders.

*Elections and Political Parties.*—The 2007 parliamentary elections were held under election laws that the Organization for Security and Cooperation in Europe (OSCE) found established a framework for democratic elections in line with international standards. The law requires a party receive at least 10 percent of the valid votes cast nationwide to enter Parliament. Some political parties criticized the 10 percent threshold as unduly high, and the OSCE noted that Turkey's 10 percent threshold remained the highest in the OSCE region.

The OSCE also noted in its observation report following the 2007 elections that, despite a comprehensive legal framework for elections, political campaigning and, in a broader context, freedom of expression were constrained by a number of laws which created the potential for uncertainty and scope for arbitrary interpretation. The OSCE also noted the positive efforts made to enhance the participation of Turkish citizens of Kurdish origin in political life. Legislation, however, continued to prohibit the use of languages other than Turkish in the election campaign.

In a polarized political climate leading up to presidential and parliamentary elections during the year, the military issued three statements that human rights groups characterized as attempts to exert pressure on the democratic process. On April 12, April 27, and June 8, in speeches and on its Web site, the military emphasized what it regarded as the deep threats posed by religious fundamentalism and terrorism and asserted the military's role as the ultimate defender of secularism. As the presidential election process proceeded, on April 27, the Turkish General Staff published a memorandum on its Web site expressing concern at the alleged weakening of secularism in the country. Human rights observers labeled the action a "coup by e-memorandum" and maintained the political intervention contributed to a later Constitutional Court decision that halted the April presidential election process and led to early parliamentary elections. The June 8 statement referred to human rights defenders and others critical of state authorities as synonymous with supporters of terrorist organizations. In a July 22 briefing paper, Human Rights Watch called the statements "veiled threats" against the ruling AKP party. Freedom House stated that these statements were suggestive that the "the army still retains disproportional influence over the political process."

Political parties and candidates could freely declare their candidacy and stand for election. The high court of appeals chief prosecutor could only seek to close political parties for unconstitutional activities by bringing a case before the Constitutional Court.

DEHAP reconstituted itself as the Democratic Society Party (DTP) in 2006; nonetheless the Constitutional Court deliberations in the legal case seeking DEHAP's closure on charges of separatism were ongoing at year's end. DTP officials speculated that the court was deliberately delaying its decision because the case deals with controversial political issues.

In the retrial of former members of Parliament Leyla Zana, Hatip Dicle, Orhan Dogan, and Selim Sadak for supporting the PKK, the court sentenced the defendants each to terms of 7 years and 6 months, but ruled that each defendant had already fulfilled the sentence by having served 10 years following the initial trial at which they were sentenced to 15 years.

During the year police raided dozens of DTP offices, particularly in the southeast, and detained hundreds of DTP officials and members. During the year prosecutors opened scores of investigations and trials against DTP members. Police raids on

DTP offices in Van and Siirt Provinces resulted in the detention of approximately 50 DTP members during the year.

Jandarma and police regularly harassed DTP members through verbal threats, arbitrary detentions at rallies, and detention at checkpoints. Security forces also regularly harassed villagers they believed were sympathetic to DTP. Although security forces released most detainees within a short period, many faced trials, usually for supporting an illegal organization or inciting separatism.

Following October 21 PKK terrorist attacks in Hakkari Province, some Turks attacked DTP offices throughout the country, setting DTP office buildings and furniture on fire, throwing rocks, breaking windows, and shouting obscenities. Some DTP politicians and Turkish citizens of Kurdish origin considered such violence to be inflamed by government policies and alleged that security forces did not take proper measures to prevent such incidents.

There were no developments during the year regarding the appeal of Aydin Budak, the DTP mayor of Cizre. In June 2006 Budak was sentenced to 1 year and 3 months in prison for stating in a speech that was aired on Roj TV that the isolation of Abdullah Ocalan was something “provocative.”

DTP Erzurum provincial chairman Bedri Firat continued his appeal of a July 2006 conviction. Firat was sentenced to 2 years in prison for allegedly issuing propaganda supporting the PKK in a speech during Nevruz celebrations in which he stated that Kurds were subject to genocide and praised Abdullah Ocalan.

There were no updates during the year in the 25 open cases against DTP member Tuncer Bekirhan.

On February 14, an Ankara court sentenced 13 Hak-Par administrators to imprisonment terms from 6 months to 1 year for distributing Kurdish-language invitations to a 2005 convention and speaking Kurdish during that convention. The court later converted nine of the sentences into monetary fines. The remaining four defendants received 1 year sentences. The defendants maintained that speaking in Kurdish is legal under the Constitution and the European Convention on Human Rights.

There were 49 women in the 550-seat Parliament. There was one female minister in the 25-member cabinet.

Although the number was unknown, some minority groups were active in political affairs. Many members of Parliament and senior government officials were Kurds. PM Erdogan stated during the year that there were five Kurdish-origin ministers in his cabinet and 75 Kurdish-origin MPs in AKP's parliamentary group.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption; however the Government did not implement the law effectively, and officials engaged in corrupt practices with impunity. The World Bank Worldwide Governance Indicators reflected that corruption was a problem.

On May 10, a Turkish military court sentenced General Erdem Erdagi to 11 months and 25 days in prison for misusing his authority by accepting a bribe for the award of a military construction tender during his command in 2002–04 of the 8th Corps in Elazig. The sentence, the first for an active-duty officer, was 5 days short of the 12-month sentence that would trigger dismissal from the military. General Erdagi was charged together with a number of lower-ranking officers during a crackdown on corruption in 2003 and 2004 that led to the 2006 conviction of former naval admirals Ilhami Erdil and Aydin Gurul. Both officers filed appeals. In July 2006 the military court of appeals approved the verdict on Erdil but, based on health reasons, execution of the punishment was postponed. However, on July 3, authorities imprisoned Erdil.

On June 21, a military court convicted private contractor Ali Osman Ozmen to 45 years and 9 months in prison for his complicity in a 2004 corruption scandal related to bidding and construction process for a special forces headquarters in the Golbasi region of Ankara. The court fined Ozmen \$9.44 million (11.3 million lira) and banned him from working in the construction sector and voting in elections. Also connected to the scandal, the court expelled five officers from the military and sentenced them to the following prison terms: Col Mustafa Ozer, 5 years; (Ret) Col. Recep Yilmaz, 3 years, 10 months and 20 days; Captain Huseyin Ceylan, 16 years; and Captain Gokhan Bayri, 1 year and 15 days. The court convicted two additional civilians: Military employee Huseyin Ozcan, 1 year and 15 days; and contractor Mehmet Bahadir Gulse, 6 years and 10 days. The court acquitted 17 suspects.

Opposition party members criticized the ruling AKP for refusing to lift the immunity of AKP parliamentarians suspected of corruption and other abuses.

Government officials are required by law to declare their property every 5 years.

The law provides for public access to government information; however, the Government occasionally rejected applications on national security and other grounds, and there were no opportunities to appeal. HRF reported that four of its five re-



quests for information from the Ministries of Justice and Interior and the Statistics Institute were denied.

*Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

A number of domestic and international human rights groups operated in many regions but faced government obstruction and restrictive laws regarding their operations, particularly in the southeast. Government officials were generally uncooperative and unresponsive to their views.

Human rights organizations and monitors, as well as lawyers and doctors involved in documenting human rights violations, continued to face detention, prosecution, intimidation, harassment, and formal closure orders for their legitimate activities. Human rights organizations reported that official human rights mechanisms did not function consistently and failed to address grave violations.

The HRA had 34 branches nationwide and claimed a membership of approximately 14,000. The HRA reported that prosecutors opened dozens of cases against HRA branches during the year. The HRF, established by the HRA, operated torture rehabilitation centers in Ankara, Izmir, Istanbul, Diyarbakir, and Adana and served as a clearinghouse for human rights information. Other domestic NGOs included the Istanbul-based Helsinki Citizens Assembly, the Ankara-based Turkish Democracy Foundation, the Turkish Medical Association, human rights centers at a number of universities, and Mazlum-Der.

At the November 27 opening of the Adana chapter of the Civil Society Development Center (STGM), Adana Governor Ilhan Atis verbally rebuked STGM coordinator Sunay Demircan for suggesting civil society is necessary to fill social, political, and economic gaps where government falls short. Atis claimed civil society should supplement ongoing government work, move in harmony with it, and should be supported only if its work upholds the principles of the Turkish Constitution and runs in accordance with state goals.

In January the Istanbul governor's office, with no prior notice, froze three of the bank accounts of Amnesty International's (AI's) Turkey branch, worth approximately \$62,600 (75,000 lira). In May AI filed civil cases against two local government authorities, the Beyoglu district governor's office and the Istanbul governor's office, for failing to respond to AI's administrative queries related to the seizure. On May 30, the Beyoglu district governor's office issued a decision that AI had participated in "unauthorized fund raising." The decision did not specify what AI actions violated the law. In a June 22 public statement, AI stated that it does not seek or accept money from governments or political parties for its work but that its funding depends on the contributions of its worldwide membership and fundraising activities, including street fundraising or "face-to-face" activities. The statement noted AI feared the incident could have been "a tactic of government harassment intended to impede legitimate fundraising activities." At year's end AI had not received an official explanation as to what activities violated the law, and the civil case continued.

The Government generally cooperated with international organizations such as CPT, UNHCR, and IOM; however, some international human rights workers reported that the Government purposefully harassed them or raised artificial bureaucratic obstacles to prevent their work.

A Human Rights Presidency (HRP) under the Prime Ministry was authorized to monitor the implementation of legislation relating to human rights and coordinate the work of various government agencies in the field of human rights. Despite lacking a budget and sufficient resources, the HRP carried out a number of projects with the European Commission and Council of Europe.

During the year the HRP promoted human rights by showing 10 different short films on diverse topics such as freedom of expression, discrimination, children's rights, and torture, among others. The films were shown in 145 theaters across Turkey prior to the screening of main attractions. The HRP established a free, emergency human rights hotline called "Alo 150," where individuals could report information on human rights violations for transmission to the appropriate government body. The HRP also trained 1,000 members of local human rights boards from across the country during the year.

There are provincial human rights councils under the Human Rights Presidency in all 81 provinces and 850 subprovinces. These bodies were established to serve as a forum for human rights consultations among NGOs, professional organizations, and the Government. They have authority to investigate complaints and refer them to the prosecutor's office. However, many councils failed to hold regular meetings or effectively fulfill their duties. Human rights NGOs generally refused to participate on the councils, maintaining that they lacked authority and independence.

The HRP reported that it received complaints of human rights violations from 206 persons through the end of June. The boards received 496 complaints of violations during the same period. These complaints were regarding health services and patient rights (115), property rights (84), and general human rights complaints (79).

On September 13, the Court of Appeals penal department overturned the May 2006 acquittal of Ibrahim Kaboglu and Baskin Oran, former chair and subchair of the Human Rights Advisory Board (HRAB), an advising body established to link government bodies and NGOs on human rights issues and provide advice. Kaboglu and Oran were charged in 2005 with "inciting people to hatred" and "openly belittling judicial organs," because of language they included on minorities and cultural rights in an HRAB report. The defendants resigned from HRAB in protest and the HRAB has remained inoperative. The appellate court reasoned that the report language was contrary to the Turkish legal principle that there are no minorities in Turkey, only "non-Muslim citizens." The Court of Appeals chief prosecutor objected to the decision; at year's end the decision was pending in the Grand Chamber of the Court of Appeals.

Other government human rights bodies include the High Human Rights Board, an interministerial committee responsible for making appointments to human rights posts; and a Human Rights Consultation Board (HRCB), established to serve as a forum for the exchange of ideas between the Government and NGOs. NGOs found these bodies to have little to no effectiveness. In March 2006 six NGOs withdrew from the HRCB because of government interference with the body.

The parliamentary Human Rights Committee, which has a mandate to oversee compliance with the human rights provisions of domestic law and international agreements, investigated alleged abuses, prepared reports, and carried out detention center inspections. Human rights organizations reported that the purely advisory role limited its efficacy. On October 2, the committee sent a multiparty delegation to Sirnak Province in southeastern Turkey to investigate the September 29 attack on a minibus that resulted in the deaths of 12 Turkish citizens. The Government had claimed PKK terrorists were responsible, but the DTP questioned that immediate assumption. On October 19, the committee adopted the delegation's conclusion that the PKK carried out the attack. DTP MP Akin Birdal expressed reservations about the conclusion.

#### *Section 5. Discrimination, Societal Abuses, and Trafficking in Persons*

The law prohibits discrimination based on race, gender, religion, disability, language, or social status; however, problems in implementation of these laws existed. The Government and NGOs focused on eliminating societal violence and discrimination against women and minorities, as well as trafficking, but problems continued in these areas.

*Women.*—The law prohibits rape, including spousal rape; however, the Government did not effectively enforce the law. Victims often waited days or weeks to report incidents for fear of embarrassment or reprisals, which hindered the possibility of effective prosecution of assailants. Experts worked during the year to convince the Government to accept psychiatric victim reports as alternative forms of evidence. Cases of rape were underreported.

Violence against women, including spousal abuse, was a serious and widespread problem. The law prohibits violence against women, including spousal abuse. The Government did not effectively enforce the law. Domestic human rights organizations reported that these measures were partially effective; more women called the police emergency hotline to report domestic violence and went to police stations to file abuse reports. On October 15, the Istanbul governor and the Foundation to Support Contemporary Life, backed by EU funds, launched a domestic violence hot line staffed by operators who screen calls and then forward legitimate calls to police, attorneys, or psychologists. In the first 10 days of the program, approximately 150 calls were received.

Women's NGOs reported that more than 150,000 women were victims of domestic violence between 2001 and 2005. The Government continued to show slow progress on implementing a 2004 law stipulating the need for shelters for women victims of domestic violence in towns with a population of more than 50,000. According to the government, its Institution for Social Services and Orphanages operated 23 shelters for female victims of domestic violence and rape with a total capacity of 405. The Government reported that provincial government offices, municipalities, and NGOs operated 18 shelters, and that one private foundation operated a shelter.

KA-MER, the leading women's organization in the southeast, reported that from 2003–2007 a total of 198 women from eastern and southeastern Anatolia contacted KA-MER to report that their family had threatened them with honor killings. Of these cases, three of the women died from injuries sustained in the attacks, one

committed suicide, and 27 were pressured to commit suicide. The father or husband decided the fate of the woman in the vast majority of the cases. The report observed that 76 of these “decision makers” were illiterate, while 47 had no education beyond junior high school. Increased education levels correlated with a drop in the rate of such crimes. “Disobedience” was determined to be the most common reason given to justify honor killings. Disobedience was variously defined as refusing to marry the person the family had chosen, refusing to have sex with a brother-in-law or father, not agreeing to prostitute oneself, not fulfilling the demands of husbands, fathers, brothers, or other elders, and interrupting man-to-man conversations.

The Government reported that there were 37 victims of honor killings during the year and 1,806 honor killings between 2001 and 2006. During the same period, 5,375 women committed suicide. After the Government increased penalties for honor killings in 2005, family members increasingly pressured girls to kill themselves in order to preserve the family’s honor, according to women’s rights groups. Government officials worked with advocacy groups such as KA-MER to hold town hall meetings and set up rescue teams and hot lines for endangered women and girls. Under the law, honor killings require punishment of life imprisonment. Women’s rights groups reported that there remained dozens of such killings every year, mainly in conservative Kurdish families in the southeast or among migrants from the southeast living in large cities. Because of sentence reductions for juvenile offenders, observers noted that young male relatives often were designated to perform the killing.

On June 4, an Istanbul court sentenced Omer Rençber to life imprisonment for stabbing and killing his sister Arzu Kaya. Rençber had been pressed by his family to kill 28-year-old Kaya when, after a time of family economic turmoil, she left her husband in Erzurum and fled to Istanbul with an alleged lover. Rençber told the court he did not regret his actions.

On June 22, a Diyarbakir Heavy Penal Court convicted numerous family members for the March 2006 murder of 23-year-old Gulistan Gumus. Gumus’s husband from an arranged marriage, Omer Tas, conspired with relatives from his family and Gumus’s family to murder her after she tried to divorce him and move to Istanbul. The court sentenced Tas and brother-in-law Mehmet Sah Tas to aggravated life imprisonment; father Bahattin Gumus and father-in-law Hamdullah Tas to 18 years for complicity in the murder; and two other relatives and one family friend to 15 years for complicity. The court added on 3 years to the sentences of Mehmet Sah, Hamdullah Tas, Izzettin Tas, Bahattin Gumus and Abdurrahim Gumus for breaking and entering.

On November 13, an Istanbul court ordered the first life sentence for an honor killing case, in the case of the murder of 22-year-old Guldunya Toren by her two brothers, Irfan and Ferit Toren. The court sentenced Irfan to life and Ferit (a minor at the time of the murder) to 23 years for killing their sister after Guldunya refused to become the second wife of a cousin who had raped her. Following the birth of the child that resulted from the rape, Guldunya fled her home in Bitlis and took refuge at an Istanbul police station. The police sent her back to live with her uncle, where her brothers then beat her. As she recovered from her wounds in a state hospital, the brothers shot her twice in the head.

In October 2006 the press reported that 15-year-old Naile Erdas from the southeastern city of Van was killed by her family when she gave birth to a child conceived during a rape. The girl, who hid her pregnancy, reportedly begged doctors at a state hospital where she gave birth not to return her to her family, fearing that she would be killed in accordance with the local tradition demanding her family’s honor be cleansed. Doctors informed state authorities, but the prosecutor nevertheless handed the young woman over to her family. At year’s end, Erdas’s brother, father, and uncles were under arrest for the murder.

The Bursa Gunyuzu Women’s Solidarity Cooperative and local prosecutor decided not to pursue the cooperative’s December 2006 criminal complaint against the Bursa Greater Municipality and the Osmangazi district for failing to properly implement laws requiring municipalities with a population greater than 50,000 to open a shelter for abused women.

On April 25, a Diyarbakir penal court sentenced the three brothers-in-law of Rojda Gezginci to 15 months’ imprisonment for cutting off the 15-year-old Gezginci’s nose in 2005, after she attempted to leave the family’s household where she had been forced to marry her husband, Abahattin Gezginci, in a religious ceremony. Prosecutors initially charged the entire family upon Gezginci’s complaint, but later dropped charges against the husband, father-in-law, and mother-in-law after Gezginci, under duress, withdrew the complaint.

At year’s end, there was no action to alter the March 2006 conviction of a 14-year-old who murdered his mother in 2005, allegedly for disgracing the family when she

discussed being beaten by her husband on a television show. The court sentenced him to 10 years in prison and acquitted the father and stepson of involvement in the crime. In November 2006 the chief prosecutor urged the court of appeals penal department to annul the decision acquitting the husband and father-in-law. The motion remained pending at year's end.

Prostitution is legal.

The law provides different penalties for the crimes of sexual harassment and sexual assault, requiring 2 to 7 years' imprisonment for sexual assault and 3 months' to 2 years' imprisonment plus a fine for sexual harassment. Women's rights activists maintained that both of the laws were rarely enforced.

Under the law, women enjoy the same rights as men; however, societal and official discrimination were widespread.

The Directorate General on the Status and Problems of Women, under the State Ministry in Charge of Family Affairs, is responsible for promoting equal rights and raising awareness of discrimination against women.

Women continued to face discrimination in employment to varying degrees and were generally underrepresented in managerial-level positions as well as in government. Women generally received equal pay for equal work in professional, business, and civil service positions, although a large percentage of women employed in agriculture and in the retail, restaurant, and hotel sectors worked as unpaid family labor.

*Children.*—The Government was committed to furthering children's welfare and worked to expand opportunities in education and health.

Government-provided education through age 14 or the eighth grade was free, universal, and compulsory. Turkey Statistical Institute and World Bank figures showed that gross enrollment for grades one to eight was 96 percent, while net enrollment for those grades was 90 percent. The maximum age to which public schooling was provided was 18. Only 40 percent of children have a high-school diploma, according to the Organization for Economic Cooperation and Development. One in 10 girls does not attend compulsory primary school.

On December 1, the Government enacted a new law on children that includes language implementing the Hague Convention on International Child Abduction.

The Government operated 113 orphanages, including 48 for girls and 65 for boys, serving a total of 6,116 children during the year. The Government operated 43 children and youth centers and eight surveillance homes that provided daycare services and temporary boarding.

Child abuse was a problem. There were a significant number of honor killings of girls by immediate family members, sometimes by juvenile male relatives. In 2005 police arrested over a dozen nurses, caretakers, and other employees of the Malatya state orphanage in connection with an investigation into the alleged torture and abuse of children at the institution. On December 26, a Malatya penal court sentenced nine suspects to 1 year's imprisonment for negligence and misuse of authority. A second case against five other employees continued at year's end.

Child marriage occurred, particularly in rural, poverty-stricken regions; however, women's rights activists claimed that underage marriage has become less common in the country in recent years.

Children as young as 12 were at times married in unofficial religious ceremonies. Families in rare instances engaged in "cradle arrangements," agreeing that their newborn children would marry at a later date, well before reaching the legal age.

*Trafficking in Persons.*—The law prohibits all forms of trafficking in persons; however, there were reports of trafficking in women and children to the country for the purpose of sexual exploitation. There were allegations that official corruption contributed to the trafficking problem.

Turkey was a destination and transit country for women and children trafficked primarily for the purpose of commercial sexual exploitation. Women and girls were trafficked from Moldova, Russia, Ukraine, and other countries in Eastern Europe and the Former Soviet Union, as well as from Kenya, Nigeria, and the Philippines. Law enforcement officials identified 148 trafficking victims during the year. Young women seeking employment, particularly from Moldova, Ukraine, Belarus, and Russia, were at the greatest risk of being trafficked into the country. Most foreign victims were trafficked for sexual exploitation to Istanbul, Ankara, and Antalya, although victims were identified in cities throughout the country.

The Dogan News Agency reported on June 5 that Samsun police raided hotels and residences, freeing 20 foreign women forced into prostitution. The police detained 29 persons for human trafficking, facilitating prostitution, carrying unregistered arms, and drug trafficking. The women, lured by phony job offers, were from Georgia, Azerbaijan, and Ukraine.

Hurriyet and Milliyet reported on July 19 that a Turkish citizen was detained in Antalya for torturing a 27-year-old Kyrgyz citizen and forcing her into prostitution. Jandarma searched the suspect's house and found a catalogue of girls she was marketing. Jandarma detained the suspect and four of her relatives. Jandarma placed the victim in a temporary shelter and then returned her to her country.

Typically, small networks of foreign nationals and Turkish citizens, relying on referrals and recruitment from friends and family members in the source country, trafficked foreign victims to the country. Some victims answered newspaper advertisements or enlisted the help of job agencies in the source country. The victims often did not know where they were going or which airlines they were using. Many victims reportedly arrived in the country knowing that they would work in the sex industry; however, others arrived believing they would work as models, waitresses, dancers, domestic servants, or in other regular employment. Traffickers confiscated victims' documents, then confined, raped, beat, starved, and intimidated them by threatening their families and ultimately forced them into prostitution.

Some trafficking cases involved children, sometimes for forced labor. On August 7, Sabah newspaper ran a report which stated that Istanbul police raided a house in Fikirtepe and detained a 32-year-old Turkish citizen for bringing children aged 9 to 14 from Mardin and forcing them to work as vendors on the streets of Istanbul. The Kadikoy court ordered him arrested for human trafficking and forcing children to work. The suspect was renting the children from their parents, reportedly paying \$167–\$334 (200–400 lira) for each child. Authorities placed eight of the children under state protection after a child forced into labor tipped off the police. Some of the children said that they worked 12 hours a day. On August 8, Hurriyet quoted the authorities as saying that legal action would be taken against the families who gave their children to the suspect.

The law punishes trafficking with prison terms ranging from 8 to 12 years' imprisonment in addition to heavy fines. In 2005 the president signed into law two amendments to the penal code that removed forced prostitution from the article regulating prostitution and added it explicitly to the antitrafficking article, thus directing prosecutors to pursue the more severe penalty for trafficking. However, in order to gain speedier and more certain prosecutions, suspected traffickers were often still prosecuted under the penal code that criminalizes facilitating prostitution.

According to the Ministry of Foreign Affairs, Turkish national police apprehended 308 traffickers during the year. In 2006, the latest year for which statistics were available, there were 422 investigations into trafficking cases, with 192 prosecutions and 36 convictions. Several cases were ongoing at year's end.

Allegations that government officials, police and Jandarma officers participated in human trafficking continued during the year. The courts initiated cases against a number of such officials, several of which were ongoing at year's end.

The Government processed some trafficking cases as voluntary prostitution and illegal migration. This sometimes occurred when the victim did not self-identify as a trafficked person.

An ambassador-level Ministry of Foreign Affairs official serves as national coordinator for the Government's Task Force on Human Trafficking, which is composed of representatives from the Ministries of Health, Interior, Justice, Finance, and Labor, and includes NGO and IOM representatives. The Government actively participated in international antitrafficking investigations and met regularly with neighboring countries and regional groups promoting regional antitrafficking law enforcement cooperation. The Government signed bilateral antitrafficking cooperation MOUs and protocols with neighboring source countries, including Belarus (2004), Georgia (2005), Azerbaijan (2005), Ukraine (2005), Moldova (2006), and Kyrgyzstan (2006).

There were two NGO-operated shelters for trafficking victims in the country. The shelters, located in Ankara and Istanbul, received free rent from the municipalities, and the Ministry of Health provided free medical care to victims sent to the shelters. Nevertheless, government financial support for these protection mechanisms was inconsistent. The lack of a guaranteed and consistent government funding stream threatened their continued operation. During the year the Ankara shelter assisted 47 government-identified trafficking victims, and the Istanbul shelter assisted 64 victims.

The Government encouraged victims to participate in trafficking investigations and prosecutions; however, most chose to return to their countries. The Ministry of Justice, through local bar associations, provided free legal services to foreign victims choosing to remain in the country and testify against traffickers. Foreign victims identified by Turkish authorities may apply for humanitarian visas and remain in Turkey for up to 6 months. The Government did not have a formal repatriation program for victims, although IOM and shelter administrators assisted identified vic-

victims returning to their countries. IOM reported that it assisted 118 trafficking victims who departed voluntarily.

IOM operated a toll-free hot line for victims in Turkey. The helpline was answered in Russian, Romanian, English and Turkish. In April the helpline became operational for international calls. A total of 28 victims were rescued from trafficking situations through the assistance of the hotline during the year. Posters and billboards in major airports and seaports, information at passport control booths for the targeted group of women, and a brochure distributed by consulates advertising the hot line in Turkish, Romanian, Russian, and English helped raise awareness. The Jandarma published a guidebook on the fight against trafficking in persons to educate its officers on detecting human trafficking crimes and has published a number of public awareness and training materials and brochures to be used at the nearly 2,000 Jandarma outposts.

*Persons with Disabilities.*—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services; the Government generally enforced the law effectively. The law does not mandate access to buildings and public transportation for persons with disabilities. The Presidency Administration for Disabled People, under the Prime Ministry, is responsible for protecting the rights of persons with disabilities.

The Ministry of Health operated eight mental health hospitals in seven different provinces. There were two private mental health hospitals in Istanbul. The Government reported that it operated 45 boarding care centers and 22 daycare centers that provided services to physically and mentally challenged individuals.

The NGO Mental Disability Rights International (MDRI) announced that use of electroconvulsive or “shock” treatment without anesthesia was not practiced but that there remains no legal ban on the treatment method. In 2005 MDRI released a report stating that persons with mental disabilities in the country were subject to treatment “tantamount to torture.” Following a 2-year study, MDRI claimed the country lacked community-based support for mental patients and offered no alternative to state institutions where the mentally disabled were held separately from society in “prison-like incarceration.”

In February a public prosecutor opened an investigation into reports of abuse at the Ekrem Tok Mental Hospital in Adana. The Ministry of Health and Adana Provincial Health Directorate also began investigations. The investigations were opened after Star TV aired a program that showed patients at the hospital complaining about electro-shock treatment, beatings, and abuse. According to the program, patients were subject to beatings and violence for performing religious prayers, for not eating, or for not cleaning their plates after a meal. Hurriyet reported that a patient died of a drug overdose in the facility in August 2006. Police arrested two staff members, Huseyin Hatipogul and Nusret Er, for mistreating patients.

*National/Racial/Ethnic Minorities.*—The law provides a single nationality designation for all citizens and does not recognize ethnic groups as national, racial, or ethnic minorities. Citizens of Kurdish origin constituted a large ethnic and linguistic group. Millions of the country’s citizens identified themselves as Kurds and spoke Kurdish. Kurds who publicly or politically asserted their Kurdish identity or publicly espoused using Kurdish in the public domain risked censure, harassment, or prosecution.

The NGO Minority Rights Group International reported on December 11 that millions who belonged to ethnic, linguistic and religious minorities remained unrecognized by the Turkish state, faced discrimination, and were increasingly under threat as a result of a growing wave of violent nationalism. The report noted that the law protects only three officially recognized minorities—Armenian Orthodox Christians, Jews, and Greek Orthodox Christians—and not the vast number of other ethnic and religious minorities, including Alevis, Ezidis, Assyrians, Kurds, Caferis, Caucasians, Laz, and Roma. The report stated that these “excluded minorities” were prohibited from fully exercising their linguistic, religious, and cultural rights.

The Government maintained significant restrictions on the use of Kurdish and other ethnic minority languages in radio and television broadcasts and in publications.

The Roma continued to face persistent discrimination and problems with access to education, healthcare, and housing. The Government took no apparent steps during the year to assist the Roma community. A number of NGOs undertook activities to address problems faced by the Roma community. The European Roma Rights Center, Helsinki Citizens Assembly, and Edirne Roma Culture Research and Solidarity Association conducted a program to train the Roma community on civil society organization and activism. In December the Roma Culture and Solidarity Association of Izmir began literacy courses for Roma women in the region.

The law states that “nomadic Gypsies” are among the four categories of persons not admissible as immigrants.

*Other Societal Abuses and Discrimination.*—While the law does not explicitly discriminate against homosexuals, gay and lesbian rights organizations Lambda Istanbul and Kaos GL claimed that vague references in the law relating to “the morals of society” and “unnatural sexual behavior” were sometimes used as a basis for discrimination by employers. The law also states that “no association may be founded for purposes against law and morality.” This article has been applied in attempts to shut down or limit the activities of NGOs working on gay and lesbian issues.

In July 2006 the Istanbul governor’s office petitioned the Beyoglu chief public prosecutor to initiate a case to close the organization Lambda Istanbul, alleging that it violated the civil code by being an organization contrary to laws and morals. On March 13, the prosecutor rejected the complaint. The governor’s office then applied to the Istanbul Penal Court, which accepted the complaint and held the first hearing on July 19. At year’s end the case remained pending, and Lambda Istanbul was still operating.

On February 24, Bilgi University students established the country’s first gay and lesbian university club. Approximately 15 parents lodged complaints with the university administration, and the Turkish Higher Education Council opened an inquiry into the university. Bilgi’s dean of students, Professor Halit Kakinc, responded that closing down the club would violate human rights. The club was operating normally at the end of the year.

On February 28, a court acquitted Umut Guner, the editor of Kaos magazine, of charges of disseminating pornographic material. Guner was charged in connection with a July 2006 issue of the magazine, which authorities confiscated because of an article that explored societal conceptions of “intimacy” and “pornography” and contained a drawing featuring nude figures. The judge ruled there was no offense because the confiscated magazine was never put on sale. The court stated the magazine should have been sold in opaque packaging, in which adult publications are usually sold in the country to protect minors. Although subsequent issues of the magazine were not subject to any allegations of impropriety, members of Kaos GL reported that many distributors of the magazine kept it behind the counter or stopped selling it altogether.

Access to the Web sites of Kaos GL, Pembe Hayat, and Lambda Istanbul is blocked from all the computers on the campus of Anadolu University in Eskisehir.

On May 15, members of the groups Pembe Hayat and Kaos GL protested at the Esat Police Station in Ankara. Protestors claimed that transsexuals and transvestites had been unjustly taken into custody and faced mistreatment during their detention. Police officers on duty prevented the protestors from making a press statement during the demonstration.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law provides most but not all workers with the right to associate and form unions subject to diverse restrictions; most workers exercised this right in practice. The Government maintained a few restrictions on the right of association. Unions may be established by a minimum of seven persons without prior permission. There are no restrictions on membership or participation of individuals or unions in regional, national, or international labor organizations, but such participation must be reported to the Government. Labor law prohibits union leaders from becoming officers of or otherwise performing duties for political parties, from working for or being involved in the operation of any profit-making enterprise, and from displaying any political party logos or symbols on any union or confederation publications. Unions are required to notify government officials prior to holding meetings or rallies (which must be held in officially designated areas) and to allow government representatives to attend their conventions and record the proceedings; these requirements were usually enforced. Although official government statistics indicated that 56 percent of the labor force was unionized, union officials noted that figure included retirees and others no longer on the active list of unionized employees. Most labor experts in the country estimated that approximately 20 percent of the wage and salary workers in the labor force were unionized.

The appeal of the Government’s closure of the teachers’ union Egitim-Sen on grounds that the union’s bylaws violated the Constitution by advocating the right of individuals to receive education in their “mother tongue” remained pending with ECHR at year’s end; however, Egitim-Sen removed the controversial article from its bylaws in 2005 and the domestic court case was subsequently dropped, allowing the union to remain open.

The law prohibits antiunion discrimination; however, such discrimination occurred occasionally in practice. If a court rules that a worker has been unfairly dismissed and should either be reinstated or compensated, the employer generally pays compensation to the employee along with a fine.

*b. The Right to Organize and Bargain Collectively.*—The law and diverse government restrictions and interference limited the ability of unions to conduct their activities, including collective bargaining. Industrial workers and some public sector employees, excluding white-collar civil servants and state security personnel, have the right to bargain collectively, and approximately 1.3 million workers, or 5.4 percent of the workforce, were under collective bargaining agreements. The law requires that, in order to become a bargaining agent, a union must represent 50 percent plus one of the employees at a given work site and 10 percent of all the workers in that particular industry. This requirement favored established unions. The International Trade Union Confederation claimed that the law resulted in workers in many sectors not being covered by collective agreements.

The law provides for the right to strike; however, the law requires a union to take a series of steps, including negotiations and nonbinding mediation, before calling a strike. The law prohibits unions from engaging in secondary (solidarity), political, or general (involving multiple unions over a large geographical area) strikes or in work slowdowns. In sectors in which strikes are prohibited, labor disputes were resolved through binding arbitration.

The law prohibits strikes by civil servants, public workers engaged in the safeguarding of life and property, workers in the coal mining and petroleum industries, sanitation services, national defense, banking, and education; however, many workers in these sectors conducted strikes in violation of these restrictions with general impunity. The majority of strikes during the year were illegal according to law; while some illegal strikers were dismissed, in most cases employers did not retaliate.

There are no special laws or exemptions from regular labor laws in the country's 21 free trade and export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children; however, there were reports that women and children were trafficked for commercial sexual exploitation and labor.

Some parents forced their children to work on the streets and to beg.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—There are laws to protect children from exploitation in the workplace; however, the Government did not effectively implement these laws. The use of child labor was particularly notable in agriculture, carpentry, the shoemaking and leather goods industry, the auto repair industry, small-scale manufacturing, and street sales. The law prohibits the employment of children younger than 15 and prohibits children under 16 from working more than 8 hours a day. At age 15 children may engage in light work provided they remain in school. The law provides that no person shall be required to perform work unsuitable for their age, gender, or capabilities, and the Government prohibits children from working at night or in areas such as underground mining. The law prohibits school-aged children from working more than 2 hours per day or 10 hours per week.

The Ministry of Labor and Social Security effectively enforced these restrictions in workplaces that were covered by the labor law, which included medium and large-scale industrial and service sector enterprises. A number of sectors are not covered by the law, including small-scale agricultural enterprises employing 50 or fewer workers, maritime and air transportation, family handicraft businesses, and small shops employing up to three persons.

Nonetheless, child labor was widespread. In a child labor survey conducted in the last quarter of 2006 and released in April, the State Statistical Institute reported that the number of child laborers between the ages of 6 and 17 was 960,000, or 5.9 percent of a total of 16,264,000 in that age group. These figures represented a decrease over previous years. The study found that 84.7 percent of children aged 6 to 17 attended school, and 31.5 percent of the children in that age group who were employed were also attending school at least part of the time.

An informal system provided work for young boys at low wages, for example, in auto repair shops. Girls rarely were seen working in public, but many were kept out of school to work in handicrafts, particularly in rural areas. According to the 2006 child labor survey, 40.9 percent of child labor occurred in the agricultural sector, with a total of 52.4 percent of employed children working in rural areas, compared to 47.6 percent working in urban areas. Many children worked in areas not covered by labor laws, such as agricultural workplaces with fewer than 50 workers or the informal economy. To combat this ongoing problem, the Ministry of National



Education conducted a program in cooperation with the U.N. Children's Fund called "Let Us Send Girls to School," which was designed to provide primary education for at-risk girls. By year's end the program benefited nearly 250,000 school-age girls.

Small enterprises preferred child labor because it was cheaper and provided practical training for the children, who subsequently had preference for future employment in the enterprise. If children employed in these businesses were registered with a Ministry of National Education training center, they were required to go to the center once a week for training, and the centers were obliged by law to inspect their workplaces. According to data provided by the ministry, there were 300 centers located in 81 cities; these centers provided apprenticeship training in 133 occupations. The Government identified the worst forms of child labor as children working in the streets, in industrial sectors where their health and safety were at risk, and as agricultural migrant workers.

Children were trafficked for sexual exploitation.

There were no reliable statistics for the number of children working on the streets nationwide. The Government's Social Services and Child Protection Institution operated 44 centers to assist such children.

*e. Acceptable Conditions of Work.*—The national minimum wage of approximately \$495 (585 lira) per month did not provide a decent standard of living for a worker and family. All workers covered by the labor law are also covered by the law establishing a national minimum wage. This law was effectively enforced by the Ministry of Labor Inspection Board.

The law establishes a 45-hour workweek with a weekly rest day, and limits overtime to 3 hours per day for up to 270 hours a year. Premium pay for overtime is mandated but the law allows for employers and employees to agree to a flextime schedule. The Labor Inspectorate of the Ministry of Labor effectively enforced wage and hour provisions in the unionized industrial, service, and government sectors, which covered approximately 12 percent of workers. Workers in other sectors had difficulty receiving overtime pay, although by law they were entitled to it.

The law mandates occupational health and safety regulations; however, in practice the Ministry of Labor Inspection Board did not carry out effective inspection and enforcement programs. Workers have the right to remove themselves from situations that endangered health or safety without jeopardy to their employment, although reports of them doing so were rare. Authorities effectively enforced this right.

---

## UKRAINE

Ukraine, which has a population of slightly less than 47 million, is a republic with a mixed presidential and parliamentary system, governed by a directly elected president and a unicameral Verkhovna Rada (Parliament) that selects a prime minister. Preterm Verkhovna Rada elections were held on September 30. According to international observers, fundamental civil and political rights were respected during the campaign, enabling voters to freely express their opinions. Although the Party of Regions won a plurality of the vote, President Viktor Yushchenko's Our Ukraine-People's Self Defense Bloc and former Prime Minister Yulia Tymoshenko's Bloc formed a coalition, and established a government with Tymoshenko as the prime minister. Civilian authorities generally maintained effective control of the security forces.

Problems with the police and the penal system remained some of the most serious human rights concerns. Problems included torture in pretrial detention facilities; harsh conditions in prisons and pretrial detention facilities; and arbitrary and lengthy pretrial detention. There was also continued violent hazing of military conscripts and government monitoring of private communications without judicial oversight. Slow restitution of religious property continued. There was societal violence against Jews and increased violence against persons of non-Slavic appearance. Anti-Semitic publications continued to be a problem. Serious corruption in all branches of government and the military services also continued. The judiciary lacked independence. Violence and discrimination against children and women, including domestic violence, sexual harassment in the workplace, and child labor, remained concerns. Trafficking in persons continued to be a serious problem. Inadequate labor legislation permitted both government and companies to limit the ability of workers to form and join unions of their choice and to bargain collectively.

The Government began to acknowledge the problem of ethnically-motivated attacks, creating special crime units at the Ministry of Interior (MOI) and Security Service of Ukraine (SBU) and establishing a new position of ambassador-at-large to combat racism, xenophobia and discrimination at the Ministry of Foreign Affairs;

the country's first hate crime trial was begun in February, and three assailants were charged with a hate crime and one with murder for the October 2006 killing of a Nigerian in Kyiv. President Yushchenko sought to resolve the long-standing issue of Torah scrolls confiscated by the Soviet government and in November, the SBU returned four Torah scrolls to the Jewish community in Luhansk.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Arbitrary or Unlawful Deprivation of Life.*—The Government or its agents did not commit any politically motivated killings.

The media reported two instances of security forces allegedly killing prisoners in custody.

In January, *Gazeta po-Ukrayinsky* reported that 46-year-old Petro Khudak died in detention as a result of an alleged police beating in the Nadvirna district of Ivano-Frankivsk Oblast. On January 20, police arrested him on suspicion of theft. According to the oblast police report, Khudak confessed and was transferred to a holding room where he was found dead later that night. His wife stated that his body was covered with bruises, his teeth were knocked out, and his fingers were broken. The forensic medical examination certificate noted that he died of a punctured lung and chest trauma. The Nadvirna prosecutor's office launched a criminal investigation that continued at the end of the year.

On November 29, media outlet proUA reported that the Zarichniy District Court in Sumy Oblast ordered the arrest of a police officer for causing the death of a witness during interrogation. On July 26, a resident of Trostyanets was shot dead in the officer's office during questioning in the case of a theft of a motor scooter. At year's end the investigation was ongoing.

During the year politicians and politically active businessmen were the victims of sometimes fatal attacks that may have been politically motivated; however, business, government, and criminal activities were intertwined to such an extent that it was often difficult to determine the motives.

There were no developments in the 2006 killing of Roman Yerokhin, the former deputy head of the MOI organized crime directorate in Donetsk. Human rights organizations reported that this crime remains unresolved primarily because of the lack of activity of the prosecutor's office; no motives for the crime have been established.

Early in the year, the Kharkiv Group for Human Rights Protection (KGHRP) reported that authorities had opened a trial of three police officers who allegedly beat Oleh Dunych to death in 2005.

At year's end, the investigation was continuing into the 2004 dioxin poisoning of the then-opposition presidential candidate Viktor Yushchenko. On September 12, the prosecutor general's office (PGO) announced that its Russian counterpart agreed to conduct a joint analysis to compare Russian-made dioxin with the dioxin used to poison President Yushchenko.

On September 14, the PGO appealed what it viewed as light sentences given to three prison guards at pretrial detention facility No.13 in Kyiv for beating and killing former police detective Ihor Honcharov in 2003. On September 6, the Shevchenkivskiy District Court in Kyiv sentenced them to 5 years in prison with a 3-year suspended sentence.

There was no decision in the Kyiv Court of Appeals hearings, begun in 2006, on the unresolved killing of prominent journalist Georgiy Gongadze in 2000. The hearings were interrupted in July when the court ordered psychological and psychiatric examinations of the accused, three former police officers of external surveillance and criminal intelligence. Human rights groups alleged that the investigation slowed down during the year due to lack of political will by the Government and changes in the investigating team in 2006. On December 27, the Kyiv Court of Appeals determined that all three suspects were able to continue with the hearings. General Olexiy Pukach, a prime suspect in the killing, still remains at large.

In response to President Yushchenko's 2006 order to open a new inquiry into the 1999 death of prominent nationalist and Ukrainian People's Movement leader Vyacheslav Chornovil, PGO special investigator Ihor Krynin announced in March that he had not found any proof that a crime had been committed and the inquiry was on-going at year's end.

Human rights groups asserted that soldiers continued to kill other soldiers during violent hazing events. Senior military and government officials gave conflicting information regarding the number of military hazing cases during the year, and their numbers were lower than those announced by nongovernmental organization (NGO) watchdog groups. On August 31, the head of the Union of Women of Ukraine, Oksana Manko, was quoted in the official parliamentary publication *Holos Ukrainy*

that 76 soldiers died during the past 2 years. The Ministry of Defense press service officially denied this claim on September 1. According to the ministry, 91 hazing-related criminal cases were launched during the year and charges were brought against 68 military personnel. Eleven suicides were reported by the ministry. In a televised debate on September 7, then minister of defense Anatoliy Hrytsenko stated that only one soldier in the past 3 years died as a result of hazing and that each incident of violence in the army is thoroughly investigated. In the first 9 months of the year, the PGO launched 109 criminal cases in relation to hazing incidents.

The Kharkiv office of the International Society for Human Rights reported that violent hazing continued to be widespread. According to the military watchdog group Mothers of Killed Soldiers, most deaths are labeled suicide or accident and were not investigated.

On December 19, soldier Yuriy Stashenko died as a result of an apparent hazing incident in the town of Lozova in Kharkiv Oblast according to the Ministry of Defense Web site and media sources. The Kharkiv garrison military prosecutor launched an investigation.

In August, the Zhytomyr garrison military court sentenced sergeants Yuriy Lukianenko and Dmytro Pukh to 5 and 7 years, respectively, in prison and awarded \$40,000 (200,500 hryvnia) in damages to the family of Oleksandr Rybka, who died from a beating in 2006 at the Desna training center in Chernihiv Oblast. Family members of the soldier appealed against what they felt were light sentences. Commanders of the military unit were dismissed from the service and stripped of their military rank.

According to press reports, the parents of a soldier Pavlo Bazyuk, reported on March 14 to have died of leptospirosis in Chop in Zakarpattia Oblast, believed his death was the result of soldier-on-soldier violence. Officers of the Hlybotskiy district army conscription office also expressed doubt about the reported cause of death to journalists, and an investigation was ongoing at year's end.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—While the Constitution and the law prohibit such practices, police frequently employed severe violence against persons in custody.

On May 21, the U.N. Committee against Torture released a statement voicing deep concern over reports of mistreatment of pretrial suspects and said the system provided “insufficient legal safeguards” for detainees.

According to numerous human rights groups, law enforcement personnel used force and mistreatment routinely and with impunity to extract confessions and information from detainees. According to Human Rights Watch, police sometimes coerced testimony from drug users by withholding treatment for painful withdrawal symptoms while in custody.

Police officers were often not adequately trained or equipped to gather evidence and depended on confessions to meet ambitious quotas to solve cases. The law does not clearly prohibit statements made under torture from being introduced as evidence in court proceedings. In addition, an ineffective system for investigating allegations of abuse and detainees' lack of access to defense lawyers and doctors did little to check this practice.

According to the Ukrainian-American Human Rights Bureau (UAHRB), about 80 percent of detainees are subjected to torture to extract confessions. Responding to its 2006 survey of 569 persons in 10 correctional facilities, a significant number stated that law enforcement personnel used violence (81.1 percent), that police used violence during arrest (41 percent), that police used violence in temporary holding facilities (74.2 percent), and that prison personnel tortured them in pretrial detention facilities (8.8 percent).

During the year authorities prosecuted police officers who abused persons in detention. The PGO confirmed that 28 criminal cases were launched against law enforcement personnel on charges of torture and inhumane or degrading treatment; seven cases were forwarded to courts. Criminal charges were brought against 43 law enforcement personnel for violating the law by using unlawful methods of investigation and inquiry. The MOI confirmed 345 cases against 271 law enforcement personnel during the first 9 months of the year; two involved torture with one defendant acquitted and the other case ongoing at year's end.

The UAHRB reported that two men accused of murder, Ivan Nechyporuk and Oleksandr Motsniy, were subjected to electrical shock, bound and hung up, and beaten until they confessed in December 2006. The Ternopil Court of Appeal sentenced them to 15 years in prison for murder. Forensic checks indicated torture, but police and procuracy took no action. In October, media sources reported that they remained in the Khmelnytskiy pretrial detention facility.

In March, following intervention by Human Rights Commissioner Nina Karpachova, Yuriy Moseenkov was released from confinement after 20 months, 1 year of which was without court order, in the Lukianivska pretrial detention facility. Moseenkov was arrested in 2005 on suspicion of murder and taken to a police temporary holding facility where he was beaten and made a confession. The State Penal Department (SPD) did not respond to his complaints. Authorities dismissed the Dniprovskiy district prosecutor in Kyiv and opened a criminal case against him for providing falsified documents that resulted in Moseenkov's wrongful confinement.

There were no developments in the reported torture of a 17-year-old detainee by two police officers in Dnipropetrovsk in 2006.

The law prohibits the abuse of psychiatry for political and other non-medical reasons and provides safeguards against such abuse, but on a few occasions, according to the UAHRB, persons involved in property, inheritance, or divorce disputes were wrongfully diagnosed with schizophrenia and confined to psychiatric institutions. Persons diagnosed with mental illness risked being confined and treated by force, declared not responsible for their actions, and stripped of their civil rights and property without being present at the hearings or notified of the ruling.

NGOs found widespread violations including failure to inform persons who were voluntarily hospitalized, of the overall duration of their stay; failure to inform patients of their diagnosis or what medications they were given; lack of knowledge concerning patients' rights in psychiatric hospitals; humiliation by hospital staff; and violation of patients' rights to free medical assistance. In January, Ukraine Moloda newspaper reported that medical personnel of a hospital for mentally disabled persons in the Svyatoshyn district in Kyiv abused patient Larysa Lempert.

According to the Ukrainian Psychiatric Association, attitudes toward monitoring abuses in psychiatric facilities differed within the Government. For example, while the Ministry of Labor and Social Policy set up a division to monitor mental health facilities during the year, the Ministry of Health did not always cooperate with human rights groups attempting to monitor abuse of psychiatry and maltreatment of patients.

Despite laws to protect the rights of service members and regulations that govern relationships among military personnel, reports continued during the year of hazing violence against conscripts in the armed forces. Senior conscripts frequently beat recruits, forced them to give up money and gifts received from home, and made junior conscripts work in their place, a practice known as "divivshchyna." According to the Association of Soldiers' Mothers, official punishment for committing or condoning hazing was insufficient to deter the practice.

In April 2006 the law governing military service was modified to shorten terms of service for military members. In its report to the U.N. Committee Against Torture, the KGHRP noted that while the change in the law eliminated the divisions between soldiers during their first and second year of service, recruits were still being subjected to "divivshchyna" by soldiers with only 6 months of service.

On August 29, the media reported that military prosecutors opened a criminal case against a sergeant at the Desna training center in Chernihiv Oblast for severely beating a soldier, resulting in the removal of his spleen.

In August, media reported that the Zhytomyr military garrison opened a criminal case against an officer at the regional military unit in Novohrad Volynskiy alleging that he beat his subordinates and threatened them with a weapon. He faced up to 10 years in prison.

Police abused Roma and harassed and abused non-Slavic appearing persons. Representatives of these groups claimed that police officials routinely ignored, and sometimes abetted, vigilante violence against them. In June the NGO Forumo Romen Ukrainatar received complaints from the Romani community in Zvenygorod in Cherkasy Oblast that police fingerprinted all local Romani residents when they suspected a Roma of stealing a mobile phone. According to the community, the police detained a suspect and severely beat him to force a confession. As a result, his eyesight and hearing were damaged. The prosecutor's office refused to initiate a criminal case. The Romani community in Zolotonosha in Cherkassy Oblast complained that police took no action in the November 2006 alleged beating of a young woman by four policemen.

*Prison and Detention Center Conditions.*—Prison and detention center conditions generally did not meet international standards; the Government permitted visits by independent human rights monitors.

The penal system consists of 183 institutions, including 138 penal colonies, 33 pretrial detention facilities, two facilities for chronic alcoholics, and 10 correctional institutions for minors. The SPD confirmed that as of December 1, 150,950 persons were kept in penal facilities and 32,424 persons were held in the 33 pretrial detention facilities. According to NGOs, although prison conditions remained poor, they

continued to improve slowly as a result of reforms in the penal system and the establishment of MOI mobile monitoring groups.

According to the MOI, as of October there were 487 police temporary holding facilities, in which 197,586 inmates were kept. Conditions in police temporary holding facilities and pretrial detention facilities were harsher than in low and medium security prisons. They were sometimes overcrowded or lacked adequate sanitation and medical facilities. The MOI confirmed that as of October 25, there were 13 deaths in these facilities from various causes, including five suicides. The human rights ombudsman's office reported that 98 persons died from various causes, including poor conditions, in pretrial detention facilities in the first 10 months of 2007, an increase over previous years.

The NGO Donetsk Memorial reported that sanitary conditions and nutrition significantly improved at prisons and a number of police temporary holding facilities in Donetsk Oblast. In May the media reported that a temporary holding facility that met international standards was opened in the Tsyurupynsk district police division.

Knowledgeable independent experts noted that overcrowding at detention facilities remained a problem, particularly in police temporary holding facilities. In July Human Rights Commissioner Karpachova visited the Lukianivka pretrial detention facility in Kyiv. While she noted some improvements, including better sanitary conditions, she expressed concern about overcrowding.

There were several reports of self-inflicted injuries and violent incidents in prisons and detention centers. These incidents were frequently a result of harsh treatment of prisoners by facility staff, who beat prisoners and destroyed their food. In three publicized instances, prisoners with self-inflicted wounds were transferred to facilities with a harsher regime of detention or received longer sentences for other minor offenses. During the year the media reported several incidents of prisoner-on-prisoner violence in pretrial detention facilities with fatalities.

Several NGOs reported that on June 5, guards in Vinnytsia Prison No.1 beat prisoner Andriy Riznychenko for several hours for having a mobile telephone card. Prior to this incident, the KGHRP and Donetsk Memorial reported that guards severely beat teenagers in the same facility as a punishment for exchanging notes. According to human rights defenders, prison guards regularly beat and punished inmates in this facility for minor infractions and abused prisoners who filed complaints.

In July the media reported that the prosecutor's office in Kyiv launched a criminal case against personnel at the Lukianivka facility for negligence which resulted in two deaths in July. Independent experts said low pay and lack of resources led to corruption and a shortage of qualified prison personnel.

Media and human rights organizations reported on January 14 that over 1,000 inmates at the Izyaslav correctional facility No. 31 in Khmelnytskyi Oblast went on a hunger strike to protest unsatisfactory conditions, including poor food and medical care, and mistreatment by prison personnel. According to human rights groups, a SPD commission inspected the facility and found expired medicine and canned food dating back to 1979. A day after the commission's visit, the facility's chief Andriy Bozhko denied there was a protest in a televised interview, which was followed by another wave of protests. On January 22, antiriot personnel entered the prison to conduct searches and proceeded to beat the inmates. According to the KGHRP, guards forced inmates to sign backdated statements that they had no complaints. Several prisoners were later transferred to eight facilities across the country, the SPD threatened to extend their prison sentences, and family members of protest leaders received threats. Human rights groups have appealed to the PGO for an investigation, but there were no reports of action taken at year's end. On December 17, inmates announced a hunger strike to protest against unsatisfactory detention conditions including wet, cold, and poorly ventilated cells, limited running water, and vermin infestation.

Overcrowding and poor conditions in pretrial detention have exacerbated the problem of tuberculosis (TB) among prisoners. Prison officials stated that mandatory screening of all new inmates for the disease had reduced infection rates and human rights organizations noted placement of X-ray machines in several prison facilities as a positive development. The SPD reported that the number of persons diagnosed with tuberculosis was half that of the previous year. As of October, 6,359 inmates had been diagnosed with TB and there were 544 TB-related deaths. The SPD claimed that during the past 5 years, it managed to reduce the number of TB-related deaths in prisons by 25 percent. The incidence of TB in temporary police holding facilities was reduced 40.5 percent and in prisons by 27.1 percent in comparison to 2006. Pretrial detention facilities were not able to provide comprehensive TB treatment. During a July visit to Lukianivka pretrial detention facility in Kyiv, Human Rights Commissioner Karpachova noted that TB is not only found among

inmates, but also among prison staff, legal counselors, and investigators. SPD officials stated that inmates with tuberculosis were isolated from the general population and treated at one main prison hospital complex in Kharkiv Oblast.

The human rights ombudsman's office reported that on July 13 a prisoner was transferred, despite having TB, from the temporary police holding facility in Bila Tserkva to a pretrial facility in Kyiv. A hospital in Bila Tserkva provided a medical certificate that he was in good health. However, when he arrived in Kyiv, he was seriously underweight.

In a letter to the U.N. Committee Against Torture, Amnesty International referred to the case reported by the Sevastopol Human Rights Group in January 2006 in which 30 to 40 tuberculosis-infected detainees in the Sevastopol temporary holding facility were held for the full period of their pretrial detention in violation of the Criminal Procedural Code. The nearest pretrial detention facility in Simferopol would not accept infected detainees.

In October 2006 the Shevchenkivskiy District Court in Kyiv determined that Olha Bilyak, who died in 2004 from pneumonia in the Lukianivka presentencing facility, received inadequate medical assistance and ordered the facility to compensate her parents and son.

HIV-infected prisoners were frequently not allowed to receive specialized medication. At a September 26 press conference, an HIV-positive man said that he was not able to obtain medication while detained at the Obolonskiy district temporary holding facility despite his repeated requests.

There were no developments in the criminal cases initiated by the Lviv region prosecutor's office in 2006 against the administrators of two pretrial detention centers for abuse of power.

The Government allowed prison visits by human rights observers.

In May the SPD restricted access to detention facilities by NGOs and journalists to limited hours on Saturdays and Sundays. Human rights activist Oleksandr Bukalov of Donetsk Memorial addressed these concerns to the PGO; on September 4, the PGO determined this restriction was unlawful and had it abolished. In August the Cabinet of Ministers set up an interagency commission, with participation of some NGO experts, to inspect and assess the activity of the SPD.

Prisoners and detainees were permitted to file complaints with the commissioner for human rights concerning detention conditions, but human rights organizations noted that prison officials censored or discouraged complaints. The procuracy and ombudsman's offices occasionally disclosed the names of inmates who filed complaints with the SPD opening them to possible reprisals from prison administrators. According to the KGHRP, in the first 6 months of the year, the SPD received almost 500 complaints, 164 of which concerned beatings or bodily injuries. According to the NGO, the SPD did not acknowledge any incidents.

On April 26, then member of Parliament Kateryna Levchenko visited Penal Colony No. 1 in Vinnytsia in response to a complaint by inmate Oleksiy Povidaychuk, who claimed he was beaten by prison guards for reporting the abuse of another inmate, Serhiy Basyk. Levchenko was able to confirm that Povidaychuk was covered with bruises when she met him. She later received a written response from the SPD denying the incident took place and that prisoners had made complaints. Povidaychuk's mother reported that her son was transferred to Zhytomyr and that representatives of the SPD said his sentence would be extended to an additional 3 years if she continued her complaints.

*d. Arbitrary Arrest or Detention.*—The Constitution and the law prohibit arbitrary arrest and detention; however, these remained problems.

On March 30, Donetsk police arrested Vadym Cherkas, a local human rights activist, charged him with disturbing the peace and public profanity, and a Donetsk court sentenced him to 10 days' detention. When Cherkas went to the local prosecutor's office to make a complaint, he was assaulted by an assistant prosecutor resulting in 2 weeks' hospitalization.

On March 20, Crimean media reported that activist Mykola Harmash of the People's Self-Defense political movement was illegally detained and held at the Leninskiy district police temporary holding facility in Shcholokino. People's Self-Defense activists characterized this detention as politically motivated because, as the head of the Shcholokino territorial election commission, Harmash had disputed the results of the March 2006 elections due to numerous alleged violations.

Human rights organizations reported that, as in 2006, there were long delays for detainees awaiting trial. They cited examples of arrests without court warrants and, in some cases, of cases where no records were kept on detainees. Human rights organizations noted that the 2006 requirement to inform persons detained on administrative charges of their rights had limited results because, in many cases, detainees lacked access to legal counsel.

*Role of the Police and Security Apparatus.*—The MOI is responsible for law enforcement and maintaining internal order; it oversees police and maintains its own armed troops. The SBU, the internal intelligence organization, reports directly to the president. The State Tax Administration, which exercises law enforcement powers through the tax police, is accountable both to the president and the cabinet. The law provides for civilian control over the army and law enforcement agencies and authorizes members of the Verkhovna Rada to conduct investigations, including public hearings into national security and defense issues. The human rights commissioner is also authorized to initiate investigations into the activities of the armed forces.

Police corruption remained a problem. According to the MOI, in the first 9 months of the year, 35,737 law enforcement officers were subject to administrative disciplinary actions, and 495 were under investigation. The PGO confirmed that it initiated 257 corruption-related cases against law enforcement personnel in the first 10 months of the year, of which 206 were forwarded to court. Authorities made greater efforts to expose police abuses, increasing disciplinary actions against law enforcement officials compared to previous years.

On April 2, the media reported that the SBU in Kyiv detained the head of a district antiorganized crime and narcotics unit who demanded a bribe of \$5,400 (27,500 hryvnia) to not arrest a Kyiv resident.

On April 4, UNIAN press agency reported that Volodymyr Chukhrai was released after spending 8 years in a high security prison. Chukhrai was detained and convicted for a robbery and murder when he was 18 years old. Despite being subjected to torture, he did not confess and was sentenced to 14 years' imprisonment. Police officers also demanded a \$10,000 (50,000 hryvnia) bribe from his father for his release. According to Lybov Stasiv of the Bloc Yuliya Tymoshenko political party who assisted with his release, the investigators involved in this case were still working in the Government. Chukhrai planned to file for moral damages and punishment for those law enforcement officers who imprisoned him.

On May 22, Silski Visti newspaper reported that, since the beginning of the year, the Zaporizhzhya Oblast prosecutor's office brought charges against 365 police officers for misconduct. In most instances police violated the law while obtaining confessions, conducting pretrial investigations and searches, and taking persons into custody. Another 358 police officers were subjected to administrative disciplinary actions, and seven criminal cases were opened.

In January the former chief of Sykhiv district police in Lviv oblast Bohdan Brantskiy was sentenced to 5 years in prison and barred from working in law enforcement for 2 years. Police arrested him in 2005 for accepting a bribe of \$500 (2,500 hryvnia).

There were no developments in the August 2006 case involving a police lieutenant in Kyiv who was detained for demanding a bribe of \$1,000 (5,000 hryvnia) or the May 2006 criminal case against two investigators from the Odesa regional department of the MOI charged with bribery and extortion.

*Arrest and Detention.*—By law the authorities may detain a suspect for 3 days without a warrant, after which an arrest order must be issued. The courts may extend detention without an arrest warrant for an additional 10 days. Suspects who believe that further investigation may lead to their immediate exoneration may petition the court for an additional 15-day detention. The law permits citizens to contest an arrest in court or appeal it to the prosecutor. The law requires that officials notify family members immediately concerning an arrest, although human rights NGOs noted that sometimes the police did not do so.

Lengthy pretrial detention remained a problem. While the law provides that pretrial detention may not last more than 2 months, in cases involving exceptionally grave offenses a judge of the Supreme Court may extend detention to 18 months. The law requires a trial begin no later than 3 weeks after criminal charges have been formally filed with the court, but the overburdened court system rarely met this requirement. Existing procedure allows pretrial detention for up to 9 months in the absence of a court review justifying the detention. In the period between termination of the pretrial investigation and the beginning of a court trial, the accused remains in pretrial detention facility without court sanction.

Individuals remained in detention for months or years before being brought to trial, and the situation did not improve during the year. According to domestic human rights organizations, the investigation process took 4 to 5 months on average. In 2005, the most recent year for which statistics were available, 1,250 of the 9,528 persons released from pretrial detention following court rulings had spent over a year in detention awaiting trial.

Human rights organizations reported that police continued using the maximum term of 72 hours for pretrial detention to extract evidence which could be used

against the detained person. Often courts extended detention to 10 days to allow police more time to get confessions. Police frequently used administrative arrests in criminal investigations: If a person failed to respond to a summons, police detained them and filed administrative charges for resisting a lawful police order, the possible penalties for which may include a fine, correctional service, or up to 15 days of administrative arrest. The KGHRP reported that, in 2006, 31,407 persons were detained for administrative offenses. While police could hold a suspect under administrative arrest for only 3 days, they frequently detained persons immediately after their release under a different charge in order to continue their criminal investigation.

The law stipulates that a defense attorney must be provided without charge to an indigent detainee from the moment of detention or the filing of charges, whichever comes first. However, in practice this often did not occur, which, legal observers said provided police time to coerce confessions. There were insufficient numbers of defense attorneys to protect suspects from unlawful and lengthy detention under extremely poor conditions. Attorneys often refused to defend indigents for the low payments the Government provided.

Reports continued of police arbitrarily detaining persons, particularly persons of non-Slavic appearance, for extensive document checks and vehicle inspections.

Although the law provides for bail, it was rarely used; many defendants could not pay the bail amounts imposed by law. Courts sometimes imposed restrictions on travel outside a given area as an alternative to pretrial confinement. However, they generally opted to place individuals in pretrial detention facilities, a practice that human rights observers criticized as contributing to overcrowding.

*Amnesty.*—As of December President Yushchenko had pardoned 962 persons, including women, elderly men, persons with disabilities, and persons with several children.

On June 6, the president signed the Law on Amnesty that established criteria for amnesty, including the severity of crime committed, illness, old age, and the length of time already served.

On June 21, President Yushchenko issued a decree pardoning journalist Ruslan Antonyk, who was convicted in 2000 for murdering Petro Tychynskiy, son-in-law of Anatoliy Halchynskiy, an adviser to then-president Kuchma. His conviction was strongly disputed by human rights organizations as being politically motivated. Antonyk made a confession after he was beaten by police, but later recanted. He served 7 years of his 13-year sentence.

*e. Denial of Fair Public Trial.*—The Constitution and law provide for an independent judiciary, but in practice the judiciary remained subject to pressure from the executive and legislative branches and also suffered from corruption and inefficiency.

On June 8, judges of the Pechersk District Court in Kyiv requested the PGO to open a criminal investigation into political interference from political figures and the High Council of Justice in the court's activities. After the court's public appeal, the High Council of Justice took disciplinary measures against the judges who made the complaint and recommended their dismissal. The judges had previously been part of a collective decision to suspend the Verkhovna Rada resolution granting the High Council of Justice authority to appoint judges to administrative posts.

On June 25, in an interview with the *Mirror Weekly*, Supreme Court Chairman Vasyl Onopenko expressed concern about pressure on the judicial system and government interference with the courts, including interference in the appointment of acting chief judges, pressure on courts to review cases involving senior government officials, and a Constitutional Court ruling giving the High Council of Justice power to appoint judges to court administrative positions.

The judiciary also suffered from corruption and inefficiency. There were indications that suspects often bribed court officials to drop charges before cases went to trial or to lessen or commute sentences.

The office of the human rights ombudsman noted low public trust in the court system based on complaints received from the public. Every third complaint concerned lack of fair trials, including non-execution of court rulings, unlawful actions by judges, and lengthy court proceedings. The ombudsman's office reported that on July 6 it forwarded a protest to the Supreme Court against violation of the rights of those convicted by courts. In particular, the courts in Zaporizhzhya, Zakarpattia, Ivano-Frankivsk, Mykolayiv, Poltava, Kharkiv, Chernihiv oblasts and in Sevastopol deprived convicted persons of the right to be familiar with criminal case documents, which would allow them to file an appeal. The Supreme Court agreed with the ombudsman that the Law on the Judiciary should be equally interpreted by all courts.



Except for the Supreme Court, Constitutional Court, and high specialized courts, the courts were funded through the State Judicial Administration (SJA), which was also responsible for staffing courts. The ministries of justice and education were responsible for training judges. The judiciary's lack of adequate staff and funds contributed to inefficiency and corruption and increased its dependence on the executive branch. According to the SJA, only 60 percent of actual court expenses were covered by the national budget in 2006, forcing the courts to either curtail activities or seek funds from other authorities, thereby undermining their independence.

Failure to enforce court decisions in civil cases also undermined the authority and independence of the judicial system. The State Executive Service is responsible for enforcing most civil decisions, and the number of cases referred to it continued to grow. Existing provisions permitting criminal punishment for noncompliance with court decisions were rarely used. The chairs of the Supreme Court, the regional courts, and the Kyiv municipal court (or their deputies) have the authority to suspend court decisions, which provided additional opportunities for outside interference, manipulation, and corruption.

The country has a civil law system relying on codes, laws, and separate acts. The court system has constitutional courts and courts of general jurisdiction. The general courts include courts designated by administrative level (district, region, and supreme) and by specialization. The Supreme Court is the highest body within the general courts system. The Constitutional Court interprets the Constitution and laws. Specialized commercial courts operate within the single unified system of courts and the Supreme Court may review their judgments. Military courts are specialized courts that hear only cases involving military personnel.

The law provides for five levels of courts—local courts, courts of appeal, courts of cassation, higher specialized courts, and the Supreme Court—as well as an independent judicial department, the SJA.

While the law does provide for judicial independence, in some cases it gives the president power over the judiciary. The president has the authority, with the agreement of the Ministry of Justice and the chair of the Supreme Court, or of a corresponding higher specialized court, to establish and abolish courts of general jurisdiction. The president can also determine the number of judges in the court system, appoint and remove chairs and deputy chairs of courts, and establish appellate commercial and appellate administrative courts. The president, upon the recommendation of the prime minister and concurrence by the Judicial Council, appoints the head of the SJA.

Regional courts, including the Supreme Court of Crimea and the Kyiv and Sevastopol city courts, serve as courts of appeal and may overrule the judgment of a lower court.

By law, the Constitutional Court consists of 18 members appointed for 9-year terms, six each by the president, the Verkhovna Rada, and the Congress of Judges. The Constitutional Court is the ultimate interpreter of legislation and the Constitution and determines the constitutionality of legislation, presidential edicts, cabinet acts, and acts of the Crimean Autonomous Republic.

During the year there were reports of pressure on Constitutional Court judges, in particular after the April presidential decree to dissolve the Parliament, as well as of a number of corruption allegations involving its judges.

The Supreme Court is the country's highest appellate body. Human rights groups, the media, and legal watchdog organizations noted that the court continued to show independence during the year.

In May, during a period of high political tension, the president issued a decree dismissing the prosecutor general. The minister of interior, who disputed the decree, was accused of ordering MOI troops to go to the PGO on May 24 where they forcefully entered the building in an apparent effort to prevent the prosecutor general's dismissal. Both the minister of interior and the prosecutor general had opposed the president's April 2 dismissal of the Verkhovna Rada.

*Trial Procedures.*—The Constitution includes procedural provisions intended to ensure a fair trial, including the right of suspects or witnesses to refuse to testify against themselves or their relatives; however, these rights were limited by the absence of implementing legislation, which left a largely Soviet-era criminal justice system in place. The defendant is formally presumed innocent, but the system maintains high conviction rates, similar to that of the Soviet era.

The law provides for broad use of juries, but a system of juries had not been implemented and juries were not used during the year. Most cases were decided by judges who sit singly, although the law requires that two judges and three public assessors (lay judges or professional jurors with some legal training) must hear cases that involve the possibility of a life prison sentence, the maximum penalty in the country's criminal justice system.

By law a trial must begin no later than 3 weeks after criminal charges have been filed with the court; however, this requirement rarely was met by the overburdened court system. Months may pass before a defendant is brought to trial, and human rights groups claimed that the situation did not improve during the year. Complicated cases may take years to go to trial.

While the law specifies that a defendant may speak with a lawyer in private, human rights groups reported that officials occasionally denied this client-attorney privilege. Often free legal counsel was not available, although this is required by law. To protect defendants, investigative files must contain signed documents attesting that defendants have been informed of the charges against them, of their right to an attorney at public expense, and of their right not to give evidence against themselves or their relatives. However, officials sometimes verbally and physically abused defendants to obtain their signatures. An appeals court may dismiss a conviction or order a new trial if these attesting documents are missing. As defendants increasingly became aware of their rights, they insisted on observance of these procedures; however, many remained unaware of these safeguards.

The law provides that the names and addresses of victims and witnesses may be kept confidential if they request protection. However, criminal groups routinely used intimidation to induce victims and witnesses to withdraw or change their testimony. The law requires that a special police unit protect judges, witnesses, defendants, and their relatives, but human rights organizations claimed that this system still did not function effectively.

Citizens have the right to appeal criminal and civil verdicts to local appellate courts. Appellate court decisions may also be appealed to the criminal chamber of the Supreme Court.

In May 2006, the Cabinet of Ministers introduced a single state register of court rulings maintained by the SJA. All court judgments, except those qualified as state secrets, are to be sent to the register no later than 15 calendar days after they are made. The system was operational during the year.

*Political Prisoners and Detainees.*—There were no reports of political prisoners or detainees.

*Civil Judicial Procedures and Remedies.*—The Constitution provides that human and civil rights and freedoms are protected, and that citizens have the right to challenge decisions, actions, or omissions of the national and local government and its officials in court.

The law protects the rights, freedoms, and interests of individuals against violations by the Government and public officials and allows for court hearings in cases involving illegal government activities or failure to enforce legal protections. The law allows a potential victim to file a collective lawsuit against legislation that may violate basic rights and freedoms without requiring them to show that they are directly affected. Citizens may appeal to the human rights commissioner of the Verkhovna Rada and, after exhausting all domestic legal remedies, may take cases to the appropriate international bodies, such as the European Courts of Human Rights (ECHR) and the U.N. Human Rights Committee, of which the country is a member or participant.

Nonenforcement of court judgments remained a problem. During the year the ECHR supported three such applications against the Government. In 2005 the ECHR ruled that the rights of Serhiy Salov, former advisor to 2000 presidential candidate Oleksandr Moroz, had been violated and ordered the country to compensate him. However, the ECHR decision was not enforced. In March Salov filed a lawsuit against the Donetsk Oblast prosecutor's office and the regional department of the state treasury, claiming \$2.4 million (12 million hryvnia) in compensation for pecuniary and non-pecuniary damages.

The judiciary suffered from corruption. According to SBU press service reports, in the first 9 months of the year, the SBU opened 24 criminal cases against judges and passed 49 cases to procuracies for prosecution. As a result, four court employees were fined and 30 letters of reprimand were sent to the Council of Judges, heads of appeal courts, and the High Council of Justice.

Judges have immunity from prosecution and cannot be detained or arrested without the consent of Parliament. On February 15, the Parliament voted to issue an arrest warrant for judge Oleh Pampura, who was accused of demanding a \$6,000 (30,000 hryvnia) bribe to reduce a sentence. At the time of the vote, Pampura's whereabouts were unknown.

On April 16, the SBU accused Constitutional Court justice Syuzanna Stanik of corruption and conducted an investigation into a number of suspicious property transactions. On May 1, the president dismissed Stanik, although the PGO had announced that its investigation found the allegations groundless. At the time, Justice

Stanik was a reporting judge in a case concerning the constitutionality of the controversial presidential decree to dismiss the Parliament. On July 18, the Shevchenkivskiy District Court in Kyiv reinstated Stanik as a Constitutional Court judge. On September 26, the media reported that the SBU passed corruption case materials against Judge Stanik to the PGO. As of mid-December, the Constitutional Court's Web site no longer listed her among its active judges.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—Although the Constitution prohibits such actions, in practice authorities infringed citizens' privacy rights. By law, the SBU may not conduct intrusive surveillance and searches without a court-issued warrant; however, there were reports that elements within the Government arbitrarily continued to monitor the private communications and movements of individuals.

The PGO has the constitutional responsibility to ensure that law enforcement agencies, including the SBU, observe the law. The Constitution gives citizens the right to examine any dossier concerning them in the possession of the SBU and to sue for physical and emotional damages incurred by an investigation. Authorities did not respect this right in practice, however, as the necessary implementing legislation had not been enacted.

On February 5, Deputy Prosecutor General Viktor Pshonka launched a criminal case after a transcript of a 2006 telephone conversation between then Verkhovna Rada Speaker Oleksandr Moroz and the British ambassador appeared on the Internet in January. In a pretrial investigation, the Kyiv procuracy alleged that the SBU was responsible and that it acted at the president's order. The SBU denied the allegation.

On March 20, the prosecutor general conducted a search of the apartment of former interior minister and opposition movement leader Yuriy Lutsenko, allegedly investigating illegal distribution of guns by MOI officials. The PGO also alleged that Lutsenko possessed Israeli citizenship which violated the country's single citizenship law. Two days later, a Kyiv court invalidated the search warrant and declared that the prosecutor was unable to prove probable cause. The case was closed.

In May acting SBU chief Valentyn Nalyvaichenko reported that the SBU detained eight members of a private company that engaged in unlawful surveillance and phone tapping of citizens, including journalists and government officials.

On October 26, the media reported that the Internet Association of Ukraine and human rights activists protested the October 10 Cabinet of Minister's resolution allowing chairmen of appellate courts to give law enforcement agencies access to confidential electronic data about private citizens without sufficient oversight, according to human rights groups, and without the requirement that there be an ongoing investigation. Previously courts could grant such approvals only in the course of an investigation.

## *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution and law provide for freedom of speech and of the press; the authorities generally respected these rights in practice. There were no reports that the central authorities attempted to direct media content; however, there were reports of intimidation of journalists, including by local officials. Continued dependence by some media on government resources may have inhibited investigative and critical reporting.

Individuals could criticize the Government publicly and privately without reprisal and the Government did not attempt to impede such criticism.

Independent media were active and expressed a wide variety of views without restriction.

Donetsk-based TRK Ukraina television alleged in 2006 that the Government's strict enforcement of a licensing provision that requires national stations to broadcast 75 percent of their programs in Ukrainian was discriminatory, forcing the network to choose between having its license revoked and losing a large part of its predominantly Russian-speaking audience to Russian television stations. During the year the management reached an agreement with the Government's regulatory agency allowing the station to broadcast prime time news programs in Russian while dubbing more films in Ukrainian, thereby allowing it to meet the 75 percent requirement.

According to the national media watchdog NGO Institute for Mass Information (IMI), at least 22 journalists were subjected to physical attacks or intimidation by year's end. The majority of these cases, however, did not appear to be centrally organized and were often attributed to local politicians or organized criminal groups.

On February 18, according to the Committee for the Protection of Journalists, the news director of 9 Kanal television station in Dnipropetrovsk, Anatoly Shinkarenko, was attacked and threatened by two men, who he claimed were the husband and

bodyguard of Vitaliya Shilova, a member of the regional council and director of a rival station that Shinkarenko had been investigating. Local police investigated, but did not make any arrests by year's end.

In March two television crew members filming the departure from Simferopol of a train carrying Party of Regions supporters to Kyiv got into a scuffle with the controller of the yard. The journalists sought to bring charges, but the prosecutor's office chose not to prosecute because the reporters had no injuries to support a battery claim and there had been no theft of the footage they took.

On September 21, the automobile of Serhyi Harmash, chief editor of Donetsk-based Internet publication Ostrov, was set on fire along with four other cars all of the same make and model in Donetsk. The local police confirmed that it was an act of arson and opened an investigation, but by year's end investigators had not confirmed if the arson was connected to Harmash's employment as a journalist.

There were no developments in the reported disappearance of journalist Anatoliy Kachurynets, who was last seen in February 2006. Investigations at that time found no evidence of foul play. There were no developments in the investigation of the March 2006 burning of the garage of Liliya Budzhurova, editor in chief of the First Crimean newspaper.

In September media reported the Simferopol procuracy had opened a criminal case of premeditated killing in the death of Norik Shirin, founder and publisher of Holos Molodi newspaper and Crimean youth activist. Shirin was found dead in a garage next to his car in Simferopol in December 2006.

The election law prohibits media commentary on electoral campaigns, prohibits media outlets from campaigning for or against political parties without the parties' approval, and gives courts authority to close media outlets that violate legal limits on political advertising and news coverage of political parties. There were no reports that authorities used this law to interfere with the media during the September 30 extraordinary parliamentary elections.

Both the independent and government-owned media continued to demonstrate a tendency toward self-censorship on matters that the Government deemed sensitive. Although private newspapers were free to function on a purely commercial basis, they often depended on political patrons who could facilitate financial support from the State Press Support Fund and received close scrutiny from government officials, particularly at the local level.

Libel is considered a civil offense and the use or threat of civil libel suits continued to inhibit freedom of the press during the year. Courts may freeze the accounts of a publication pending appeal of a libel conviction, a step that could ruin many publications. Government entities and public figures, in particular, continued to use the threat of civil suits based on alleged damage to a "person's honor and integrity" to influence or intimidate the press.

While the law limits the amount of damages that may be claimed in libel lawsuits and allows the press to publish inoffensive, nonfactual judgments, including criticism, without penalty, media watchdog groups continued to express concern over extremely high monetary damages that were demanded, and sometimes awarded, by courts for alleged libel.

On January 30, the local court in Dneprodzerzhynsk ordered the newspaper Dzerzhinets closed and property worth \$28,000(140,660 hryvnia) seized to compensate for damages to a local police chief whom the paper had accused of corruption. The paper's editor-in-chief claimed she was not informed in advance of the hearing. The newspaper continued to publish sporadically throughout the year.

The media had broad access to court hearings and governmental meetings. In July, journalists picketed the PGO to protest the slow progress in the investigation into Party of Regions (POR) member of Parliament Oleh Kalashnikov's alleged July 2006 assault on a television news crew in front of the Verkhovna Rada. The journalists claimed Kalashnikov's attacks violated the European Charter of Human Rights. Kalashnikov was not listed as a POR candidate in the September 30 parliamentary elections.

*Internet Freedom.*—The Government did not restrict access to the Internet, but there was monitoring by law enforcement bodies. Individuals could engage in the peaceful expression of views via the Internet, including by e-mail. Internet access, although expanding rapidly, was still easier for wealthier members of society and those with access at schools, libraries, and workplaces.

*Academic Freedom and Cultural Events.*—The Government did not restrict academic freedom, but academic freedom was an underdeveloped and poorly understood concept. Most major universities were state-owned; while university rectors had a degree of autonomy, curriculum and degree standards were tightly controlled by the Ministry of Education. Administrators of universities and academic and research in-

stitute directors could silence colleagues by denying the ability to publish, withholding pay and housing benefits, and directly terminating them.

There were no government restrictions on cultural events.

*b. Freedom of Peaceful Assembly and Association.*

*Freedom of Assembly.*—The Constitution provides for freedom of assembly, but in some instances regional governments infringed on these rights. Since there is no national law governing freedom of assembly, the Code of Administrative Justice and case law governed assemblies. Moreover, local authorities often referred to a Soviet-era resolution on freedom of assembly that was more restrictive than the current Constitution.

The Constitution requires that demonstrators inform authorities of a planned demonstration in advance. The Soviet-era resolution, which local governments sometimes used to define “advance notice,” stipulates that organizations must apply for permission at least 10 days before a planned event or demonstration. Permits were routinely granted to those who requested them. In practice unlicensed demonstrations were common and generally occurred without police interference, fines, or detention, although there were several exceptions.

According to the MOI, during the year administrative charges were brought against 91 individuals for infringements of the law on organizing and holding public gatherings. Of these, 64 received warnings, 13 were fined, three were placed under administrative arrest and three cases were forwarded to court; seven criminal cases were initiated.

In March the Babushkinskiy Court in Dnipropetrovsk upheld an appeal by the NGO Republic to abolish the Dnipropetrovsk city council requirement that public rallies be held in a specially designated area with one designated route for rally participants. To meet the requirement, organizers had to receive approval from eight municipal agencies.

On September 25, the district administrative court in Kyiv overruled an appeal by the Kyiv city administration to restrict public demonstrations in the city’s Independence Square and other central squares during September 24–30 (the period surrounding the parliamentary elections). The court argued that, during electoral campaigns, political parties and blocs were allowed to hold public demonstrations as long as they did not violate any laws.

In many cases, local authorities’ prohibitions of public rallies were politically motivated. On May 29, Kharkiv city authorities from the POR did not allow a charitable foundation led by opposition politician Oleksandr Feldman to conduct public events marking International Child Protection Day. According to Feldman’s charitable foundation, this was the first such incident in 10 years.

Public rallies by the opposition People’s Self Defense Movement were banned in the eastern cities of Kharkiv and Vasylykivtsi during the spring.

On September 21, riot police in Odesa violently broke up a demonstration of 300 persons calling themselves Cossacks who protested the erection of a monument to Russian Empress Catherine II. The clash occurred after a Primorsk district official announced that a court banned any public rallies at the site of the demonstration.

Police in Odesa also failed to protect demonstrators from violence. On September 4, the Odesa city police opened a criminal case after 50 activists from the nationalist Freedom (Svoboda) NGO and pro-Ukraine Enlightenment (Prosvita) NGO were beaten by members and supporters of the pro-Russia Unified Motherland organization while police and city officials stood nearby.

*Freedom of Association.*—The Constitution and the law provide for freedom of association; while the Government generally respected this right in practice, some restrictions remained. Registration requirements for organizations were extensive, but there were no reports that the Government used them during the year to disband existing legitimate organizations or prevent new ones from being formed.

The law places restrictions on organizations that advocate violence or racial and religious hatred, or that threaten public order or health. On March 28, the Bakhchisarai District Court upheld an administrative appeal by the district prosecutor to suspend activities of the Eurasia Youth Union for 3 months for violating the law on holding public rallies. The organization was known for organizing anti-Ukrainian rallies and advocating the return of the Russian empire.

There were restrictive conditions for the formation of political parties, including the requirement to collect 10,000 signatures in no less than two-thirds of the country’s provinces (oblasts), the Autonomous Republic of Crimea, and the cities of Kyiv and Sevastopol. The requirement made it nearly impossible for groups concentrated in one region such as the Crimean Tatars to form a political party.

*c. Freedom of Religion.*—The Constitution and the law provide for freedom of religion and the Government generally protected this right, but some minority and non-

traditional religions experienced difficulties in registration and in buying and leasing property. There is no formal state religion; however, local authorities at times favored the religious majority in a particular region.

On June 14, the ECHR upheld the claim of the Svyato-Mykhaylivska parish against the Kyiv city administration. The dispute began in the early 1990s when the parish sought to reregister from the Ukrainian Orthodox Church—Moscow Patriarchate (UOC—MP) to the Ukrainian Orthodox Church—Kyiv Patriarchate (UOC—KP). The ECHR found that there was a violation of Article 9 of the Convention for the Protection of Human Rights and Fundamental Freedoms because the Government objected to the reregistration.

Restitution of communal property confiscated during the Soviet era remained a problem and was complicated by intracommunal competition. The governmental Interagency Commission on Restitution of Property to Religious Organizations, established in 2002 but active only intermittently, resumed work in March. The commission's primary goal was to return property to religious communities, and it had 316 restitution cases under consideration.

On November 1, President Yushchenko imposed a moratorium on the transfer of "sacred cultural heritage monuments" (including religious structures) to private individuals or legal entities pending the drafting by the Cabinet of Ministers of new legislation to address concerns by religious organizations that the ownership of former religious structures was being transferred to private developers.

According to the government, 3,600 religious properties and more than 12,000 religious items were transferred to religious organizations between 1992 and 2006.

On October 25, the Chernivtsi City Council adopted a resolution to return a synagogue building to the local Jewish community.

On November 21, the Cabinet of Ministers approved the return of four former monastery buildings in Bohodukhiv, Kharkiv Oblast to the UOC—MP.

Representatives of the UOC—KP claimed that local authorities in Kyiv ignored its requests to return a former monastery building on Tryokhsvyatytska Street to St. Michael's Monastery.

UOC—MP representatives complained that the local governments in Stryi, Zhydachiv, Mykolayiv, and Pustomyty in Lviv Oblast continued to ignore their numerous requests to allocate land for construction of churches to replace church buildings destroyed during the Soviet era.

Ukrainian Greek Catholic Church (UGCC) leader Cardinal Lyubomyr Huzar stated that authorities had not returned its former premises adjacent to St. George's Cathedral in Lviv. Local officials declared that the Government did not have the money to resettle more than a dozen families residing there since Soviet times.

UGCC representatives in Crimea complained that the Yalta municipal council refused to finalize the allocation of a land plot for the construction of what would be the only Greek Catholic church in the city.

The Government has not transferred ownership of St. Nicholas' Cathedral and a former residence of bishops in Kyiv to the Roman Catholic Church as well as other buildings in Kyiv, despite repeated promises to do so. The church also complained that the Government continued to refuse to facilitate the restitution of Odesa's Roman Catholic seminary as well as properties in Chernivtsi, Dnipropetrovsk, Lviv, Mykolayiv, Sevastopol, and Simferopol.

Muslim representatives in Symferopol criticized the local city council for its refusal to allocate land for the construction of a new mosque.

In February the Zhytomyr Oblast Archives, with the approval of the National Archives, ordered the seizure of Torah scrolls that had been returned to the Jewish community in 2004 after having been in government possession since Soviet times. The Jewish community disputed the archives' claims that some of the scrolls had been damaged or gone missing. The scrolls were to remain with the oblast archives until the Interagency Commission on Restitution decides their final disposition.

On October 24, the president instructed the Cabinet of Ministers to establish a legal mechanism to return Torah scrolls, currently stored in the National Archives, to Jewish religious organizations. In November the SBU returned four Torah scrolls confiscated by the Soviet government to the Jewish community in Luhansk.

There was no progress in the resolution of the long-running dispute over the use of a Jewish cemetery in the Volyn Oblast town of Volodymyr-Volynsky. Local Jewish groups complained that the Ministry of Justice continued to refuse to help resolve this dispute.

On February 26, Odesa's Presbyterian community won a court ruling against the local actors' guild's effort to gain ownership of a recently-renovated historic Presbyterian church building.

The law restricts the activities of foreign-based religious organizations and narrowly defines the permissible activities of members of the clergy, preachers, teach-

ers, and other non-citizen representatives of foreign-based religious organizations; however, there were no reports that the Government used the law to limit the activity of such groups. Religious worker visas required invitations from registered religious organizations in the country and the approval of the Government. Foreign religious workers were allowed to preach, administer religious ordinances, or practice other canonical activities “only in those religious organizations that invited them to Ukraine and with official approval of the governmental body that registered the statutes and the articles of the pertinent religious organization.”

Leaders of the Church of Jesus Christ of Latter-day Saints (Mormons) in Kyiv complained that, on March 30, the Rivne Oblast administration ruled that church missionaries could not preach outside houses of worship, thus significantly limiting missionary activity. Church leaders noted that the oblast administration’s decision contradicted a 1999 ruling by the former State Committee for Religious Affairs that its missionaries could freely carry out their work regardless of location.

On October 8, a Mormon missionary was detained and taken to the local office of the immigration and passport police where he was questioned. The missionary said he was told that he was detained for violating the country’s Law on Freedom of Conscience and Religious Organizations for converting Orthodox believers. This law, however, does not restrict religious conversion.

On August 1, the All-Ukraine Union of Churches of Evangelical Pentecostal Christians reported that armed policemen raided a Pentecostal church in Evpatoria during services. All male parishioners were ordered out of the building for an identity check as the police searched the premises. Later the Crimean police directorate apologized to the church and said the raid was part of its efforts to arrest a serial killer who had reportedly described himself as a Pentecostal church member.

By law religion cannot be part of the public school curriculum. The All-Ukraine Council of Churches and Religious Organizations continued to support amending the law to allow for private religious schools, where in addition to a secular curriculum, students would be educated according to religious values of the founding religious organization.

The Government promoted interfaith understanding by frequently consulting with the All-Ukraine Council of Churches and Religious Organizations, whose membership represents the faiths of over 90 percent of the religiously active population. The council met once every 2 or 3 months, providing members and government representatives the opportunity to discuss interfaith concerns. Regional administrations and local religious leaders in most regions have formed regional councils of churches and religious organizations.

*Societal Abuses and Discrimination.*—The generally amicable relationship among religions in society contributed to religious freedom; however, conflicts between local representatives of contending religious organizations in some cases adversely affected broader ties among religions in society.

Continuing tensions existed between the UOC–KP and UOC–MP when congregations attempted to change jurisdictions between the two factions. For example, the UOC–MP, UOC–KP, and the local government have not resolved differences concerning the use of the Holy Trinity Church in Rokhmaniv Village in Ternopil Oblast after the congregation split between the churches. On June 22, while commenting on the events in Rokhmaniv, the then acting chairman of the SCNR stated that although he hoped to see an end to the practice of various denominations sharing a house of worship, the Government should not intrude into interdenominational disputes.

During the year police made no progress in their investigation into the December 2006 attack on a foreign Jehovah’s Witnesses missionary near his home in Kremenchuk in Poltava Oblast and none was expected.

According to media reports, from January to mid-May the Ministry of Interior registered 873 instances of desecration of burial sites around the country. There were also several instances in which churches and cemeteries were vandalized, particularly in the Donetsk and Odesa oblasts, and Crimea. On April 30, vandals destroyed more than 400 tombstones at a cemetery in Mariupol; police arrested the offenders and the trial was pending at the end of the year.

On April 26, vandals painted antireligious symbols on a UOC–MP church and gravestones in Izmail, Odesa Oblast. In April vandals broke 35 gravestones at a Muslim cemetery in the village of Sofiivka near Simferopol. Police investigated both incidents but made no arrests.

The Jewish population during the 2001 census was estimated at 103,600, although some Jewish community leaders have stated the number may be as high as 300,000.

There were a number of acts of anti-Semitism, several of them involved physical attacks.

Police continued investigating several incidents in Zhytomyr reported in the media and by Jewish groups but had not made any arrests by year's end. On July 9, three youths attempted to attack Zhytomyr's Chief Rabbi Shlomo Wilhelm when he was leaving the synagogue after a religious service. Before police arrived, the attackers also tried to enter a dormitory for Jewish girls and shouted anti-Semitic insults. On September 27, an unidentified attacker sprayed a noxious gas into the face of Rabbi Menakhem Mendel Lichstein and fled. On August 6, Rabbi Nahum Tamrin and his wife Tzipora were attacked near the local synagogue; they required medical treatment for bruises and broken teeth. City authorities increased police patrols near the synagogue but the Jewish community remained concerned about their safety.

On September 28 in Sevastopol, the media reported that four men in a car approached Sevastopol's Chief Rabbi Benjamin Wolf. They got out and shouted anti-Semitic insults. One of them punched the rabbi, who sustained a concussion and light injuries. The police identified and detained the man who hit the rabbi. Police completed the investigation, arrested the person on October 1, and charged him with hooliganism. The case went to court in December, but the court delayed the trial for further investigation. At year's end no date for the trial had been set.

On September 29, in Cherkassy, the media reported that Israeli yeshiva student Josef Rafaelov and two other young Israeli Jews wearing traditional garb were attacked as they approached the city's synagogue. Witnesses said five or six youths attacked the men. Police investigated the attack but made no arrests by year's end.

The man who entered the Brodsky Synagogue in Kyiv with a knife demanding to see a rabbi in February 2006 was sentenced to prison for illegal possession of a weapon and released in late 2006.

There was no progress and none was expected in the investigation of other cases from 2006 including the April 2006 beating and stabbing of Israeli yeshiva student Haim Gorbov by skinheads, the September 2006 attack against Haim Weitzman in Odesa, the March 2006 attack on a yeshiva student on a Kyiv subway and the December 2005 assault on journalist Vladimir Matveyev of JTA-Global Jewish News.

Synagogues, cemeteries and Holocaust memorials were vandalized on several occasions, particularly in Kirovohrad, where the Choral Synagogue was vandalized at least three times during the year. According to representatives of the local Jewish community, law enforcement authorities made no progress in the investigation of the incidents.

On February 19, vandals desecrated a memorial to Jewish Holocaust victims, a memorial plaque in honor of Jewish activist Leon Pinsker, and more than 300 tombstones at the Third Jewish Cemetery in Odesa, on which swastikas were drawn. The Ministry of Foreign Affairs, the local government, and representatives of many religious denominations and ethnic communities condemned the desecration. Local and national law enforcement authorities quickly formed a task force that led to the arrests of three individuals who claimed they desecrated the monuments to see how the public would react. On August 10, the Malynovsky District Court in Odesa found the three men guilty of the desecration and sentenced them to prison. One offender received a suspended sentence.

On May 20, gravestones in a Jewish cemetery were vandalized in Chernihiv and there were other reports of vandalism in Dnepropetrovsk and Kolomiya. Police investigated the vandalism but reported no results.

Anti-Semitic articles appeared frequently in small publications and irregular newsletters, although such articles rarely appeared in the national press. The Inter-regional Academy of Personnel Management (known by its Ukrainian acronym, MAUP), which receives significant funding from several Middle Eastern government sources, remained the most persistent anti-Semitic presence in the country. According to Jewish organizations, MAUP accounted for nearly 90 percent of all anti-Semitic material published in the country. In February MAUP successfully appealed the 2006 order by the Ministry of Education to withdraw licenses from 26 MAUP regional branches. In late May the mayor of Kyiv responded to the opening of a MAUP bookstand selling anti-Semitic literature near the site of the memorial to the victims of Babyn Yar massacre by closing it and promising to close other MAUP bookstands in the city. MAUP filed a lawsuit against the mayor for his order to remove the bookstand.

During an October 22 meeting with leaders of Jewish community leaders and a November visit to Israel, President Yushchenko reiterated his strong condemnation of manifestations of interethnic hatred, including anti-Semitism.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

*d. Freedom of Movement Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The Constitution and the law provide for freedom of movement



in the country, foreign travel, emigration and repatriation, and the Government generally respected them in practice. The Government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protections to asylum seekers, stateless persons, and other persons of concern.

Citizens who wished to travel abroad generally were able to do so freely. Exit visas were required for citizens who intended to take up permanent residence in another country, but there were no known cases of exit visas being denied to citizens during the year. The Government could deny passports to individuals in possession of state secrets; such individuals could appeal the denial of a passport.

The law prohibits forced exile, and the Government did not employ it.

*Protection of Refugees.*—The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. The Government provided temporary protection for up to 1 year to persons who may not qualify as refugees under the 1951 convention and the 1967 protocol. In practice, however, the lack of a clearly defined asylum authority after the reorganization of the State Committee for Nationalities and Migration into the State Committee of Nationalities and Religion (SCNR) in November 2006 impeded the granting of asylum and refugee status.

Unlike in the previous year, the Government provided some protection against refoulement, the return of persons to a country when there is reason to believe they feared persecution. However, human rights groups noted the current Law on Refugees does not provide for protection for war refugees, victims of indiscriminate violence, and failed asylum seekers who could face the threat of torture, or loss of life or freedom, if deported. Informed observers reported that the Government may have repatriated Chechen refugees to Russia. Some government officials expressed the view that Chechens did not fall under the 1951 U.N. Refugee Convention.

On Nov. 1, UNHCR issued a memorandum on the situation of asylum seekers in Ukraine in which it stated that the UNHCR strongly advised states contemplating returns of third-country asylum seekers to Ukraine to refrain from doing so, as no assurances could be given that the asylum seekers would be readmitted, would have access to a fair and efficient refugee status determination procedure, would be treated in accordance with international refugee standards or that there would be effective protection against refoulement.

The UNHCR noted that asylum seekers often lacked registration documents during the review of their cases and the appeal process because of an overly complicated and burdensome system of registration. This left them without documents and vulnerable to frequent stops by police, detention, and fines. Refugees and asylum seekers, who frequently came from Africa and Asia, were the victims of a growing number of xenophobic attacks.

Human rights organizations noted that, although the Law on Refugees has some provisions for asylum seekers, there was no state migration policy and at year's end five government agencies were responsible for migration, including the SCNR, the Ministry of Justice, the Ministry of Labor and Social Policy, the Ministry of Foreign Affairs, and the State Border Guard Service (SBGS). This situation resulted in refusals to grant refugee status at various stages of the process, and corruption. The International Organization for Migration (IOM) expressed concern about the lack of transparency in the process of returning migrants to their country of origin.

According to the SCNR, as of January 1, there were only two refugees from Uzbekistan in the country while independent experts estimated their number to be between 400 and 2,000. In 2006, the Donetsk-based NGO Memorial reported that only 10 percent of Uzbek refugees applied for asylum at the UNHCR office in Kyiv. In February 2006, 11 Uzbek asylum seekers were refouled to Uzbekistan. According to human rights groups, all the deported persons received prison sentences of 3 to 13 years upon arrival.

On August 31, local human rights groups protested the planned forcible return of ethnic Chechen refugee Lema Susarov to the Russian Federation, which sought his extradition on charges of robbery. Susarov, who had been recognized as a refugee by UNHCR Azerbaijan in 2006, was detained on July 20 and his extradition was approved by the PGO on July 27. His lawyer claimed SBU officers subjected him to physical violence when he was detained. Susarov registered as an asylum-seeker with the Kyiv City Migration Service on August 8. On July 31, Human Rights Commissioner Karpachova requested the prosecutor general stop Susarov's extradition to Russia and hold a hearing at the Kyiv City Court of Appeal. The court issued a ruling on September 28 that stayed Susarov's extradition and he remained in detention awaiting the court's decision at the end of the year.

At a June 19 press conference, UNHCR representatives noted that the country became a destination and transit country for migrants in 2006. The SBGS indicated the number of "irregular" (illegal) migrants was approximately 11,000 to 15,000 persons, mainly from Russia, Uzbekistan, Azerbaijan, Moldova, Georgia, Armenia, China, Pakistan, and Vietnam and heading largely towards Slovakia, a European Union country on Ukraine's western border. The SBGS confirmed that as of September 10, border guards apprehended 2,651 illegal migrants, including 15 Uzbek nationals and 159 Russian nationals of whom 77 were Chechens.

In the first 9 months of the year, the MOI registered 1,454 refugees. According to the SCNR, as of January 1 there were 2,275 refugees in the country, including 740 women and 1,535 men. According to the committee, as of January 1, 959 persons applied for asylum; 44 persons were granted refugee status, while 488 were refused. The largest number of asylum applicants were from Asian countries. At the end of December 2006, there were 627 refugees from countries of the Commonwealth of Independent States, including 128 Chechen refugees from Russia, down from 144 in April 2006. Refugee rights organizations reported that in 2006, there were 159 appeals of refusals to accept asylum applications and 734 appeals of refusals to process documents for refugee status.

UNHCR noted that although the recognition rate for refugees remained low, it increased to 4 percent in 2006. Government media reported in September that, while 44 foreigners were granted such status in 2006, in the current year the number was 11.

In an April 26 letter to the U.N. Committee Against Torture, Human Rights Watch urged the SCNR to call for "urgent improvements in Ukraine's treatment of migrants and asylum-seekers as a key component of its international obligations." It referred to an October 2006 report that cited inadequate procedures for dealing with asylum seekers, substandard conditions and physical abuse in asylum centers, lack of basic procedural rights, inadequate food and sanitary conditions, and prolonged periods of detention.

The Government generally cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. The SBGS operated eight temporary accommodation centers for migrants, 88 facilities for initially processing those detained by the SBGS, and a site for temporary detention up to 6 months at the Pavshyne facility in Zakarpattia Oblast. Some NGOs expressed concern that Chechens held at the Chop temporary accommodation facility were often deported directly to Russia with insufficient time to apply for asylum.

The UNHCR noted that sanitary conditions at the Pavshyne detention center had improved during the year and that it had good cooperation with the SBGS, which had de facto responsibility for running the center. Improvements made to the facility included new toilet facilities, hot water, and additional living quarters. However, living conditions remained harsh for detained migrants and the facility relied on charitable donations for basic services. The Pavshyne facility continued to experience serious funding shortfalls because of unclear delineation of responsibilities between the MOI, which technically has controlled the center since 2006, and the SBGS, which continued to operate the center but did not have the legal authority to spend its budget on the center. Because of the budget shortfall, reports about harsh conditions continued to appear in media. For example, on September 8, the official newspaper *Holos Ukrayiny* wrote about persistent problems in the center including overcrowding, long lines for hot water, insufficient state-funded meal-allowances, low pay for guards, understaffing, and the lack of funds for interpreters.

The IOM and UNHCR reported that conditions at the Mukacheve detention center for migrant women and children were better than at the Pavshyne facility.

According to several NGOs, the process for registering asylum seekers was overly complicated and often left them without registration documents. Under the law authorities may quickly reject asylum applications from individuals without formal registration as asylum seekers; the law requires the Government to conduct refugee status interviews within 15 days of the application. Asylum seekers in detention centers were sometimes unable to apply for refugee status and had limited access to legal and other assistance. The problem was further complicated by the lack of access to qualified interpreters often needed to complete registration documents. As a result many asylum seekers remained undocumented after they were released from the temporary accommodation centers and faced arrest, detention, and deportation while awaiting a determination on their asylum application.

Refugees received minimal material assistance. There were no Ukrainian language classes for refugees and asylum seekers and no procedures to facilitate their employment. At an August 2 roundtable with local media, a senior police official in Volyn Oblast stated that the absence of a temporary detention center in the oblast resulted in forcible deportations.

*Stateless Persons.*—According to the Law on Citizenship, citizenship is acquired through birth, territorial origin, naturalization, restoration of citizenship, and adoption. Dual citizenship is not allowed. The MOI and bodies under its jurisdiction received applications for citizenship and forwarded them along with recommendations to the President's Commission for Citizenship.

According to the European Council on Refugees and Exiles and local partner NGOs, there are currently 3,000 stateless persons who came as refugees in the early 1990s fleeing the conflict in Georgia. The UNHCR estimates there were 63,577 stateless persons in 2006 including 8,246 registered de jure as stateless by MOI authorities. It estimated that there were 6,000 formerly deported Crimean Tatars who have returned to Crimea but have not registered as citizens, 5,000 refugees from Abkhazia, Georgia, and an unknown number of persons who either resided long-term in the country but have not clarified their citizenship since the collapse of the Soviet Union in 1991 or arrived in the country as students or visitors both before and after 1991 but continued to stay (often illegally) and failed to register with their consulates or take other steps required by their country of origin. Many still hold Soviet passports and did not obtain residency documents after the breakup of the Soviet Union. Refugees faced problems with regularization and had trouble with access to employment and property rights. While the Government initially allowed refugees from Abkhazia to obtain temporary residence including access to employment, medical care, and education, many lost these rights when they failed to reapply for a residence permit when the Law on Immigration came into effect in 2001. In response to complaints, the Government extended the application period in 2006 and again on May 1. Human rights organizations reported that many were unable to extend their registration at the MOI and are at risk of being stateless. They may be considered de facto stateless since they do not enjoy the protections of their country of origin or Ukraine according to the UNHCR.

A presidential decree of June, 2006 established mechanisms allowing any foreign national residing legally in the country to register their child born in Ukraine as a Ukrainian citizen within 3 months of submission of an application; this gives children of asylum seekers and refugees from Georgia the opportunity to gain citizenship without being included in immigration quotas.

*Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The Constitution and the law provide citizens the right to change their government peacefully through periodic elections, and citizens exercised this right in practice through periodic elections held on the basis of universal suffrage.

*Elections and Political Participation.*—The preterm elections to the Parliament (Verkhovna Rada) held on September 30 were a compromise solution to a political stalemate between the president and the ruling parliamentary coalition. Five of the twenty parties and campaign blocs running passed the 3 percent threshold to win seats in the Parliament.

Amendments to the election law adopted in June abolished absentee ballots and disenfranchised voters who were abroad 3 days prior to the elections. Widespread inaccuracies in voter lists were reported as well as procedural violations at some polling stations and polling commissions, but independent monitors attributed these problems to the limited time to prepare for the snap elections rather than government efforts to exclude parties or voters. International election observers reported that the elections were "conducted mostly in line with Organization for Security and Cooperation in Europe and Council of Europe commitments and other international standards for democratic elections." While the Committee of Voters of Ukraine assessed the election as free and transparent, it stated in a press conference that up to 1.5 million citizens may have been deprived of their right to vote due to deficient voter lists.

According to the international election observer mission, preliminary administrative and ordinary courts actively adjudicated election-related disputes. The MOI, the PGO and the SBU actively pursued dozens of investigations of reported violations at local polling stations and election commissions, but none serious enough to affect the outcome.

Individuals and parties could, and did, freely declare their candidacy and stand for election.

To be registered at the national level, political parties had to maintain offices in at least half of the regions, and could not receive financial support from the state or any foreign patron. The Supreme Court reserved the right to ban any political party upon the recommendation of the Ministry of Justice or the prosecutor general. No parties were banned during the year.

There were 39 women elected to the 450-seat Verkhovna Rada; women held the posts of prime minister, minister of labor and social policy, secretary of the National Security and Defense Council, head of the state treasury, and the human rights commissioner. The 18-member constitutional court had two female members.

The exact number of minorities in the Parliament was not available due to privacy laws. Among the members were ethnic Russians, Crimean Tatars, Armenians, Romanians, Georgians, and Jews. The defense minister is ethnic Buryat.

Crimean Tatar leaders continued to call for changes in the electoral law allowing them to achieve greater representation in the Crimean and national parliaments; current law does not allow the creation of political parties on the regional level, so Crimean Tatars had to join national political parties or blocs. Only one Crimean Tatar representative was a member of the national Parliament. According to the Crimea information portal, the Tatars, who make up 12 percent of the population of Crimea, occupied seven seats in the 100-member Crimean Parliament. Eight of the 25 senior officials in the Crimean government were Tatars, including one deputy prime minister and the minister for labor and social policy, as were two of the 14 heads of raion (county-level) administrations in Crimea. Crimean Tatars remained underrepresented in city councils and city administrations. For example, none of the deputies to the mayor of Simferopol was a Crimean Tatar. The Crimean Tatar representative body, the Mejlis, was not legally recognized by national authorities.

Developments continued concerning violations during the 2004 presidential and 2006 parliamentary elections. On July 31, the Ivano-Frankivsk Court of Appeal sentenced ex-governor of Zakarpattia Ivan Rizak to a 5-year suspended sentence with 1-year probation for fraud during the 2004 presidential elections.

In March the procuracy in the city of Cherkasy forwarded a criminal case to court against the former head of the local territorial election commission and member of the Cherkasy city council, Iryna Horovenko, for unlawful use of ballots, falsifying electoral documents, and intentionally miscounting ballots during mayoral elections of November 2006. At year's end she faced the possibility of 3 to 5 years in prison.

*Government Corruption and Transparency.*—Corruption remained a serious problem in the executive and legislative branches of the government, including the armed services. The SBU reported that its special units and other law enforcement bodies launched 131 criminal investigations of bribery during the first 9 months of the year. The media reported that, as of mid-year, there were 2,721 cases in the courts involving civil servants charged with corruption, 15 percent more than in 2006. The PGO press service reported that, in the first 3 months of the year it forwarded 432 criminal cases against 474 individuals accused of corruption to courts. Of these, 64 cases involved large-scale embezzlement of state property, 274 concerned abuse of office and 94 involved bribery. In the first 3 months of the year, 38 civil servants were charged, as well as 83 local government officials, 44 local elected officials, 23 staff members of oblast and district state administrations, 27 employees of the tax service, and seven employees of customs bodies. As of the end of October, the PGO launched 257 corruption-related criminal cases against law enforcement representatives; of these 206 were forwarded to courts.

According to the March survey by the project 'Promoting Active Citizen Engagement in Combating Corruption in Ukraine,' 67 percent of respondents stated that over the previous 12 months they had been directly involved in a corrupt transaction involving government officials, and 26 percent indicated that they had paid a bribe. Respondents reported that over the past decade, the payment of bribes for healthcare, police, housing, customs, the courts, the procuracy, and schools had increased substantially, while the practice had decreased in connection with tax inspections, road police inspections, and obtaining social services.

On February 28, Deputy Prosecutor General Tetyana Korniyakova announced a criminal case against the former chairman of Naftohaz Ukraine national oil and gas company, Oleksiy Ivchenko. She alleged that, under Ivchenko's chairmanship in 2005–2006, the company's top managers illegally received bonuses, used charter flights to transport their families, and transferred funds to a company linked to Ivchenko. Ivchenko, who is the leader of the Congress of Ukrainian Nationalists, claimed the accusations were politically motivated and threatened to sue for libel. The case was on-going at the end of the year.

In 2006 prosecutors in Sumy Oblast pursued corruption cases against former Sumy mayor Volodymyr Omelchenko and former city council member Olha Krutushkina. Krutushkina appealed a 5-year sentence and was released in November 2006 by a Supreme Court decision. In January the media reported that the Sumy Oblast procuracy was considering criminal cases against seven witnesses who provided testimony against her. On March 14, former mayor Omelchenko was released on bail; the court withdrew several charges concerning abuse of office, but blackmail charges were pending.

In June the Central Region Military Court of Appeal sentenced Colonel Oleksandr Voloshyn to 8 years in prison and stripped him of his military rank for accepting \$590,000 (3 million hryvnia) in bribes. He was discharged from the military.

By law, officials are required to file financial disclosure statements, although these often underreport actual income. The Law on Combating Corruption identifies special subdivisions at MOI, SBU, prosecutors' offices, and the Ukrainian Military Law and Order Service (military police) as responsible bodies for combating corruption.

The Constitution and the law provide the right for public access to information, with exceptions for national security. Government bodies are required to answer requests within 10 days and provide the information within 30 days. Denials can be appealed to a higher level at the agency concerned and then to a court.

Many human rights organizations and journalists stated that access to official information remained difficult during the year. Government officials did not understand the rules concerning releasable information, and Soviet-style attitudes and traditions of secrecy were prevalent.

Information on the process by which the Government made important decisions usually was not available to the public. The KGHRP noted that the Government continued the Soviet-era practice of issuing secret government documents on matters that did not involve national security or personal privacy.

According to a KGHRP study, individual government agencies including the Parliament and the president's office, either refused or failed to respond to 51 to 71 percent of the requests for information they received.

On October 31, the Kyiv Court of Appeal upheld the administrative court's decision allowing the Constitutional Court to not respond to information queries. Earlier, the Constitutional Court refused to release to the Media Law Institute the titles of publications in which the court participated in compiling.

#### *Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights; however, government officials were not uniformly cooperative and sometimes resisted taking their views and recommended actions into account.

According to the Ukrainian Psychiatric Association, for example, the Ministry of Health did not always cooperate with human rights groups attempting to monitor abuse of psychiatry, especially in penitentiary institutions. According to the NGO Donetsk Memorial, the SPD only cooperated with NGOs that provided financial assistance to prison facilities but did not cooperate with those NGOs that raised concerns about conditions and prisoners' rights in its facilities.

A Ministry of Justice advisory council, chaired by a civic leader, continued to monitor the human rights situation in prison facilities. The SBU continued work with its advisory council consisting of politicians, NGO activists, and independent experts to provide civilian oversight and increase transparency of SBU activities. Several human rights observers believed that the MOI mobile monitoring groups, initiated at the suggestion of NGOs in 2005, were very effective in gaining access to and monitoring conditions in prison facilities.

Major independent, non-partisan, national human rights NGOs and civil liberties groups included the Committee of Voters of Ukraine, the Kharkiv Group for Human Rights Protection, the Ukrainian Helsinki Human Rights Union, Amnesty International, the Institute for Mass Information, the Independent Media Union, the Chirikli Roma Women's Fund, the Ukrainian Union of Psychiatrists, Kharkiv-based Legiteam, La Strada-Ukraine, the Congress of National Communities of Ukraine, and Donetsk-based Memorial.

The Government generally cooperated with international governmental organizations, including the U.N., the Organization for Security and Cooperation in Europe, and the Parliamentary Assembly of the Council of Europe. Citizens may apply to the ECHR for the redress of grievances involving an alleged infringement of rights under the European Convention on Human Rights. As of October 18, the ECHR ruled in 77 cases involving Ukraine and found violations in 76 cases according to the Government's ECHR commissioner. According to the ECHR president, the cases included complaints about nonenforcement of court judgments, lengthy court proceedings, and property rights issues.

According to the Government's ECHR commissioner, Yuriy Zaitsev, in the first 9 months of the year, \$413,000 (2,107,535 hryvnia) was spent to enforce 93 ECHR rulings. During the first 9 months of the year, the Supreme Court, based on ECHR decisions, reversed earlier court rulings in the cases of Trehubenko vs. Ukraine (violation of property rights and of the right of access to the court, ECHR ruling of No-

vember 2004), Hurepka vs. Ukraine (violation of the right to appeal against administrative charges imposed by the court, ECHR ruling of September 2005) and Volokhy vs. Ukraine (violation of the right to privacy, ECHR ruling of November 2006).

The Constitution mandates the position of human rights ombudsman, officially designated as the parliamentary commissioner on human rights. Human rights organizations criticized the office of the human rights ombudsman for inadequate responses to claims of human rights violations and for not cooperating with human rights groups.

In February Nina Karpachova was reelected by Parliament to a third term as human rights commissioner.

According to human rights experts, the public at large was not aware of procedures to bring matters to the commissioner, and there were complaints about the commissioner's poorly updated Web site. Organizations also expressed concern that the commissioner did not have a sufficient number of regional representatives.

The ombudsman's office employed approximately 50 experienced lawyers; its top priorities were to make improvements to pretrial detention facility conditions and detainee rights. The office last issued an annual human rights report to Parliament in July 2005. The ombudsman reported that her office released a compilation of documents concerning human rights protection for the period 1998–2006 but the document was not publicly available on the commissioner's Web site.

As of October 10, the ombudsman's office reported that it received appeals from 63,839 residents. Of these, 53.8 percent of the appeals concerned violations of civil rights (fair trial, timely execution of courts' rulings, protection from police abuse), 18.6 percent violations of social rights (to housing, education, social protection, pension, and healthcare), 15.4 percent violations of economic rights (property rights, including land issues, rights of entrepreneurs, consumer rights), 11.2 percent violation of personal rights (to life, from violence, torture in detention, arbitrary arrests) and 0.9 percent concerned political rights.

During the year the ombudsman's office established a public hot line to report abuses by law enforcement personnel, which independent observers said was successful. Human rights organizations criticized the ombudsman for not following through on establishing an independent mechanism for the Optional Protocol to the U.N. Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, which the country ratified in July. The commissioner's office was responsible for setting up a mechanism to implement the protocol and reported that on May 31 the commissioner forwarded recommendations to the prime minister concerning establishing such a mechanism.

In April the president issued a decree to establish a presidential representative on human rights and individual freedoms at the presidential secretariat. Critics expressed doubt about its independence because it will not include NGO participation and as of the end of the year, no appointments had been made.

The parliamentary Committee on Human Rights, National Minorities, and Interethnic Relations had subcommittees on human rights, interethnic relations, indigenous people, national minorities and ethnic groups, deported persons and national minorities, victims of political repression, gender policy, refugees and migration, Ukrainians living abroad, international law, and ethical policy and prevention of domestic conflict. Human rights NGOs noted that the parliamentary committee did not do enough to support human rights bills or act on recommendations from the 2006 parliamentary hearings on gender equality and domestic violence, although due to political deadlock, the Parliament did not operate for much of 2007. Following the formation of a new parliamentary coalition, Ihor Sharov of the Lytvyn bloc was named chairman on December 26 and subcommittees were being formed at year's end.

#### *Section 5. Discrimination, Societal Abuses, and Trafficking in Persons*

The Constitution and the law prohibit discrimination on the basis of race, gender, and other grounds; however, the Government did not enforce these provisions effectively, in part due to the continuing absence of an effective judicial system. Violence against women and children, gender-based discrimination, trafficking in persons, and harassment and discrimination against ethnic minorities and homosexuals, and a rise in xenophobic violence were problems.

*Women.*—Violence against women remained a serious problem. According to the MOI, during the first 6 months of the year, police recorded 619 incidents of rape or attempted rape; a decrease of 19.4 percent compared to the same period last year. In 571 of the recorded cases, police identified the accused assailants.

The law prohibits rape but does not explicitly address spousal rape. A law against “forced sex with a materially dependent person” may allow prosecution for spousal rape.

Spousal abuse is illegal but was common, and authorities often pressured women not to press charges against their husbands. According to Amnesty International, an estimated 50 to 70 percent of all women have been subjected to physical violence or psychological abuse at home. According to the MOI, in 2006, only 18 percent of citizens were aware of the law on preventing domestic violence. Amnesty International reported that women who attempted to take perpetrators to court were hampered by widespread corruption in the criminal justice system or by the derisory punishments imposed by the courts.

According to the MOI, police recorded more than 87,100 individuals for committing acts of domestic violence. During the first 10 months of the year, police registered 42,400 such individuals, including 24,500 for physical violence, over 15,900 for psychological violence and 1,900 for economic violence. Police issued 49,800 official warnings and another 3,500 injunctions for protection; as a result of complaints, 48,377 persons were fined, 222 were sentenced to community service, and 6,307 were put under administrative arrest.

Authorities operated six shelters for victims of domestic violence, 18 crisis centers for women, and 24 centers for psychological and medical assistance. The law requires the Government to operate a shelter in every major city, but in practice, they did not.

According to Amnesty International, Legiteam, and La Strada, private and municipally funded shelters were not always accessible, and some of them did not function throughout the year. Shelters in Kyiv did not admit women who were not registered as Kyiv residents. Government centers offered only limited legal and psychological assistance to victims of domestic violence under the age of 35 and to families.

In March La Strada and a number of other women’s rights organizations expressed concern about plans by the Kyiv Shevchenkiivskiy district authorities to return control over the premises of the Kyiv Women’s Center to the city administration for sale or rent to another organization. Kyiv authorities provided the office space in 1998. As of December the status of the center remained unresolved and the women’s center faced possible closure.

Violence against women did not receive extensive media coverage despite the efforts of human rights groups to highlight the problem.

Prostitution is illegal but widespread and largely ignored by the Government. Sex tourism rose as the country attracted greater numbers of foreign tourists. Laws criminalizing organized prostitution and penalties for human trafficking have had little effect because many convicted traffickers often do not end up serving prison time.

Trafficking in women for sexual exploitation was a serious problem.

Women’s groups reported that there was continuing widespread sexual harassment in the workplace, including coerced sex. While the law prohibits forced sex with a “materially dependent person,” which includes employees, legal experts regarded the safeguards against harassment as inadequate.

Labor laws establish the legal equality of men and women, including equal pay for equal work, a principle that generally was observed. However, industries dominated by female workers had the lowest relative wages and were the ones most likely to be affected by wage arrears. The Labor Code sets the retirement age for women at 55 and for men at 60. There were reports of some employers refusing to hire younger women likely to become pregnant or women over 35. Women also received lower salaries and had limited opportunity for career advancement. Few women held top managerial positions in the Government or in state-owned or private industry.

*Children.*—The Government was publicly committed to the defense of children’s rights, but budgetary considerations, an under-funded and poor quality health care system, an insufficient number of trained social service employees, and the lack of coordination between responsible government agencies limited its ability to ensure these rights.

The Government continued to implement the State Program to Combat Child Homelessness and Neglect, adopted in May 2006 with a \$4 million (20 million hryvnia) budget. It launched the Street Children Program in the cities of Kyiv, Lviv, Donetsk, Khmelnytskyi, Ternopil, and Ivano-Frankivsk during the year. According to President Yushchenko, this program helped increase the number of foster families by 300 percent and the number of “foster family homes” by 40 percent in 2006. (A “foster family home” is a government-provided home in which foster parents raise their own and foster children.) On May 4, the president issued a decree outlining

measures to protect minor orphans, children without parental care, and support for foster parents.

As of January, the number of minor orphans and children in foster care was 64,192; assistance was provided to 259 foster family homes that accommodated 1,669 children and to 1,117 foster families that cared for 1,748 children. A single data bank on minor orphans and children without parental care was created and as of July 1, it had registered 70,122 children. The Ministry for Family, Youth, and Sports began transforming shelters for children into centers for social and psychological rehabilitation of children. During the first 6 months of the year, approximately 10,000 children remained in specialized shelters and centers for social and psychological rehabilitation.

The International Labor Organization (ILO) and UNICEF, together with a number of local NGOs, funded projects that actively promoted children's rights including projects dealing with child labor, child trafficking, street children and the commercial exploitation of children. Domestic and foreign NGOs, local business, and First Lady Kateryna Yushchenko all continued their work to aid orphans and street children.

Education is free, universal, and compulsory until age 15; however, the public education system continued to suffer from chronic underfunding. Teachers were usually paid their salaries during the year, but other monetary benefits were not paid in some localities. Children from poor families continued to drop out of school during the year. Inspections by the PGO revealed that almost 5,000 schoolchildren did not attend school for various reasons. Over 3 percent of school-aged children did not attend school. Many of these were employed in agriculture and illegal coal-mines, or in some cases were forced by their parent to beg in the streets. NGOs reported that a lack of schooling remained a significant problem among the rural population. In some cases rural schools were closed due to the small number of school-age children, forcing children to travel long distances, often at personal expense, to attend schools in other villages.

The problem of growing violence and crime in and outside of schools persisted, particularly in the notoriously violent vocational schools, and discouraged some children from attending school. Roma rights organizations reported numerous incidents of discrimination against Romani children in schools.

Health care was provided equally to girls and boys, but the overall quality of the health care system was poor.

Children continued to be victims of violence and abuse. During the year the MOI cited over 8,209 underage crime victims, of whom 132 were rape victims, 52 suffered from intentionally inflicted bodily injuries, and 46 were victims of human trafficking. In 2006 the MOI cited 80,000 families for violence against children, issued approximately 1.5 million official warnings with regard to domestic violence, and initiated over 1,000 criminal cases concerning child abuse. There were also many complaints of abuse of children related to child prostitution, pornographic video sales, child molestation, and illegal child labor. Police often did not investigate parents who allegedly abused their children.

Human rights organizations reported police violence against minors, including sexual violence. For example, in April 2006 the Zaporizhzhya regional prosecutor initiated a criminal case against police officers for the illegal detention and rape of a child. At year's end the investigation was ongoing. There also were numerous cases of teachers abusing children. In 2006 the prosecutor's office in Kherson opened a criminal case against a teacher at a boarding school accused of slamming the head of a sixth-grader against a desk and beating two other pupils outside of class hours.

Over 162,000 disabled children live in the country according to the PGO. Almost 8,000 disabled children remain in boarding schools under control of the Ministry of Labor and over 10,000 children remain in boarding schools under control of the Ministry of Education. Inspections by the PGO in 10 oblasts with high numbers of these children revealed that local authorities failed to address their needs.

In November the media reported that the administration of the Torez specialized boarding school for children with physical and mental disabilities allowed child orphans to be used for sifting and loading coal. The children worked 8 hours daily to load between 4 to 6 tons of coal. As of December, the investigation continued.

In February the Sevastopol prosecutor Volodymyr Dereza reported that in 2006 approximately 60 children from orphanages and boarding schools were unlawfully kept for 1 month in a local psychiatric hospital without the consent of doctors or parents. The prosecutor's office launched a criminal investigation against three psychiatrists.

According to the Cabinet of Ministers' communications and public relations department and independent children's rights experts, about 130,000 homeless children live in the country.



Commercial sexual exploitation of children remained a serious problem. According to domestic and foreign law enforcement officials, a significant portion of the child pornography available on the Internet continued to originate in the country.

On November 5, Europol reported that a worldwide child sex offender network was dismantled as part of Operation Koala begun in 2006. According to Europol, pornographic material was produced in a studio in the country and 21 of the 23 children involved (aged 9 to 16) were from Ukraine. On November 7, the National Interpol Bureau made a statement that it could not cooperate with Europol due to the lack of an agreement.

*Trafficking In Persons.*—The law prohibits trafficking in persons; however, there were numerous reports that persons were trafficked from the country, and a limited number of reports that persons were trafficked to and within the country.

The country remained a point of origin for internationally trafficked men, women, and children. The main destinations were Russia, Turkey, Western and Central Europe, particularly Poland and the Czech Republic, and the Middle East.

The country also was a transit route for individuals from Central Asia, Russia, and Moldova. The IOM reported that, as of June 30, at least nine individuals from Moldova, Russia, Kyrgyzstan, and Uzbekistan had been trafficked through Ukraine to Turkey and the United Arab Emirates (UAE).

The IOM did not identify any cases of Ukraine as a destination for trafficked individuals, but did identify 29 internal cases of trafficking as of September 30. Anti-trafficking police from Chernivtsi, however, stated that labor exploitation of Moldovans in western Ukraine was a problem, but there were no criminal prosecutions.

Seventy-five percent of victims identified by the IOM during the year were women who were forced into prostitution or used as housekeepers, seamstresses, dishwashers, and as workers at various small and large manufacturing plants. The number of men identified as victims of trafficking for labor exploitation, mainly as construction workers and miners, increased. One challenge with male victims was their reluctance to acknowledge they had been trafficked and the authorities' tendency to prosecute the cases on the basis of non-trafficking-related statutes or to refuse to recognize it as labor trafficking. Children who were trafficked across the border or within the country were forced to provide sexual services, engage in unpaid work, or beg. Also children were trafficked within the country for the purposes of producing pornography for use by pedophiles from other countries.

According to the IOM, the main trafficking victims were females up to 30 years of age (for sexual exploitation) and older females (for labor exploitation), males of all ages (for labor exploitation), and children under the age of 16 (both for sexual and labor exploitation). When they were recruited, the majority of trafficking victims had been employed, but with low salaries, and thus were tempted by the offer of the opportunity to earn better wages abroad. According to local NGOs, children who had to leave orphanages at 18 were also at high risk, since they had no family support structures in place, had difficulty finding work, and often had no place to live.

Victims were usually trafficked into conditions of severe exploitation: Beatings, limited and low-quality food, no medical assistance, and long hours of work. In one instance, a newspaper reported that women trafficked to the UAE were severely beaten and left without any medical assistance.

Estimates regarding the number of Ukrainian trafficking victims varied, however, a survey conducted by the IOM released in December 2006 stated that approximately 117,000 Ukrainians since 1991 had been forced into exploitative situations in Europe, the Middle East, and Russia. The survey indicated that labor exploitation accounted for 80 percent of the trafficked victims.

Employment, travel, marriage, and modeling agencies as well as individuals were involved in recruitment. Most traffickers were members of organized crime groups, had foreign partners, and in some cases bribed corrupt officials to facilitate the movement abroad of victims. The number of men and women among recruiters was almost equal. Sometimes women served as "success stories" to recruit potential victims, flaunting the money they ostensibly earned abroad. The majority of recruiters were identified as Ukrainian citizens.

Traffickers used the same methods to recruit victims as they did in previous years, including newspaper, television, and radio advertisements that offered jobs abroad with high salaries or promises of modelling contracts, marriage proposals, and trips through travel agencies. Traffickers often presented themselves as friends of other friends and deceived the relatives of potential victims. Traffickers often paid for processing of passports and travel documents for victims, thus placing them into debt bondage. In some cases traffickers kidnapped their victims. News service

podrobnosti.ua reported a case of a young woman who went on vacation with a friend, who sold her to a brothel in Turkey for \$2,000.

The law provides for penalties of 3 to 8 years' imprisonment for trafficking in persons for various purposes, including sexual and labor exploitation. Under some aggravated circumstances involving trafficking of minors aged 14 to 18, or of groups of victims, traffickers may be sentenced to prison terms of from 5 to 12 years. Traffickers of minors under the age of 14 or members of organized trafficking groups may be sentenced to terms of from 8 to 15 years.

In the first 6 months of the year, over 60 percent of the individuals convicted for trafficking received probation rather than prison sentences. In August the PGO acknowledged the problem and issued written instructions to prosecutors to appeal all verdicts that sentenced convicted traffickers to probation rather than prison time. As a result, the press reported that in several high-profile cases convicted traffickers received jail time.

In the first 10 months of the year, the number of investigations and prosecutions of suspected traffickers increased relative to the same period in 2006. As of October, according to MOI statistics, 332 cases had been filed involving 347 victims, including 53 minors. The authorities broke up 17 organized criminal rings—defined as at least three individuals working together—involved in human trafficking during the same period.

As of July 1, 48 court cases were completed, 42 of which resulted in the conviction of a total of 69 defendants, 19 of whom had open appeals at the end of the year. Of the remaining 50 convicted traffickers, 32 received suspended sentences, five were given up to 3 years in prison, five received 3- to 5-year sentences, seven received 5- to 8-year sentences, and one received an 8- to 10-year sentence. One-third of the cases in which suspended sentences were awarded were being appealed by the PGO at year's end. At year's end 54 criminal trafficking cases were still being heard by the courts. The percentage of persons sentenced to prison terms relative to probation decreased from 43 percent in 2006 to 36 percent in the first 6 months of the year.

As of September 21, there were 566 private entrepreneurs and companies that had licenses for employment abroad. The Government reported that it regularly reviewed the licenses of domestic employment agencies. During the last 2 years, the Ministry of Labor and Social Policy conducted 383 checks and withdrew 140 licenses. In a limited number of cases, the ministry withdrew agency licenses because of involvement in trafficking. However, some labor officers reportedly overlooked violations in return for bribes.

Corruption in the judiciary and police continued to impede the Government's ability to combat trafficking. NGOs asserted that local police and border guards received bribes in return for ignoring trafficking, as did judges for lighter sentences for traffickers. The low number of prosecutions of government officials for trafficking-related corruption raised questions about whether the Government was willing to take serious disciplinary action, especially against high-level officials. Anti-trafficking experts noted that prosecutors were often the weakest link in the fight against trafficking, as their negative stereotypes of victims, lack of aggressive prosecution, and difficulties in obtaining evidence from abroad led to the low number of cases brought to court.

Some victims testified against traffickers, but most were reluctant to seek legal redress due largely to a lack of trust of the law enforcement agencies and the courts, negative public opinion toward trafficking victims, weak witness protection programs, and a lack of understanding on the part of investigators and judges that there might be real threats against victims from traffickers or their accomplices. Skepticism that civil courts would award significant compensation deterred most victims from filing civil cases.

The IOM operated a comprehensive medical center and shelter for victims of trafficking in Kyiv that provided medical and psychological services, including vocational counseling. The European Commission funded seven shelters located in major cities with local administrations providing the premises at a nominal fee. Government funding for these facilities continued to be limited. As of September 30, 127 victims of trafficking had stayed at the IOM's rehabilitation center. In addition 33 local NGOs provided reintegration assistance to trafficking victims. The IOM disbursed funds to more than 75 civil society and faith-based organizations to raise trafficking awareness among vulnerable segments of society. In April, the three largest cell phone service providers established a toll-free number "527" connected to a hotline which offered advice and warnings regarding finding work abroad and which offered assistance to persons who were exploited while abroad. Since the launch of the 527 number, the hotline received more than 1,700 calls by the end of the year.

Government cooperation with NGOs on antitrafficking programs was steady during the year. Local administrations continued to include NGOs as partner organizations in their regional action plans, but most funding for NGOs and shelters continued to be provided by international donors. However, local authorities from 14 oblasts (regions) provided direct funding to antitrafficking NGOs in the amount of \$20,000 (103,139 hryvnya).

During the year several television stations broadcast documentary films and informational programs highlighting the danger of human trafficking. NGOs conducted general awareness campaigns throughout the country, often in cooperation with government entities.

The Government worked to improve assistance provided by its diplomatic missions to victims in destination countries. In the first 9 months of the year, the country's overseas consulates helped repatriate 353 citizens who were victims of trafficking. The Ministry of Foreign Affairs set up a center in Kyiv and five other major cities to provide free consultations to citizens regarding their rights in foreign countries.

*Persons with Disabilities.*—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or other state services. However, advocacy groups maintained that there was societal discrimination against persons with disabilities. According to the Ministry of Labor and Social Policy, there were 2.45 million persons with disabilities. The law mandates access to buildings and other public facilities for persons with disabilities, but it was poorly enforced. Some efforts were made to improve access for persons with physical disabilities to government and public buildings in accordance with a 2005 presidential decree, but most public buildings remained inaccessible.

The then deputy head of the Verkhovna Rada's Committee on Pensioners, Veterans, and Persons with Disabilities, Valeriy Sukhkevych stated on May 3 that the country did not sign the U.N. Convention on the Rights of Persons with Disabilities because domestic legislation is poorly implemented and inconsistently protects the rights of the disabled.

According to the Ministry of Labor and Social Policy, 384,000 disabled persons were employed at 98,987 enterprises. Over 10,000 disabled students are studying in vocational and university-level academic institutions.

According to Semyon Gluzman of the Ukrainian Psychiatric Association and the UAHRB, psychiatric hospitals remained at risk for abuse of patients and many psychiatric hospitals continued to use outdated methods and medicines. The absence of public watchdog councils at psychiatric hospitals and a lack of enforcement of legal protections deprived patients with disabilities of their right to adequate medical care.

In January the International League for Protection of the Rights of Ukrainian Citizens reported to the media and law enforcement bodies that medical staff at a hospital for persons with mental disabilities in the Svyatoshyn district of Kyiv mistreated patients and covered up the mistreatment during a police investigation. At another institution for children with severe physical and mental disabilities, there were reports of deliberate underfeeding that resulted in one death from malnutrition. The staff of this hospital reportedly underfed patients on purpose so as to keep them at a manageable weight. According to an informed NGO, authorities did not conduct an official investigation.

There were reports from prosecutors and human rights groups about abuse of children with disabilities. The city of Zhytomyr prosecutor's office reported in May that the administration of the Novohrad-Volynskiy orphanage withdrew over \$6,700 (34,000 hryvnia) from the personal accounts of disabled children and transferred them to the facility's account. Actions by the prosecutor's office helped return \$1,960 (10,000 hryvnia).

Two persons with disabilities were reelected to the Verkhovna Rada.

*National/Racial/Ethnic Minorities.*—The Constitution and the 1992 Law on National Minorities contain general guarantees for the protection of ethnic groups, but the law refers only to citizens. The Constitution prohibits discrimination based on race, skin color, political, religious and other beliefs, gender, and ethnic and social origin, but there are no implementing laws.

Although incitement to ethnic or religious hatred is punishable by article 161 of the Criminal Code, human rights organizations expressed concern that a requirement to prove 'direct intent,' including proof of prior intent, makes it nearly impossible to apply in practice. As a result, prosecutors preferred to deal with racist crimes by calling them hooliganism or other simpler offenses in order to press charges. As of December, the PGO prosecuted only one ethnically-motivated killing

based on article 161 and the Kyiv prosecutor's office qualified one case based on the same article and sent it back to the police for pretrial investigation.

The Law on Printed Mass Communication Media allows for the suspension of publications for inciting religious or ethnic hostility, but wasn't used in practice.

During the year domestic human rights groups noticed growing ethnic intolerance in the country and the impunity of those responsible for acts of violence. According to NGOs, in recent years, xenophobic attacks have become more systemic and brutal, while officials have frequently denied signs of xenophobia or racism.

Human rights groups noted that police failed to admit the existence of ethnically-motivated crimes and often qualified such acts as "hooliganism." Police did not collect statistics on hate crime, and police crime reports reflect only 5 to 10 percent of all hate crimes.

Harassment of racial minorities was a continuing problem. There were reports that police occasionally detained dark-skinned persons for arbitrary document checks, whereas document checks of light-skinned individuals were rare.

In August the MOI announced the creation of a crime department to investigate crimes committed by foreigners as well as against foreigners (who were the majority of the victims of racially-based hate crimes). Human rights groups expressed concern that the crime unit's dual goals might divert its attention from investigating the growing number of xenophobic crimes and saw the potential for racial profiling in its activities to prevent crimes by foreigners. The department had begun work by the end of the year. In September the MOI also established a department for strategic analysis and ethnic crime in each oblast.

On October 23, following a meeting between President Yushchenko, Acting Interior Minister Mykhailo Korniyenko, Acting SBU Chief Valentyn Nalyvaichenko, Prosecutor-General Oleksandr Medvedko and leaders of the Jewish community, the president's spokesperson announced the creation of a special unit of the SBU to combat xenophobia. On November 13, the Ministry of Foreign Affairs announced the establishment of the new post of special ambassador to combat racism, xenophobia, and discrimination.

According to human rights experts, some media coverage contributed to worsening of public opinion towards ethnic minorities. For example, the central news agency UNIAN reported a March against Racism in June featuring show business celebrities and various ethnic groups as "Negro lovers gathered in Kyiv" and "Negroes surrounded the president's secretariat." Following the criticism, UNIAN held televised round tables of experts to highlight the problem of xenophobia.

NGOs reported that incidents of racial hatred and xenophobia were increasing, influenced by foreign skinhead and neo-Nazi groups, as well as locally-based neo-nationalist organizations such as the Ukraine National-Labor Party, Brotherhood, Patriots of Ukraine organization, Ukrainian Movement Against Illegal Immigration, and the National Alliance youth NGO. The MOI confirmed that on February 18 a group of 50 to 60 skinheads attempted to break into a night club in Lviv to disrupt a concert of supporters of the Belarusian antifascist movement. They broke five windows at the Lviv puppet theatre and painted fascist symbols on the walls. On February 26, Halytskiy district police launched a criminal case on charges of hooliganism and disruption of public order.

On March 3, according to reports by the Union of Councils for Jews in the Former Soviet Union, approximately 50 ultranationalists held a rally in Kyiv to protest the presence of African traders in the city's Shuliavka market. Media reported that police arrested an organizer, who was charged with hooliganism.

Acting SBU Chief Nalyvaichenko in a public statement to the media stated that three racist youth groups were active, each comprising 10 active skinheads and 50 to 60 young members, whose number was growing. NGOs cited larger figures.

The KGHRP reported regular torchlight processions by far-right youth groups at campuses where foreign students live. According to the KGHRP, such demonstrations often ended with violence against the students, but victims were too frightened to report attacks to police.

The MOI confirmed that 35 racially motivated violent incidents took place in 2007, resulting in seven fatalities. Human rights monitoring groups reported eight fatal attacks during the year, mainly involving Middle Eastern, Asian, and African nationals, and more than 30 other incidents involving racially motivated violence against persons of African, Middle Eastern, and Asian heritage by skinhead groups and others.

In December 2006, Lamin Jarjjou, a Gambian student at the National Aviation University, died of multiple stab wounds in Kyiv in what the media and local Gambian community believed was a racially motivated attack. On September 25, the media reported that police in Kyiv arrested four men on suspicion of having killed

both Lamin, as well as an Iranian student of the Kyiv Technical University on August 14. One of the four suspects was charged with premeditated murder.

On February 16, a group of men attacked a group of Georgians and beat one of the group to death, 34-year-old Moris Dzugashvili. His brother was hospitalized with serious injuries. According to the NGO Congress of Ethnic Communities, police believed ethnic hatred could have been a motive and they opened a criminal case. Dniprovsk district police in Kyiv launched a criminal case for hooliganism and intentionally causing grave bodily injury. Two Kyiv residents were detained and the case was forwarded to court.

On March 17, the media reported an Iranian-Ukrainian was stabbed near the Lukianivka market in central Kyiv and later died of his wounds. Witnesses say the killer appeared to be a skinhead. Shevchenkivskiy district police in Kyiv launched a criminal case for hooliganism and causing intentional grave bodily injury. On March 27 police detained a local resident who confessed and charged him with premeditated murder. The case was forwarded to court.

On June 3, a 43-year-old refugee from Iraq, Ra'ad Abdul Aziz Al-Ubaidi, was stabbed to death in Kyiv near the Nyvki underground station. According to observers and media sources, the assailants appeared to be skinheads and there were no signs of robbery. A criminal case was launched and on June 8, four suspects were arrested and charged with premeditated murder and robbery.

There were developments in the October 2006 killing of a Nigerian citizen, Godi Kunuon Mievi, by a group of skinheads. The Kyiv prosecutor initiated a criminal investigation and three suspects were detained. All three were charged with inciting ethnic or racial hatred (the only case during the year in which this charge was used); one was also charged with premeditated murder, while the other two were charged with hooliganism. The trial continued at the end of the year. The main defendant recanted his earlier statements and claimed that his confession that he stabbed the victim was made under police pressure.

There were no developments in the December 2005 attacks on two Iranian asylum seekers in Kyiv by a group of young men dressed in military uniforms.

The country's estimated 400,000 Roma (government figures were 47,600) faced both governmental and societal discrimination. In October 2006 the European Roma Rights Center (ERRC) complained to the U.N. Human Rights Committee about violence against Roma in the country, racial targeting and profiling by police against Roma, discrimination in social programs and employment against Roma, and the widespread lack of necessary documentation for Roma to enjoy access to social services and protections. In many areas of the country, poverty often forced Romani families to withdraw their children from school. There were numerous reports of Roma being evicted from housing, removed from public transportation, denied public assistance, kicked out of stores, and denied proper medical treatment. According to the Roma Congress of Ukraine, the findings of the 2003 national study on social integration of Roma remain current: Only 38 percent of Roma are economically active, 21 percent have permanent employment, and 5 percent have temporary employment, mainly seasonal jobs.

Representatives of Romani and other minority groups claimed that police officials routinely ignored, and sometimes abetted, violence against them. According to the Chirikli Roma Women's Fund, on July 19, the Svyatoshyntsiy district police in Kyiv detained and abused a Roma woman following a dispute between the woman and a market vendor. According to the woman, she was detained for 1 day during which she was beaten and denied food, water, and medical assistance for her wounds. Police ignored her requests to visit and feed her 4-year-old son, who was home alone. The next day, the woman appeared in the Svyatoshyntsiy District Court and was charged with hooliganism.

Roma rights groups reported that, on September 12, police in the city of Chyhyryn in Cherkasy Oblast ordered a group of Roma to the police department, where they were photographed and fingerprinted. According to human rights groups, this happened a second time within 2 months in the same region. Police allegedly were gathering a data base of all Roma in the region, although the local MOI maintained that it collected data only on suspects in criminal cases and those convicted of crimes.

The Romani community in Zolotonosha in Cherkassy Oblast complained that police took no action in the November 2006 alleged beating of a young woman by four policemen. According to the community, the police entered her home and beat her, resulting in serious head injuries. The woman's family reported that, in response to their complaint to the police, the accused police officers threatened to kill the woman if she continued to press for an investigation.

Roma rights groups reported that police used searches to intimidate human rights defenders. In June 2006 the ERRC sent a letter of complaint to the prime minister

after police searched the house of Volodymyr Bambula of the Zolotonosha-based Amer-Roma NGO on June 13.

There were some reports that the Government was addressing the longstanding problems faced by the Romani community. For example, the Chirikli fund reported in fall 2006 that a court in Odesa reviewed its complaint against a school director who refused to admit a Romani child to school. The court refused to review claims of discrimination but the case was still under review for possible administrative violations as of December. A court in Donetsk refused to accept a similar complaint.

The Constitution provides for the “free development, use, and protection of the Russian language and other minority languages,” but organizations and political parties in the Russian-speaking community complained about the increased use of Ukrainian in schools, college entrance exams, the media, and the courts. According to Ministry of Education statistics, during the 2007–2008 school year, 1,253 schools taught students in the Russian language while 1,729 schools taught students in both Russian and Ukrainian. In addition, there were seven Moldovan schools (plus seven bilingual ones), 15 Crimean Tatar schools (plus one bilingual one), 70 Hungarian schools (plus 28 bilingual ones), five Polish schools, and 92 Romanian schools.

The media reported that on the night of April 26, unknown persons burned a bust of the Russian poet Pushkin on the front of the Russian Cultural Center in Lviv and broke glass in the hall. According to center staff, this was the fifth incident during the year. Police did not investigate any of the incidents.

Members of the Luhansk Oblast and city councils appealed to the Luhansk Oblast prosecutor’s office to take action against Serhiy Melnychuk who beat Arsen Klinchayev in December 2006 in a fight over use of the Ukrainian language.

On February 19, the Donetsk Oblast Council won an appeal in an ongoing legal battle to implement its 2006 decision to grant official status to the Russian language in the oblast. The Zaporizhzhya Oblast Court of Appeals upheld a decision to annul the Zaporizhzhya Municipal Council’s resolution granting regional status to the Russian language. Litigation over similar decisions continued in Luhansk and Kherson oblasts.

Ukrainian and Crimean Tatar minorities complained of discrimination by the ethnic Russian majority in Crimea and the independent city of Sevastopol and called for the Ukrainian and Crimean-Tatar languages to be given a status equal to Russian in Crimea. On November 20, the president issued a decree ordering expansion of the network of Ukrainian language academic institutions in Crimea and Sevastopol.

Crimean Tatars asserted that discrimination by mainly ethnic Russian officials in Crimea deprived them of employment in local administrations and that propaganda campaigns, particularly by Russian Cossacks, promoted hostility against them among other inhabitants of Crimea.

On January 11, the Parliament adopted a law that criminalizes the unauthorized seizure of land (land squatting). Crimean Tatar Mejlis leaders criticized the law, alleging that it will be directed against Crimean Tatars who do not possess land. According to then Crimean Prosecutor Viktor Shemchuk, as of May 22 there were 64 instances of illegal land seizures, many by Tatars.

The media reported that, on January 9, three young Russian-speaking men attacked Mejlis press secretary Lilia Muslimova in a bus on her way home in Simferopol for speaking Crimean Tatar. Eyewitnesses say that none of the passengers on the bus tried to protect her or call the police. According to the MOI, an unknown man pushed her, but it was not clear if this was intentional. A criminal case was not launched because of insufficient proof of a crime.

Channel 5 television reported on January 18 that a land dispute in Simferopol ended with a clash between a group of 150 Crimean Tatars and local police. Crimean Tatars protested a decision to allocate 2.6 hectares of land to a private construction company. They maintained that houses for Crimean Tatars should have been constructed at the location. Police stated that the clash was not ethnically motivated and they arrested 10 participants in the incident for hooliganism and intentionally inflicting injuries.

On November 6, local authorities ordered the removal of all Crimean Tatar structures on the Ay-Petri plateau in Crimea despite a court order to remove only one illegal building. This led to violent clashes between Crimean Tatars and police, resulting in the arrest of dozens of Crimean Tatars and hospitalization of others, including one Crimean Tatar man hospitalized with a gunshot wound. The investigation was ongoing at year’s end.

Rusyns (Ruthenians) continued to call for status as an official ethnic group in the country, noting that neighboring countries accept them as minorities. On March 7, the Zakarpattia Oblast council adopted a decision declaring Rusyns a local ethnic

group. In June Human Rights Commissioner Karpachova petitioned the prime minister to add Rusyns to the register of ethnic groups.

*Other Societal Abuses and Discrimination.*—According to assessments by the World Health Organization and the Joint United Nations Program on HIV/AIDS, the country remains one of the most HIV/AIDS affected in Europe with an estimated infection rate of 1.4 percent of the adult population. Persons with HIV/AIDS faced widespread discrimination and lack of access to treatment. Although the country's national AIDS law incorporates rights protections for persons with HIV/AIDS, implementation remained weak. Persons with HIV/AIDS continued to face discrimination in the workplace; job loss without legal recourse; harassment by law enforcement, prosecutorial, and judicial authorities; and social isolation and stigmatization within their communities. In June then Minister of Education Stanislav Nikolayenko said in a televised statement said that HIV-positive children should not be allowed to attend school with healthy children, a statement he later modified in response to criticism.

Gay and lesbian rights organization Nash Mir (Our World) expressed concern about ongoing discrimination and characterized the attitudes of political and religious leaders as indifferent or even outright hostile towards the gay community. For example in February, Leonid Hrach, then chairman of the Verkhovna Rada Committee on Human Rights, National Minorities, and International Relations, publicly stated "the state must protect society against evil, from violence, including such evil as homosexuality." Other issues of concern included reports of ongoing police abuse of gays, threats by police to inform gays' families and employers of their lifestyle, and the lack of access to medical treatment and information for gay men on prevention of HIV/AIDS.

A gay student expelled from the Interregional Academy of Personnel Management (MAUP) in 2005 won a lawsuit against the school, which then offered him readmission.

*Incitement to Acts of Discrimination.*—According to Roma advocacy groups, several government publications portrayed Roma as criminals. The Romani Congress of Ukraine also noted *Osnovy Zdorovya*, a fourth grade health textbook recommended by the Ministry of Science and still in use although it included illustrations depicting negative Roma stereotypes.

The Crimean government continued to permit schools to use textbooks that contained inflammatory and historically inaccurate material about Tatar Muslims despite government promises to address their concerns. Human rights activists specifically noted that two textbooks for fifth-grade students, Viktor Misan's *Stories on the History of Ukraine*, and A.K. Shchvidko's eighth-grade textbook, *History of Ukraine, 16–18th Centuries*, depicted Muslims in a negative light.

In July Chairman of the Committee for Monitoring of Freedom of Speech in Crimea, Volodymyr Prytula, criticized the MOI's public information center in Crimea for its periodic crime reports, which he claimed incited ethnic hatred. In October 2006, then member of the parliamentary human rights committee Refat Chubarov accused the ministry's public information center of bias against Crimean Tatars for disseminating anti-Tatar material. As an example, he mentioned an article, entitled "Invaded the Lands; Time to Send Slaves?" about a group of Crimean Tatars who had been keeping slaves, that was authored by then editor-in-chief of the Crimean MOI's office weekly *From the Crime Scene* and which appeared in privately-owned *Krymskaya Pravda* newspaper in September 2006.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law provides for the right of workers to join unions to defend professional, social, and economic interests, and this right was generally respected in practice. Large companies and some local government officials continued to resist the formation of unions.

Under the law, all trade unions have equal status, and the establishment of a trade union does not require government permission. However, unions affiliated with the Federation of Trade Unions (FPU), which inherited assets from the official Soviet-era unions, enjoyed an advantage in organizing workers.

In order to function, a union must be registered as a legal entity by the Government. Unions reported that this registration process was extremely burdensome, entailing visiting up to 10 different offices, submitting extensive documentation, and paying a number of fees. The International Trade Union Confederation characterized this registration requirement as "a restriction unacceptable by international labor standards."

In order to acquire national status, which allows a union to negotiate and sign agreements directly with government ministries and to communicate officially with the Cabinet of Ministers and president, a union must either have branches in more

than half of the country's administrative regions or have branches in more than half of the administrative regions where the enterprises of this sector are located. The law stipulates noninterference by public authorities in the activities of unions, which have the right to establish and join federations on a voluntary basis.

Unions affiliated with the FPU are considered "official," whereas unions not affiliated with the state federation are considered "independent." All unions affiliated with the FPU, as well as several new, independent labor unions, were registered. While the FPU supported protests in some professions over unpaid wages, most FPU affiliates worked closely with management. Enterprise managers were free to join the FPU. Independent unions provided an alternative to the official unions in many sectors of the economy. As of September, there were 14 trade union associations and 107 national-level trade unions, 45 of which were FPU-affiliated, registered with the Ministry of Justice. The Confederation of Free Trade Unions of Ukraine (CFTU) reported that as of September, it had eight national-level unions registered and a membership of 257,000. While exact figures were unknown, there were estimated to be 2.3 million non-FPU union members and 10.2 million members of FPU-affiliated unions. These estimates were likely exaggerated, and the FPU believed that only 75 percent of registered affiliates actually operated in practice.

Independent unions continued to be denied a share of the former Soviet trade unions' huge property and financial holdings. These included the social insurance benefit funds, a Soviet-era legacy on whose boards FPU-affiliated unions held the majority of seats, giving them a benefit the independent unions could not offer. Leaders of non-FPU trade unions claimed that the FPU improperly sold some Soviet-era assets in order to thwart their future distribution. The Parliament in February established a temporary moratorium on the sale of property by the FPU to halt sales.

Independent trade union leaders complained that government representatives sought to influence union votes and pressure members to report on union activities. As of September, the CFTU reported 10 separate cases in which employers refused to recognize newly-formed trade unions, barred them from collective bargaining, or otherwise violated labor laws. The CFTU complained that employers, in conjunction with leaders of local FPU affiliates, pressured independent unions in most of these cases to disband.

In March the minister of education signed a collective agreement with the FPU-affiliated teachers' trade union, but refused to include the Free Trade Union of Education and Science Workers of Ukraine (VPONU), a CFTU affiliate, even though VPONU is registered with the Ministry of Justice. As a result, VPONU had no right to monitor whether the Ministry of Education was following the terms of the collective agreement. VPONU, through the CFTU, lodged a complaint with the ILO against the Ministry of Education and requested that Education International, the international teachers' trade union organization, intervene.

School teachers who formed an independent union at a school in Krasnoarmiysk, Donetsk Oblast faced strong pressure and intimidation from the local school board, elected public officials, and other unions to disband. At least two members left the new union as a result of the pressure, which reportedly included threats against teachers' family members employed at the local mine, the city's largest employer. The school principal who allowed the new union was fired. After attending an October 23 AFL-CIO Solidarity Center-organized seminar for municipal officials, one participant was summoned for questioning by the SBU and another faced harassment from the school board. On October 9, members of the old, FPU-affiliated teachers' union, with the help of a group of approximately 15 miners from the local FPU-affiliated miners' union, broke up a meeting between members of the new union and the executive director of the AFL-CIO's Solidarity Center.

Members of independent unions sometimes claimed that management forced them to carry out additional assignments without compensation or threatened them with dismissal if they refused to leave their union. There were also complaints that official, FPU-affiliated unions continued to deduct union dues from the salaries of workers who had chosen to leave the official union for an independent one.

In a well-publicized case, the head of an airline pilots union was fired by Aerosvit airlines in August after he complained that the company had violated its collective bargaining agreement. The union leader sued Aerosvit, with the support of the CFTU. The case was still pending in the courts at the end of the year.

*b. The Right to Organize and Bargain Collectively.*—The law permits trade unions to organize and participate in collective bargaining, but these rights were not always respected in practice.

According to the law, joint worker-management commissions should resolve problems concerning wages, working conditions, and the rights and duties of management at the enterprise level. Although the law provides the right to collective bar-



gaining, the manner in which the law was applied prejudiced the bargaining process against independent unions and favored official, FPU-affiliated unions. Collective bargaining agreements covered 90 percent of unionized employees in the formal sector, according to a 2005 World Bank study. Most workers were not informed that they were not obligated to join an official union. Renouncing membership in an official union and joining an independent union was bureaucratically onerous and typically discouraged by management. The law allows an independent union to be removed easily from the collective bargaining process at the enterprise level. Under the law, if several unions at an enterprise fail to agree on joint representation, the largest union, frequently the FPU, represents labor in the bargaining process.

The law provides for the National Mediation and Reconciliation Service to mediate labor disputes.

The law provides for the right to strike to defend one's economic and social interests, provided strikes do not jeopardize national security, public health, or the rights and liberties of others; the Government generally respected this right. It does not extend the right to strike to personnel of the PGO, the judiciary, armed forces, security services, law enforcement agencies, the transportation sector, or public servants. Workers who struck in prohibited sectors could receive prison terms of up to 3 years. Federations and confederations could not call a strike. A strike could only be organized if two-thirds of the workers of the enterprise vote for it.

Export-processing zones existed on paper but were dormant, since their tax and customs privileges were abolished by the Government in 2005.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including by children, however, there were reports that women, men, and children were trafficked for labor and sexual exploitation.

There were continued media reports of alternative service military conscripts being used as compulsory labor in the construction and refurbishing of private houses for military and government officials.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The law protects children from exploitation in the workplace, but the Government did not always effectively enforce the law. The legal minimum age for employment in most areas of the economy is 16, but enterprises in certain non-hazardous industries may negotiate with the Government to hire employees as young as 15 with the consent of one parent. Children aged 14 can legally work on a short-term basis for social services, such as orphanages, hospitals, and elder care and in the agricultural sector with the consent of one parent.

The State Labor Inspectorate and the State Department for Monitoring Enforcement of Labor Legislation, which is part of the Ministry of Labor and Social Policy, are responsible for enforcing child labor laws in the formal sector. The Department of Juvenile Affairs within the Ministry of Family, Youth, and Sport and the Criminal Police on Juvenile Affairs within the MOI have the responsibility of identifying children in the informal sector involved in the worst forms of child labor. The Ministry of the Interior's Antitrafficking Department is responsible for the enforcement of child antitrafficking laws.

Children were found working primarily in agriculture, coal mining, trade at open air markets, services, manufacturing, and construction. Trafficking of children for the purpose of forced labor and sexual exploitation was a problem. A December 2006 study by the ILO and Federation of Employers of Ukraine found that over 456,000 children aged 9 to 14 were employed illegally.

Enforcement measures were often inadequate to deter violations. The ILO sponsored a regional antitrafficking project aimed at eradicating the worst forms of child labor and child trafficking, including exploitation of street children and other children at risk.

*e. Acceptable Conditions of Work.*—The Government increased the monthly minimum wage in October to \$90 (460 hryvnia). The minimum wage did not provide a decent standard of living for a worker and family. The State Labor Inspectorate is responsible for enforcing the minimum wage but was unable to thoroughly monitor all employers. Many workers, particularly in the informal sector, received far below the minimum wage.

Wage arrears decreased in the run-up to September elections and, as of August 1, stood at \$160 million (802.5 million hryvnia). Most arrearages accumulated in state-run industry and agriculture.

The law provides for a maximum 40-hour workweek, a 24-hour period of rest per week, and at least 24 days of paid vacation per year. The law provides for double pay for overtime work and regulates the amount of overtime hours allowed. However, regulations covering rest periods, maximum hours, and overtime were not always effectively enforced.

Although the law contains occupational safety and health standards, these frequently were ignored in practice. Lax safety standards and aging equipment caused many injuries on the job. During the year, there were 18,192 workplace injuries reported, including 1,176 job-related fatalities.

Illegal coal mines connected to organized crime and corrupt managers were particularly unsafe. The number of miners reported injured in the coal sector during the year was 6,567, including 268 fatalities. One major accident at the Zasyadko mine in the eastern part of the country in November resulted in the death of 101 miners. In the coal mining sector, official statistics indicated that there were approximately 3.47 deaths for every million tons of raw coal extracted in the year, up from 2.72 in 2006 and 2.60 in 2005.

The law gives workers the right to remove themselves from dangerous work situations without jeopardizing continued employment; however, independent trade unions reported that, in practice, asserting this right would result in retaliation or perhaps dismissal by management.

---

## UNITED KINGDOM

The United Kingdom of Great Britain and Northern Ireland (UK), with a population of 60.8 million, is a constitutional monarchy with a multiparty, parliamentary form of government. Citizens elect representatives to the House of Commons, the lower chamber of a bicameral legislature. They last did so in free and fair elections in 2005. Members of the upper chamber, the House of Lords, occupy hereditary or appointed seats. Civilian authorities maintained effective control of the security forces.

The Government generally respected the human rights of its citizens. The law and judiciary provide effective means of addressing individual instances of abuse; however, there were some reports of police misconduct and occasional abuse of detainees and other persons by police and military personnel and employees of government contractors. There were also reports of overcrowded prisons and some inadequate prison infrastructure; violence and discrimination against ethnic and religious minorities, women, and children; and trafficking of persons into the country.

In Northern Ireland compromise between Catholic and Protestant politicians led to the implementation, beginning on May 8, of the 2006 St. Andrews Agreement on the devolution of power from the center to Northern Ireland's political parties. With power sharing came fewer reported deaths from political violence and an improved human rights environment.

### RESPECT FOR HUMAN RIGHTS

#### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Arbitrary or Unlawful Deprivation of Life.*—There were no reports that the Government or its agents committed any politically motivated killings; however, the Independent Police Complaints Commission (IPCC) reported that police shot and killed five persons in the performance of their duties.

The police ombudsman of Northern Ireland announced on January 22 that a lengthy investigation had revealed that a police informer from the Ulster Volunteer Force (a loyalist paramilitary organization) was responsible for the 1997 killing of Raymond McCord Jr., and that he and other police informants were themselves responsible for up to nine additional deaths and had possible links to five others. The ombudsman also revealed that the informant responsible for McCord's death had been protected by his handlers from the Special Branch of the Royal Ulster Constabulary, who blocked a police investigation into McCord's murder and continued to pay his killer after McCord's death. The ombudsman also announced that the withholding of evidence in all the cases she investigated had impeded an effective prosecution of those responsible. The Historic Enquiries Team, which was set up in 2006 under the Police Service of Northern Ireland, established a special group to look into issues arising from the ombudsman's report, including a reexamination of the deaths of 10 persons named in the report.

On March 13, a military court-martial acquitted six of seven soldiers charged with responsibility for the 2003 death of Iraqi civilian Baha Musa. Musa was among a group of individuals detained in Iraq after a military raid on a suspected terrorist location. The prosecution alleged that some of the detainees were bound, blindfolded, and beaten while in detention. An autopsy on Musa found that he had over 90 separate injuries over his body. The court-martial sentenced one soldier to 1 year in prison and dismissed him from the army for inhumane treatment.

On June 13 the Law Lords, the country's highest court of appeal, ruled that Musa's family was entitled to seek an independent investigation into his death under the European Convention on Human Rights, since he was detained by British forces. The judges rejected a defense ministry claim that the Human Rights Act does not apply to British soldiers serving outside of the country. However, the judges agreed that the act did not apply to five other cases in which British soldiers on military patrols shot and killed individuals who were not under detention. At year's end prosecutors and defense ministry attorneys were developing arguments about whether or not the March 13 court martial was a sufficient and appropriate mechanism to answer violations of the Human Rights Act.

On May 28, British authorities requested the extradition from Russia of Andrei Lugovoy in connection with the 2006 death by radioactive poisoning of former Russian intelligence officer Aleksey Litvinenko. Litvinenko had been highly critical of the Russian political leadership, and many observers believed the killing was politically motivated. Russian authorities rejected the extradition request.

On October 1, a trial opened on charges that the London Metropolitan Police Service (MPS) failed to provide for the safety of Jean Charles de Menezes, a Brazilian citizen whom police shot and killed after wrongly identifying him as a terrorist in the aftermath of attacks on the London subway in 2005. The trial followed an IPCC investigation that found evidence that 15 officers involved in the incident may have committed criminal or misconduct offenses. The Criminal Prosecution Service (CPS), however, decided not to prosecute the officers individually but instead brought charges against the MPS. On November 1, a jury found the MPS guilty of breaching health and safety laws. The trial judge fined the MPS approximately \$347,483 (175,000 pounds) and ordered it to pay \$764,464 (385,000 pounds) trial costs.

On October 20, Paul Quinn, who lived in South Armagh, Northern Ireland, was lured over the border to a farmhouse in the Republic of Ireland and killed. The victim's family blamed the Irish Republican Army (IRA), which has used this method against their enemies in the past. Sinn Fein leaders denounced those responsible for Quinn's murder and asked the public to work with the police in its investigation. On November 12, a member of the Independent Monitoring Commission (IMC), which monitors developments in Northern Ireland, announced that Quinn had been murdered by either current or former members of the IRA.

On December 21, a judge acquitted a man of involvement in the 1998 Omagh bombing that killed 29 persons. The defendant was cleared of 56 counts relating to the bombing and other attacks on police and military sites. The judge accused police of having a "slapdash approach" to gathering evidence that resulted in unreliable DNA evidence. He ordered an inquiry into the conduct of two police officers accused of altering their statements to make evidence against the defendant appear stronger. The families of the victims planned to file a civil court action against members of a dissident faction of the IRA for their involvement in planning the 1998 bombing.

Proceedings continued in three cases involving allegations of government involvement, collusion, or culpability in killings during the conflict in Northern Ireland in the 1980s and 1990s.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits such practices; however, there were allegations that individual members of the police occasionally abused detainees and allegations that guards under contract to immigration authorities abused deportees while returning them to their home countries.

On April 30, a soldier pled guilty at a court-martial to inhumane treatment of Iraqi detainees in the trial of soldiers charged with killing Iraqi civilian Baha Musa in 2003. The soldier was sentenced to jail for 1 year and dismissed from the army. In connection with this case, the Law Lords ruled that detainees in military custody are covered under laws prohibiting torture and inhuman or degrading treatment.

According to an October 5 article in the Independent newspaper, contractor escort teams assisting in the deportation of failed asylum seekers to their home countries beat or racially abused hundreds of them. The newspaper and an organization that defends failed asylum seekers compiled a dossier of 200 cases, some of which included allegations of physical and sexual assault. In one instance, Armand Tchubeu, a Cameroonian national whose asylum application was rejected in 2006, asserted that one of the guards who drove him to Heathrow airport on January 29 punched him in his ribs and his neck, injuring him to a point that his knee required a cast and his deportation had to be delayed. The Government responded that it was concerned about all allegations of assault or abuse and turned those cases over to police to be investigated. Mr. Tchubeu was eventually returned to Cameroon but

is currently in the process of bringing a civil claim of assault against the security company that provided the guards. A Foreign Office official said all the cases in the Independent article were investigated at the time of the complaints, and no instances of abuse were uncovered.

In Northern Ireland, the IMC reported on September 17 a continued marked reduction in "punishment attacks" and intimidation in areas under the respective influence of loyalist and republican paramilitary groups. However, there were some violent incidents. Police blamed the Protestant gang Ulster Defense Association for incidents of violence during the summer; one policeman was shot and wounded. Police reportedly intercepted a car bomb from a dissident IRA group during the summer. In addition, IRA dissidents were held responsible for two separate shootings of off-duty police officers in November. Nevertheless, Sinn Fein's January endorsement of cooperation with the Police Service of Northern Ireland led to a more peaceful environment and led directly to Sinn Fein's participation in Northern Ireland's power-sharing government.

On June 22, the secretary of state for Northern Ireland announced the formation of a consultative group to address issues relating to the decades-long troubles. The group is co-chaired by Lord Eames, the former archbishop of Armagh, and former priest Denis Bradley, the first vice-chairman of the Policing Board. The consultative group's mandate was to find consensus among the communities in Northern Ireland about the best way to deal with the legacy of the past. It was scheduled to report its findings in the summer of 2008.

*Prison and Detention Center Conditions.*—Prison conditions generally met international standards, and the Government permitted visits by independent human rights observers; however, overcrowding and poor facilities continued to be problems. According to a study by the NGO Forum for Preventing Deaths in Custody, as of September 21, there was an increase in the number of suicides compared to the same period in 2006. On May 1, the responsibility for oversight of prisons moved from the Home Office to the new Ministry of Justice.

On December 1, the prison population in England and Wales was reported to be 81,455 in facilities designed to accommodate 71,834. Prison governors warned that jails were at a "bursting point." On June 19, Secretary of State for Justice Charles Falconer announced a plan to release up to 1,800 nonviolent prisoners before their sentences had expired to help alleviate crowding. Prisoners in England and Wales convicted of offenses carrying sentences of no more than 4 years were eligible for release up to 18 days early. In Scotland, as of December 21, 7,392 inmates were reported in prisons with an official capacity of 6,365. On November 28, Justice Secretary Kenny MacAskill announced a similar policy of early releases. As of December 18, Northern Ireland reported a prison capacity of 1,503 with a prison population of around 1,400.

Authorities attributed prison overcrowding in all parts of the country in part to a rise in the recidivism rate from 52 percent in 1992 to 67 percent during the year. In Scotland the prison population rose 5 percent, and authorities noted a small increase in Northern Ireland.

The Scottish Prison Complaints Commission reported that between April 2005 and March 2006, there were 24 deaths in custody, including eight suicides. As of October 9, two persons in Northern Ireland had died in custody, but the causes of death had not been determined. In a report on September 21, the Forum for Preventing Deaths in Custody claimed that there were over 600 deaths a year in English and Welsh facilities of all kinds and attributed that figure directly to prison overcrowding. According to the Ministry of Justice, there was an increase of almost 40 percent in the number of suicides during the year in prisons in Wales and England (92 deaths compared to 78 in 2006), an upward trend that has continued for several years. The ministry reported that an additional 100 prisoners were saved from suicide attempts. Several human rights nongovernmental organizations (NGOs), joined by opposition party members, blamed the increase on overcrowding. The Ministry of Justice claimed there is no agreed evidence that overcrowding exacerbates self-harm in prison. The ministry stated that sharing a cell is actually a known protective factor against suicide.

There are separate prison facilities, or at a minimum separate cells, for men and women. Officials condemned the practice of holding juveniles with adult prisoners; however, cases of such detention occurred, sometimes involving juveniles under 16 years of age. Pretrial detainees were not generally held with convicted prisoners, but there were exceptions.

The Government permitted independent monitoring of prison conditions by local and international human rights groups, the media, the International Committee of the Red Cross, and the independent International Centre for Prison Studies based

at Kings College, London. Some of the organizations undertook monitoring missions during the year.

*d. Arbitrary Arrest or Detention.*—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions, but critics charged that some procedures introduced to combat terrorism constituted preventative detention.

*The Role of the Police and Security Apparatus.*—Civilian authorities maintained effective control over the regional police forces, and the Government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces.

*Arrest and Detention.*—In most cases police officers may arrest persons only if they have reasonable grounds for suspecting that someone has committed or is about to commit one or more listed “arrestable offenses.” Even if the crime in question is not an arrestable offense, a police officer may arrest a person without a warrant, provided the officer believes the arrest is necessary to prevent physical injury or damage to property. The law gives authorities certain additional powers in some terrorism-related cases. Legislation that entered into force in 2006 permits police to detain terrorism suspects for up to 28 days before formally charging them; however, they are entitled to counsel during this period. The Government used this law to detain 17 individuals whom they suspected were connected to an alleged August 2006 trans-Atlantic terrorist plot that would have destroyed aircraft. On July 11, the House of Commons approved a 1-year extension of the 28-day detention authority.

The law gives defendants awaiting trial the right to bail, except those judged to be flight risks, likely to commit another offense, suspected terrorists, or in other limited circumstances. Detainees may make telephone calls and have legal representation, including state-provided counsel if they are indigent.

The law permits extended detention of foreigners who are suspected of being terrorists but cannot be deported immediately because of the risk they would be tortured or executed in their countries of destination. Such individuals may appeal their designation as terror suspects.

The law permits a judge (or the home secretary, with a judge’s permission) to impose “control orders” on individuals suspected of involvement in terrorism-related activities, regardless of nationality or perceived terrorist cause. The control orders include a range of restrictions up to house arrest.

*e. Denial of Fair Public Trial.*—The law provides for an independent judiciary, and the Government generally respected judicial independence in practice.

*Trial Procedures.*—The law provides for the right to a fair trial, and an independent judiciary generally enforced this right.

The law generally allows for jury trials. In England and Wales there is provision for judge-only trials in rare exceptions when the jury has been intimidated, when “compelling new evidence” arises after a previous acquittal, or when evidence of a defendant’s previous misconduct is to be introduced. In Northern Ireland the practice of trials by a single judge, employed during previous decades in response to intimidation of juries by paramilitaries, ceased to be the norm on July 31. However, as in the case of England and Wales, nonjury trials may be held in cases involving possible intimidation of juries. Scotland allows jury trials in criminal and civil cases. A majority vote determines guilt or innocence and an even vote is equivalent to a not-guilty verdict.

Criminal proceedings must be held in public except those in juvenile court and those involving public decency or security. In a trial under the Official Secrets Act, the judge may order the court closed, but sentencing must be public.

Defendants have the right to be present at their trials, to consult with an attorney in a timely manner, and to question witnesses against them. Defendants have access to government-held evidence relevant to their cases, with some exceptions, including instances in which information pertaining to a suspect is acquired through sources associated with national security.

Defendants have the right to appeal to successively higher courts; they also enjoy a presumption of innocence until proven guilty. Indigent defendants have the right to free counsel of their choice, with some exceptions. The law provides for the right to a fair trial, and an independent judiciary generally enforced this right.

*Political Prisoners and Detainees.*—There were no reports of political prisoners or detainees.

*Civil Judicial Procedures and Remedies.*—There is an independent and impartial judiciary in civil matters, including access to a court to bring lawsuits seeking dam-

ages for, or cessation of, a human rights violation. Administrative remedies were also available. There were no reports of problems enforcing domestic court orders.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law prohibits such actions, and the Government generally respected these prohibitions in practice.

The European Commission (EC) expressed concern that British authorities were not adequately protecting personal data that they were collecting or mandating others to collect. The criticism came as legislation requiring telephone companies to retain information pertaining to landline and cellular telephone calls took full effect. The law provides that retained information may be made available to over 700 official organizations, including police, National Health Service, and other social services. The EC asserted that oversight was inadequate. The Ministry of Justice, responsible for implementing the legislation, denied that the data was at risk of being compromised; however, throughout the year, various government organizations were identified and criticized for losing or misplacing the personal, professional, financial, and medical information of the population.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

On October 1, the Racial and Religious Hatred Act, passed by Parliament in January 2006, became law. The act makes it an offense to use “threatening words or behavior” towards a religious group. Such acts may include words, behavior, or display of written material; publishing or distributing written material; the public performance of a play; distributing, showing, or playing a recording; broadcasting or including a program in a program service; or the possession of written materials or recordings with intent to display, publish, distribute, or include such materials in a program service. The law was not invoked during the year.

A decision by the prestigious Oxford Union debating society to invite two individuals associated with Holocaust denial—Nick Griffin, leader of the right-wing British National Party, and David Irving, who served a prison sentence for Holocaust denial in Austria-created controversy. Jewish, Muslim and other student organizations condemned the invitation, while free-speech activists supported it. On the scheduled day of the debate, November 27, police had to intervene to separate the speakers from protesters, and the debate never materialized due to the hostile climate and vociferous nature of the protesting students.

*Internet Freedom.*—There were no government restrictions on access to the Internet. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. The law permits communications data surveillance, to include Internet usage, in the interests of national security, to prevent or detect a crime, or in the interests of public safety. The use of surveillance requires the approval of the secretary of state, who authorizes an “interception warrant,” which must name or describe either one person or a single set of premises where the interception is to take place. However, in limited circumstances the home secretary may issue a “certified” interception warrant, eliminating the requirement to specify a person or premises. Certified warrants are intended only for communications sent or received outside the country. This could cover interception of communications channeled through a foreign Internet service provider. An independent “interception of communications commissioner” oversees interception warrants, and the Investigatory Powers Tribunal investigates public complaints of surveillance abuses. The Government aggressively pursued those who use the Internet to incite others to commit acts of terrorism.

The Internet was widely available throughout the country and was available at no cost in public libraries. According to Nielson Net Ratings, approximately 63.8 percent of the population used the Internet.

*Academic Freedom and Cultural Events.*—There were no government restrictions on academic freedom or cultural events. On May 30, the University and College Union, representing college teachers and related professionals, rejected a government request that universities monitor and report suspicious behavior among Muslim students.

*b. Freedom of Peaceful Assembly and Association.*—The laws provide for freedom of assembly and association, and the Government generally respected these rights in practice.

*c. Freedom of Religion.*—The law provides for freedom of religion, and the Government generally respected this right in practice. The Government does not consider

the Church of Scientology and the Unification Church to be religions for purposes of issuing visas for ministers of religion or missionaries. Since the Church of Scientology does not fall within the definition of religion in the charity law, its chapels did not qualify as places of worship, and authorities did not consider its ministers to be ministers of a religion. There were no reports of specific visa denials during the year.

The law requires religious education in publicly maintained schools. Localities determine the content of religious instruction, but it must reflect the predominant place of Christianity in the cultural and historical context of the nation while taking into account the teachings and practices of the country's other principal religions, and it must refrain from attempting to convert pupils. All parents have the legal right to request that their children not participate in religious education, but the school must approve this request.

Schools in England and Wales must also provide a daily act of collective worship, of "a wholly or mainly of a broadly Christian character." Students of other faiths may offer prayers of their own religion. According to a 2005 survey by the British Broadcasting Company, a considerable number of schools were not participating in this form of worship. Teachers have the right not to participate in collective worship, without prejudice.

On March 19, the Department of Education provided guidance allowing schools to prohibit full-face veils in school but urging schools to "act reasonably in accommodating religious requirements," under human rights legislation. Some Muslim groups, including the Islamic Human Rights Commission, said it was inappropriate for the Government to provide guidance that regulated Muslim communities in matters concerning the expression of their faith. There were no prohibitions on the wearing of headscarves in schools.

Other dress code restrictions in schools were sources of controversy. On November 13, Liberty, a London human rights organization, announced legal action against a Welsh school for excluding a Sikh student for wearing a kada, a symbol of the Sikh religion. The High Court was scheduled to hear the case in early January 2008.

On July 16, the High Court ruled against a Christian secondary school student who had been punished for her persistence in wearing a "chastity ring." The school argued that the ring fell under the category of jewelry not permitted as part of the school uniform. The student cited clothing worn by some Islamic students that also deviated from the usual uniform. The court ruled that the ban on chastity rings did not constitute "unlawful interference" with her Christian faith. The judge refused permission to appeal, although the student can still petition the appeal court to hear the case.

*Societal Abuses and Discrimination.*—An IPCC report covering the period 2006–2007 indicated that authorities prosecuted 823 alleged hate crimes related to faith in that period, a 25 percent decrease from the previous 2-year period. According to the Home Office, the police recorded 50,000 reports of racially or religiously motivated incidents in 2005. Many observers contended that the Home Office methodology for determining whether crimes are hate crimes had the effect of under-reporting offenses motivated in part by race or religion. In addition, many such incidents were not reported at all. A survey that included incidents not reported to police estimated that in 2005 there were 260,000 such offenses in 2005. The survey was conducted under the auspices of the Home Office and based on interviews with a wide sample of respondents. In the same year, the London metropolitan police reported 11,799 incidents of racist and religious hate crime in London.

On January 22, after a review of company dress code policy and following considerable public pressure, British Airways (BA) reversed its policy and permitted employees to wear visible religious symbols, including crosses. Over 100 members of Parliament, the prime minister, and various Christian organizations and church leaders had urged the reversal following press coverage in October 2006 of a BA refusal to allow an employee to wear a visible small Christian cross necklace, while permitting Sikh and Muslim employees to wear turbans and veils. A Jewish employee, Daniel Rosenthal filed a grievance over BA's refusal to permit him to observe the Jewish Sabbath. The employee was widely supported in his position by both Jewish and non-Jewish religious leaders. BA indicated that the employee had sought and obtained a transfer into a section (customer services) that at times required weekend work and offered to assist him transferring to another position.

In December 2006 the press reported that a second airline, "bmi," rejected the request of a flight attendant who wished to carry a Bible with her on her flights to Saudi Arabia. The airline stated that the company was following guidelines on Islamic Law from the Home Office and reportedly offered the attendant shorter routes to other destinations where she could take a Bible but declined to change its rules

for flights to Saudi Arabia. She appealed the refusal to the Employment Tribunal, which did not rule by year's end.

The press reported several incidents in which airport workers were initially fired or fined for religious displays in their offices or on their persons but were ultimately reinstated.

The Muslim Council of Britain (MCB) reported a significant increase in anti-Muslim incidents following a car bomb attack at the Glasgow Airport and the discovery of car bombs in central London in July. The MCB also reported an increase in the number of attacks against imams and mosques throughout the country. The MCB placed some responsibility on the press for a "clearly growing anti-Muslim climate."

The Muslim community continued to criticize police use of "stop and search" powers, as well as the 28-day detention powers for terrorism suspects.

The IPCC continued to work closely with Muslim groups to address concerns about the way police treated Muslims. National and regional forums were a key element of this effort. The IPCC publicized its services among Asian communities via advertisements, community meetings, and media articles.

The Community Support Team, an NGO within the Jewish community, and a police unit that encourages community policing in London, reported a slight decrease in acts of anti-Semitism, although the number remained significantly higher than a decade earlier.

There were many well publicized manifestations of anti-Semitism at soccer matches, particularly in games involving some London clubs located in areas where there are large Jewish communities. Songs about concentration camps and gas chambers became regular features at matches. Following the appointment of a Jew, Avram Grant, as manager of the Chelsea team on July 8, the club received anti-Semitic hate mail.

Calls for boycotts of Israel at times appeared to some observers to reflect anti-Semitism as well as opposition to Israeli policies, although supporters of such calls denied this charge. On May 31, Britain's University and College Union approved by 1,538 votes to 99 a motion calling for a freeze on European funding for Israeli academic cooperation with "the occupation"; however, the union rejected other anti-Israeli resolutions. On July 4, the 42nd Biennial Delegates Conference of Britain's Transport and General Workers' Union passed a resolution calling on its 800,000 members to boycott Israeli-made products because of what they termed Israel's "criminal policies in Palestinian territories."

The law criminalizes threats or acts intended to foment religious hatred. Such acts may include words, behavior, or display of written material; publishing or distributing written material; the public performance of a play; distributing, showing, or playing a recording; broadcasting or including a program in a program service; or the possession of written materials or recordings with a view to display, publication, distribution, or inclusion in a program service.

On June 22, the secretary of state for Northern Ireland announced the formation of a "Legacy of the Past" consultative group to find consensus among the communities in Northern Ireland about the best way to deal with the legacy of the Northern Ireland conflict, including the decades of religious animosity. It was due to report its findings in the summer of 2008.

For a more detailed discussion, see the 2007 International Religious Freedom Report.

*d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons.*—The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the Government generally respected these rights. Authorities increased their use of "stop and search" procedures, which permit police to stop and search individuals without suspecting them of a crime if the stop is conducted in an area designated as a potential terrorist target. Muslims have charged that police subjected them to this procedure disproportionately.

The Government cooperated with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations to provide protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Although there is no law prohibiting exile, the Government did not employ it.

*Protection of Refugees.*—The laws provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1967 protocol, and the Government has established a system for providing protection to refugees. The Office of National Statistics reported that in 2006 authorities received 23,610 asylum applications. It granted 10 percent of these and provided other forms of protection to an additional 11 percent.



The Government was committed to providing protection against “refoulement,” the return of persons to a country where there is reason to believe that they feared persecution.

For purposes of adjudicating asylum claims, the Government shifted the burden of proof to asylum seekers if they come from a country on a list of “safe countries” of origin promulgated by the home secretary, or if they passed through a country where they were not considered to be at risk, or if they remained in the country for a period of time before seeking asylum. The law permits authorities to remove an asylum applicant to another country that is deemed responsible for adjudicating an applicant’s claim.

*Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

*Elections and Political Participation.*—Free and fair elections to the House of Commons took place in 2005. Parliamentary elections in Northern Ireland took place on March 4; elections to the Scottish Parliament and the Welsh Assembly took place on May 3. Political parties could operate without restriction or outside interference.

The overseas territories, with a total population of approximately 212,000, have varying degrees of self-government based on the UK model, with appointed governors.

There were 126 women in the 646-seat House of Commons and 147 in the 748-seat House of Lords. There were five women in the prime minister’s cabinet and another four attended cabinet meetings as necessary. An additional 30 women held other ministerial posts. There was one woman among the 12 Law Lords. There were 15 members of ethnic minorities in the House of Commons.

*Government Corruption and Transparency.*—The law provides criminal penalties for official corruption, and the Government generally implemented these laws effectively. The “loans for peerages” investigation continued to attract media attention. Police investigated whether political parties, especially the Labor Party, had in effect sold peerages or honors in return for “loans” from wealthy individuals that, unlike donations, did not have to be reported. Scotland Yard expanded its investigation to include obstruction of justice. However, on July 19, after a 16-month investigation, the CPS dropped the case on grounds of insufficient evidence.

On November 26, the Labor Party’s general secretary resigned after admitting he had been aware of an arrangement whereby a major donor funded the party through proxies; he insisted he had believed the arrangement to be lawful. The prime minister denied all knowledge of the arrangement but acknowledged that the true source of these donations had not been reported as required by law. Despite opposition demands that the prime minister call in the police, he decided to let the independent Electoral Commission investigate and determine whether to refer the matter to the police; the commission’s investigation was ongoing at year’s end.

The law provides for public access to information, and authorities granted access to citizens and noncitizens, including foreign media. There are numerous exceptions to the availability of government information, including those relating to national security and defense, personal privacy, and possible risks to health and safety. In some of these instances, authorities are not obliged to indicate whether relevant information exists; however, according to authorities, they are obliged to say why they are refusing a request. There are no fees for requesting information; however, there may be a bill for the cost of materials and postal fees. Government agencies may refuse a request if the cost to the Government will exceed \$894 or \$1,191 (450 or 600 pounds), depending on the agency’s size. There was a mechanism to appeal denials.

*Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

In December 2006 the Government arrested Vincent Bajinya, Charles Munyaneza, Celestin Ugirashebuja, and Emmanuel Nteziryayo after the Government of Rwanda accused them, in an extradition warrant, of killing, and aiding and abetting others in the killing, of Tutsis in 1994. The authorities also cancelled the refugee status of Ugirashebuja and Munyaneza and began the extradition process.

*Section 5. Discrimination, Societal Abuses, and Trafficking in Persons*

The law prohibits discrimination based on race, nationality, gender, sexual orientation, or disability, and the Government was committed to enforcing these prohibitions; however, some groups continued to experience societal discrimination.

*Women.*—Rape, including spousal rape, carries a maximum penalty of life imprisonment. According to the British Crime Survey (BCS), whose data include incidents not reported to police, there were 21,403 sexual assaults on women between April 1, 2006 and March 31, 2007. Observers expressed concern at a declining rate of successful prosecutions of rapists in England and Wales. The conviction rate was 5.7 percent, compared to a conviction rate of 33 percent in 1977. Similarly low conviction rates were reported in Scotland and Northern Ireland. The BCS estimated that one in 20 women in the UK had been raped.

The Government provided shelters, counseling, and other assistance for victims of battery or rape and offered free legal aid to battered women who were economically reliant on their abusers.

The law prohibits domestic violence, including spousal abuse, and authorities strictly enforced the law in cases reported to them. The courts imposed punishment ranging up to life imprisonment; however, violence against women continued to be a problem. The law provides for injunctive relief, personal protection orders, and protective exclusion orders (similar to restraining orders) for female victims of violence.

According to BCS estimates based on interviews and roughly covering the period from October 31, 2005, to September 1, 2006, domestic crime (2,471,000 cases) represented 16 percent of total crime committed in England and Wales. One third of violent incidents against women were domestic violence.

Police and NGOs estimated that approximately 12 honor killings occur each year, although no formal statistics are kept. As of November 22, an estimated 100 homicides were under investigation as possible "honor killings." Personnel of the International Campaign Against Honor Killings estimated that the number of women seeking their help quadrupled between 2005 and the end of the year. Many observers regarded honor killings as the extreme end of a spectrum that includes abductions, forced abortions, imprisonment, mental and physical abuse, and rape. It was generally considered an "imported crime," since a majority of the incidents involved families from Asia, Turkey, Algeria, and Nigeria. Many of the crimes involved hiring outside "hit men"; in other cases the perpetrator was the youngest member of the family who was supervised by older family members.

On June 11, the father and uncle of Kurdish refugee Banaz Mahmud, together with a third man, were found guilty of the murder in the honor killing of Mahmud in January 2006. The family disapproved of her boyfriend. She was tortured and raped before she was killed. On July 20, the father and uncle were sentenced to 20 and 23 years in prison, respectively, while a third person was sentenced to 17 years. Another individual was scheduled to appear in court in early 2008 to face charges connected with the killing.

NGOs raised concerns that police were not adequately trained to identify and respond when women sought protection. For example, Banaz Mahmud repeatedly warned police that she feared for her life as a result of threats from her father and uncle.

Prostitution is legal for adults; however, such related offenses as loitering for the purpose of prostitution and maintaining a brothel are illegal. Authorities and NGOs estimated that 100,000 persons in the country were engaged in prostitution.

The law prohibits child sex tourism and allows authorities to prosecute citizens or residents for offenses committed abroad. There were no reports of such prosecutions.

The law prohibits sexual harassment and provides penalties of up to 5 years' imprisonment; authorities followed up on the isolated complaints that were filed.

Although women enjoy the same rights as men, including rights under family and property law and in the judicial system, in practice, women experienced some discrimination. According to a 2005 Equal Opportunities Commission report, women's average hourly earnings for full-time, private-sector employment were 22.5 percent lower than those of men; in full-time public-sector jobs, women earned 13.3 percent less than men.

There was a cabinet-level minister for women and a deputy minister for women and equality. Two independent bodies were concerned with women's issues: The Equal Opportunities Commission (EOC) and Women's National Commission (WNC). The EOC supported women in discrimination cases before industrial tribunals and courts and produced guidelines for employers. The WNC is an umbrella organization

representing women and women's organizations. It lobbies the Government to take women's views into account and include them in public debate.

*Children.*—The Government was strongly committed to children's rights and welfare. It provided free, universal, and compulsory education until age 16 and further free education until age 18. According to the U.N. Educational, Scientific, and Cultural Organization statistics from 2006, all primary-school-age children and over 90 percent of secondary-school-age children were enrolled in school.

Boys and Girls had equal access to state-provided medical care.

Child abuse remained a problem, but there were no reliable figures on its prevalence. In Northern Ireland it is a criminal offense to fail to report most offenses against children. England, Wales, and Scotland do not have such laws. Several NGOs and charities campaigned against child abuse. The minister for children coordinated government policy concerning children and young persons in England and Wales. In Northern Ireland there was a commissioner for children. In Scotland the ministries for education, young people, and communities supervised similar programs designed to protect and provide assistance to minors.

Female genital mutilation (FGM) is illegal. The maximum penalty for aiding, abetting, counseling, procuring, or carrying out this practice is 14 years' imprisonment. FGM was most often practiced by immigrant or refugee groups on girls ages 7 to 9 from Eritrea, Ethiopia, Somalia, and Yemen. The Department of Health estimated in July 2006 that approximately 74,000 women had undergone FGM and a further 7,000 women were at risk of having the procedure performed on them. In July 2006 the MPS and a number of NGOs began an awareness and prevention campaign focused on this issue.

There continued to be reports that some evangelical Christian immigrants from Africa abused children whom they accused of being witches.

The armed forces accept recruits from age 16, but they are not deployed on operations until age 18.

*Trafficking in Persons.*—The law prohibits all forms of trafficking; however, trafficking remained a problem.

The United Kingdom was primarily a destination, and occasionally a country of transit, for trafficked persons. Although there were no official statistics on the number of trafficking victims, the Government has estimated that in 1 year as many as 4,000 women in the UK had been trafficked for sexual exploitation. Regions of origin included Central and Eastern Europe—primarily the Balkans and the former Soviet Union—and Asia, including China. Most victims were women trafficked for sexual exploitation. Women, men, and children were also trafficked for labor exploitation in domestic service, agricultural and rural labor, construction, and catering.

Authorities believed that organized gangs were behind most trafficking for commercial exploitation. NGOs claimed that Albanian gangs were heavily involved in prostitution rings in London that used trafficked women. Gangs from the Far East appeared to be increasingly involved in trafficking women from that area. Prosecutions also uncovered East European and Chinese involvement in labor trafficking. Traffickers often lured women by false advertisements of work as restaurant staff, maids, and child minders. Some expected to work in the sex trade but were deceived about working conditions by the traffickers and exploited upon arrival.

Traffickers used a variety of means, including use of valid travel documents, false documentation, and smuggling of aliens past border checks. Authorities believed traffickers frequently used Heathrow airport as a transit point, primarily for trafficking between European destinations.

Traffickers controlled their victims through insistence that they repay endless "debts" for room and board and travel expenses, by withholding their travel documents, by misleading them about law enforcement and immigration penalties, and by threatening violence against them or their families.

Trafficking for prostitution, sexual exploitation, or forced labor carries a maximum sentence of 14 years' imprisonment. The law applies to both citizens and residents, and to acts committed domestically or abroad. The law also prohibits such related acts as keeping a brothel and causing, inciting, or controlling prostitution for gain. There are severe penalties for such offenses as causing, inciting, controlling, arranging, or facilitating the prostitution of a child. The law also criminalizes paying for sexual services of a child, as well as travel abroad for the purpose of obtaining sexual services from children.

There were reports that children were trafficked into the country and forced to work as domestic servants, beggars, pickpockets, drug couriers, or in sweatshops and restaurants. On March 25, the charity Save the Children reported that gangs trafficked approximately 5,000 children into the country annually and that the num-

ber may be increasing. The report also stated as many as 5,000 children may be engaged in prostitution.

Authorities continued to give a high priority to combating trafficking. In 2006 authorities prosecuted 121 trafficking-related offenses involving 109 persons. Trafficking into the country accounted for 58 offenses, trafficking within the country for 60, and trafficking out of the country for four. In the first 11 months of the year, courts convicted 16 persons of trafficking. In 2006 courts convicted 27 persons of trafficking for sexual exploitation, and others of such related offenses as rape, kidnapping, keeping a brothel, and controlling prostitution. There were no convictions during the year of trafficking for labor exploitation under the Asylum and Immigration Act of 2004.

In 2006 police initiated Operation Pentameter in an effort to deal with off-street prostitution. It involved 515 raids on premises throughout the country. In 2006 the operation rescued 84 trafficked women and led to 232 arrests and charges against 134 persons. Police initiated a second phase of the operation in October but data were not available on the number of arrests and prosecutions.

The Home Office is the lead antitrafficking agency. Other cabinet-level departments involved in antitrafficking include the Foreign and Commonwealth Office, the Department of Trade and Industry, the Department for Education and Skills, the Crown Prosecution Service, and the Department for International Finance and Development. The Serious Organized Crime Agency (SOCA) handles trafficking investigations nationally. A United Kingdom Human Trafficking Center (UKHTC) shares trafficking intelligence with SOCA and develops training modules for attorneys prosecuting traffickers.

The Government assisted with international investigations of trafficking.

Immigration officers and airline personnel were trained to identify potential victims of trafficking. The UKHTC has developed training programs that enabled police academies to add trafficking to the list of core police business. The "Paladin" program at Heathrow specifically screened for vulnerable children. Authorities provided short-term residence permits for victims of trafficking who cooperated with authorities in prosecuting their traffickers. The Government continued funding the Poppy Project, which provided support services to female victims of trafficking for sexual exploitation if they assist law enforcement authorities. The Government did not prosecute victims of trafficking who were violating prostitution or immigration laws; however, authorities could deport them to their countries of origin.

Local social services and charities provided services to trafficking victims. The Poppy Project initiated a national 24-hour outreach service. Local social service agencies were responsible for child victims of trafficking, who were usually placed in the foster care system. The Government and the NGO community maintained an active dialogue concerning protection services for victims.

Between January and April, the UKHTC, in collaboration with the Home Office, the Foreign and Commonwealth Office, and the International Organization for Migration ran an antitrafficking campaign in Romania and Bulgaria, new members of the European Union. The campaign provided a point of contact for victims.

*Persons with Disabilities.*—The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and other state services. The law mandates access to buildings for persons with disabilities, and the Government effectively enforced this requirement in practice.

The law requires that all public service providers (except in the transportation sector) make "reasonable adjustments" to make their services available to persons with disabilities. The law forbids employers to harass or discriminate against job applicants or employees with disabilities.

The Disability Rights Commission, an independent organization funded by the government, worked on behalf of persons with disabilities to stop discrimination and promote equality of opportunity. The commission provided legal advice and support for individuals, a hot line for persons with disabilities and employers, and policy advice to the Government. The commission may also conduct formal investigations, arrange conciliation, require persons to adopt action plans to ensure compliance with the law, and apply for injunctions to prevent acts of unlawful discrimination.

*National/Racial/Ethnic Minorities.*—The law prohibits racial discrimination, but persons of African and Afro-Caribbean, South Asian, and Middle Eastern origin, as well as Travellers (itinerant populations consisting of Roma, Irish, and other ethnic groups estimated to number 120,000 to 350,000) experienced mistreatment on racial or ethnic grounds.

Travellers claim that their way of life was made more difficult by the Criminal Justice Act of 2003, which authorizes police to order Travellers' caravans to move on from any rest area or other roadside location. Such locations were previously

among the Travellers' primary stopping places. Travellers organizations also reported that local governments across the country were seeking to evict them from so-called "illegal encampments." In one high-profile case, Travellers fought an eviction order by the town council of Basildon, in Essex, seeking to remove them from the Dale Farm Traveller Settlement. At year's end eviction proceedings against residents of the site were on hold while a judiciary review was conducted. The review was expected to be completed in early 2008.

During the year there were no instances of violence against Travellers like the September 2006 attack on a Traveller site by residents of Tamworth, Staffordshire.

Victim Support, an NGO that assists persons affected by crime, reported that it received 29,995 referrals for assistance with racially motivated incidents between April 2005 and March 2007, a 42 percent increase from 2004–05. However, Victim Support believed this increase was primarily due to an improvement in police referrals of such incidents to them. The Crown Prosecution Service, which covers England and Wales, prosecuted 7,430 defendants for racially aggravated crimes between April 2005 and March 2007, up from 4,660 during the previous year. Police in Northern Ireland reported 936 racially motivated incidents during the same period, up by 15 percent from the preceding 12-month period and more than three times the number of incidents reported in 2003. The police service reported 746 racially motivated crimes, including 341 violent crimes, during the same period. In Scotland there were 3,791 racial complaints between 2005 and 2006, a decrease of 160 complaints from the previous year.

*Other Societal Abuses and Discrimination.*—The law prohibits discrimination and harassment based on sexual orientation; however, sporadic incidents of homophobic violence were reported. The law encourages judges to impose a greater sentence in assault cases where the victim's sexual orientation is a motive for the hostility, and many local police forces demonstrated an increasing awareness of the problem and trained officers to identify and moderate these attacks.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law provides for the right of workers, except those in the armed forces, public sector security services, and police forces, to form and join unions, and workers exercised this right in practice. Approximately 26 percent of the workforce was unionized. Coverage was most widespread in the public sector, where almost 60 percent of workers were unionized. In contrast, 17 percent of private sector workers were unionized.

*b. The Right to Organize and Bargain Collectively.*—The law allows unions to conduct their activities without interference, and the Government protected this right in practice. Collective bargaining is protected in law and was freely practiced. Unions and management typically negotiate so-called collective agreements, less formal than collective bargaining contracts. Collective agreements are considered as "implied" in individual work contracts and are legally enforceable as such. They covered approximately 35 percent of the workforce. Workers have the right to strike and freely exercised it during the year. Under the law, a strike must be confined to workers and their own employers, the dispute must be wholly or mainly about employment-related matters (for example, pay and conditions), workers must be properly and secretly balloted before striking (with notice to the employer), and mass picketing is prohibited.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The Government prohibits forced and compulsory labor, including by children; however, there were reports that such practices occurred. There were some instances of forced labor by children.

*d. Prohibition of Child Labor and Minimum Age for Employment.*—The Government effectively implemented laws and policies to protect children from exploitation in the workplace.

The law prohibits the employment in any capacity of children under 13. Those under 16 are not permitted to work in an industrial enterprise, including transportation or street trading; their work hours are strictly limited and may not interfere with school attendance. They may work as part of an educational course. Independent NGOs claimed that up to 2 million school-age children were involved in part-time employment. Children aged 13 to 16 must apply for a work permit from a local authority, and the local authority's education and welfare services have primary responsibility for oversight and enforcement. Authorities effectively enforced these laws. The departments of health, trade and industry, and education and skills also have regulatory responsibilities related to child labor.

Children were trafficked for forced labor.

*e. Acceptable Conditions of Work.*—The national minimum wage, which ranged from \$5.96 to \$10.96 (3.00 to 5.52 pounds) an hour, depending on the age of the employee, did not provide a decent standard of living for a worker and family; however, other government benefits, including free universal access to the National Health Service, filled the gap. Tax authorities may issue compliance orders against employers not paying the minimum wage, but employment tribunals handle disputes. The Government aggressively monitored employer efforts to bring pay practices into compliance with minimum wage law. Unions and NGOs were also actively involved in ensuring employees' awareness of their rights.

The law limits the workweek to 48 hours when averaged over a 17- to 26-week period; however, the regulations do not apply to senior managers and others who can exercise control over their own hours of work. The law provides for 1 day of rest per week, 11 hours of daily rest, and a 20-minute rest break when the working day exceeds 6 hours. The law also mandates a minimum of 4 weeks' paid annual leave, including 8 national holidays. However, the average worker nationwide receives 5 weeks of paid annual leave plus 8 bank holidays as part of collective agreements. An individual employee may agree through a contract to work overtime for premium pay. The law does not prohibit compulsory overtime, but overtime is limited by the 48-hour week restriction.

The law stipulates that the health and safety of employees not be placed at risk, and it was effectively enforced by the Health and Safety Executive (an arm of the Department of Work and Pensions), which could initiate criminal proceedings in appropriate cases. Workers' representatives also actively monitored enforcement of the law. Workers may legally remove themselves from dangerous work conditions without jeopardy to their continued employment.